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Tracie K. Lindeman
Clerk of Supreme Court

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Respondent.

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Counsel for Respondent

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STEVEN DALE FARMER
Case No. 65935

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CLERK OF COURT

1 EXPR
2 PHILIP J. KOHN, PUBLIC DEFENDER
3 NEVADA BAR NO. 0556
4 309 South Third Street, Suite 226
5 Las Vegas, Nevada 89155
6 (702) 455-4685
7 Attorney for Defendant

FILED

MAY 09 2011

CLERK OF COURT

5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,

8 Plaintiff,

CASE NO. C249693

DEPT. NO. 1

10 STEVEN DALE FARMER,

11 Defendant.

12
13 EX PARTE ORDER FOR TRANSCRIPT

14 Upon the ex parte application of the above-named Defendant, STEVEN DALE
15 FARMER, by and through, GREGORY E. COYER, Deputy Public Defender, and good cause
16 appearing therefor,

17 IT IS HEREBY ORDERED that the certified court reporter/recorder Beverly
18 Sigurnik, prepare at State expense, a transcript of the proceedings for case C249693 heard on July
19 7, 2010 in District Court Department 1.

20 DATED this 6th day of May, 2011.

21
22 *Kennedy*
DISTRICT COURT JUDGE

23 Submitted by:

24 PHILIP J. KOHN
25 CLARK COUNTY PUBLIC DEFENDER

26 By *G. E. Coyer*
27 GREGORY E. COYER, #10013
28 Deputy Public Defender

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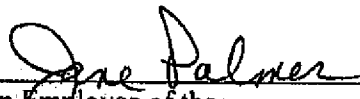
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CERTIFICATE OF MAILING

The forgoing Ex Parte Order was served by mailing a copy thereof, first class mail,
postage prepaid on the 27th day of April, 2011 to the following:

Beverly Sigurnik, Court Reporter
District Court Dept. I
200 Lewis Avenue
Las Vegas, NV 89155


An Employee of the
CLARK COUNTY PUBLIC DEFENDER'S OFFICE

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EXPR
PHILIP J. KOHN, PUBLIC DEFENDER
NEVADA BAR NO. 0556
309 South Third Street, Suite 226
Las Vegas, Nevada 89155
(702) 455-4685
Attorney for Defendant

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John L. Shuman
CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

STEVEN DALE FARMER,

Defendant.

CASE NO. C245739
DEPT. NO. V

EX PARTE ORDER FOR TRANSPORT

Upon the ex parte application of the above-named Defendant, by and through JEFF MANINGO, Clark County Public Defender, and good cause appearing therefor,

IT IS HEREBY ORDERED that the Henderson City Detention Center transport the Defendant, STEVEN DALE FARMER, I.D. No. 2679879, to the office of Clark County Public Defender, 330 S. Third Street, Phoenix Building 5th floor, Las Vegas, NV, on August 9, 2011, from 12:00 noon until 2:00 pm, for the purpose of meeting with defense expert and counsel, and that the Ex Parte Order be, sealed and shall not be opened to inspection except to the parties or their attorney, or when required as evidence in another action.

DATED this 8 day of August, 2011.

J. Charles Thompson
DISTRICT COURT JUDGE

Submitted by:
PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By *Jeffrey S Maningo*
JEFFREY S MANINGO, #8845
Deputy Public Defender

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RECEIPT OF COPY

RECEIPT OF COPY of the above and foregoing Order is hereby acknowledged this

_____ day of August, 2011.

CLARK COUNTY DETENTION CENTER

By _____

Case Name: STEVEN DALE FARMER

Case No.: C245739

Dept. No.: I

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John D. Lanning
CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

CASE NO. C245739

DEPT. NO. V

STEVEN DALE FARMER,

Defendant.

EX PARTE ORDER FOR TRANSPORT

Upon the ex parte application of the above-named Defendant, by and through JEFF MANINGO, Clark County Public Defender, and good cause appearing therefor,

IT IS HEREBY ORDERED that the Henderson City Detention Center transport the Defendant, STEVEN DALE FARMER, I.D. No. 2679879, to the office of Clark County Public Defender, 330 S. Third Street, Phoenix Building 5th floor, Las Vegas, NV, on September 7, 2011, from 12:00 noon until 2:00 pm, for the purpose of meeting with defense expert and counsel, and that the Ex Parte Order be, sealed and shall not be opened to inspection except to the parties or their attorney, or when required as evidence in another action.

DATED this 30 day of August, 2011.

John D. Lanning
DISTRICT COURT JUDGE

Submitted by:

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By *Jeffrey S. Maningo*
JEFFREY S. MANINGO, #8845
Deputy Public Defender

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RECEIPT OF COPY

RECEIPT OF COPY of the above and foregoing Order is hereby acknowledged this
_____ day of August, 2011.

CLARK COUNTY DETENTION CENTER

By _____

Case Name: STEVEN DALE FARMER
Case No.: C245739
Dept. No.: I

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John 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**

12 **DISTRICT COURT**
13 **CLARK COUNTY, NEVADA**

14 **THE STATE OF NEVADA,**
15 **Plaintiff,**
16 **-vs-**
17 **STEVEN DALE FARMER,**
18 **#2679879**
19 **Defendant.**

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

20 **ORDER GRANTING STATE'S MOTION TO CONSOLIDATE AND**
21 **PARTIALLY DENYING DEFENDANT'S MOTION TO SEVER**

22 **DATE OF HEARING: JULY 7, 2011**
23 **TIME OF HEARING: 9:00 A.M.**

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

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

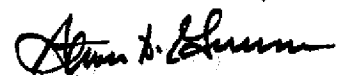
IT IS HEREBY ORDERED that the DEFENDANT'S MOTION TO SEVER
COUNTS shall be, and is, DENIED, except as to the charge pertaining to FRANCES ROSE.

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


CLERK OF THE COURT

1 NOTC
2 PHILIP J. KOHN, PUBLIC DEFENDER
3 NEVADA BAR NO. 0556
4 309 South Third Street, Suite #226
5 Las Vegas, Nevada 89155
6 (702) 455-4685
7 Attorney for Defendant

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

10 THE STATE OF NEVADA,

11 Plaintiff,

12 v.

13 STEVEN DALE FARMER,

14 Defendant.

CASE NO. C245739

DEPT. NO. V

15 **DEFENDANT'S NOTICE OF EXPERT WITNESSES, PURSUANT TO NRS 174.234(2)**
16 **TO: CLARK COUNTY DISTRICT ATTORNEY:**

17 You, and each of you, will please take notice that the Defendant, STEVEN DALE
18 FARMER, intends to call the following expert witness in his case in chief:

19 Sandra J Higelin, M.S.N., R.N., C.S., CWCN, CLNC

20 will testify regarding nursing standards and practices.

21 CV Attached

22 DATED this 2nd of December, 2011.

23 PHILIP J. KOHN
24 CLARK COUNTY PUBLIC DEFENDER

25 By /s/ Jeffrey S Maningo
26 JEFFREY S MANINGO, #8845
27 Deputy Public Defender
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CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of the above and foregoing was made this 2nd day of
December, 2011, by Electronic Filing to:

District Attorneys Office
E-Mail Address:
Michelle.Warner@ccdany.com

/s/ Anita H Harrold
Secretary for the Public Defender's Office

CURRICULUM VITAE

Sandra J. Higelin, M.S.N., R.N., C.S., CWCN, CLNC
32158 Camino Capistrano, Ste. A, PMB #137
San Juan Capistrano, Ca. 92675
Phone/Fax (949) 388-0071
Email: sjhhcp@yahoo.com

ACADEMIC AND PROFESSIONAL PREPARATION

1993 Medical University of South Carolina
Charleston, South Carolina
Bachelor of Science, Nursing
1996 Medical University of South Carolina
Charleston, South Carolina
Master of Science, Nursing

LICENSURE AND CERTIFICATION

Registered Nurse Licensure: California
Clinical Specialist Gerontological Nursing
Certified Wound Care Nurse (CWCN)
Certified Legal Nurse Consultant (NALNC)

PROFESSIONAL EXPERIENCE

11/2003-Current Ask the Expert Nurse Inc.
Healthcare Consultation, Wound Care Consultation and
Educational Programs
Providing Legal Nurse Consultation
3/25/10-Current Recover Care USA, Louisville, KY
Provided general clinical support for all
Recover Care product lines as directed.
Providing clinical field support and clinical expertise
through educational and consultation services to
the interdisciplinary healthcare team.
12/06—11/30/09 Redlands Community Hospital, Redlands, Ca.
Home Health and Hospice, Wound Consultant
Provided wound care consultation for the home health
patients with complex wounds. Provided educational

programs for the hospital, home health, and hospice health care team which included nurses, home health aides. Developed policies and procedures for pressure ulcer prevention and management and other wounds for the hospital, home health and hospice.

3/2/06-12/08 Desert Career College, Palm Springs, Ca.
Vocational Nurse Instructor
Provided didactic and clinical instruction to students in the LVN program per state requirements.

6/12/05-12/29/05 Huntleigh HealthCare, Eatontown, New Jersey
Clinical Support Associate
Provided general clinical support for all Huntleigh Healthcare product lines as directed. Worked closely with sales team in to provide clinical field support and clinical expertise to interdisciplinary healthcare team. Developed and presented approved continuing education programs.

8/02/04-5/20/05 Santa Monica-UCLA Medical Center, Santa Monica, Ca.
Clinical Nurse Specialist/Medical-Surgical and Geriatrics
Established standards for patient care and evaluation of interventions to improve care through the development, implementation, and evaluation of policies and procedures, protocols and programs. Assessed and met the learning needs for specific patient populations/families. Developed and implemented system and unit based educational, training, and orientation programs meet needs of nursing staff. Mentored new orientees and assured competencies. Managed service lines and populations of patients to improve clinical and financial outcomes. Collaborated with Unit Director/Nurse Manager in establishing cost-effective systems for the delivery of quality patient care and the appropriate utilization of resources. Worked in an interdisciplinary model of care providing specialized knowledge and skill to assist staff with management of complex patient/family problems.

Utilized theory, research and evidenced-based practice recommendations in performance improvement processes to improve clinical practice.

9/2000-
6/4/04

Desert Regional Medical Center, Palm Springs, Ca.
Geriatric Clinical Specialist Post Acute
Wound Care Consultant

Developed and implemented orientation, educational programs, and training programs for the Skilled Nursing/Subacute units and the hospital system. Acted as a consultant for Clinical Issues, Risk Management, Patient Relations, and Regulatory Compliance. Developed Policies & Procedures for the health care system. Mentored nursing students and helped develop and implement educational and training opportunities for employees of the health care system. Participated in Quality Assurance and Performance Improvement activities.

Developed and implemented the Skin/Pressure Ulcer Prevention/Management program and Policies & Procedures for wound prevention and management. Acted as Wound Care Consultant for Health Care System. Acted as the Liaison representing the hospital for the Workforce Development Center, Cal State University and College of the Desert working on the Nurse Work Force Initiative educational programs for professional growth and development

9/2003-11/003 Adjunct Professor: Cal State University, Dominguez Hills, Ca. Class: Health Promotion Strategies Through the Life Span." Program: BSN. Satellite Campus at Desert Regional Medical Center, Palm Springs, Ca.

11/99-9/2000 South East Georgia Regional Med. Center Brunswick, Ga.
Case Manager/Resource Manager (Acute Care Hospital)
Responsible for planning, organizing and implementing discharge planning/case management services to defined and

referred patients. Communicated with commercial payers and Medicaid as required. Performed chart reviews to ensure compliance with all regulatory policies, including Medicare Conditions of Participation. Worked to provide quality, cost-effective health care while maintaining the maximum of patient outcome. Developed and implemented Admission Case Management Services.

- 1996-1998 Baptist/St. Vincent's Health System Jacksonville, Florida
Geriatric Clinical Specialist
Responsible for the development, marketing, implementation and coordination of an older adult community outreach program providing short-term case management services. Responsible for interdisciplinary consultations, staff educational inservice, Consultation for discharge planning needs from acute care and sub-acute care setting. Developed and presented Community educational programs.
- 1997-1998 Hospice of Northeast Florida
Jacksonville, Florida
Field Nurse-On Call
Responsible for assessment, care plan implementation, pain management, counseling of Hospice patients and their families.
- 1994-1996 Medical University of South Carolina
Charleston, S. C.
Acute Care Rehabilitation Staff Nurse
Responsible for patient care delivered through an interdisciplinary model on an acute rehabilitation hospital unit.
- 1990-1994 Charleston Nursing Center

Mt. Pleasant, South Carolina
MDS Care Plan Coordinator/Inservice Coordinator
Responsible for the coordination and implementation of the MDS process and care plan provided through an interdisciplinary model as mandated by federal and state guidelines for residents in the nursing home. Responsible for staff in-service education, QA documentation and the MDS process and supervision of staff.

1992-1998: Additional Experience
Per diem Staff nursing for medical units at various hospitals.
Charge nurse in various Nursing Homes, ADON (Life Care Center, Corona, Calif.)

PROFESSIONAL ASSOCIATIONS

California Nurses Association
Sigma Theta Tau International Honor Society (inactive)
MUSC Alumni Association
Wound Ostomy Continence Nursing Association (WOCN)
National Alliance of Certified Legal Nurse Consultant
American Association of Legal Nurse Consultants
Southern California Association for Healthcare Risk Management
San Diego Chapter for Healthcare Risk Management
National Gerontological Nursing Association

Professional Awards & Recognition

**Recognized as a Leader in 1999 by Sigma Theta Tau International Honor Society of Nurses
**Outstanding Employee of the Year for 2002, Tenet Health System/DRMC
**Inclusion into Manchester Who's Who Registry of Executives and Professionals
**Inclusion into the Biographical Institute: Great Women of the 21st Century

ABSTRACTS, PUBLICATIONS AND ORAL PRESENTATIONS

1. Burnett, S. H. 'Adult Failure to Thrive,' (Approved for taxonomy by North American Nursing Diagnosis Association), April 1998.
2. Higelin, Sandra "Legal Nurse Consulting Principles 3rd Edition, 2010. Chapter 23: Evaluating Forensics (Elder Abuse pa. 638-640).
3. Professional and community educational seminars on geriatric health and wellness issues, skin care: prevention and management of pressure ulcers and other types of wounds

CONSULTANT/ADVOCACY ACTIVITIES

1. Wound, Ostomy, and Continence Nursing Association (WOCN) Education Committee
2. Sigma Theta Tau international Honor Society-Mentor
3. European National Pressure Ulcer Advisory Panel: Stakeholder: development of pressure ulcer prevention and management guidelines


CLERK OF THE COURT

1 **NOTC**
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, Nevada 89155-2212**
10 **(702) 671-2500**
11 **Attorney for Plaintiff**

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

9 **THE STATE OF NEVADA,**

10 **Plaintiff,**

11 **-vs-**

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

14 **Defendant.**

CASE NO: C245739

DEPT NO: V

15 **FOURTH SUPPLEMENTAL NOTICE OF WITNESSES**

16 **AND/OR EXPERT WITNESSES**
17 **[NRS 174.234]**

18 **TO: STEVEN DALE FARMER, Defendant; and**

19 **TO: PUBLIC DEFENDER, Counsel of Record:**

20 **YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE** that the STATE
21 **OF NEVADA** intends to call the following witnesses/expert witnesses in its case in chief:

22 ***indicates additional witness(es) and/or modifications**

23 **NAME**

ADDRESS

24 **ANDERSON, DEANN**

RAWSON-NEAL PSYCH. HOSPITAL

25 ***BAGULEY, DR. BRITTANY**

WASHOE COUNTY, Sheriff's Office

26 **Will testify as an expert in the collection,**
27 **analysis and identification of DNA**
28 **evidence.**

1	BAS, JENNIFER or Designee	LVMPD#09944
2		Will testify as an expert in the collection,
3		analysis and identification of DNA
4		evidence.
5	*BAZMORE, DR. CURTIS	Will testify as to the examination, treatment,
6		observations and diagnosis of the victim in
7		the instant case.
8		
9	BOMER, AARON	RAWSON-NEAL PSYCH. HOSPITAL
10	*BORROMEO, DR. SALVADOR	Will testify as to the examination, treatment,
11		observations and diagnosis of the victim in
12		the instant case.
13	BROWN, DR. FREDRICK M.	RAWSON-NEAL PSYCH. HOSPITAL
14	or Designee	Will testify as to the examination, treatment,
15		observations and diagnosis of the victim in
16		the instant case.
17	BUTLER, CAROL or Designee	CENTENNIAL HILLS HOSPITAL
18		Will testify as an expert as to EKG
19		machines, their usage, the scope of
20		employment and duties of a Certified
21		Nursing Assistant, and hospital procedures
22		and policies.
23	CAGNINA, ROXANNE	3717 LOWER SAXON AVE.,
24		LVN 89085
25	CAGNINA, SCOTT	ADDRESS UNKNOWN
26	CASPER, MICHELLE	LVMPD#06549
27	CODY, LORA	LVMPD#07294
28	COR or Designee	AMERICAN NURSING SERVICES

1	COR or Designee	CCDC
2	COR or Designee	CENTENIAL HILLS HOSPITAL
3	COR or Designee	LVMPD RECORDS
4	COR or Designee	RAWSON-NEAL PSYCH. HOSPITAL
5	COR or Designee	VALLEY HEALTH SYSTEM
6	DAMAJ, DR. NOUHAB or Designee	CENTENIAL HILLS HOSPITAL
7		Will testify as to the examination, treatment,
8		observations and diagnosis of the victim in
9		the instant case.
10	DAVIS, KIMBERLY R.N.	CENTENIAL HILLS HOSPITAL
11	DOTSON, ADA	UNK
12	*DOTY, LUKE	LVMPD#09368
13	EBBERT, LINDA R.N. or Designee	S.A.N.E.
14		Will testify as a medical expert as to the
15		sexual assault examination of the victim in
16		the instant case.
17	EDWARDS, CHRISTEN R.N.	CENTENIAL HILLS HOSPITAL
18	*GAUTHIER, KELLIE	LVMPD#8691
19		Will testify as an expert in the collection,
20		analysis and identification of DNA
21		evidence.
22	GOODHART, KAREN R.N.	CENTENIAL HILLS HOSPITAL
23	HAIDER, DR. HAMID or Designee	CENTENIAL HILLS HOSPITAL
24		Will testify as to the examination, treatment,
25		observations and diagnosis of the victim in
26		the instant case.
27	HANNA, DENISE	7932 OLYMPUS AVE.,
28		LVN

1	*HANNA, THOMAS	7932 OLYMPUS AVE.,
2		LVN
3	HOUSTON, DR. DARRIN	CENTENIAL HILLS HOSPITAL
4	or Designee	Will testify as to the examination, treatment,
5		observations and diagnosis of the victim in
6		the instant case.
7	JAMES, JEANINE R.N.	CENTENIAL HILLS HOSPITAL
8	JEX, CRAIG	LVMPD #05597
9	*JOHNSON, ALLEN	DISTRICT ATTORNEY INVESTIGATOR
10	LAJVARD, DR. ALLADIN	CENTENIAL HILLS HOSPITAL
11	or Designee	Will testify as to the examination, treatment,
12		observations and diagnosis of the victim in
13		the instant case.
14	LEHAN, TIMOTHY	5209 FIRESIDE RANCH AVE.,
15		LVN 89131
16	*LEON, RUTH	DISTRICT ATTORNEY INVESTIGATOR
17	*MARSCHNER, JULIE	LVMPD#8806
18		Will testify as an expert in the collection,
19		analysis and identification of DNA
20		evidence.
21	MCCORMICK, RAYMOND	1841 LEONARD, LVN
22	MILFORD, DR. CHRISTOPHER	CENTENIAL HILLS HOSPITAL
23	or Designee	Will testify as to the examination, treatment,
24		observations and diagnosis of the victim in
25		the instant case.
26	MILLER, RONALD	LVMPD#03233
27	MONTERO, JULIE	CENTENIAL HILLS HOSPITAL
28	///	

1	*MUHAMMAD, DR. BHATTI	Will testify as to the examination, treatment,
2		observations and diagnosis of the victim in
3		the instant case.
4	*MURGA, KIM	LVMPD#10140
5		Will testify as an expert in the collection,
6		analysis and identification of DNA
7		evidence.
8	MURRAY, CHRISTINE	CENTENIAL HILLS HOSPITAL
9	PAGAIN, SANDRA R.N.	CENTENIAL HILLS HOSPITAL
10	PAULETTE, KRISTINA or Designee	LVMPD#08805
11		Will testify as an expert in the collection,
12		analysis and identification of DNA
13		evidence.
14	PENCE, MISTY	LVMPD#04950
15	*PETERSON, MARCIA	C/O DISTRICT ATTORNEY'S OFFICE
16	*PETERSON, MARSHAL	Son of Marcia Peterson
17	*PETERSON, MICAH	Son of Marcia Peterson
18	*ROBERTSON, PAM. R.N.	CENTENIAL HILLS HOSPITAL
19	ROSE, FRANCES	2104 CLUB PACIFIC WAY, #19-102,
20		LVN 89128
21	*SAUNDERS, MICHAEL	LVMPD#06076
22	SHANK, HEATHER	5209 FIRESIDE RANCH AVE.,
23		LVN 89131
24	SCHUMACHER, JACKIE R.N.	CENTENIAL HILLS HOSPITAL
25	SHUJA, DR. AMIR or Designee	CENTENIAL HILLS HOSPITAL
26		Will testify as to the examination, treatment,
27		observations and diagnosis of the victim in
28		the instant case.

1	SLAUGHTER, DR. KEVIN	CENTENIAL HILLS HOSPITAL
2	or Designee	Will testify as to the examination, treatment,
3		observations and diagnosis of the victim in
4		the instant case.
5	SMITH, ERNESTINE	UNK
6	SMITH, JEFFERY	LVMPD#08177
7	SPURLOCK, LEDAHLIA	4408 SAN GABRIEL HILL AVE.,
8		LVN 89115
9	*RACKLEY, JULIE R.N.	CENTENIAL HILLS HOSPITAL
10	WESCOTT, LORRAINE R.N.	CENTENIAL HILLS HOSPITAL
11	or Designee	Will testify as an expert as to EKG
12		machines, their usage, the scope of
13		employment and duties of a Certified
14		Nursing Assistant, and hospital procedures
15		and policies.
16	WOLFE, MARGARET R.N.	CENTENIAL HILLS HOSPITAL
17	These witnesses are in addition to those witnesses endorsed on the Information and	
18	any other witness for which a separate Notice has been filed. The substance of each expert	
19	witness testimony and copy of all reports made by or at the direction of the expert witness	
20	has been provided in discovery.	
21	A copy of each expert witness curriculum vitae, if available, is attached hereto.	
22		
23	DAVID ROGER	
24	DISTRICT ATTORNEY	
25	Nevada Bar #002781	
26		
27	BY /s/ W. JAKE MERBACK	
28	W. JAKE MERBACK	
	Chief Deputy District Attorney	
	Nevada Bar #009126	
	///	

1 **CERTIFICATE OF FACSIMILE TRANSMISSION**

2 I hereby certify that service of FOURTH SUPPLEMENTAL NOTICE OF
3 WITNESSES AND/OR EXPERT WITNESSES, was made this 20th day of January, 2012,
4 by facsimile transmission to:

5 PUBLIC DEFENDER
6 FAX #366-9370

7 /s/ J. MOTL
8 Secretary for the District Attorney's Office

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**LAS VEGAS METROPOLITAN POLICE DEPARTMENT
FORENSIC LABORATORY
STATEMENT OF QUALIFICATIONS**

Date: 01/15/08

Name: Julie Marschner P#: 8806 Classification: Forensic Scientist II

Current Discipline of Assignment: Biology/DNA

EXPERIENCE IN THE FOLLOWING DISCIPLINE(S)			
Controlled Substances		Blood Alcohol	
Toolmarks		Breath Alcohol	
Trace Evidence		Arson Analysis	
Toxicology		Firearms	
Latent Prints		Crime Scene Investigations	
Serology	X	Clandestine Laboratory Response Team	
Document Examination		DNA Analysis	X
Quality Assurance		Technical Support /	
EDUCATION			
Institution	Dates Attended	Major	Degree Completed
Virginia Commonwealth University	08/2003 - 12/2004	Forensic Science	M.S.
CA Polytechnic State University, San Luis Obispo	06/1997 - 06/2001	Biological Sciences	B.S.
ADDITIONAL TRAINING / SEMINARS			
Course / Seminar	Location	Dates	
Internship: Virginia Department of Forensic Science - Forensic Biology and DNA Section	Richmond, VA	6/04 to 08/04	
Orientation for Civilian Employees	Las Vegas, NV	10/05	
Drivers Training II	Las Vegas, NV	10/05	
11 th National CODIS Conference	Arlington, VA	11/05	
National Institute of Justice Expert Systems Testbed Project	Huntington, WV	2/06	
American Academy of Forensic Sciences 58 th Annual Meeting	Seattle, WA	2/06	
Serological Techniques and DNA Screening - Colleen Proffitt, MFS	Las Vegas, NV	5/06	
Bode Advanced DNA Technical Workshop	Captiva Island, FL	08/06	

Curriculum Vitae
Kellie M. (Wales) Gauthier
Las Vegas Metropolitan Police Department
Forensic Laboratory
P#: 8691 Criminalist - DNA / Biology

EMPLOYMENT

5/05 - Present **Las Vegas Metropolitan Police Department**
Criminalist I

8/03 - 5/05 **Florida Dept. of Law Enforcement Forensic**
Technologist

EDUCATION

8/98 - 5/02 **University of West Florida**
B.S., Biology

EXPERIENCE

- Controlled Substances Blood Alcohol
- Tool marks Breath Alcohol
- Trace Evidence Arson Analysis
- Toxicology Firearms
- Latent Prints Crime Scene Investigations
- Serology X Clandestine Laboratory Response Team
- Document Examination DNA Analysis X
- Quality Assurance Technical Support / DNA X

ADDITIONAL TRAINING / SEMINARS

06/06 Bode Advanced DNA Technical Workshop
Captiva Island, FL

06/06 Bode Meeting - "Presenting Statistics in the Courtroom"
Captiva Island, FL

06/06 Differential Extraction
Las Vegas, NV

KELLIE M. (WALES) GAUTHIER
Curriculum Vitae
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- 5/06 Serological Techniques and DNA Screening -
Colleen Proffitt, MFS, Las Vegas, NV
- 2/06 American Academy of Forensic Sciences 58th Annual Meeting,
Seattle, WA
- 8/05 National Incident Management System (NIMS) an Introduction
Las Vegas, NV
- 7/05 Drivers Training II
Las Vegas, NV
- 9/04 Future Trends in Forensic DNA Technology – Applied Biosystems
Orlando, FL
- 9/04 Southern Association of Forensic Scientists (SAFS) -Paternity
Index DNA Statistics
Orlando, FL
- 7/04 Forensic Epidemiology - Joint Training for Law Enforcement
Hazardous Materials and Public Health Officials on Investigative
Response to Bio-terrorism
Orlando, FL
- 4/04 Forensic Technology Training - Florida Department of Law
Enforcement
Orlando, FL
- 3/04 Biology Discipline Meeting
Tampa, FL
- 9/03 Future Trends in Forensic DNA Technology – Applied Biosystems
Orlando, FL

COURTROOM EXPERIENCE

Court Discipline Number of
Times

KELLIE M. (WALES) GAUTHIER
Curriculum Vitae
Page - 2 -

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT
FORENSIC LABORATORY
STATEMENT OF QUALIFICATIONS**

Date: 12/21/2007

Name: Kimberly B. Murga P#: 10140 Classification: DNA Technical Leader

Current Discipline of Assignment: Biology/DNA

EXPERIENCE IN THE FOLLOWING DISCIPLINE(S)			
Controlled Substances		Blood Alcohol	
Toolmarks		Breath Alcohol	
Trace Evidence		Arson Analysis	
Toxicology		Firearms	
Latent Prints		Crime Scene Investigations	
Serology		Clandestine Laboratory Response Team	
Document Examination		DNA Analysis	X
Quality Assurance	X	Technical Support /	

EDUCATION			
Institution	Dates Attended	Major	Degree Completed
Chaminade University of Honolulu	1990-1995	Biology	BA
Chaminade University of Honolulu	1990-1995	Criminal Justice	BS
George Washington University	1995-1997	Forensic Science	MFS

ADDITIONAL TRAINING / SEMINARS		
Course / Seminar	Location	Dates
Mid-Atlantic Association of Forensic Scientists	Washington DC	May 2007
Applied Biosystems 2-Day Workshop	Washington DC	May 2006
National Seminars Group, "The Creativity Day Camp for Managers, Supervisors and Team Leaders"	Rockville, MD	November 2005
The National Association of Medical Examiners Meeting	Los Angeles, CA	October 2005
FBI DNA Auditor Training Program	Quantico, VA	September 2005
The International Society for Optical Engineering, Defense and Security 2005: Homeland Security, Law Enforcement, and Battleship Technologies	Orlando, FL	March 2005

Statement of Qualifications

Name: Kimberly B. Murga

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ADDITIONAL TRAINING / SEMINARS		
Course / Seminar	Location	Dates
Applied Biosystems Future Trends in Forensic DNA Technology	Bethesda, MD	September 2004
Promega Annual Meeting	Phoenix, AZ	September 2003
Promega Annual Meeting, "Basic Principles in Statistics"	Phoenix, AZ	September 2003
American Academy of Forensic Sciences Annual Meeting	Chicago, IL	February 2003
SkillPath Seminars, "The Essentials of Communicating with Diplomacy and Professionalism"	Silver Spring, MD	October 2002
Midwestern Association of Forensic Scientists Annual Meeting	Milwaukee, WI	September 2002
Midwestern Association of Forensic Scientists Annual Meeting, "Court Room Testimony" Workshop	Milwaukee, WI	September 2002
George Carmony Statistics Course "Population Statistics and Forensic DNA Analysis"	Rockville, MD	July 2001
American Academy of Forensic Sciences Annual Meeting	Seattle, WA	February 2001
American Academy of Forensic Sciences Meeting, "The Testifying Expert" Workshop	Seattle, WA	February 2001
Joint Task Force Full Accounting Meeting	Honolulu, HI	January 2000
International Association of Forensic Scientists Meeting	Los Angeles, CA	August 1999
International Association of Forensic Scientists Meeting, "Bombing Crime Scene and Evidence" Workshop	Los Angeles, CA	August 1999
International Association of Forensic Scientists Meeting, "Human Bite Mark Investigation" Workshop	Los Angeles, CA	August 1999
American Academy of Forensic Sciences Annual Meeting	Orlando, FL	February 1999
American Academy of Forensic Sciences Annual Meeting, "DNA Proficiency Testing" Workshop	Orlando, FL	February 1999
Fred Pryor Systems, "How to Supervise People"	Bethesda, MD	May 1998
Mid-Atlantic Association of Forensic Scientists Annual Meeting	Rockville, MD	May 1998
American Academy of Forensic Sciences Annual Meeting	San Francisco, CA	February 1998
American Academy of Forensic Sciences Annual Meeting, "Forensic Expert Witness Court Testimony"	San Francisco, CA	February 1998

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Statement of Qualifications

Name: Kimberly B. Murga

Page: 3

ADDITIONAL TRAINING / SEMINARS		
Course / Seminar	Location	Dates
American Academy of Forensic Sciences Annual Meeting, "Recovery, Examination and Analysis of Decomposed and Skeletonized Remains" Workshop	San Francisco, CA	February 1998
Armed Forces Institute of Pathology, "DNA Databanks and Repositories"	Chicago, IL	November 1997
Armed Forces Institute of Pathology, "Basic Forensic Pathology"	Rockville, MD	October 1997
American Academy of Forensic Sciences Annual Meeting	New York, NY	February 1997
American Academy of Forensic Sciences Annual Meeting, "Deadly Paraphilias" Workshop	New York, NY	February 1997
American Academy of Forensic Sciences Annual Meeting, "Multi disciplinary Symposium on the Use of Forensic Science" Workshop	New York, NY	February 1997
Mid-Atlantic Association of Forensic Scientists, "Introduction to Criminalistics"	Gaithersburg, MD	October 1996
Mid-Pacific Association of Forensic Scientists, "Forensics on the Cutting Edge 1995"	Honolulu, HI	March 1995
COURTROOM EXPERIENCE		
Court	Discipline	Number of Times
United States Military Court System	DNA: Autosomal STRs	2
United States Military Court System	DNA: Y-STRs	1
4 th Judicial District Court, Rusk County, Texas	DNA: Autosomal STRs	1
EMPLOYMENT HISTORY		
Employer	Job Title	Date
Las Vegas Metropolitan Police Department	Technical Leader, DNA	7/07-Present
Armed Forces DNA Identification Laboratory	Assistant Technical Leader, DNA	9/05-7/07
Armed Forces DNA Identification Laboratory	Supervisory DNA Analyst	2/01-9/05
Armed Forces DNA Identification Laboratory	DNA Analyst	4/99-2/01
Armed Forces DNA Identification Laboratory	Branch Chief, Proficiency Test Operations	1/00-12/01
Armed Forces DNA Identification Laboratory	Mitochondrial DNA Technician/Technologist	11/97-4/99

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EMPLOYMENT HISTORY		
Employer	Job Title	Date
Armed Forces DNA Identification Laboratory	Quality Assurance Officer, Proficiency Test Operations Branch	5/96-11/97

PROFESSIONAL AFFILIATIONS	
Organization	Date(s)
American Academy of Forensic Sciences, Member, Criminalistics Section	2003-Present
American Academy of Forensic Sciences, Student, Trainee, and Associate Member, Criminalistics Section	1996-2003
Mid-Atlantic Association of Forensic Scientists	1999-Present

PUBLICATIONS / PRESENTATIONS:
The International Society for Optical Engineering, Defense and Security Symposium 2007: "Caught in the Iraqi War: How DNA was used to Confirm the Genetic Link between an Injured Four-Year Old Girl and her Family", Orlando, FL, April 2007
The International Society for Optical Engineering, Defense and Security Symposium 2007: "An Overview of the Armed Forces Medical Examiner System and Its Use of Cutting Edge Technologies to Deal the with Global War on Terrorism", Orlando, FL, April 2007
Sexual Assault Response Team Training Program, "DNA and Its Application to Forensic Science", Rockville, MD, April 2006
The International Society for Optical Engineering, Defense and Security Symposium 2005: "The CSI Effect on Science: The Real Issues Regarding Human Identification and Forensic Science", Orlando, FL, April 2005
Sexual Assault Response Team Training Program, "DNA and Its Application to Forensic Science", Bethesda, MD, April 2005
C Torwalt, K Murga, J Epp, AT Balancharna, Y Daoudi, DA Lee, BC Smith. Cervical Smears as an Alternative Source of DNA in the Identification of Human Skeletal Remains. Canadian Society of Forensic Science 2005; 38 (3): 165-169
XXXV International Congress on Military Medicine: "Terror in the Skies After the World Trade Towers: The Identification and Reassociation of Remains from the Pentagon and Somerset Plane Crashes", Washington DC, September 2004
American Academy of Forensic Sciences: "A DNA Paternity Case Involving a Two-Week Old Fetus", Chicago, IL, February 2003.
American Academy of Forensic Sciences, "The Bombing of the USS Cole: The Role of DNA in Sending Seventeen Heroes Home", Chicago, IL, February 2003
American Academy of Forensic Sciences, "Terror in the Skies After the World Trade Towers: The Identification and Reassociation of Remains from the Pentagon and Somerset Plane Crashes", Chicago, IL, February 2003
The 8 th National CODIS User's Conference, "Pentagon and Pennsylvania", Arlington, VA, November 2002

PUBLICATIONS / PRESENTATIONS:

Midwestern Association of Forensic Scientists, "Terror in the Skies After the World Trade Towers: The Identification and Reassociation of Remains from the Pentagon and Somerset Plane Crashes", Milwaukee, WI, September 2002

Midwestern Association of Forensic Scientists, "Laboratory Information Systems Applications for Analysis of DNA Typing in the Workplace: New and Improved Methods for Enhancing Efficiency of Case Working Units", Milwaukee, WI, September 2002

Chaminade University of Honolulu, "DNA Forensic Techniques and Case Studies", Honolulu, HI, November 2001

Sonoma State University, "When Bad Things Happen to Good People: The Use of DNA to Identify Remains", Sonoma, CA, February 2001

American Academy of Forensic Sciences Annual Meeting: "The Role of DNA Analysis in Mass Disasters", Seattle, WA, February 2001

Chaminade University of Honolulu, "Forensics and DNA", Honolulu, HI, January 2000

International Association of Forensic Sciences Meeting, "The Mount Baker Crash: Six World War II Soldiers Recovered and Identified After 52 Years Using mtDNA and Anthropological Methods", Los Angeles, CA, August 1999

Chaminade University of Honolulu, "Forensics and DNA", Honolulu, HI, March 1998

OTHER QUALIFICATIONS:

Dedication to the Mission Award, Armed Forces DNA Identification Laboratory, September 2003

American Academy of Forensic Sciences Regional Award on behalf of the Midwestern Association of Forensic Scientists, February 2003

Outstanding Achievement Award, Armed Forces DNA Identification Laboratory, Armed Forces Institute of Pathology, 1999

Brittany M. Baguley

Education:

- 11/04 Ohio University, Athens, OH
Ph.D., Analytical Chemistry
- 05/00 Linfield College, McMinnville, OR
B.S., Major: Chemistry, Minor: Mathematics, summa cum laude

Awards/Honors:

- 03/04 Student Research and Creative Activity Fair Award
05/03 Donald R. Clippinger Dept. of Chemistry Research Award
01/02 John Houk Memorial Research Grant recipient
05/00 Albert Stout Award for Outstanding Senior in the Dept. of Chemistry
05/99 Lois Gunning Fry Award for Outstanding Junior in the Dept. of Chemistry
09/96-05/00 Linfield Dean's List
09/96-05/00 Linfield Faculty Scholar

Work Experience:

- 02/10 – Present **DNA Criminalist II**
Washoe County Sheriff's Office, Forensic Science Division, Reno, Nevada
- Perform and interpret DNA analysis by PCR using STR DNA typing including Plexor HY®, PowerPlex 16® HS, and AmpF/STR Y Filer™ using the ABI 3130 Genetic Analyzer.
- 06/06 – Present **Criminalist II**
Washoe County Sheriff's Office, Forensic Science Division, Reno, Nevada
- Principal duties in the areas of primary examination, arson evidence examination, physical match examination, and general unknowns examination.
 - Examine evidence for the presence of biological fluids such as blood, semen, and saliva and perform presumptive and confirmatory testing on these specimens.
 - Examine evidence for the presence of ignitable liquid residues.
 - Examine item edges for the presence of a physical fit.
 - Examine and compare general unknowns including powders, liquids, and stains.
- 05/09 – 02/10 **DNA Criminalist II**
Washoe County Sheriff's Office, Forensic Science Division, Reno, Nevada
- Perform and interpret DNA analysis by PCR using STR DNA typing including Quantifiler™, AmpF/STR Identifier™, and AmpF/STR Y Filer™ using the ABI 3130 Genetic Analyzer.

- 02/07 – 07/11 **Criminalist II**
Washoe County Sheriff's Office, Forensic Science Division, Reno, Nevada
- Examined vehicle lamps to determine whether they were on or off at the time of impact.
- 04/07 – 07/09 **Criminalist II**
Washoe County Sheriff's Office, Forensic Science Division, Reno, Nevada
- Examined and compared glass evidence samples to assess for common origin.
- 01/05 – 06/06 **Post-Doctoral Fellow**
University of South Carolina, Department of Chemistry and Biochemistry, Columbia, SC
- Developed capillary electrophoresis-diode array detection-mass spectrometry methods for the forensic analysis of dyes extracted from textile fibers.
 - Utilized gas chromatography-mass spectrometry to characterize gender differences in the chemical constituents of latent fingerprints.
 - Performed Fourier transform infrared spectroscopy with attenuated total reflection to identify bands characteristic of blood and semen stains.
- 12/00 – 12/04 **Graduate Research Assistant**
Ohio University, Department of Chemistry, Athens, OH
- Performed DNA manipulation and characterization for nanoscale electronics and forensic science applications using capillary electrophoresis, high performance liquid chromatography, fluorescence spectroscopy, atomic force microscopy, and confocal microscopy.
- 09/00 – 12/00 **Graduate Teaching Assistant**
Ohio University, Department of Chemistry, Athens, OH
- Supervised undergraduate students in General Chemistry laboratory courses.
- 09/97 – 05/00 **Teaching Assistant**
Linfield College, Department of Chemistry, McMinnville, OR
- Supervised undergraduate students in both General Chemistry and Organic Chemistry laboratory courses.
- 06/97 – 12/99 **Research Assistant**
Linfield College, Department of Chemistry, McMinnville, OR
- Prepared the nickel secondary electrode and characterized it using cyclic voltammetry and impedance spectroscopy.
 - Synthesized novel octa-substituted copper phthalocyanines which were characterized using UV-Vis and NMR spectroscopy.
 - Synthesized novel porphyrin compounds which were characterized using

UV-Vis and NMR spectroscopy.

Meet the DNA Advisory Board Quality Assurance Standards for Forensic DNA Testing Laboratories, Section 5.3 Examiner/Analyst requirements through the following:

Bachelor of Science Degree in Chemistry

Biochemistry, CHE 440, 5 credits (Biochemistry)

Molecular Genetics, PBIO 527, 3 credits (Molecular Biology)

Advanced Genetics, BIOS 682, 4 credits (Genetics)

Introduction to Statistics, MAT 130, 3 credits (Statistics)

Forensic DNA laboratory experience September 2008 – present

Additional Training:

02/22 – 02/26/11	63 rd American Academy of Forensic Sciences Meeting, Chicago, IL
10/11 - 10/14/10	21 st International Symposium on Human Identification, San Antonio, TX
10/11/10	Mixture Interpretation Principles, Protocol & Practices Workshop, San Antonio, TX
7/15/10	DNA Mixture Interpretation and Statistics, Dr. Michael Coble, Las Vegas, NV
12/7 - 12/11/09	President's DNA Initiative Advanced DNA Training, Huntington, WV
10/21 - 10/23/09	Courtroom Presentation of Evidence, Reno, NV
10/12 - 10/15/09	20 th International Symposium on Human Identification, Las Vegas, NV
10/12/09	Advanced Statistics and Mixture Interpretation Workshop, Las Vegas, NV
09/21 - 09/25/09	FBI Laboratory's software training for Combined DNA Index System (CODIS), Vienna, VA
01/06 - 01/07/09	Population Statistics, Relationship Testing, and Forensic DNA Analysis Workshop, Dr. Arthur Eisenberg, Reno, NV
10/2/08	GeneMapper IDX Software Training, Reno, NV
10/22 - 10/26/07	Comprehensive Fire Debris Analysis, Largo, FL
08/13 - 08/16/07	Trace Evidence Symposium, Clearwater Beach, FL
07/9 - 07/13/07	California Criminalistics Institute Glass Examination and Comparison, Sacramento, CA
06/18 - 06/22/07	California Criminalistics Institute Basic Practical Microscopy, Sacramento, CA
01/29 - 02/2/07	McCrone Research Institute Practical Infrared Microspectroscopy - FTIR, Chicago, IL
12/18 - 12/19/06	Courtroom Testimony Techniques- Success Instead of Survival, Reno, NV
11/7 - 11/9/06	Agilent Technologies GC-MSD Troubleshooting & Maintenance, Alpharetta, GA
09/18 - 09/22/06	President's DNA Initiative Forensic Biology Screening Workshop, Largo, FL

Affiliations:

02/08 – Present	American Academy of Forensic Sciences
05/07 – Present	California Association of Criminalists
01/03 – 12/04	American Physical Society
10/99 – 09/00	American Chemical Society

Publications:

- Stefan, A.R.; Dockery, C.R.; **Baguley, B.M.**; Vann, B.C.; Nieuwland, A.A.; Hendrix, J.E.; Morgan, S.L. Microextraction, capillary electrophoresis, and mass spectrometry for forensic analysis of azo and methane basic dyes from acrylic fibers. *Anal. Bioanal. Chem.* **2009**, *394*, 2087-2094.
- Dockery, C.R.; Stefan, A.R.; Nieuwland, A.A.; Roberson, S.N.; **Baguley, B.M.**; Hendrix, J.E.; Morgan, S.L. Automated extraction of direct, reactive, and vat dyes from cellulosic fibers for forensic analysis by capillary electrophoresis. *Anal. Bioanal. Chem.* **2009**, *394*, 2095-2103.
- McCord, B.; **Hartzell, B.**; King, S. Separation of DNA by Capillary Electrophoresis. In *Capillary Electrophoresis: Methods and Protocols*; Schmitt-Kopplin, P. Ed.; Methods in Molecular Biology Series; Humana Press: Totowa, New Jersey, **2007**.
- Hartzell-Baguley, B.**; Hipp, R.E.; Morgan, N.R.; Morgan, S.L. Chemical composition of latent fingerprints by gas chromatography-mass spectrometry, *J. Chem. Educ.* **2007**, *84*, 689-691.
- Hartzell, B.**; McCord, B. Effect of divalent metal ions on DNA studied by capillary electrophoresis. *Electrophoresis* **2005**, *26*, 1046-1056.
- Soghomonian, V.; Heremans, J.J.; Chen, H.; **Hartzell B.** Experimental current-voltage characteristics of DNA and modified DNA molecules. *TMS Lett.* **2004**, *1*, 139-140.
- Hartzell, B.**; McCord, B.; Asare, D.; Chen, H.; Heremans, J.J.; Soghomonian, V. Current-voltage characteristics of diversely disulfide terminated λ -deoxyribonucleic acid molecules. *J. Appl. Phys.* **2003**, *94*, 2764-2766.
- Hartzell, B.**; McCord, B.; Asare, D.; Chen, H.; Heremans, J.J.; Soghomonian, V. Comparative current-voltage characteristics of nicked and repaired λ -DNA. *Appl. Phys. Lett.* **2003**, *82*, 4800-4802.
- Hartzell, B.**; Graham, K.; McCord, B. Response of short tandem repeat systems to temperature and sizing methods. *Forensic Sci. Int.* **2003**, *133*, 228-234.

Presentations:

- PittCon, March 2006; Orlando, FL "Simplex Optimization of a Capillary Electrophoresis-Diode Array Detection-Mass Spectrometry Method for the Analysis of Cationic Dyes."
- PittCon, March 2006; Orlando, FL "GC-MS Characterization of Chemical Composition in Latent Fingerprints."
- APS Meeting, March 2004; Montreal, Canada "Current-Voltage Characteristics of Double Stranded vs. Single Stranded DNA Molecules."
- AAFS Meeting, Feb. 2004; Dallas, TX "Characterization of M-DNA by Capillary Electrophoresis and Atomic Force Microscopy."

14th International Symposium on Human Identification, Sept. 2003; Phoenix, AZ "Effect of Divalent Metal Ions on DNA Studied by Capillary Electrophoresis."

APS Meeting, March 2003; Austin, TX "Factors Influencing the Measurement of DNA Current-Voltage Characteristics."

Condensed Matter and Surface Science Poster Session, Oct. 2002; Athens, OH "DNA Manipulation and Characterization for Nanoscale Electronics."

AAFS Meeting, Feb. 2002; Atlanta, GA "Studies on the Response of Short Tandem Repeat Systems to Changing Temperature and Sizing Methods."

Biennial Conference on Chemical Education, July 2000; Ann Arbor, MI "What We Did and How We Did It: Fabrication and Characterization of Nickel Secondary Electrodes."

ACS Meeting, March 2000; San Francisco, CA "Synthesis and Characterization of Octa-Substituted Copper Phthalocyanines."

Oregon Academy of Science Meeting, Feb. 2000; Newberg, OR "Liquid Crystalline Octa-Substituted Phthalocyanines: Synthesis and Characterization."

Murdock Research Conference, Nov. 1999; McMinnville, OR "Synthesis and Characterization of Octa-Substituted Copper Phthalocyanines."

Murdock Research Conference, Nov. 1997; McMinnville, OR "Synthesis of 5,10,20-tetrakis(2,4,6-triphenyl)phenylporphyrin: A Rothmund Condensation."

ORIGINAL

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[Signature]
CLERK

1 **ORDR**

2 MARY-ANNE MILLER
3 Clark County District Attorney
4 Nevada Bar #001419
5 W. JAKE MERBACK
6 Chief 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

DISTRICT COURT
CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,

9 Plaintiff,

10 -VS-

11 STEVEN DALE FARMER,
12 #2679879

13 Defendant.

CASE NO: C245739-1

DEPT NO: V

ORDER FOR TRANSCRIPT

14 Upon the ex-parte application of the State of Nevada, represented by MARY-ANNE
15 MILLER, District Attorney, by and through, W. JAKE MERBACK, Chief Deputy District
16 Attorney, and good cause appearing therefor,

17 IT IS HEREBY ORDERED that a transcript of the Hearing: Preservation of Witness
18 Testimony heard on the 20th day of January, 2012, be prepared by Lara Corcoran, Court
19 Recorder for the above-entitled Court.

20 DATED this 26th day of January, 2012.

21 *[Signature]*
22 DISTRICT JUDGE

23 MARY-ANNE MILLER
24 District Attorney
25 Nevada Bar #001419

26 BY

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

08C245739
ORDR
Order
1758920



28 *[Signature]* jm/SVU

JAN 31 2012

CLERK OF THE COURT

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ORIGINAL

40

1 EXPR
2 PHILIP J. KOHN, PUBLIC DEFENDER
3 NEVADA BAR NO. 0556
4 309 South Third Street, Suite 226
5 Las Vegas, Nevada 89155
6 (702) 455-4685
7 Attorney for Defendant

FILED

FEB 27 2 25 PM '12

5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

Ann L. Lohman
CLERK OF THE COURT

7 THE STATE OF NEVADA,

8 Plaintiff,

CASE NO. C245739

9 DEPT. NO. V

10 STEVEN DALE FARMER,

11 Defendant.

08C246739
EXPR
Ex Parte Order
1782282



12
13 EX PARTE ORDER FOR TRANSPORT

14 Upon the application of the above-named Defendant, by and through JEFFREY S
15 MANINGO, Clark County Public Defender, and good cause appearing therefor,

16 IT IS HEREBY ORDERED that the Henderson City Detention Center transport the
17 Defendant, STEVEN DALE FARMER, I.D. No. 2679879, to the office of Clark County Public
18 Defender, 330 S. Third Street, Phoenix Building 5th floor, Las Vegas, NV, on March 1, 2012, from
19 1:00 o'clock p.m. until 3:00 o'clock pm, for the purpose of meeting with defense expert and
20 counsel, and that the Ex Parte Order be, sealed and shall not be opened to inspection except to the
21 parties or their attorney, or when required as evidence in another action.

22 DATED this 23rd day of February, 2012.

23
24 *Andy Ellsworth*
DISTRICT COURT JUDGE

25 Submitted by:

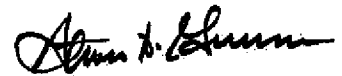
26 PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By *Jeffrey S. Maningo*
JEFFREY S. MANINGO, #8845
Deputy Public Defender

CLERK OF THE COURT

FEB 27 2012

RECEIVED



CLERK OF THE COURT

MOT

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
W. JAKE MERBACK
Chief Deputy District Attorney
Nevada Bar #9126
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: C245739-1

DEPT NO: V

**NOTICE OF MOTION AND MOTION TO CONSUME ENTIRE DNA
SAMPLES FOR Y-STR TESTING BY AN OUTSIDE LABORATORY**

DATE OF HEARING:
TIME OF HEARING:

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through W. JAKE MERBACK, Chief Deputy District Attorney, and files this Notice of Motion and Motion to Consume Entire DNA Samples for Y-STR Testing By An Outside Laboratory.

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 On December 19, 2011, Forensic Specialist Julie Marschner, completed the re-testing
2 of the DNA in this case. (Exhibit #2) She was unable to obtain the same results as Ms.
3 Paulette. The LVMPD Forensic Laboratory believes that the inconsistent results are a
4 product of reduced sample sizes and not because Ms. Paulette committed an error during the
5 original testing. The LVMPD Forensic Laboratory has requested that the samples be sent to
6 an outside laboratory for Y-STR testing, which requires less sample than standard DNA
7 testing. The testing will be completed at an outside laboratory because the LVMPD Forensic
8 Laboratory does not have the capacity to complete Y-STR testing. Additionally, the testing
9 is expected to entirely consume the remaining sample portions in this matter. All of the
10 samples listed on Exhibit #2 will be sent for Y-STR testing.

11 The Y-STR testing will be completed by Sorensen Forensics, LLC, located at 2495
12 South West Temple, Salt Lake City, Utah, 84115. The evidence will be sent to Sorensen
13 Forensics, LLC, via Federal Express, following the proper chain of custody utilized by the
14 LVMPD Forensic Laboratory. Upon completion of the Y-STR testing the remaining
15 evidence will be returned to the LVMPD Forensic Laboratory utilizing the same chain of
16 custody procedure.

17 As the Y-STR testing is expected to consume the remaining samples, the Defendant
18 will be notified of the date and time that Sorensen Forensics will be conducting the Y-STR
19 testing and is welcome to have a representative present to observe the actual testing.
20 Additionally, upon receipt the State of Nevada will immediately release the results of the Y-
21 STR testing to Defendant's counsel.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 CONCLUSION

2 Based upon the foregoing, the State respectfully requests this Honorable Court grant
3 this Motion to Consume Entire DNA Samples for Y-STR Testing by an outside Laboratory.

4 DATED this 27th day of February, 2012.

5 STEVEN B. WOLFSON
6 Clark County District Attorney
7 Nevada Bar #001565

8 BY



9 W. JAKE MERBACK
10 Chief Deputy District Attorney
11 Nevada Bar #9126

12 CERTIFICATE OF FACSIMILE TRANSMISSION

13 I hereby certify that service of Notice of Motion and Motion to Consume Entire DNA
14 Samples for Y-STR Testing by an outside Laboratory 27th day of February, 2012, by
15 facsimile transmission to:

16 JEFF MANINGO, Deputy Public Defender
17 FAX # 366-9370

18 BY /s/ J. MOTL
19 Employee of the District Attorney's Office
20
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Las Vegas Metropolitan Police Department Forensic Laboratory Report of Examination Biology/DNA Detail		Distribution Date: JUL 29 2008	
Subject(s): Roxanne Cagnina (v) Steven Farmer (s)	Case: 08 0516-1021 Agency: LVMPD Incident: Sexual Assault Requester: M. Pence		

The Biology/DNA Detail of the Las Vegas Metropolitan Police Department Forensic Laboratory examined evidence in this case and reports the following results:

Pkg #	Item #	Lab #	Description	Results
SAK-Ebbert		KP1	Sexual Assault Kit – Roxanne Cagnina	
		KP1A	Reference buccal swabs	• Full female profile
		KP1B1	Vaginal swabs	• Full female profile
		KP1B2	Cervical swabs	• Full female profile
		KP1C1	Face swab	• Full female profile
		KP1C2	Fingernail scrapings	• Partial DNA profile
		KP1D	Pubic hair brushing	• Not examined
		KP1E	Rectal swabs	• Full female profile
		KP1F1	Oral swabs	• Full female profile
		KP1F2	Floss	• DNA typing not performed
		KP1G	Labial swabs	• Full female profile
		KP1H	Paperwork	• Used for information only
		KP1I1	Breast swabs	• Mixture profile
		KP1I2	Thigh swabs	• Mixture profile
8177-1	1	KP2A	Right hand finger swabs	• Full male profile
	2	KP2B	Left hand finger swabs	• Full male profile
	3	KP2C	Right hand fingernail scrapings	• Possible mixture profile
	4	KP2D	Left hand fingernail scrapings	• Full male profile
8177-2	5	KP3	Reference buccal swabs – Steven Farmer	• Full male profile

CONCLUSIONS

Items KP1A, KP1B1, KP1B2, KP1C1, KP1C2, KP1E, KP1F1, KP1G, KP1I1, KP1I2, KP2A, KP2B, KP2C, KP2D, and KP3 were subjected to PCR amplification at the following STR genetic loci: D8S1179, D21S11, D7S820, CSF1PO, D3S1358, TH01, D13S317, D16S539, D2S1338, D19S433, vWA, TPOX, D18S51, D5S818, and FGA. The sex-determining Amelogenin locus was also examined.

The DNA profiles obtained from the vaginal swabs (KP1B1), cervical swabs (KP1B2), face swabs (KP1C1), rectal swabs (KP1E), oral swabs (KP1F1), and labial swabs (KP1G) are consistent with Roxanne Cagnina (KP1A). Additional alleles below threshold were detected on the face swabs (KP1C1).

Due to limited information, conclusions with regard to the source of the partial DNA profile obtained from the fingernail scrapings (KP1C2) cannot be reached.

This is to certify that this document is a true and accurate copy of a business record on file with the Las Vegas Metropolitan Police Department Forensic Laboratory.

SEN/lyg 10/13/2009
Signature 2 page report Date

EXHIBIT "1"

08 0516-1021
Page 1 of 2

The DNA profile obtained from the breast swabs (KP1I1) is a mixture. The major profile is consistent with Roxanna Cagnina (KP1A). Steven Farmer (KP3) cannot be excluded as a minor DNA contributor. Greater than 99.99% of individuals in the population are excluded as possible contributors of DNA to the breast swabs (KP1I1).

The DNA profile obtained from the thigh swabs (KP1I2) is a mixture. The major profile is consistent with Roxanna Cagnina (KP1A). Steven Farmer (KP3) cannot be excluded as a minor DNA contributor. Greater than 99.88% of individuals in the population are excluded as possible contributors of DNA to the thigh swabs (KP1I2).

The DNA profiles obtained from the finger swabs (KP2A and KP2B) and the left hand fingernail scrapings (KP2D) are consistent with Steven Farmer (KP3). Possible additional alleles below threshold were detected on these samples.

The DNA profile obtained from the right hand fingernail scrapings (KP2C) is a possible mixture. The major profile is consistent with Steven Farmer (KP3). Due to limited information, conclusions with regard to possible minor contributors cannot be reached.

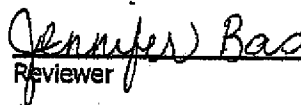
I returned the evidence to the vault.

I declare under penalty of perjury that the foregoing is true and correct.



Kristina Paulette, P#8805
Forensic Scientist II

July 16, 2008
Date


Reviewer

504

Las Vegas Metropolitan Police Department Forensic Laboratory Report of Examination Biology/DNA Detail		Distribution Date: DEC 19 2011	
Subject(s):	FARMER, Steven (suspect)	Case:	08 0516-1021
	CAGNINA, Roxanne (victim)	Agency:	LVMPD
		Incident:	Sexual Assault
		Requester:	J. Merback - CCDA

The Biology/DNA Detail of the Las Vegas Metropolitan Police Department Forensic Laboratory examined evidence in this case and reports the following results:

Impound Pkg#	Impound Item#	Lab Pkg #	Description	Results
SAK-Ebbert		JM-1	Sexual Assault Kit -- Roxanne Cagnina	
			A) Buccal swabs	• Full female profile
			B) Vaginal and cervical swabs	• Not examined
			C) Debris/fingernail scrapings/bite marks/secretions	• Not examined
			D) Pubic hair brushing	• Not examined
			E) Rectal swabs	• Not examined
			F) Oral swabs/floss	• Not examined
			G) Labial swabs	• Not examined
			H) Paperwork	• Used for information only
			I) 1) Breast swabs	• Partial possible mixture profile
			2) Thigh swabs	• Possible mixture profile
8177-2	5	JM-2	Buccal swabs -- Steven Farmer	Full male profile

CONCLUSIONS

Items JM-1A, JM-1I1, JM-1I2, and JM-2 were subjected to PCR amplification at the following STR genetic loci: D8S1179, D21S11, D7S820, CSF1PO, D3S1358, TH01, D13S317, D16S539, D2S1338, D19S433, vWA, TPOX, D18S51, D5S818, and FGA. The sex-determining Amelogenin locus was also examined.

The full and partial DNA profiles obtained from the breast (JM-1I1) and thigh (JM-1I2) swabs are consistent with Roxanne Cagnina (JM-1A). There are indications of a mixture in these samples, including a male contributor below the interpretation threshold; however, sufficient data was not obtained for further comparison.

The evidence was returned to the vault.

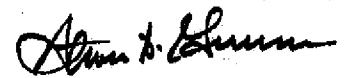
Julie M. Marschner
Julie M. Marschner, P#8806 December 14, 2011
Forensic Scientist II

Beata Uida #14279
Administrative Reviewer

Kellie H. Gauthier #8691
Technical Reviewer

Defendants Name: _____
Case Number: C245739X
Track: _____
Hearing Type: EVID. Hrg.
Hearing Date: 1-20-12
Defense Attorney: _____
Retained or Appointed: 08 0516-1021
Page 1 of 1 S. R. R. R. R. R.

EXHIBIT 2


CLERK OF THE COURT

0026
PHILIP J. KOHN, PUBLIC DEFENDER
NEVADA BAR NO. 0556
309 South Third Street, Suite 226
Las Vegas, Nevada 89155
(702) 455-4685
Attorney for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

STEVEN DALE FARMER,

Defendant.

CASE NO. C245739-1

DEPT. NO. V

DATE: April 4, 2012
TIME: 9 a.m.

**OBJECTION TO STATE'S REQUEST FOR DESTRUCTIVE TESTING OF DNA
SAMPLES FOR Y-STR TESTING**

COMES NOW the Defendant, STEVEN DALE FARMER, by and through his attorney, Jeff Maningo, Deputy Public Defender, and respectfully moves this court to deny the State's Motion for Destructive Testing of DNA samples in the above referenced case.

Introduction

The State has charged the Mr. Farmer with multiple counts of SEXUAL ASSAULT, OPEN AND GROSS LEWDNESS, and INDECENT EXPOSURE. The sexual assault counts carry potential life sentences to the Nevada Department of Corrections.

Factual Statement and Argument

Nearly four years ago, the State conducted DNA testing in the present case relating to only one of the alleged victims. The Forensic Specialist assigned to that specific testing was later terminated for potentially falsifying test results. Not until three years later did the State seek to have

1 the DNA samples retested. Not surprisingly, the results were different than what was obtained by
2 the terminated Specialist. The State, however, believes that the inconsistent results are the product
3 of reduced sample size. They now seek to test a **third** time, and destroy any remaining samples,
4 thereby preventing the defense from our own testing to challenge any new results. Also, simply
5 allowing a defense representative to be present is insufficient, as it does not allow accurate review of
6 previous test procedures and further testing if necessary due to the destructive nature of the testing.
7 Furthermore, it would require obtaining, and paying for, an additional defense expert. This should
8 not be required for a case that is four years old.
9

10 The State should not be allowed to continue retesting evidence until they finally get a result
11 they approve of. Furthermore, DNA is not even a relevant issue in this case. Identification or
12 presence of Mr. Farmer is not disputed. The relevance, or lack thereof, is further emphasized by the
13 fact that the State themselves have announced ready to proceed to trial, and objected to defense
14 continuances, at **three** separate calendar call dates. They have told the Court that they were ready to
15 go forward, without ever mentioning any need for further DNA testing. If the State was sincere in
16 their readiness, then obviously DNA testing was not considered to be an issue by them.
17

18 Legal Argument

19
20 Under NRS 174.235(1)(c), we have the right to inspect and test any tangible object the State
21 intends to introduce at trial. To consume the sample, which has been twice-tested, would violate Mr.
22 Farmer's statutory and constitutional rights to confront and cross-examine witnesses and evidence
23 against him. It would also violate his effective assist counsel, due process and right to a
24 fundamentally fair trial.
25
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1 Furthermore, State's failure to preserve enough DNA sample for the defense to
2 independently test can preclude the government from presenting evidence regarding the results of
3 the DNA testing. See, Sandborn v. State, 107 Nev. 399, 812 P.2d 1279 (1991).

4 Loss or destruction of the evidence by the State violates due process, "only if the defendant
5 shows either that the State acted in bad faith or that the defendant suffered undo prejudice and the
6 exculpatory value of the evidence was apparent before it was lost or destroyed." Leonard v. State,
7 117 Nev. 53, 68, 17 P.3d 397, 407 (2001). These standards are in the disjunctive. In other words,
8 Mr. Farmer need only to show either bad faith on the part of the State or that he suffers prejudice
9 from the lost evidence. "To establish prejudice, the defendant must show that it could be reasonably
10 anticipated the evidence *would have been exculpatory* and material to the defense." Cook v. State,
11 114 Nev. 120, 125, 953 P.2d 712, 715 (1998).
12

13 When evidence is lost as a result of inadequate government handling, a conviction may be
14 reversed. Howard v. State, 95 Nev. 580, 600 P.2d 214 (1979); United States v. Heiden, 508 F.2d
15 898 (Cir. 1974). For more than 30 years, both the Nevada Supreme Court as well as the Ninth
16 Circuit Court of Appeals have reiterated that a defendant must show either 1) bad faith or
17 contrivance on the part of the government; or 2) prejudice from its lost. Id.
18

19 It would be bad faith and prejudicial on the State's part to consume a sample it has already
20 twice tested, because we are entitled to confront and cross-exam the witnesses and evidence against
21 us. If the State had already consumed the sample, we could be arguing for suppression or dismissal
22 of the case. Therefore, allowing the sample's consumption would be sanctioning the State's bad faith
23 and prejudice against Mr. Farmer. The exculpatory value of a DNA sample that has been tested
24 twice with inconsistent results is immediately apparent. Thus, the State is on notice that it cannot
25 destroy the exculpatory evidence.
26
27
28

1 CONCLUSION

2 For the above stated reasons the Defendant respectfully requests that this Court deny the
3 State's request for destructive testing of DNA samples in Mr. Farmer's case.
4

5 DATED this 30th day of March, 2012

6 Respectfully Submitted,

7 CLARK COUNTY PUBLIC DEFENDER

8
9 By: /s/ Jeff Maningo
10 JEFF MANINGO
11 Nevada Bar #8845
12 Deputy Public Defender
13
14

15 CERTIFICATE OF ELECTRONIC FILING

16 I hereby certify that service of the above and foregoing was made this 30th day of
17 March, 2012 by Electronic Filing to:

18 District Attorneys Office
19 E-Mail Address:
20 PDMotions@ccdavn.com

21 /s/ Carrie M. Connolly
22 Secretary for the Public Defender's Office
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Ann L. Johnson
CLERK OF THE COURT

1 **ORDR**
2 **STEVEN B. WOLFSON**
3 **Clark County District Attorney**
4 **Nevada Bar #001565**
5 **W. JAKE MERBACK**
6 **Chief Deputy District Attorney**
7 **Nevada Bar #9126**
8 **200 Lewis Avenue**
9 **Las Vegas, NV 89155-2212**
10 **(702) 671-2500**
11 **Attorney for Plaintiff**

DISTRICT COURT
CLARK COUNTY, NEVADA

08C245739
OQM
Order Granting Motion
1827927



10 THE STATE OF NEVADA,
11 Plaintiff,

12 -vs-

13 STEVEN DALE FARMER,
14 #2679878

Defendant.

CASE NO: C245739

DEPT NO: V

16 ORDER GRANTING STATE'S MOTION TO CONSUME ENTIRE DNA SAMPLES FOR
17 Y-STR TESTING BY OUTSIDE LABORATORY

18 DATE OF HEARING: April 4, 2012
19 TIME OF HEARING: 9:00 A.M.

20 THIS MATTER having come on for hearing before the above entitled Court on the
21 4th day of April, 2012, the Defendant being present, represented by JEFFREY S.
22 MANINGO, ESQ., the Plaintiff being represented by STEVEN B. WOLFSON, District
23 Attorney, through W. JAKE MERBACK, Chief Deputy District Attorney, and the Court
24 having heard the arguments of counsel and good cause appearing therefor,

25 ///

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27 ///

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APR 17 2012

CLERK OF THE COURT

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2

1 IT IS HEREBY ORDERED that the State's Motion to Consume Entire DNA Samples
2 for Y-STR Testing by Outside Laboratory, shall be, and it is GRANTED.

3 DATED this 16th day of April, 2012.

4
5 
6 DISTRICT JUDGE
7

8 STEVEN B. WOLFSON
9 Clark County District Attorney
Nevada Bar #001565

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11 W. JAKE MERBACK
12 Chief Deputy District Attorney
13 Nevada Bar #9126
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jm/SVU

ORIGINAL

28

1 **ORDR**

2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 W. JAKE MERBACK
6 Chief Deputy District Attorney
7 Nevada Bar #9126
8 200 Lewis Avenue
9 Las Vegas, NV 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

FILED

MAY - 8 2012

John J. Blum
CLERK OF COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,

11 Plaintiff,

12 -vs-

13 STEVEN DALE FARMER,
14 #2679878

Defendant.

CASE NO: C245739

DEPT NO: V

16 AMENDED ORDER GRANTING STATE'S MOTION TO CONSUME ENTIRE DNA
17 SAMPLES FOR Y-STR TESTING BY OUTSIDE LABORATORY

18 DATE OF HEARING: April 4, 2012

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

20 THIS MATTER having come on for hearing before the above entitled Court on the
21 4th day of April, 2012, the Defendant being present, represented by JEFFREY S.
22 MANINGO, ESQ., the Plaintiff being represented by STEVEN B. WOLFSON, District
23 Attorney, through W. JAKE MERBACK, Chief Deputy District Attorney, and the Court
24 having heard the arguments of counsel and good cause appearing therefor,

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CLERK OF THE COURT

08C245739
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Amended Order
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2

1 IT IS HEREBY ORDERED that the State's Motion to Consume Entire DNA Samples
2 for Y-STR Testing by Outside Laboratory, shall be, and it is GRANTED.

3 FURTHERMORE, it is HEREBY ORDERED that the following evidence/DNA
4 extracts to be released for testing and sent to Sorenson Forensics at 2495 South West
5 Temple, Salt Lake City, Utah 84115. The Sexual Assault Kit – Roxanne Cagnina, Reference
6 buccal swabs, Vaginal swabs, Cervical swabs, Face swab, Fingernail scrapings, Pubic hair
7 brushing, Rectal swabs, Oral swabs, Floss, Labial swabs, Paperwork, Breast swabs, Thigh
8 swabs, Right hand finger swabs, Left hand finger swabs, Right hand fingernail scrapings,
9 Left hand fingernail scrapings and Reference buccal swabs- Steven Farmer. *The defendant*
10 *may send an expert representative to be present during testing. E*
DATED this 7th day of May, 2012.

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12 
13 DISTRICT JUDGE

14
15 STEVEN B. WOLFSON
16 Clark County District Attorney
Nevada Bar #001565

17 
18 W. JAKE MERBACK
19 Chief Deputy District Attorney
20 Nevada Bar #9126

21
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28 jm/SVU

ORIGINAL

FILED

MAY 22 2012

CLERK OF COURT

1 **ORDR**
2 **STEVEN B. WOLFSON**
3 **Clark County District Attorney**
4 **Nevada Bar #001565**
5 **W. JAKE MERBACK**
6 **Chief Deputy District Attorney**
7 **Nevada Bar #9126**
8 **200 Lewis Avenue**
9 **Las Vegas, NV 89155-2212**
10 **(702) 671-2500**
11 **Attorney for Plaintiff**

DISTRICT COURT
CLARK COUNTY, NEVADA

88C245739
AMOR
Amended Order
1857022



10 **THE STATE OF NEVADA,**

11 **Plaintiff,**

12 **-vs-**

13 **STEVEN DALE FARMER,**
14 **#2679878**

15 **Defendant.**

CASE NO: C245739

DEPT NO: V

16 **SECOND AMENDED ORDER GRANTING STATE'S MOTION TO CONSUME ENTIRE**
17 **DNA SAMPLES FOR Y-STR TESTING BY OUTSIDE LABORATORY**

18 **DATE OF HEARING: April 4, 2012**

19 **TIME OF HEARING: 9:00 A.M.**

20 **THIS MATTER** having come on for hearing before the above entitled Court on the
21 **4th day of April, 2012,** the Defendant being present, represented by **JEFFREY S.**
22 **MANINGO, ESQ.,** the Plaintiff being represented by **STEVEN B. WOLFSON,** District
23 **Attorney,** through **W. JAKE MERBACK,** Chief Deputy District Attorney, and the Court
24 **having heard the arguments of counsel and good cause appearing therefor,**

25 **///**

26 **///**

27 **///**

28 **///**

CLERK OF THE COURT


RECEIVED
MAY 22 2012

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1 IT IS HEREBY ORDERED that the State's Motion to Consume Entire DNA Samples
2 for Y-STR Testing by Outside Laboratory, shall be, and it is GRANTED.

3 FURTHERMORE, it is HEREBY ORDERED that the following evidence/DNA
4 extracts to be released for testing and sent to Sorenson Forensics at 2495 South West
5 Temple, Salt Lake City, Utah 84115. The Sexual Assault Kit – Vaginal swabs, Face swab,
6 Floss, Labial swabs, Paperwork, Breast swabs, Thigh swabs, Right hand finger swabs, Left
7 hand finger swabs, and Reference buccal swabs- Steven Farmer. The Defendant may send
8 an expert representative to be present during testing.

9 DATED this 17th day of May, 2012.

10
11 
12 DISTRICT JUDGE
13

14 STEVEN B. WOLFSON
15 Clark County District Attorney
16 Nevada Bar #001565

17 
18 W. JAKE MERBACK
19 Chief Deputy District Attorney
20 Nevada Bar #9126
21
22
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28 jm/SVU


CLERK OF THE COURT

0026
PHILIP J. KOHN, PUBLIC DEFENDER
NEVADA BAR NO. 0556
309 South Third Street, Suite 226
Las Vegas, Nevada 89155
(702) 455-4685
Attorney for Defendant

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

STEVEN DALE FARMER,

Defendant.

CASE NO. C245739

DEPT. NO. V

DATE: July 23, 2012
TIME: 9:00 a.m.

MOTION TO CONTINUE TRIAL DATE

COMES NOW the Defendant, STEVEN DALE FARMER, by and through his attorneys, JEFFREY S MANINGO and AMY A. FELICIANO, Deputy Public Defenders, and respectfully moves this court for an order vacating the September 4, 2012, trial date and requesting a new trial setting on a date convenient to the Court.

This Motion is made based upon all the papers and pleadings on file herein, the attached Declaration of Counsel, Memorandum of Points and Authorities in support hereof, and oral argument at the time set for hearing this Motion.

DATED this 11th day of July, 2012.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By /s/ Amy F Feliciano
JEFFREY S MANINGO, #8845/
AMY A. FELICIANO, #9596
Deputy Public Defenders

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NOTICE OF MOTION

TO: CLARK COUNTY DISTRICT ATTORNEY, Attorney for Plaintiff:

YOU WILL PLEASE TAKE NOTICE that the foregoing Motion to Continue Trial
Date will be heard on July 23, 2012, at 9:00 am in District Court Department No. V.

DATED this 11th day of July, 2012.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

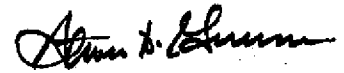
By /s/ Amy F Feliciano
JEFFREY S MANINGO, #8845/
AMY A. FELICIANO, #9596
Deputy Public Defenders

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of the above and foregoing was made this 11th day of
July, 2012, by Electronic Filing to:

District Attorneys Office
E-Mail Address:
Jaclyn.Motl@ccdany.com

/s/ Anita H Harrold
Secretary for the Public Defender's Office


CLERK OF THE COURT

1 **NOTC**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 JACQUELINE BLUTH
6 Deputy District Attorney
7 Nevada Bar #010625
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

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

9 THE STATE OF NEVADA,)
10)

11 Plaintiff,)

12 -vs-)

13 STEVEN DALE FARMER,
14 #2679879)

15 Defendant.)

CASE NO: 08C245739

DEPT NO: V

16 **FIFTH SUPPLEMENTAL NOTICE OF WITNESSES**

17 **AND/OR EXPERT WITNESSES**
18 **[NRS 174.234]**

19 **TO: STEVEN DALE FARMER, Defendant; and**

20 **TO: AMY FELICIANO, DPD, Counsel of Record:**

21 **YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE** that the STATE
22 **OF NEVADA** intends to call the following witnesses/expert witnesses in its case in chief:

23 *indicates additional witness(es) and/or modifications

24 ANDERSON, DEANN

RAWSON-NEAL PSYCH. HOSPITAL

25 BAGULEY, DR. BRITTANY

WASHOE COUNTY, Sheriff's Office

26 Will testify as an expert in the collection,
27 analysis and identification of DNA
28 evidence.

//

1	BAS, JENNIFER or Designee	LVMPD#09944
2		Will testify as an expert in the collection,
3		analysis and identification of DNA
4		evidence.
5	BAZMORE, DR. CURTIS	Will testify as to the examination, treatment,
6		observations and diagnosis of the victim in
7		the instant case.
8	BOMER, AARON	RAWSON-NEAL PSYCH. HOSPITAL
9	BORROMEO, DR. SALVADOR	Will testify as to the examination, treatment,
10		observations and diagnosis of the victim in
11		the instant case.
12	BROWN, DR. FREDRICK M.	RAWSON-NEAL PSYCH. HOSPITAL
13	or Designee	Will testify as to the examination, treatment,
14		observations and diagnosis of the victim in
15		the instant case.
16	BUTLER, CAROL or Designee	CENTENNIAL HILLS HOSPITAL
17		Will testify as an expert as to EKG
18		machines, their usage, the scope of
19		employment and duties of a Certified
20		Nursing Assistant, and hospital procedures
21		and policies.
22	CAGNINA, ROXANNE	3717 LOWER SAXON AVE.,
23		LVN 89085
24	CAGNINA, SCOTT	ADDRESS UNKNOWN
25	CASPER, MICHELLE	LVMPD#06549
26	CODY, LORA	LVMPD#07294
27	COR or Designee	AMERICAN NURSING SERVICES
28	COR or Designee	CCDC

1	COR or Designee	CENTENIAL HILLS HOSPITAL
2	COR or Designee	LVMPD RECORDS
3	COR or Designee	RAWSON-NEAL PSYCH. HOSPITAL
4	COR or Designee	VALLEY HEALTH SYSTEM
5	DAMAJ, DR. NOUHAB or Designee	CENTENIAL HILLS HOSPITAL
6		Will testify as to the examination, treatment,
7		observations and diagnosis of the victim in
8		the instant case.
9	DAVIS, KIMBERLY R.N.	CENTENIAL HILLS HOSPITAL
10	DOTSON, ADA	UNK
11	DOTY, LUKE	LVMPD#09368
12	EBBERT, LINDA R.N. or Designee	S.A.N.E.
13		Will testify as a medical expert as to the
14		sexual assault examination of the victim in
15		the instant case.
16	EDWARDS, CHRISTEN R.N.	CENTENIAL HILLS HOSPITAL
17	GAUTHIER, KELLIE	LVMPD#8691
18		Will testify as an expert in the collection,
19		analysis and identification of DNA
20		evidence.
21	GOODHART, KAREN R.N.	CENTENIAL HILLS HOSPITAL
22	HAIDER, DR. HAMID or Designee	CENTENIAL HILLS HOSPITAL
23		Will testify as to the examination, treatment,
24		observations and diagnosis of the victim in
25		the instant case.
26	HANNA, DENISE	7932 OLYMPUS AVE.,
27		LVN
28	//	

1	HANNA, THOMAS	7932 OLYMPUS AVE.,
2		LVN
3	HOUSTON, DR. DARRIN	CENTENIAL HILLS HOSPITAL
4	or Designee	Will testify as to the examination, treatment,
5		observations and diagnosis of the victim in
6		the instant case.
7	JAMES, JEANINE R.N.	CENTENIAL HILLS HOSPITAL
8	*JESKIE, EMILY	SORENSEN FORENSICS
9		Will testify as an expert in the analysis and
10		identification of DNA evidence, and/or as to
11		the analysis and identification of DNA
12		evidence in the instant case.
13	JEX, CRAIG	LVMPD #05597
14	JOHNSON, ALLEN	DISTRICT ATTORNEY INVESTIGATOR
15	LAJVARD, DR. ALLADIN	CENTENIAL HILLS HOSPITAL
16	or Designee	Will testify as to the examination, treatment,
17		observations and diagnosis of the victim in
18		the instant case.
19	LEHAN, TIMOTHY	5209 FIRESIDE RANCH AVE.,
20		LVN 89131
21	LEON, RUTH	DISTRICT ATTORNEY INVESTIGATOR
22	MARSCHNER, JULIE	LVMPD#8806
23		Will testify as an expert in the collection,
24		analysis and identification of DNA
25		evidence.
26	MCCORMICK, RAYMOND	1841 LEONARD, LVN
27	//	
28	//	

1	MILFORD, DR. CHRISTOPHER	CENTENIAL HILLS HOSPITAL
2	or Designee	Will testify as to the examination, treatment,
3		observations and diagnosis of the victim in
4		the instant case.
5	MILLER, RONALD	LVMPD#03233
6	MONTERO, JULIE	CENTENIAL HILLS HOSPITAL
7	//	
8	MUHAMMAD, DR. BHATTI	Will testify as to the examination, treatment,
9		observations and diagnosis of the victim in
10		the instant case.
11	MURGA, KIM	LVMPD#10140
12		Will testify as an expert in the collection,
13		analysis and identification of DNA
14		evidence.
15	MURRAY, CHRISTINE	CENTENIAL HILLS HOSPITAL
16	PAGAIN, SANDRA R.N.	CENTENIAL HILLS HOSPITAL
17	PAULETTE, KRISTINA or Designee	LVMPD#08805
18		Will testify as an expert in the collection,
19		analysis and identification of DNA
20		evidence.
21	PENCE, MISTY	LVMPD#04950
22	PETERSON, MARCIA	C/O DISTRICT ATTORNEY'S OFFICE
23	PETERSON, MARSHAL	Son of Marcia Peterson
24	PETERSON, MICAH	Son of Marcia Peterson
25	ROBERTSON, PAM. R.N.	CENTENIAL HILLS HOSPITAL
26	ROSE, FRANCES	2104 CLUB PACIFIC WAY, #19-102,
27		LVN 89128
28	SAUNDERS, MICHAEL	LVMPD#06076

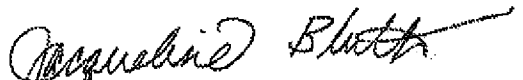
1	SHANK, HEATHER	5209 FIRESIDE RANCH AVE.,
2		LVN 89131
3	SCHUMACHER, JACKIE R.N.	CENTENIAL HILLS HOSPITAL
4	SHUJA, DR. AMIR or Designee	CENTENIAL HILLS HOSPITAL
5		Will testify as to the examination, treatment,
6		observations and diagnosis of the victim in
7		the instant case.
8	SLAUGHTER, DR. KEVIN	CENTENIAL HILLS HOSPITAL
9	or Designee	Will testify as to the examination, treatment,
10		observations and diagnosis of the victim in
11		the instant case.
12	SMITH, ERNESTINE	UNK
13	SMITH, JEFFERY	LVMPD#08177
14	SPURLOCK, LEDAHLIA	4408 SAN GABRIEL HILL AVE.,
15		LVN 89115
16	RACKLEY, JULIE R.N.	CENTENIAL HILLS HOSPITAL
17	WESCOTT, LORRAINE R.N.	CENTENIAL HILLS HOSPITAL
18	or Designee	Will testify as an expert as to EKG
19		machines, their usage, the scope of
20		employment and duties of a Certified
21		Nursing Assistant, and hospital procedures
22		and policies.
23	WOLFE, MARGARET R.N.	CENTENIAL HILLS HOSPITAL
24	//	
25	//	
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1 These witnesses are in addition to those witnesses endorsed on the Information and
2 any other witness for which a separate Notice has been filed. The substance of each expert
3 witness testimony and copy of all reports made by or at the direction of the expert witness
4 has been provided in discovery.

5 A copy of each expert witness curriculum vitae, if available, is attached hereto.

6 STEVEN B. WOLFSON
7 DISTRICT ATTORNEY
8 Nevada Bar #001565

9 BY


10 JACQUELINE BLUTH
11 Deputy District Attorney
12 Nevada Bar #010625

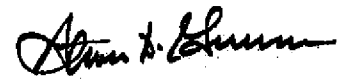
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19 **CERTIFICATE OF ELECTRONIC FILING**

20 I, HOWARD CONRAD, hereby certify that service of the above and foregoing, was
21 made this 22nd day of October, 2012, by Electronic Filing to:

22 AMY FELICIANO, DPD
23 e-mail: harrolah@ClarkCountyNV.gov

24 
25 Secretary for the District Attorney's Office

26
27
28 hjc/SVU


CLERK OF THE COURT

1 EXPR
2 PHILIP J. KOHN, PUBLIC DEFENDER
3 NEVADA BAR NO. 0556
4 309 South Third Street, Suite 226
5 Las Vegas, Nevada 89155
6 (702) 455-4685
7 Attorney for Defendant

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DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

STEVEN DALE FARMER,

Defendant.

CASE NO. C245739
DEPT. NO. V

EX PARTE ORDER FOR TRANSPORT

Upon the ex parte application of the above-named Defendant, by and through
JEFFREY S MANINGO, Clark County Public Defender, and good cause appearing therefor,

IT IS HEREBY ORDERED that the Clark County Detention Center transport the
Defendant, STEVEN DALE FARMER, I.D. No. 2679879, to the office of Clark County Public
Defender, 330 S. Third Street, Phoenix Building 5th floor, Las Vegas, NV, on February 8, 2013 at
noon until 3:00 o'clock pm, for the purpose of meeting with defense expert and counsel, and that
the Ex Parte Order be, sealed and shall not be opened to inspection except to the parties or their
attorney, or when required as evidence in another action.

DATED this 29th day of January, 2013.


DISTRICT COURT JUDGE

Submitted by:

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By 
JEFFREY S MANINGO, #8845
Deputy Public Defender


CLERK OF THE COURT

0026
PHILIP J. KOHN, PUBLIC DEFENDER
NEVADA BAR NO. 0556
309 South Third Street, Suite 226
Las Vegas, Nevada 89155
(702) 455-4685
Attorney for Defendant

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

STEVEN DALE FARMER

Defendant.

CASE NO. C245739

DEPT. NO. V

DATE: February 25, 2013
TIME: 9:00 a.m.

MOTION TO CONTINUE TRIAL DATE

COMES NOW the Defendant, STEVEN DALE FARMER, by and through his attorney, Jeff Maningo, Deputy Public Defender, and respectfully moves this Court for an order vacating the March 4, 2013, trial date and requesting a new trial setting on a date convenient to the Court.

This Motion is made based upon all the papers and pleadings on file herein, the attached Declaration of Counsel, and oral argument at the time set for hearing this Motion.

DATED this 14th day of February, 2013.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By s/ Jeff Maningo
JEFF MANINGO, #8845
Deputy Public Defender

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1 5. The total amount of the new voluminous documentation is approximately 8-
2 10 banker boxes full of documents. This material requires additional investigation, motion work,
3 and potentially new expert witness involvement.

4 6. In an effort to expedite matters, and to show our good faith in needing only
5 one final continuance, we have received approval to hire a civil consultant as an expert to assist
6 defense counsel in the organization and preparation of these voluminous materials. Counsel has
7 already interviewed and hired this individual, who has started the process. Our consultant, however,
8 has requested at least six months too adequately prepare.

9 7. Furthermore, after reviewing both the defense and State's potential witness
10 lists, we realistically anticipate 60-80 witnesses total. Originally this trial was scheduled for three
11 weeks. In all honesty, we now believe that six-to-eight weeks will be required.

12 8. Defense counsel understands the possible frustration of all parties due to
13 continued extensions of time for this particular case; however, all continuances have been both
14 necessary and unusual. The past continuances include multiple changes in counsel for both sides
15 due to sudden and unexpected circumstances, surgery for counsel, retesting of DNA due to
16 credibility issues within the DNA lab, and so on.

17 9. In addition, the State is still in the process of providing a transcript of certain
18 witness statements and DNA results from the Washoe County testing. And defense counsel must
19 provide the State with any of the voluminous newly discovered materials which are relevant and
20 mandated by the rules of discovery.

21 10. Without a continuance of this matter at this time, defense counsel cannot
22 provide effective assistance of counsel, and Mr. Farmer cannot receive a fair trial due to this
23 ineffectiveness, as guaranteed by the United States Constitution and the Constitution for the State of
24 Nevada.

25 11. This Motion is being made in good faith and not for the purpose of
26 unnecessary delay. And, defense counsel notified the State as soon as possible of the request for a
27 continuance, and then coordinated a meeting with this Court to explain the circumstances. Defense
28 counsel, the State, and this Court met on February 14, 2013, and defense counsel provided this Court

1 and the State with the many reasons a continuance was necessary, and the parties also discussed with
2 this Court coordinating our schedules to set a realistic, firm date for trial.

3 I declare under penalty of perjury that the foregoing is true and correct. (NRS
4 53.045).

5 EXECUTED this 14th day of February, 2013.

6
7 /s/ Jeff Maningo
8 JEFF MANINGO #8845
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NOTICE OF MOTION

TO: CLARK COUNTY DISTRICT ATTORNEY, Attorney for Plaintiff:

YOU WILL PLEASE TAKE NOTICE that the foregoing Motion to Continue Trial
Date will be heard on February 25, 2013 at 9:00 a.m. in District Court Department No. V.

DATED this 14th day of February, 2013.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

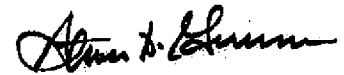
By /s/ Jeff Maningo
JEFF MANINGO, #8845
Deputy Public Defender

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of the above and foregoing was made this 14th day of
February, 2013, by Electronic Filing to:

District Attorneys Office
E-Mail Address:
Jaclyn.Motl@ccdancv.com

/s/ Anita H Harrold
Secretary for the Public Defender's Office


CLERK OF THE COURT

1 **RESP**
2 WILL A. LEMKUL, ESQ.
3 Nevada Bar No. 006715
4 NEAL K. HYMAN, ESQ.
5 Nevada Bar No. 005998
6 **MORRIS, SULLIVAN & LEMKUL LLP**
7 2441 W. Horizon Ridge Parkway, Suite 120
8 Henderson, NV 89052
9 Telephone: (702) 939-5234
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11 *Attorneys for Plaintiff*

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DISTRICT COURT
CLARK COUNTY, NEVADA

* * *

THE STATE OF NEVADA,
Plaintiff,

vs.

STEVEN DALE FARMER,
Defendant.

REAL PARTY IN INTEREST AND
VICTIM ROXANNE CAGNINA'S
RESPONSE TO DEFENDANT
STEVEN FARMER'S MOTION TO
CONTINUE TRIAL

CASE NO.: C245739
DEPT. NO.: V

Hearing Date: February 25, 2013
Hearing Time: 9:00 a.m.

COMES NOW Real Party In Interest and Victim ROXANNE CAGNINA, by and through her attorneys of record in the civil action entitled *Cagnina v. Valley Health System, LLC*, Case No. A570756, WILL A. LEMKUL, ESQ. and NEAL HYMAN, ESQ. of MORRIS, SULLIVAN & LEMKUL, and hereby files REAL PARTY IN INTEREST AND VICTIM ROXANNE CAGNINA'S RESPONSE TO DEFENDANT STEVEN FARMER'S MOTION TO CONTINUE TRIAL.

///

///

1 This Response is made and based on the following Memorandum of Points and Authorities, the
2 papers and pleadings on file herein and any oral argument or other evidence permitted by the Court.

3 DATED this 22nd day of February 2013.

4 MORRIS, SULLIVAN & LEMKUL LLP

5 /s/ Neal K. Hyman

6 By: _____

WILL A. LEMKUL, ESQ.

Nevada Bar No. 006715

NEAL K. HYMAN, ESQ.

Nevada Bar No. 005998

2441 W. Horizon Ridge Pkwy., Suite 120

Henderson, NV 89052

Attorneys for Real Party In Interest and Victim

Roxanne Cagnina

11 **MEMORANDUM OF POINTS AND AUTHORITIES**

12 **I. INTRODUCTION**

13 Real Party In Interest and Victim Roxanne Cagnina ("Ms. Cagnina") reluctantly files this
14 Response to Defendant Steven Dale Farmer's Motion to Continue Trial, and respectfully requests leave
15 of Court to file this Response and present oral argument at the hearing on February 25, 2013. Ms.
16 Cagnina is a victim of Defendant Dale Farmer in this criminal action, and is a plaintiff in the civil action
17 entitled *Cagnina v. Valley Health System, Inc.*, Case No. A570756, in which the undersigned and his
18 firm are counsel of record ("Civil Case"). As the Court may be aware, Ms. Cagnina has a lawsuit against
19 Centennial Hills Hospital for the alleged sexual assault by Mr. Farmer against her, which has a firm trial
20 date of July 1, 2013. There is a similar lawsuit by another civil plaintiff, *Jane Doe v. Valley Health*
21 *System, LLC*, Case No. A595780 ("Other Civil Action"). While this firm does not represent the victim
22 in the Other Civil Action, the primary basis for this motion to continue trial by the public defender is the
23 alleged relevance of the civil discovery and documentation to this criminal case. Since Ms. Cagnina has
24 a direct stake in this criminal action as she is a primary victim of Mr. Farmer, and her Civil Action has
25 been continued several times for the sole reason that this criminal action has been continued
26 approximately 13 prior times, the Court should permit her to file this Response and correct inaccurate
27 facts asserted in Mr. Farmer's motion and so the Court has a clear understanding of how continuing this
28 criminal case yet another time will impact the Civil Action and Ms. Cagnina. Due to the 5-Year Rule

1 [NRC 41(e)], Ms. Cagnina must have a trial prior to September 2, 2013, or her case will be dismissed
2 for want of prosecution.

3 II. STATEMENT OF FACTS

4 As the motion to continue correctly points out, Mr. Farmer is facing various felony and other
5 charges related to his alleged sexual assault of Ms. Cagnina and other victims while Mr. Farmer was
6 working as an agency certified nurses assistant (CNA) at Centennial Hills Hospital. The Civil Action
7 involves Mr. Farmer's alleged conduct and actions at Centennial Hills Hospital on May 15-16, 2008,
8 including his alleged sexual assault of Ms. Cagnina. However, it also concerns much witness testimony
9 and evidence to prove the hospital was negligent, if not reckless, in allowing Mr. Farmer to work at the
10 hospital in the emergency room, tending to and transporting Ms. Cagnina, by failing to properly screen
11 him and failing to keep track of Mr. Farmer and Ms. Cagnina for a lengthy period of time, which gave
12 Mr. Farmer the opportunity to sexually assault her in a hospital room and return to the emergency room.

13 The "over 30 new transcripts of depositions for essential witnesses" are mostly related to the
14 allegations in the Civil Action and proving liability against the hospital. In fact, a stay of discovery
15 concerning the criminal investigation of Mr. Farmer has always been in place, so none of these
16 deponents were questioned about what they told police or how they assisted with the criminal
17 investigation. In fact, they all testified that they did not prepare written statements for the police, and
18 most were not interviewed. The only victims who were deposed were Ms. Cagnina and the victim in
19 the Other Civil Action (her deposition was taken in this criminal action to preserve her testimony so it
20 is not new to the public defender). The two volumes of Ms. Cagnina's deposition testimony could be
21 reviewed quickly by the Public Defender's Office and the DA's Office. The other depositions are of
22 hospital staff related to policies and procedures and facts to show the hospital was at fault for Mr.
23 Farmer's conduct. None of the witnesses saw the sexual assault, and only a few (1-3) were even
24 working with Mr. Farmer in the emergency room when this alleged sexual assault occurred. Many of
25 the depositions only lasted 1-2 hours. Some of the depositions were of persons most knowledgeable
26 from other hospitals related to other incidents having nothing to do with Mr. Farmer, and the experts are
27 related to hospital liability and should not be relevant in this criminal action. Thus at best 4-7
28 depositions taken are relevant to this criminal case, and those could be reviewed quickly.

1 Regarding the written discovery and responses thereto, Mr. Farmer did not answer any as Ms.
2 Cagnina dismissed him from her case prior to them being answered. Ms. Cagnina did answer
3 interrogatories, requests for admissions and requests for production of documents propounded by the
4 hospital and its staffing company ("ANS"), and the parties exchanged document productions amounting
5 to numerous pages of documents (much of them coming from ANS and having to do with Mr. Farmer's
6 work experience and qualifications to be a CNA). However, the vast majority of documents produced
7 relate to hospital policies, practices and procedures, Mr. Farmer working at the hospital and whether he
8 was qualified and/or supervised. The arguably relevant documents can be determined rather quickly as
9 90-95% of the documentation in the Civil Action is not relevant to this criminal action and all document
10 productions have detailed descriptions of the documents produced. Certainly not every witness
11 identified in the Civil Action (Ms. Cagnina identified as witnesses every employee of the hospital
12 working that day, which is a list of 100+ witnesses). Out of the roughly 30 depositions taken, only
13 possibly 4-7 are of witnesses who have any information that might be useful in this criminal case. That
14 being said, the length of this criminal trial might not be as long as Mr. Farmer's counsel estimates, e.g.,
15 6-8 weeks with 60-80 witnesses. Also, the estimate of six months by Mr. Farmer's consultant to review
16 the documentation produced in the Civil Case (when only 5-10% of it is arguably relevant in this
17 criminal case) is much too long. Any attorney, paralegal or support person could review all of the
18 documentation produced in the Civil case in 1-2 weeks. It is unclear what other experts Mr. Farmer
19 might possibly need based on the discovery obtained from the Civil Action as there are no issues in the
20 criminal case with proving liability against the hospital or regarding Mr. Farmer's training and
21 qualifications to be a CNA.

22 **III. ARGUMENT**

23 While Ms. Cagnina is not a party in this criminal case and cannot, per se, object to a trial
24 continuance, the Civil Action has been continued several times due to the sole reason that this criminal
25 case has been continued roughly 13 prior times. Moreover, discovery in the Civil Action has been
26 completed except for discovery related to the criminal investigation of Mr. Farmer, such as: police
27 statements and reports, victim/witness statements to police, confessions of Mr. Farmer, DNA tests and
28 test results and deposing Ms. Cagnina and Scott Cagnina about what they said to police and their role

1 in the criminal investigation.

2 Recently in the Civil Action, the civil defendant Valley Health System, LLC subpoenaed the
3 records and the file of Las Vegas Metropolitan Police Department and the Clark County DA's Office.
4 Earlier in the case Ms. Cagnina subpoenaed the same records, which resulted in a protective order and
5 stay of any discovery related to the criminal investigation. The Discovery Commissioner issued a Report
6 and Recommendation, which was signed by Judge Alif on December 19, 2012. See copy of Report and
7 Recommendation, and Order entered on January 2, 2013, attached as Exhibit 1. The Court can see that
8 the Discovery Commissioner continued the Civil Action one last time (making Ms. Cagnina lose her
9 January 2013 firm trial date) to July 1, 2013, a firm trial date. Since Ms. Cagnina's Civil Action was
10 filed on September 2, 2008, the 5-Year Rule [NRC 41(e)] lapses on September 2, 2013. That means
11 the Civil Action must have a trial prior to September 2, 2013, or the civil district court 'must' dismiss
12 the case. While the parties can stipulate to waive the 5-Year Rule, Ms. Cagnina will not stipulate to
13 waive it as she has waited too long to have her day in court and must have a trial in her case without
14 further delay. While she wants justice and closure by having the criminal trial proceed against Mr.
15 Farmer, she also wants to make sure the State is prepared and that Mr. Farmer receives a fair trial, to
16 avoid any appealable errors.

17 By continuing this criminal trial yet again, that forces Ms. Cagnina to go before the Discovery
18 Commissioner and seek an order lifting the stay on criminal discovery so that discovery in the Civil
19 Action can be completed and so her civil trial can proceed before the criminal trial on July 1, 2013. The
20 Discovery Commissioner and Judge Alif have already tentatively agreed that an order will issue
21 permitting the parties in the Civil Action to obtain criminal discovery related to this matter prior to this
22 criminal case being tried (Chief Deputy DA Pace was before the Discovery Commissioner when she
23 made her ruling). If the civil court issues such an order, precautions can be taken to protect the
24 information from being disclosed to the public, and portions of the Civil Action can be closed from the
25 public due to sensitive and confidential information and facts obtained from the criminal investigation
26 (since Mr. Farmer has all of the information and documentation that Las Vegas Metropolitan Police
27 Department and the DA's Office has, there can be no prejudice to him by allowing Ms. Cagnina to have
28 the information and documentation for the Civil Action). In fact, there is already a confidentiality and

1 protective order in place, which begs the question – why did Valley Health System, LLC and Mr.
2 Farmer's civil attorney (Bob McBride) produce all the discovery from Civil Case to Mr. Farmer's public
3 defender in violation of the confidentiality order (Mr. Farmer was dismissed from the Civil Action and
4 is no longer a party). That is a matter that will be raised with the Discovery Commissioner and Judge
5 Allf. Further, most of that discovery was completed years ago (the Civil Action is over four years old
6 and much of the discovery was completed 1-3 years ago). That begs another question – why did Valley
7 Health System, LLC and Mr. Farmer's civil attorney just now provide the Public Defender's Office with
8 all of the discovery from the Civil Action when it could have been provided years ago? The Public
9 Defender's Office and the DA's Office have known of the Civil Action since its filing, and Mr. Farmer's
10 former public defender (Stacey Roundtree) actually attended the continued deposition of Ms. Cagnina
11 on February 10, 2010. The Public Defender's Office and the DA's Office could have requested all this
12 civil discovery years ago, or subpoenaed the records. When Ms. Cagnina filed a motion to compel
13 production of police and DA records years ago, the DA's Office, Las Vegas Metropolitan Police
14 Department and their counsel were present at the hearing before the Discovery Commissioner. No one
15 requested or subpoenaed the records, and only now use the discovery in the Civil Action as a primary
16 reason to continue this criminal case yet again, about the 14th time.

17 A criminal plea or conviction can be admitted into evidence in Ms. Cagnina's civil case, and
18 then her case becomes much more simple. The fact that Mr. Farmer sexually assaulted her will be
19 conclusively established, and then she need not prove it at trial. If her case proceeds prior to the criminal
20 action, then she will have to prove by a preponderance of the evidence that Mr. Farmer sexually
21 assaulted her. That is a lesser burden of proof than the DA's Office has in this criminal case, and she
22 feels she can prove that Mr. Farmer sexually assaulted her with evidence and witness testimony she has
23 in her possession to date. However, some witnesses who are victims or witnesses in the criminal case
24 will be called as witnesses in the Civil Action.

25 If there is any possible way this criminal trial can proceed on the date set, or within a few weeks
26 or a month later, then the Civil Action and Ms. Cagnina might not be prejudiced. However, if the Court
27 decides to continue the criminal case yet again for months or a year down the road, then the Civil Action
28 will need to proceed prior to the criminal case and the parties will be entitled to obtain discovery in the

1 criminal case. Also, Ms. Cagnina noticed the deposition of Mr. Farmer, which was stayed by the
2 Discovery Commissioner and Judge Allf pending trial of the criminal case. Mr. Farmer's deposition will
3 need to proceed prior to the criminal trial, but of course Mr. Farmer can plead the Fifth Amendment to
4 incriminating questions and he may be represented by the Public Defender's Office and his civil counsel.
5 The DA's Office may also be present.

6 CONCLUSION

7 For all of the aforementioned reasons, the criminal trial should not be continued yet again. If it
8 must be continued, then Ms. Cagnina respectfully requests that it be re-set only a few weeks or a month
9 down the road. That should permit the criminal case to proceed prior to the Civil Action. The Civil
10 Action has a firm trial date of July 1, 2013, and it cannot be continued further due to the 5-Year Rule
11 lapsing on September 2, 2013. If the Civil Action must proceed prior to the criminal case, then the
12 parties in the Civil Action will be entitled to discovery in the criminal case.

13 DATED this 22nd day of February 2013.

14 MORRIS, SULLIVAN & LEMKUL LLP

15 /s/ Neal K. Hyman

16 By:

17 WILL A. LEMKUL, ESQ.
18 Nevada Bar No. 006715
19 NEAL K. HYMAN, ESQ.
20 Nevada Bar No. 005998
21 2441 W. Horizon Ridge Pkwy., Suite 120
22 Henderson, NV 89052
23 Attorneys for Real Party In Interest and Victim
24 Roxanne Cagnina
25
26
27
28

CERTIFICATE OF FACSIMILE AND MAILING

I do hereby certify that on February 22, 2013, I served a copy of the following document(s): **REAL PARTY IN INTEREST AND VICTIM ROXANNE CAGNINA'S RESPONSE TO DEFENDANT STEVEN FARMER'S MOTION TO CONTINUE TRIAL** by fax and enclosing the same in a sealed envelope upon which first-class postage was fully prepaid addressed to the following:

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Cagnina v. Valley Health System, LLC
Case No. A570756

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Cagnina v. Valley Health System, LLC
Case No. A570756

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Criminal Attorney for Steven Farmer


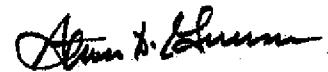

An Employee of MORRIS, SULLIVAN & LEMKUL LLP

EXHIBIT "1"



CLERK OF THE COURT

DCRR

MICHAEL E. PRANGLE, ESQ.

Nevada Bar No. 8619

JOHN F. BEMIS, ESQ.

Nevada Bar No. 9509

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Attorneys for Defendants

Centennial Hills Hospital

DISTRICT COURT

CLARK COUNTY, NEVADA

ROXANNE CAGNINA, an individual,

Plaintiff,

vs.

VALLEY HEALTH SYSTEM, LLC dba
CENTENNIAL HILLS HOSPITAL, a
Nevada Corporation; AMERICAN
NURSING SERVICES, INC., a Louisiana
Corporation; DOE INDIVIDUALS 1 through
10 and ROE BUSINESS OR
GOVERNMENTAL ENTITIES 1 through 10,
inclusive,

Defendants.

CASE NO. A570756

DEPT NO. XXVII

DISCOVERY COMMISSIONER'S REPORT AND RECOMMENDATIONS

DATE OF HEARING: 11/16/12

TIME OF HEARING: 9:30 a.m.

HALL PRANGLE & SCHOONVELD, LLC

RAINBOW CORPORATE CENTER

777 NORTH RAINBOW BLVD., STE. 225

LAS VEGAS, NEVADA 89107

TELEPHONE: 702-889-6400 FACSIMILE: 702-348-6025

APPEARANCES:

Plaintiff:

Neal K. Hyman, Esq.
Morris, Sullivan & Lemkul, LLP

Defendant:

Centennial Hills Hospital

John F. Bemis, Esq.
Hall Prangle & Schoonveld, LLC

Heather Hall, Esq.
Steven Dale Farmer

Barter Pace, Esq.
Clark County District Attorney's Office

Charlotte Bible, Esq.
Las Vegas Metropolitan Police Department

I.

FINDINGS

The hearing scheduled for November 16, 2012 was regarding Defendant Centennial Hills Hospital's Motion to Compel Production of Documents from Las Vegas Metropolitan Police Department and The Clark County District Attorney's Office on an OST. During the course of the hearing, the Honorable Discovery Commissioner also reconsidered Steven Farmer's Motion for Protective Order on an OST originally heard on November 14, 2012.

II.

RECOMMENDATIONS

Based upon the findings above, the Honorable Discovery Commissioner recommends the following:

1. The Motion to Compel is GRANTED, but alternative relief for protection is provided to the Las Vegas Metropolitan Police Department to produce the documents after the criminal trial is adjudicated.
2. The current Trial date of January 7, 2013 will be vacated by the District Court.

HALL PRANGLE & SCHOONVELD, LLC

RAINBOW CORPORATE CENTER

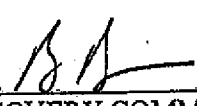
777 NORTH RAINBOW BLVD., STE. 225

LAS VEGAS, NEVADA 89107

TELEPHONE: 702-889-6400 FACSIMILE: 702-384-6025

3. The parties will appear for a conference with the Judicial Executive Assistant for Department 27 on November 19, 2012, to schedule a Firm Trial date to occur following the March 4, 2013, Criminal Trial of Steven Dale Farmer.
4. The Trial will occur prior to the September, 2013, cutoff of the Five Year Rule.
5. Following the filing of the Notice of Entry of Judgment in the Criminal Trial of Steven Dale Farmer, Case No. 245739, the parties are instructed to contact the Las Vegas Metropolitan Police Department for production of the criminal investigative file, LVMPD Event number 080516-1021.
6. The Las Vegas Metropolitan Police Department shall turn over the criminal investigative file to the parties as the District Attorney stated they do not have any documents separate from the police file.
7. Per NRS 200.3771(3) the Discovery Commissioner finds that good cause exists for the disclosure of the criminal investigative file, reasonable notice has been provided to the alleged victim and the disclosure will not place the alleged victim at harm.
8. The Discovery Commissioner reconsidered and modified her ruling regarding the deposition of Steven Dale Farmer.
9. The deposition of Steven Dale Farmer will be protected, and shall not occur until after the Notice of Entry of Judgment in the Criminal Trial of Steven Dale Farmer is filed.
10. Plaintiff's counsel is relieved of his obligation to draft and circulate a Discovery Commissioner's Report and Recommendations for the Discovery hearing that took place on November 14, 2012.

DATED this 29 day of November, 2012.


DISCOVERY COMMISSIONER

HALL PRANGLE & SCHOONVELD, LLC

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Respectfully submitted by:

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Attorneys for Defendant Centennial Hills

Approved as to form and content:

OFFICE OF THE DISTRICT ATTORNEY

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Chief Deputy District Attorney

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Regional Justice Center

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Attorneys for Plaintiff

Approved as to form and content:

OFFICE OF THE DISTRICT ATTORNEY

Approved as to form and content:

LAS VEGAS METROPOLITAN POLICE DEPT.

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NOTICE

Pursuant to NRCP 16.1 (d) (2), you are hereby notified you have five (5) days from the date you received this document within to file written objections.

Pursuant to E.D.C.R. 2.34(f) and objection must be filed and served no more than five (5) days after receipt of the Discovery Commissioner's Report. The Commissioner's Report is deemed received when signed and dated by a party, his attorney or his attorney's employee, or three (3) days after mailing to a party or his attorney, or three (3) days after the clerk of the court deposits a copy of the Report in a folder of a party's lawyer in the Clerk's office. See E.D.C.R. 2.34(F).

A copy of the foregoing Discovery Commissioner's Report was:

_____ Mailed to Plaintiffs/Defendant at the following address on this _____ day of _____, 2012.

X _____ Placed in the folder of Plaintiff's/Defendant's counsel in the Clerk's office on the 4 day of Dec., 2012.

STEVEN D. GRIERSON

By: Natasha Fehr
DEPUTY CLERK

HALL PRANGLE & SCHOONVELD, LLC

RAINBOW CORPORATE CENTER

777 NORTH RAINBOW BLVD., STE. 225

LAS VEGAS, NEVADA 89107

TELEPHONE: 702-389-6400 FACSIMILE: 702-384-6025

CASE NAME: Cagnina vs. Centennial Hills Hospital
CASE NUMBER: A570756

ORDER

The Court, having reviewed the above report and recommendations prepared by the
Discovery Commissioner and,

The parties having waived the right to object thereto,

✓ NF

No timely objection having been received in the office of the Discovery
Commissioner pursuant to E.D.C.R. 2.34 (f).

Having received objections thereto and the written argument in support of said
objections, and good cause appearing.

AND

✓

IT IS HEREBY ORDERED the Discovery Commissioner's Report and
Recommendations is affirmed and adopted,

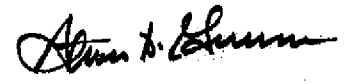
IT IS HEREBY ORDERED the Discovery Commissioner's Report and
Recommendations are affirmed and adopted as modified in the following manner.
(attached hereto)

IT IS HEREBY ORDERED that a hearing on the Discovery Commissioner's
Report is set for _____, 2012, at _____ a.m.

DATED this 19 day of December, 2012.

Margaret A. H. K.

DISTRICT JUDGE


CLERK OF THE COURT

1 **NOTC**
2 **STEVEN B. WOLFSON**
3 **Clark County District Attorney**
4 **Nevada Bar #001565**
5 **JACQUELINE BLUTH**
6 **Deputy District Attorney**
7 **Nevada Bar #010625**
8 **200 Lewis Avenue**
9 **Las Vegas, Nevada 89155-2212**
10 **(702) 671-2500**
11 **Attorney for Plaintiff**

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

9 **THE STATE OF NEVADA,**

10 **Plaintiff,**

11 **-vs-**

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

14 **Defendant.**

CASE NO: 08C245739

DEPT NO: V

15 **SIXTH SUPPLEMENTAL NOTICE OF WITNESSES**

16 **AND/OR EXPERT WITNESSES**
17 **[NRS 174.234]**

18 **TO: STEVEN DALE FARMER, Defendant; and**

19 **TO: JEFF MANINGO, DPD, Counsel of Record:**

20 **YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE** that the STATE
21 **OF NEVADA** intends to call the following witnesses/expert witnesses in its case in chief:

22 ***indicates additional witness(es) and/or modifications**

23 **ANDERSON, DEANN; RAWSON-NEAL PSYCH. HOSPITAL**

24 **BAGULEY, DR. BRITTANY; WASHOE COUNTY, Sheriff's Office; Will testify as**
25 **an expert in the collection, analysis and identification of DNA evidence.**

26 **BAS, JENNIFER or Designee; LVMPD#09944; Will testify as an expert as to the**
27 **collection, analysis and identification of DNA evidence, and/or as to the collection, analysis**
28 **and identification of DNA evidence in the instant case.**

1 *BAZMORE, DR. CURTIS; Will testify as to the examination, treatment,
2 observations and diagnosis of the victim in the instant case. Will also testify as to the
3 possible effects of medications on patients.

4 BOMER, AARON; RAWSON-NEAL PSYCH. HOSPITAL

5 *BORROMEO, DR. SALVADOR; Will testify as to the examination, treatment,
6 observations and diagnosis of the victim in the instant case. Will also testify as to the
7 possible effects of medications on patients.

8 BROWN, DR. FREDRICK M.; RAWSON-NEAL PSYCH. HOSPITAL; Will testify
9 as to the examination, treatment, observations and diagnosis of the victim in the instant case.

10 *BUTLER, CAROL; CENTENNIAL HILLS HOSPITAL; Will testify as an expert as
11 to the proper protocols, procedures and standards in regards to the Certified Nursing
12 Assistant Profession; will testify as an expert as to procedures, processes and protocol of
13 utilizing EKG machines on/with patients.

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

15 CAGNINA, SCOTT; ADDRESS UNKNOWN

16 CASPER, MICHELLE; LVMPD#06549

17 CODY, LORA; LVMPD#07294

18 *COLDSMITH, JOHN; CENTENNIAL HILLS HOSPITAL; Will testify as an expert
19 as to the proper protocols, procedures and standards in regards to the Certified Nursing
20 Assistant Profession; will testify as an expert as to procedures, processes and protocol of
21 utilizing EKG machines on/with patients.

22 COR or Designee; AMERICAN NURSING SERVICES

23 COR or Designee; CCDC

24 COR or Designee; CENTENNIAL HILLS HOSPITAL

25 COR or Designee; LVMPD RECORDS

26 COR or Designee; RAWSON-NEAL PSYCH. HOSPITAL

27 COR or Designee; VALLEY HEALTH SYSTEM

28 //

1 ***DAMAJ, DR. NOUHAD; CENTENIAL HILLS HOSPITAL;** Will testify as to the
2 examination, treatment, observations and diagnosis of the victim in the instant case. Will
3 also testify as to the possible effects of medications on patients.

4 ***DAVIS, KIMBERLY R.N.; CENTENIAL HILLS HOSPITAL;** Will testify as to the
5 examination, treatment and observations of the victim in the instant case. Will also testify to
6 proper protocols and procedures when treating patients in a nursing capacity.

7 **DOTSON, ADA; UNK**

8 **DOTY, LUKE; LVMPD#09368**

9 ***EBBERT, LINDA R.N.; S.A.N.E.;** Will testify as a medical expert as to the sexual
10 assault examination of the victim in the instant case; and/or as to the nature, process and
11 limitations of sexual assault examinations.

12 ***EDWARDS, CHRISTEN R.N.; CENTENIAL HILLS HOSPITAL;** Will testify as to
13 the examination, treatment and observations of the victim in the instant case. Will also
14 testify to proper protocols and procedures when treating patients in a nursing capacity.

15 ***EKG SPECIALIST or Designee; CENTENIAL HILLS HOSPITAL;** Will testify as
16 an expert as to procedures, processes and protocol of utilizing EKG machines on/with
17 patients.

18 ***FABERT, CRAIG; CCDA-SVU INVESTIGATIONS**

19 **GAUTHIER, KELLIE; LVMPD#8691;** Will testify as an expert as to the collection,
20 analysis and identification of DNA evidence, and/or as to the collection, analysis and
21 identification of DNA evidence in the instant case.

22 ***GOODHART, KAREN R.N.; CENTENIAL HILLS HOSPITAL;** Will testify as to
23 the examination, treatment and observations of the victim in the instant case. Will also
24 testify to proper protocols and procedures when treating patients in a nursing capacity.

25 ***HAIDER, DR. HAMID; CENTENIAL HILLS HOSPITAL;** Will testify as to the
26 examination, treatment, observations and diagnosis of the victim in the instant case. Will
27 also testify as to the possible effects of medications on patients.

28 **HANNA, DENISE ; 7932 OLYMPUS AVE., LVN**

1 HANNA, THOMAS; 7932 OLYMPUS AVE., LVN

2 *HOUSTON, DR. DARRIN; CENTENIAL HILLS HOSPITAL; Will testify as to the
3 examination, treatment, observations and diagnosis of the victim in the instant case. Will
4 also testify as to the possible effects of medications on patients.

5 *JAMES, JEANINE R.N.; CENTENIAL HILLS HOSPITAL; Will testify as to the
6 examination, treatment and observations of the victim in the instant case. Will also testify to
7 proper protocols and procedures when treating patients in a nursing capacity.

8 JESKIE, EMILY; SORENSON FORENSICS; Will testify as an expert as to the
9 collection, analysis and identification of DNA evidence, and/or as to the collection, analysis
10 and identification of DNA evidence in the instant case.

11 JEX, CRAIG; LVMPD #05597

12 *KNEPP, ELAINE; CCDA-SVU INVESTIGATIONS

13 *LAJVAR, DR. ALLADIN; CENTENIAL HILLS HOSPITAL; Will testify as to
14 the examination, treatment, observations and diagnosis of the victim in the instant case. Will
15 also testify as to the possible effects of medications on patients.

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

17 LEON, RUTH; CCDA-SVU INVESTIGATIONS

18 MARSCHNER, JULIE; LVMPD#8806; Will testify as an expert as to the collection,
19 analysis and identification of DNA evidence, and/or as to the collection, analysis and
20 identification of DNA evidence in the instant case.

21 MCCORMICK, RAYMOND; 1841 LEONARD, LVN

22 *MILFORD, DR. CHRISTOPHER; CENTENIAL HILLS HOSPITAL; Will testify
23 as to the examination, treatment, observations and diagnosis of the victim in the instant case.
24 Will also testify as to the possible effects of medications on patients.

25 MILLER, RONALD; LVMPD#03233

26 *MONTERO, JULIE R.N.; CENTENIAL HILLS HOSPITAL; Will testify as to the
27 examination, treatment and observations of the victim in the instant case. Will also testify to
28 proper protocols and procedures when treating patients in a nursing capacity.

1 *MUHAMMAD, DR. BHATTI; Will testify as to the examination, treatment,
2 observations and diagnosis of the victim in the instant case. Will also testify as to the
3 possible effects of medications on patients.

4 MURGA, KIM; LVMPD#10140; Will testify as an expert as to the collection,
5 analysis and identification of DNA evidence, and/or as to the collection, analysis and
6 identification of DNA evidence in the instant case.

7 *MURRAY, CHRISTINE R.N.; CENTENIAL HILLS HOSPITAL; Will testify as to
8 the examination, treatment and observations of the victim in the instant case. Will also
9 testify to proper protocols and procedures when treating patients in a nursing capacity.

10 *PAGAIN, SANDRA R.N.; CENTENIAL HILLS HOSPITAL; Will testify as to the
11 examination, treatment and observations of the victim in the instant case. Will also testify to
12 proper protocols and procedures when treating patients in a nursing capacity.

13 PAULETTE, KRISTINA or Designee; LVMPD#08805; Will testify as an expert as to
14 the collection, analysis and identification of DNA evidence, and/or as to the collection,
15 analysis and identification of DNA evidence in the instant case.

16 PENCE, MISTY; LVMPD#04950

17 PETERSON, MARCIA; c/o CCDA-SVU INVESTIGATIONS

18 PETERSON, MARSHAL; Son of Marcia Peterson

19 PETERSON, MICAH; Son of Marcia Peterson

20 *RACKLEY, JULIE R.N.; CENTENIAL HILLS HOSPITAL; Will testify as to the
21 examination, treatment and observations of the victim in the instant case. Will also testify to
22 proper protocols and procedures when treating patients in a nursing capacity.

23 *ROBERTSON, PAM R.N.; CENTENIAL HILLS HOSPITAL; Will testify as to the
24 examination, treatment and observations of the victim in the instant case. Will also testify to
25 proper protocols and procedures when treating patients in a nursing capacity.

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

27 SAUNDERS, MICHAEL; LVMPD#06076

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


1 *SCHUMACHER, JACKIE R.N.; CENTENIAL HILLS HOSPITAL; Will testify as
2 to the examination, treatment and observations of the victim in the instant case. Will also
3 testify to proper protocols and procedures when treating patients in a nursing capacity.
4 *SHUJA, DR. AMIR; CENTENIAL HILLS HOSPITAL; Will testify as to the
5 examination, treatment, observations and diagnosis of the victim in the instant case. Will
6 also testify as to the possible effects of medications on patients.
7 *SLAUGHTER, DR. KEVIN; CENTENIAL HILLS HOSPITAL; Will testify as to
8 the examination, treatment, observations and diagnosis of the victim in the instant case. Will
9 also testify as to the possible effects of medications on patients.
10 SMITH, ERNESTINE; UNK
11 SMITH, JEFFERY; LVMPD#08177
12 SPURLOCK, LEDAHLIA; 4408 SAN GABRIEL HILL AVE., LVN 89115
13 *RACKLEY, JULIE R.N.; CENTENIAL HILLS HOSPITAL; Will testify as to the
14 examination, treatment and observations of the victim in the instant case. Will also testify to
15 proper protocols and procedures when treating patients in a nursing capacity.
16 WESCOTT, LORRAINE R.N. or Designee; CENTENIAL HILLS HOSPITAL; Will
17 testify as an expert as to EKG machines and their usage, as well as to the scope of
18 employment and duties of a Certified Nursing Assistant, and hospital procedures and
19 policies.
20 *WOLFE, MARGARET R.N.; CENTENIAL HILLS HOSPITAL; Will testify as to
21 the examination, treatment and observations of the victim in the instant case. Will also
22 testify to proper protocols and procedures when treating patients in a nursing capacity.
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1 These witnesses are in addition to those witnesses endorsed on the Information and
2 any other witness for which a separate Notice has been filed. The substance of each expert
3 witness testimony and copy of all reports made by or at the direction of the expert witness
4 has been provided in discovery.

5 A copy of each expert witness curriculum vitae, if available, is attached hereto.

6 STEVEN B. WOLFSON
7 DISTRICT ATTORNEY
8 Nevada Bar #001565

9 BY


10 JACQUELINE BLUTH
11 Deputy District Attorney
12 Nevada Bar #010625

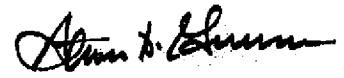
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19 **CERTIFICATE OF ELECTRONIC FILING**

20 I, HOWARD CONRAD, hereby certify that service of the above and foregoing, was
21 made this 9th day of January, 2014, by Electronic Filing to:

22 JEFF MANINGO, DPD
23 e-mail: harrolah@ClarkCountyNV.gov

24 
25 Secretary for the District Attorney's Office

26
27
28 hjc/SVU


CLERK OF THE COURT

1 **NOTC**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 JACQUELINE BLUTH
6 Chief Deputy District Attorney
7 Nevada Bar #010625
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

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: 10C245739

DEPT NO: XX

16 **STATE'S NOTICE OF MOTION AND MOTION TO USE VIDEOTAPED**
17 **TESTIMONY OF VICTIM, MARCIA PETERSON AT TRIAL**

18 DATE OF HEARING: JANUARY 27, 2014
19 TIME OF HEARING: ~~8:30 A.M.~~ 9:00 AM

20 COMES NOW, the State of Nevada, by STEVEN WOLFSON, District Attorney,
21 through JACQUELINE BLUTH, Chief Deputy District Attorney, and files this Notice of
22 Motion and Motion to use Videotaped Testimony of Victim, Marcia Peterson at Trial.

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

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1 At the conclusion of her grand jury testimony, while being wheeled out of the grand
2 jury room, Marcia Peterson suffered multiple seizures. Paramedics were called and Marcia
3 was rushed to the ER. Thereafter, the State learned that any sudden movements, noises, or
4 bright lights can trigger a seizure. Likewise, something as simple as riding in a car can
5 trigger a seizure in Marcia Peterson. Each and every time Marcia Peterson suffers a seizure,
6 she becomes immobilized and cannot speak, sometimes upward of two days.

7 Due to Ms. Petersen's health issues the State filed a motion to take her testimony via
8 video deposition on August 20, 2010. The Court granted that motion and Ms. Petersen's
9 deposition was taken on January 20, 2012 and electronically filed with the Court on March
10 9, 2012.

11 On July 13, 2013 Ms. Petersen passed away. The State is now filing this motion to
12 use the testimony of Marcia Petersen at trial.

13 LEGAL ARGUMENT

14 NRS 174.175 states:

- 15 1. If it appears that a prospective witness may be unable
16 to attend or prevented from attending a trial or
17 hearing, that his testimony is material and that it is
18 necessary to take his deposition in order to prevent a
19 failure of justice, the court at any time after the filing
20 of an indictment, information or complaint may upon
21 motion of a defendant or of the State and notice to the
22 parties order that his testimony be taken by deposition
and that any designated books, papers, documents or
tangible objects, not privileged, be produced at the
same time and place. If the deposition is taken upon
motion of the State, the court shall order that it be
taken under such conditions as will afford to each
defendant the opportunity to confront the witnesses
against him.
- 23 2. If a witness is committed for failure to give bail to appear
24 to testify at a trial or hearing, the court on written motion
25 of the witness and upon notice to the parties may direct
that his deposition be taken. After the deposition has been
subscribed the court may discharge the witness.
- 26 3. This section does not apply to the prosecutor, or to an
27 accomplice in the commission of the offense charged.

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1 NRS 174.215 provides:

2 1. At the trial or upon any hearing, a part or all of a
3 deposition, so far as otherwise admissible under the rules
4 of evidence, may be used if it appears:

5 (a) **That the witness is dead;**

6 (b) That the witness is out of the State of Nevada, unless it
7 appears that the absence of the witness was procured by
8 the party offering the deposition;

9 (c) **That the witness cannot attend or testify because of
10 sickness or infirmity;**

11 (d) That the witness has become of unsound mind; or

12 (e) That the party offering the deposition could not procure
13 the attendance of the witness by subpoena.

14 2. Any deposition may also be used by any party to
15 contradict or impeach the testimony of the deponent as a
16 witness.

17 3. If only a part of a deposition is offered in evidence by a
18 party, an adverse party may require him to offer all of it
19 which is relevant to the part offered and any party may
20 offer other parts.

21 The State had originally made a motion to take Marcia Petersen's testimony by
22 deposition instead of having her testify at trial due to her severe illness. It was the State's
23 position then that it would be appropriate to use the testimony taken at the video deposition
24 rather than have Ms. Petersen testify at trial. However, now Ms. Petersen has passed away
25 and the use of her testimony is that much more important. The State is now requesting this
26 court, and giving the Defense proper notice, to use Ms. Petersen's deposition testimony at
27 trial.

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1 CONCLUSION

2 The State request this Honorable Court grant its motion to use the videotaped
3 testimony of Marcia Peterson at trial.

4 DATED this 16th day of January, 2010.

5 STEVEN B. WOLFSON
6 Clark County District Attorney
7 Nevada Bar #001565

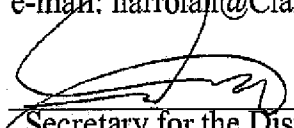
8 BY


9 JACQUELINE BLUTH
10 Chief Deputy District Attorney
11 Nevada Bar #010625

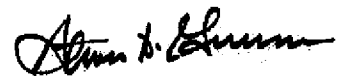
12 CERTIFICATE OF ELECTRONIC FILING

13 I, HOWARD CONRAD, hereby certify that service of the above and foregoing, was
14 made this 16th day of January, 2014, by Electronic Filing to:

15 JEFF MANINGO, DPD
16 e-mail: harrolah@ClarkCountyNV.gov

17 
18 Secretary for the District Attorney's Office
19 Special Victims Unit

20 hjc/SVU



CLERK OF THE COURT

1 PHILIP J. KOHN, PUBLIC DEFENDER
2 NEVADA BAR NO. 0556
3 309 South Third Street, Suite 226
4 Las Vegas, Nevada 89155
(702) 455-4685
Attorney for Defendant

5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,

8 Plaintiff,

9 v.

10 STEVEN DALE FARMER,

11 Defendant.

CASE NO. C245739

DEPT. NO. V

DATE: January 27, 2014
TIME: 9:00 a.m.

12
13 DEFENDANT'S REPLY TO STATE'S MOTION TO USE VIDEOTAPED

14 TESTIMONY OF VICTIM, MARCIA PETERSON AT TRIAL

15 COMES NOW, the Defendant, STEVEN DALE FARMER, by and through
16 JEFFREY S MANINGO, Deputy Public Defender and hereby requests this honorable court to
17 deny State's Motion to Use Videotaped Testimony of Victim, Marcia Peterson at Trial.

18 This Motion is made and based upon all the papers and pleadings on file herein, the
19 attached Declaration of Counsel, and oral argument at the time set for hearing this Motion.

20 DATED this 20th day of January, 2014.

21 PHILIP J. KOHN
22 CLARK COUNTY PUBLIC DEFENDER

23
24 By: /s/ Jeffrey S Maningo
JEFFREY S MANINGO, #8845
25 Deputy Public Defender
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STATEMENT OF FACTS PERTINENT TO THE INSTANT REPLY

Marcia Peterson is the alleged victim in Counts 10 through 15 of the Amended Information. Ms. Peterson suffered from unpredictable/uncontrollable bouts of seizures prior to her death. Due to her health issues, the State moved to take her testimony via video deposition on August 20, 2010. This motion was granted and Ms. Peterson's deposition was taken on January 20, 2012. The deposition was electronically filed with the court. On July 13, 2013, Ms. Peterson committed suicide.

LEGAL ARGUMENT

The Confrontation Clause of the Sixth Amendment requires that in "all criminal prosecutions, the accused shall enjoy the right . . . to be confronted with the witnesses against him." U.S. Const. amend. VI. Face-to-face confrontation has been the historical hallmark of the exercise of this right. The Confrontation Clause serves a "procedural rather than a substantive guarantee. It commands, not that evidence be reliable, but that reliability be assessed in a particular manner: by testing in the crucible of cross-examination. Crawford v. Washington, 541 U.S. 36, 61 (2003). The Sixth Amendment and Crawford are grounded in the principle that the opportunity to cross-examine is the focal point of the right to confront. See Davis v. Alaska, 415 U.S. 308 (1974).

NRS 174.175 states in pertinent part that "[i]f the deposition is taken upon motion of the State, the court shall order that it be taken under such conditions as will afford to each defendant the opportunity to confront the witnesses against him." NRS 174.215 states in pertinent part that "[a]t the trial or upon any hearing, a part or all of a deposition, so far as otherwise admissible under the rules of evidence, may be used if it appears: (a) [t]hat the witness is dead." In the instant matter, the defense was not afforded an adequate opportunity to confront and cross-examine Ms. Peterson at the time of her deposition.

The Nevada Supreme Court in Chavez v. State, 125 Nev. 328 (2009) applies Crawford, supra, to use of a preliminary hearing transcript in the context of an adequate opportunity to cross-examine. While a preliminary hearing and a deposition are different, the principles regarding their use at trial are shared. The Nevada Supreme Court held that "[t]he adequacy of the opportunity to

1 confront will be decided on a case-by-case basis, turning upon the discovery available to the
2 defendant at the time and the manner in which the magistrate judge allows the cross-examination
3 to proceed." Id. at 337. While the specific facts of Chavez warranted the State's use of the
4 preliminary hearing transcript, the instant case is distinguishable. See id. The defense was
5 unaware of the attendant mental health issues which eventually caused Ms. Peterson to take her
6 own life. The deposition was taken due to the potential of a seizure incapacitating Ms. Peterson's
7 ability to recollect and describe. The deposition was not taken in the context Ms. Peterson's
8 impending death. The deposition was taken as a precautionary measure should Ms. Peterson suffer
9 a seizure in front of the jury. (See State's Motion for Videotaped Testimony). Ms. Peterson's
10 mental state at the time of the alleged incident in May of 2008 and during her testimony in January
11 of 2012 is extremely relevant to her credibility, ability to recollect, and to any potential motives to
12 fabricate the allegations against Mr. Farmer. Due to her taking her own life, the defense is now
13 deprived from exploring these areas in front of the trier of fact causing extreme prejudice. Under
14 the specific circumstances of this case, her videotaped testimony ought to be excluded.

15 **CONCLUSION**

16 Therefore, the State's motion ought to be **DENIED**.

17 DATED this 20th day of January, 2014.

18 PHILIP J. KOHN
19 CLARK COUNTY PUBLIC DEFENDER

20 By: /s/ Jeffrey S Maningo
21 JEFFREY S MANINGO, #8845
22 Deputy Public Defender
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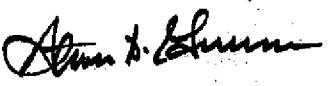
CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of the above and foregoing was made this 20th day of
January, 2014, by Electronic Filing to:

District Attorneys Office
E-Mail Address:
Jaclyn.Motl@ccdavn.com

/s/ Anita H Harrold
Secretary for the Public Defender's Office

1 PHILIP J. KOHN, PUBLIC DEFENDER
2 NEVADA BAR NO. 0536
3 309 South Third Street, Suite 226
4 Las Vegas, Nevada 89155
(702) 455-4685
Attorney for Defendant


CLERK OF THE COURT

5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,

8 Plaintiff,

9 v.

10 STEVEN FARMER,

11 Defendant.

CASE NO. C245739

DEPT. NO. V

DATE: January 27, 2014
TIME: 9:00 a.m.

12
13 **DEFENDANT'S MOTION FOR RECORDATION OF ALL PROCEEDINGS INCLUDING**
14 **BENCH CONFERENCES & CONTINGENT MOTION FOR STAY OF PROCEEDINGS**
15 **IN THE EVENT THE MOTION FOR RECORDATION OF BENCH CONFERENCES IS**
16 **DENIED**

17 COMES NOW, the Defendant, STEVEN FARMER, by and through JEFF
18 MANINGO, Deputy Public Defender and hereby respectfully request this Honorable Court to
19 order the recordation of all proceedings in the trial of this matter. Specifically, the Defendant
20 seeks the recordation of all bench conferences.

21 The Defense also moves, in the event that the motion for the recordation of bench
22 conferences is denied, for a stay of proceedings so that an emergency petition for writ of
23 mandamus may be filed with the Nevada Supreme Court.

24 ...
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28 ...
HEARING REQUIRED
DATE: 1-27-2014
TIME: 9:00 AM

1 This Motion is made and based upon all the papers and pleadings on file herein, the
2 attached Declaration of Counsel, and oral argument at the time set for hearing this Motion.

3 DATED this 17th day of January, 2014.

4 PHILIP J. KOHN
5 CLARK COUNTY PUBLIC DEFENDER

6 By: /s/ Jeff Maningo
7 JEFF MANINGO, #8845
8 Deputy Public Defender
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DECLARATION

JEFF MANINGO makes the following declaration:

1. I am an attorney licensed to practice law in the State of Nevada; I am a deputy public defender representing Steven Farmer in this case; I am familiar with the substantive allegations made by the State and the procedural history of the case.

2. This motion seeks the recordation of all proceedings in this case. In particular, this motion seeks the recordation of all bench conferences.

3. The Nevada Supreme Court consistently admonishes and criticizes defense attorneys, in appellate proceedings, for failing to preserve or make a record. In particular, the Supreme Court has consistently criticized defense attorneys when no transcript of relevant bench conference proceedings has been preserved.

4. Because the District Court is a court of record, and because bench conferences are proceedings that should be recorded because they involve the discussion of matters before the Court which may thereafter be the subject of appellate proceedings, the Defense respectfully requests that all district court proceedings, including bench conferences be recorded during the trial of this matter which is set to commence on February 3, 2014.

5. In the event that the District Court denies the motion for recordation of all matters at trial, including bench conferences, the Defense moves for a stay of proceedings so a petition for a writ of mandamus may be filed with the Nevada Supreme Court.

I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045).

EXECUTED this 17th day of January, 2014.

/s/ Jeff Maningo
JEFF MANINGO

MEMORANDUM OF POINTS AND AUTHORITIES

FACTS

The Defense seeks a ruling that all district court proceedings in this matter, especially any and all bench conferences, be recorded and that transcripts be available of any and all bench conferences should this matter be the subject of an appeal.

ARGUMENT

THE GENERAL RULE IN VIRTUALLY ALL JURISDICTIONS IS THAT TRIAL COURTS COMMIT ERROR WHEN THEY FAIL TO RECORD BENCH CONFERENCES

A trial judge is duty-bound to see that the court reporter makes a true, complete and accurate record of the trial. *American Bar Associations, Standards Relating to the Function of the Trial Judge*, Section 2.5 (1972).

The general rule in virtually all jurisdictions, is that judges commit error when they preside over off-the-record bench conferences. *People v. Freeman*, 34 Cal. Rptr. 2d 249 (1994); *Jones v. Dist Ct*, 780 P.2d 526 (Colo 1989). *Tennessee v. Hammons*, 737 S.W.2d 549 (Tenn Crim. 1987); *Braxton v. U.S.*, 395 A.2d 759 (1978). *New Jersey v. Green*, 129 N.J. Super. 157, 322 A.2d 495 (1974); *Com. v. Iago I*, 77 Mass. App. Ct. 327, 931 N.E. 2d 47 (2010). *Minnesota v. Brown*, 758 N.W. 2d 594 (Minn Ct. App. 2008); *Smith v. Texas*, 114 S.W.3d 66 (Tex. App. 2003).

Appellate courts require the recordation of bench conferences so adequate consideration of the record can occur on appeal. *State v. Hargrave*, 225 Ariz. 1, 16, 234 P.3d 569, 584 (2010).

When a defendant cannot review an important portion of the trial record due to errors caused by others, including the failure to record bench conferences, the interests of justice require that a defendant be afforded a new trial. *Louisiana v. Landry*, 751 So. 2d 214 (La. 1999).

WHILE NEVADA HAS NO SPECIFIC STATUTE REQUIRING RECORDATION OF BENCH CONFERENCES, THE SPIRIT OF NEVADA COURT RULES REQUIRE THE RECORDATION OF ALL COURT PROCEEDINGS, INCLUDING BENCH CONFERENCES

1
2 The Nevada Supreme Court Rules mandate that all proceedings in capital cases be
3 recorded. SCR 250. There is no exception for bench conferences.

4 Furthermore, when an audio or video recording is played to the jury, the words
5 spoken in the audio or video recording shall be recorded and transcribed unless a transcript is
6 provided and made a part of the record. SCR 250(5)(d).

7 The Nevada Supreme Court rules governing fast track criminal appeals anticipate
8 that counsel may order transcripts of court proceedings which counsel "reasonably and in good
9 faith believes are necessary to determine whether appellate issues are present." NRAP 3C. No
10 exception exists for bench conferences.

11 In other appellate proceedings before the Nevada Supreme Court, the burden is on
12 the appealing party to provide transcripts of the proceedings which support the argument of the
13 appellant. "The Supreme Court will not consider issues raised on appeal where a party fails to
14 submit a transcript or statement of proceedings in the lower court even if the party has standing to
15 appeal." *Kockos v. Bank of Nev.* 90 Nev. 140, 520 P.2d 1359 (1974).

16 **THE REQUIREMENT THAT ATTORNEYS PROVIDE COMPETENT**
17 **LEGAL REPRESENTATION REQUIRES THE RECORDATION OF ALL**
18 **PROCEEDINGS, INCLUDING BENCH CONFERENCES**

19 Nevada Supreme Court Rules require that lawyers provide competent
20 representation to clients. Nev. R. Prof. Con. 1.1. Lawyers cannot provide competent
21 representation on appeal before the Nevada Supreme Court unless a full complete record of the
22 District Court proceedings exists. That record must include all proceedings, including bench
23 conferences.

24 **DUE PROCESS REQUIRES THE RECORDATION OF ALL**
25 **PROCEEDINGS, INCLUDING BENCH CONFERENCES**
26

27 The Due Process Clause of the federal and state constitutions requires that trial
28 proceedings and the appeal of the trial proceedings be fair. Fairness cannot occur when the

1 transcripts of the proceedings do not include the objections by defense counsel at bench
2 conferences during trial.

3 **SUMMARY**

4 For all of the reasons noted above, the Defense respectfully requests that this
5 Honorable Court order the recordation of all proceedings, including bench conferences. In the
6 event that this motion is denied, the Defense respectfully moves for a stay of all district court
7 proceedings so a petition for a writ of mandamus may be filed with the Nevada Supreme Court on
8 this matter.

9 DATED this 17th day of January, 2014.

10 PHILIP J. KOHN
11 CLARK COUNTY PUBLIC DEFENDER

12 By: /s/ Jeff Maningo
13 JEFF MANINGO, #8845
14 Deputy Public Defender
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NOTICE OF MOTION

TO: CLARK COUNTY DISTRICT ATTORNEY, Attorney for Plaintiff:

YOU WILL PLEASE TAKE NOTICE that the Public Defender's Office will bring the
above and foregoing Motion on for hearing before the Court on the 27th day of January, 2014, at
9:00 a.m.

DATED this 17th day of January, 2014.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By: /s/ Jeff Maningo
JEFF MANINGO, #8845
Deputy Public Defender

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of the above and foregoing was made this 20th day of
January, 2014, by Electronic Filing to:

District Attorneys Office
E-Mail Address:
Jaclyn.Motl@ccdavn.com

/s/ Anita H Harrold
Secretary for the Public Defender's Office


CLERK OF THE COURT

1 **NOTC**

2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 JACQUELINE BLUTH
6 Deputy District Attorney
7 Nevada Bar #010625
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

12 **DISTRICT COURT**
13 **CLARK COUNTY, NEVADA**

14 THE STATE OF NEVADA,)

15 Plaintiff,)

16 -vs-)

17 STEVEN DALE FARMER,
18 #2679879)

19 Defendant.)

CASE NO: 08C245739

DEPT NO: V

20 **SEVENTH SUPPLEMENTAL NOTICE OF WITNESSES**

21 **AND/OR EXPERT WITNESSES**
22 **[NRS 174.234]**

23 **TO: STEVEN DALE FARMER, Defendant; and**

24 **TO: JEFF MANINGO, DPD, Counsel of Record:**

25 **YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE** that the STATE
26 OF NEVADA intends to call the following witnesses/expert witnesses in its case in chief:

27 *indicates additional witness(es) and/or modifications

28 ANDERSON, DEANN; RAWSON-NEAL PSYCH. HOSPITAL

BAGULEY, DR. BRITTANY; WASHOE COUNTY, Sheriff's Office; Will testify as
an expert in the collection, analysis and identification of DNA evidence.

BAS, JENNIFER or Designee; LVMPD#09944; Will testify as an expert as to the
collection, analysis and identification of DNA evidence, and/or as to the collection, analysis
and identification of DNA evidence in the instant case.

1 BAZMORE, DR. CURTIS; Will testify as to the examination, treatment, observations
2 and diagnosis of the victim in the instant case. Will also testify as to the possible effects of
3 medications on patients.

4 BOMER, AARON; RAWSON-NEAL PSYCH. HOSPITAL

5 BORROMEO, DR. SALVADOR; Will testify as to the examination, treatment,
6 observations and diagnosis of the victim in the instant case. Will also testify as to the
7 possible effects of medications on patients.

8 BROWN, DR. FREDRICK M.; RAWSON-NEAL PSYCH. HOSPITAL; Will testify
9 as to the examination, treatment, observations and diagnosis of the victim in the instant case.

10 BUTLER, CAROL; CENTENNIAL HILLS HOSPITAL; Will testify as an expert as
11 to the proper protocols, procedures and standards in regards to the Certified Nursing
12 Assistant Profession; will testify as an expert as to procedures, processes and protocol of
13 utilizing EKG machines on/with patients.

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

15 CAGNINA, SCOTT; ADDRESS UNKNOWN

16 CASPER, MICHELLE; LVMPD#06549

17 CODY, LORA; LVMPD#07294

18 COLDSMITH, JOHN; CENTENNIAL HILLS HOSPITAL; Will testify as an expert
19 as to the proper protocols, procedures and standards in regards to the Certified Nursing
20 Assistant Profession; will testify as an expert as to procedures, processes and protocol of
21 utilizing EKG machines on/with patients.

22 COR or Designee; AMERICAN NURSING SERVICES

23 COR or Designee; CCDC

24 COR or Designee; CENTENNIAL HILLS HOSPITAL

25 COR or Designee; LVMPD RECORDS

26 COR or Designee; RAWSON-NEAL PSYCH. HOSPITAL

27 COR or Designee; VALLEY HEALTH SYSTEM

28 //

1 DAMAJ, DR. NOUHAD; CENTENIAL HILLS HOSPITAL; Will testify as to the
2 examination, treatment, observations and diagnosis of the victim in the instant case. Will
3 also testify as to the possible effects of medications on patients.

4 DAVIS, KIMBERLY R.N.; CENTENIAL HILLS HOSPITAL; Will testify as to the
5 examination, treatment and observations of the victim in the instant case. Will also testify to
6 proper protocols and procedures when treating patients in a nursing capacity.

7 DOTSON, ADA; UNK

8 DOTY, LUKE; LVMPD#09368

9 EBBERT, LINDA R.N.; S.A.N.E.; Will testify as a medical expert as to the sexual
10 assault examination of the victim in the instant case; and/or as to the nature, process and
11 limitations of sexual assault examinations.

12 EDWARDS, CHRISTEN R.N.; CENTENIAL HILLS HOSPITAL; Will testify as to
13 the examination, treatment and observations of the victim in the instant case. Will also
14 testify to proper protocols and procedures when treating patients in a nursing capacity.

15 EKG SPECIALIST or Designee; CENTENIAL HILLS HOSPITAL; Will testify as an
16 expert as to procedures, processes and protocol of utilizing EKG machines on/with patients.

17 FABERT, CRAIG; CCDA-SVU INVESTIGATIONS

18 GAUTHIER, KELLIE; LVMPD#8691; Will testify as an expert as to the collection,
19 analysis and identification of DNA evidence, and/or as to the collection, analysis and
20 identification of DNA evidence in the instant case.

21 GOODHART, KAREN R.N.; CENTENIAL HILLS HOSPITAL; Will testify as to
22 the examination, treatment and observations of the victim in the instant case. Will also
23 testify to proper protocols and procedures when treating patients in a nursing capacity.

24 HAIDER, DR. HAMID; CENTENIAL HILLS HOSPITAL; Will testify as to the
25 examination, treatment, observations and diagnosis of the victim in the instant case. Will
26 also testify as to the possible effects of medications on patients.

27 HANNA, DENISE ; 7932 OLYMPUS AVE., LVN

28 HANNA, THOMAS; 7932 OLYMPUS AVE., LVN

1 HOUSTON, DR. DARRIN; CENTENIAL HILLS HOSPITAL; Will testify as to the
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3 also testify as to the possible effects of medications on patients.

4 *HYMAN, NEIL; 2441 W. HORIZON RIDGE PARKWAY #120, HND 89052

5 JAMES, JEANINE R.N.; CENTENIAL HILLS HOSPITAL; Will testify as to the
6 examination, treatment and observations of the victim in the instant case. Will also testify to
7 proper protocols and procedures when treating patients in a nursing capacity.

8 JESKIE, EMILY; SORENSON FORENSICS; Will testify as an expert as to the
9 collection, analysis and identification of DNA evidence, and/or as to the collection, analysis
10 and identification of DNA evidence in the instant case.

11 JEX, CRAIG; LVMPD #05597

12 KNEPP, ELAINE; CCDA-SVU INVESTIGATIONS

13 LAJVARD, DR. ALLADIN; CENTENIAL HILLS HOSPITAL; Will testify as to the
14 examination, treatment, observations and diagnosis of the victim in the instant case. Will
15 also testify as to the possible effects of medications on patients.

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

17 LEON, RUTH; CCDA-SVU INVESTIGATIONS

18 MARSCHNER, JULIE; LVMPD#8806; Will testify as an expert as to the collection,
19 analysis and identification of DNA evidence, and/or as to the collection, analysis and
20 identification of DNA evidence in the instant case.

21 MCCORMICK, RAYMOND; 1841 LEONARD, LVN

22 MILFORD, DR. CHRISTOPHER; CENTENIAL HILLS HOSPITAL; Will testify as
23 to the examination, treatment, observations and diagnosis of the victim in the instant case.
24 Will also testify as to the possible effects of medications on patients.

25 MILLER, RONALD; LVMPD#03233

26 MONTERO, JULIE R.N.; CENTENIAL HILLS HOSPITAL; Will testify as to the
27 examination, treatment and observations of the victim in the instant case. Will also testify to
28 proper protocols and procedures when treating patients in a nursing capacity.

1 MUHAMMAD, DR. BHATTI; Will testify as to the examination, treatment,
2 observations and diagnosis of the victim in the instant case. Will also testify as to the
3 possible effects of medications on patients.

4 MURGA, KIM; LVMPD#10140; Will testify as an expert as to the collection,
5 analysis and identification of DNA evidence, and/or as to the collection, analysis and
6 identification of DNA evidence in the instant case.

7 MURRAY, CHRISTINE R.N.; CENTENIAL HILLS HOSPITAL; Will testify as to
8 the examination, treatment and observations of the victim in the instant case. Will also
9 testify to proper protocols and procedures when treating patients in a nursing capacity.

10 PAGAIN, SANDRA R.N.; CENTENIAL HILLS HOSPITAL; Will testify as to the
11 examination, treatment and observations of the victim in the instant case. Will also testify to
12 proper protocols and procedures when treating patients in a nursing capacity.

13 PAULETTE, KRISTINA or Designee; LVMPD#08805; Will testify as an expert as to
14 the collection, analysis and identification of DNA evidence, and/or as to the collection,
15 analysis and identification of DNA evidence in the instant case.

16 PENCE, MISTY; LVMPD#04950

17 PETERSON, MARCIA; c/o CCDA-SVU INVESTIGATIONS

18 PETERSON, MARSHAL; Son of Marcia Peterson

19 PETERSON, MICAH; Son of Marcia Peterson

20 RACKLEY, JULIE R.N.; CENTENIAL HILLS HOSPITAL; Will testify as to the
21 examination, treatment and observations of the victim in the instant case. Will also testify to
22 proper protocols and procedures when treating patients in a nursing capacity.

23 ROBERTSON, PAM R.N.; CENTENIAL HILLS HOSPITAL; Will testify as to the
24 examination, treatment and observations of the victim in the instant case. Will also testify to
25 proper protocols and procedures when treating patients in a nursing capacity.

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

27 SAUNDERS, MICHAEL; LVMPD#06076

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

1 SCHUMACHER, JACKIE R.N.; CENTENIAL HILLS HOSPITAL; Will testify as to
2 the examination, treatment and observations of the victim in the instant case. Will also
3 testify to proper protocols and procedures when treating patients in a nursing capacity.

4 SHUJA, DR. AMIR; CENTENIAL HILLS HOSPITAL; Will testify as to the
5 examination, treatment, observations and diagnosis of the victim in the instant case. Will
6 also testify as to the possible effects of medications on patients.

7 SLAUGHTER, DR. KEVIN; CENTENIAL HILLS HOSPITAL; Will testify as to the
8 examination, treatment, observations and diagnosis of the victim in the instant case. Will
9 also testify as to the possible effects of medications on patients.

10 SMITH, ERNESTINE; UNK

11 SMITH, JEFFERY; LVMPD#08177

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

13 RACKLEY, JULIE R.N.; CENTENIAL HILLS HOSPITAL; Will testify as to the
14 examination, treatment and observations of the victim in the instant case. Will also testify to
15 proper protocols and procedures when treating patients in a nursing capacity.

16 WESCOTT, LORRAINE R.N. or Designee; CENTENIAL HILLS HOSPITAL; Will
17 testify as an expert as to EKG machines and their usage, as well as to the scope of
18 employment and duties of a Certified Nursing Assistant, and hospital procedures and
19 policies.

20 WOLFE, MARGARET R.N.; CENTENIAL HILLS HOSPITAL; Will testify as to
21 the examination, treatment and observations of the victim in the instant case. Will also
22 testify to proper protocols and procedures when treating patients in a nursing capacity.

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1 These witnesses are in addition to those witnesses endorsed on the Information and
2 any other witness for which a separate Notice has been filed. The substance of each expert
3 witness testimony and copy of all reports made by or at the direction of the expert witness
4 has been provided in discovery.

5 A copy of each expert witness curriculum vitae, if available, is attached hereto.

6 STEVEN B. WOLFSON
7 DISTRICT ATTORNEY
8 Nevada Bar #001565

9 BY 
10 JACQUELINE BLUTH
11 Deputy District Attorney
12 Nevada Bar #010625

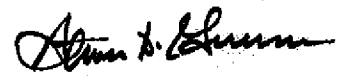
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19 **CERTIFICATE OF ELECTRONIC FILING**

20 I, HOWARD CONRAD, hereby certify that service of the above and foregoing, was
21 made this 23rd day of January, 2014, by Electronic Filing to:

22 JEFF MANINGO, DPD
23 e-mail: harrolah@ClarkCountyNV.gov

24 
25 Secretary for the District Attorney's Office

26
27
28 hjc/SVU


CLERK OF THE COURT

NOTC
PHILIP J. KOHN, PUBLIC DEFENDER
NEVADA BAR NO. 0556
309 South Third Street, Suite #226
Las Vegas, Nevada 89155
(702) 455-4685
Attorney for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

v.

STEVEN DALE FARMER,

Defendant.

CASE NO. C245739

DEPT. NO. V

DEFENDANT'S SECOND NOTICE OF WITNESSES, PURSUANT TO NRS 174.234

TO: CLARK COUNTY DISTRICT ATTORNEY:

You, and each of you, will please take notice that the Defendant, STEVEN DALE FARMER, intends to call, in addition to any witnesses noticed by the State and witnesses previously noticed by the defense, the following witnesses in his case in chief:

Neal Hyman, Esq. 2441 W. Horizon Ridge Parkway, Suite 120, Henderson, NV

Robert Murdoch, Esq. 520 S. 4th Street, 2nd Floor, Las Vegas, NV

DATED this 27th day of January, 2014.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By: /s/ Jeffrey S Maningo
JEFFREY S MANINGO, #8845
Deputy Public Defender

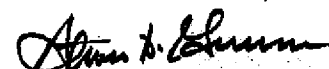
CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of the above and foregoing was made this 27th day of
January, 2014, by Electronic Filing to:

District Attorneys Office
E-Mail Address:
Jaclyn.Motl@ccdany.com

/s/ Anita H Harrold
Secretary for the Public Defender's Office

Case Name: Steven Dale Farmer
Case No.: C245739
Dept. No.: V



CLERK OF THE COURT

1 **NOTC**
2 **STEVEN B. WOLFSON**
3 **Clark County District Attorney**
4 **Nevada Bar #001565**
5 **JACQUELINE BLUTH**
6 **Deputy District Attorney**
7 **Nevada Bar #010625**
8 **200 Lewis Avenue**
9 **Las Vegas, Nevada 89155-2212**
10 **(702) 671-2500**
11 **Attorney for Plaintiff**

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

9 **THE STATE OF NEVADA,**

10 **Plaintiff,**

11 **-vs-**

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

14 **Defendant.**

CASE NO: 08C245739

DEPT NO: V

15 **EIGHTH SUPPLEMENTAL NOTICE OF WITNESSES**

16 **AND/OR EXPERT WITNESSES**
17 **[NRS 174.234]**

18 **TO: STEVEN DALE FARMER, Defendant; and**

19 **TO: JEFF MANINGO, DPD, Counsel of Record:**

20 **YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE** that the STATE
21 **OF NEVADA** intends to call the following witnesses/expert witnesses in its case in chief:

22 ***indicates additional witness(es) and/or modifications**

23 **ANDERSON, DEANN; RAWSON-NEAL PSYCH. HOSPITAL**

24 **BAGULEY, DR. BRITTANY; WASHOE COUNTY, Sheriff's Office; Will testify as**
25 **an expert in the collection, analysis and identification of DNA evidence.**

26 **BAS, JENNIFER or Designee; LVMPD#09944; Will testify as an expert as to the**
27 **collection, analysis and identification of DNA evidence, and/or as to the collection, analysis**
28 **and identification of DNA evidence in the instant case.**

1 BAZMORE, DR. CURTIS; Will testify as to the examination, treatment, observations
2 and diagnosis of the victim in the instant case. Will also testify as to the possible effects of
3 medications on patients.

4 BOMER, AARON; RAWSON-NEAL PSYCH. HOSPITAL

5 BORROMEO, DR. SALVADOR; Will testify as to the examination, treatment,
6 observations and diagnosis of the victim in the instant case. Will also testify as to the
7 possible effects of medications on patients.

8 BROWN, DR. FREDRICK M.; RAWSON-NEAL PSYCH. HOSPITAL; Will testify
9 as to the examination, treatment, observations and diagnosis of the victim in the instant case.

10 BUTLER, CAROL; CENTENNIAL HILLS HOSPITAL; Will testify as an expert as
11 to the proper protocols, procedures and standards in regards to the Certified Nursing
12 Assistant Profession; will testify as an expert as to procedures, processes and protocol of
13 utilizing EKG machines on/with patients.

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

15 CAGNINA, SCOTT; ADDRESS UNKNOWN

16 CASPER, MICHELLE; LVMPD#06549

17 CODY, LORA; LVMPD#07294

18 COLDSMITH, JOHN; CENTENNIAL HILLS HOSPITAL; Will testify as an expert
19 as to the proper protocols, procedures and standards in regards to the Certified Nursing
20 Assistant Profession; will testify as an expert as to procedures, processes and protocol of
21 utilizing EKG machines on/with patients.

22 COR or Designee; AMERICAN NURSING SERVICES

23 COR or Designee; CCDC

24 COR or Designee; CENTENNIAL HILLS HOSPITAL

25 COR or Designee; LVMPD RECORDS

26 COR or Designee; RAWSON-NEAL PSYCH. HOSPITAL

27 COR or Designee; VALLEY HEALTH SYSTEM

28 //

1 DAMAJ, DR. NOUHAD; CENTENIAL HILLS HOSPITAL; Will testify as to the
2 examination, treatment, observations and diagnosis of the victim in the instant case. Will
3 also testify as to the possible effects of medications on patients.

4 DAVIS, KIMBERLY R.N.; CENTENIAL HILLS HOSPITAL; Will testify as to the
5 examination, treatment and observations of the victim in the instant case. Will also testify to
6 proper protocols and procedures when treating patients in a nursing capacity.

7 DOTSON, ADA; UNK

8 DOTY, LUKE; LVMPD#09368

9 EBBERT, LINDA R.N.; S.A.N.E.; Will testify as a medical expert as to the sexual
10 assault examination of the victim in the instant case; and/or as to the nature, process and
11 limitations of sexual assault examinations.

12 EDWARDS, CHRISTEN R.N.; CENTENIAL HILLS HOSPITAL; Will testify as to
13 the examination, treatment and observations of the victim in the instant case. Will also
14 testify to proper protocols and procedures when treating patients in a nursing capacity.

15 EKG SPECIALIST or Designee; CENTENIAL HILLS HOSPITAL; Will testify as an
16 expert as to procedures, processes and protocol of utilizing EKG machines on/with patients.

17 FABERT, CRAIG; CCDA-SVU INVESTIGATIONS

18 GAUTHIER, KELLIE; LVMPD#8691; Will testify as an expert as to the collection,
19 analysis and identification of DNA evidence, and/or as to the collection, analysis and
20 identification of DNA evidence in the instant case.

21 GOODHART, KAREN R.N.; CENTENIAL HILLS HOSPITAL; Will testify as to
22 the examination, treatment and observations of the victim in the instant case. Will also
23 testify to proper protocols and procedures when treating patients in a nursing capacity.

24 HAIDER, DR. HAMID; CENTENIAL HILLS HOSPITAL; Will testify as to the
25 examination, treatment, observations and diagnosis of the victim in the instant case. Will
26 also testify as to the possible effects of medications on patients.

27 HANNA, DENISE ; 7932 OLYMPUS AVE., LVN

28 HANNA, THOMAS; 7932 OLYMPUS AVE., LVN

1 HOUSTON, DR. DARRIN; CENTENIAL HILLS HOSPITAL; Will testify as to the
2 examination, treatment, observations and diagnosis of the victim in the instant case. Will
3 also testify as to the possible effects of medications on patients.

4 HYMAN, NEIL; 2441 W. HORIZON RIDGE PARKWAY #120, HND 89052

5 JAMES, JEANINE R.N.; CENTENIAL HILLS HOSPITAL; Will testify as to the
6 examination, treatment and observations of the victim in the instant case. Will also testify to
7 proper protocols and procedures when treating patients in a nursing capacity.

8 JESKIE, EMILY; SORENSON FORENSICS; Will testify as an expert as to the
9 collection, analysis and identification of DNA evidence, and/or as to the collection, analysis
10 and identification of DNA evidence in the instant case.

11 JEX, CRAIG; LVMPD #05597

12 KNEPP, ELAINE; CCDA-SVU INVESTIGATIONS

13 LAJVARD, DR. ALLADIN; CENTENIAL HILLS HOSPITAL; Will testify as to the
14 examination, treatment, observations and diagnosis of the victim in the instant case. Will
15 also testify as to the possible effects of medications on patients.

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

17 LEON, RUTH; CCDA-SVU INVESTIGATIONS

18 MARSCHNER, JULIE; LVMPD#8806; Will testify as an expert as to the collection,
19 analysis and identification of DNA evidence, and/or as to the collection, analysis and
20 identification of DNA evidence in the instant case.

21 MCCORMICK, RAYMOND; 1841 LEONARD, LVN

22 MILFORD, DR. CHRISTOPHER; CENTENIAL HILLS HOSPITAL; Will testify as
23 to the examination, treatment, observations and diagnosis of the victim in the instant case.
24 Will also testify as to the possible effects of medications on patients.

25 MILLER, RONALD; LVMPD#03233

26 MONTERO, JULIE R.N.; CENTENIAL HILLS HOSPITAL; Will testify as to the
27 examination, treatment and observations of the victim in the instant case. Will also testify to
28 proper protocols and procedures when treating patients in a nursing capacity.

1 MUHAMMAD, DR. BHATTI; Will testify as to the examination, treatment,
2 observations and diagnosis of the victim in the instant case. Will also testify as to the
3 possible effects of medications on patients.

4 MURGA, KIM; LVMPD#10140; Will testify as an expert as to the collection,
5 analysis and identification of DNA evidence, and/or as to the collection, analysis and
6 identification of DNA evidence in the instant case.

7 MURRAY, CHRISTINE R.N.; CENTENIAL HILLS HOSPITAL; Will testify as to
8 the examination, treatment and observations of the victim in the instant case. Will also
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16 PENCE, MISTY; LVMPD#04950

17 PETERSON, MARCIA; c/o CCDA-SVU INVESTIGATIONS

18 PETERSON, MARSHAL; Son of Marcia Peterson

19 PETERSON, MICAH; Son of Marcia Peterson

20 RACKLEY, JULIE R.N.; CENTENIAL HILLS HOSPITAL; Will testify as to the
21 examination, treatment and observations of the victim in the instant case. Will also testify to
22 proper protocols and procedures when treating patients in a nursing capacity.

23 ROBERTSON, PAM R.N.; CENTENIAL HILLS HOSPITAL; Will testify as to the
24 examination, treatment and observations of the victim in the instant case. Will also testify to
25 proper protocols and procedures when treating patients in a nursing capacity.

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

27 SAUNDERS, MICHAEL; LVMPD#06076

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

1 SCHUMACHER, JACKIE R.N.; CENTENIAL HILLS HOSPITAL; Will testify as to
2 the examination, treatment and observations of the victim in the instant case. Will also
3 testify to proper protocols and procedures when treating patients in a nursing capacity.

4 SHUJA, DR. AMIR; CENTENIAL HILLS HOSPITAL; Will testify as to the
5 examination, treatment, observations and diagnosis of the victim in the instant case. Will
6 also testify as to the possible effects of medications on patients.

7 *SIMMONS, MELISSA; AMERICAN NURSING AGENCY

8 SLAUGHTER, DR. KEVIN; CENTENIAL HILLS HOSPITAL; Will testify as to the
9 examination, treatment, observations and diagnosis of the victim in the instant case. Will
10 also testify as to the possible effects of medications on patients.

11 SMITH, ERNESTINE; UNK

12 SMITH, JEFFERY; LVMPD#08177

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

14 RACKLEY, JULIE R.N.; CENTENIAL HILLS HOSPITAL; Will testify as to the
15 examination, treatment and observations of the victim in the instant case. Will also testify to
16 proper protocols and procedures when treating patients in a nursing capacity.

17 WESCOTT, LORRAINE R.N. or Designee; CENTENIAL HILLS HOSPITAL; Will
18 testify as an expert as to EKG machines and their usage, as well as to the scope of
19 employment and duties of a Certified Nursing Assistant, and hospital procedures and
20 policies.

21 WOLFE, MARGARET R.N.; CENTENIAL HILLS HOSPITAL; Will testify as to
22 the examination, treatment and observations of the victim in the instant case. Will also
23 testify to proper protocols and procedures when treating patients in a nursing capacity.

24 //

25 //

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1 These witnesses are in addition to those witnesses endorsed on the Information and
2 any other witness for which a separate Notice has been filed. The substance of each expert
3 witness testimony and copy of all reports made by or at the direction of the expert witness
4 has been provided in discovery.

5 A copy of each expert witness curriculum vitae, if available, is attached hereto.

6 STEVEN B. WOLFSON
7 DISTRICT ATTORNEY
8 Nevada Bar #001565

9 BY 
10 JACQUELINE BLUTH
11 Deputy District Attorney
12 Nevada Bar #010625

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18
19 **CERTIFICATE OF ELECTRONIC FILING**

20 I, HOWARD CONRAD, hereby certify that service of the above and foregoing, was
21 made this 27th day of January, 2014, by Electronic Filing to:

22 JEFF MANINGO, DPD
23 e-mail: harrolah@ClarkCountyNV.gov

24 
25 Secretary for the District Attorney's Office

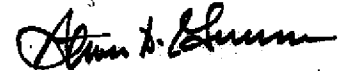
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28 hjc/SVU

ORIGINAL

NOTC

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
BRIAN KOCHVAR
Chief Deputy District Attorney
Nevada Bar #005691
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

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CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

STEVEN DALE FARMER,
#2679879
Defendant.

CASE NO: 08C245739

DEPT NO: V

**NOTICE OF MOTION AND MOTION MOTION IN LIMINE TO LIMIT CROSS
EXAMINATION OF ROXANNE AND SCOTT CAGNINA
ON AN ORDER SHORTENING TIME**

DATE OF HEARING: FEBRUARY 3, 2014
TIME OF HEARING: 1:30 P.M.

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through BRIAN KOCHVAR, Chief Deputy District Attorney, and files this Notice of Motion and Motion in Limine to Limit Cross Examination of Roxanne and Scott Cagnina on an Order Shortening Time.

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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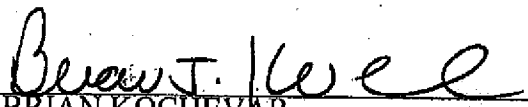
NOTICE OF HEARING

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the undersigned will bring the foregoing motion on for setting before the above entitled Court, in Department V thereof, on MONDAY, the 3rd day of FEBRUARY, 2014, at the hour of 1:30 o'clock P.M., or as soon thereafter as counsel may be heard.

DATED this 24th day of January, 2014.

STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565

BY



BRIAN KOHEVAR
Chief Deputy District Attorney
Nevada Bar #005691

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DISTRICT JUDGE

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This matter is currently set for trial on February 3, 2014, and the State brings this motion for the purposes of addressing the admissibility of certain areas of cross examination of victim Roxanne Cagnina and her ex-husband Scott Cagnina.

Victim Roxanne Cagnina and her ex-husband, Scott Cagnina, will testify during the upcoming jury trial regarding the sexual assault committed by Defendant against Roxanne Cagnina on or about May 16, 2008 at Centennial Hills Hospital. It is the State's belief that defense counsel may attempt to cross examine Roxanne and/or Scott Cagnina regarding issues that the State believes are not relevant. Per NRS 48.025, evidence which is not relevant is not admissible. The determination regarding whether evidence is relevant lies within the sound discretion of this Court. *Crowley v. State*, 120 Nev. 30, 34, 83 P.3d 282 (2004). Consequently, the State is requesting this Court make a pretrial determination regarding the relevancy of the following areas of cross examination of victim Roxanne Cagnina and Scott Cagnina:

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1 **CONCLUSION**

2 Based upon NRS 48.045, the State respectfully requests that this Honorable Court
3 grant the instant Motion in Limine to Limit Cross Examination of Roxanne and Scott
4 Cagnina.

5 DATED this 24th day of January, 2014.

6 STEVEN B. WOLFSON
7 Clark County District Attorney
8 Nevada Bar #001565

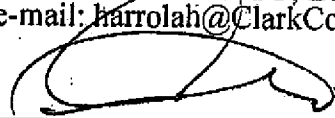
9 BY


10 BRIAN KOHEVAR
11 Chief Deputy District Attorney
12 Nevada Bar #005691
13
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19 **CERTIFICATE OF ELECTRONIC FILING**

20 I, HOWARD CONRAD, hereby certify that service of the above and foregoing, was
21 made this 27th day of January, 2014, by Electronic Filing to:

22 JEFFERY MANINGO, DPD
23 e-mail: harrolah@ClarkCountyNV.gov

24 
25 Secretary for the District Attorney's Office
26 Special Victims Unit
27
28

hjc/SVU

012211

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

FEB 24 2015

BY: *Denise Trujillo*
DENISE TRUJILLO, DEPUTY

AINF
DAVID ROGER
Clark County District Attorney
Nevada Bar #002781
BRIAN KOCHVAR
Deputy District Attorney
Nevada Bar #005691
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: 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,

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//

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


20 BRIAN KOCHEVAR
21 Deputy District Attorney
22 Nevada Bar #005691
23
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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;
0805302056; 0505311717;
28 0805311315; 0806042539
(TK8)

3:40 PM
FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

FEB 28 2014

BY Denise Trujillo
DENISE TRUJILLO, DEPUTY

1 INST

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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,
8 Plaintiff,

CASE NO: 08C245739

9 -vs-

DEPT NO: V

10 STEVEN DALE FARMER,
11 Defendant.

12
13 INSTRUCTIONS TO THE JURY (INSTRUCTION NO. 1)

14 MEMBERS OF THE JURY:

15 It is now my duty as judge to instruct you in the law that applies to this case. It is
16 your duty as jurors to follow these instructions and to apply the rules of law to the facts as
17 you find them from the evidence.

18 You must not be concerned with the wisdom of any rule of law stated in these
19 instructions. Regardless of any opinion you may have as to what the law ought to be, it
20 would be a violation of your oath to base a verdict upon any other view of the law than that
21 given in the instructions of the Court.
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INSTRUCTION NO. 2

If, in these instructions, any rule, direction or idea is repeated or stated in different ways, no emphasis thereon is intended by me and none may be inferred by you. For that reason, you are not to single out any certain sentence or any individual point or instruction and ignore the others, but you are to consider all the instructions as a whole and regard each in the light of all the others.

The order in which the instructions are given has no significance as to their relative importance.

An information is but a formal method of accusing a person of a crime and is not of itself any evidence of his guilt.

In this case, it is charged in an information that on 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, said Defendant

COUNT 1 - OPEN OR GROSS LEWDNESS

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

COUNT 2 - OPEN OR GROSS LEWDNESS

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

COUNT 3 - INDECENT EXPOSURE

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

COUNT 4 - OPEN OR GROSS LEWDNESS

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

COUNT 5 - SEXUAL ASSAULT

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

1 against her will.

2 COUNT 6 - SEXUAL ASSAULT

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

7 COUNT 7 - SEXUAL ASSAULT

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

12 COUNT 8 - OPEN OR GROSS LEWDNESS

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

15 COUNT 9 - OPEN OR GROSS LEWDNESS

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

18 COUNT 10 - SEXUAL ASSAULT

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

25 COUNT 11 - OPEN OR GROSS LEWDNESS

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

1 COUNT 12 - SEXUAL ASSAULT

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

8 COUNT 13 - OPEN OR GROSS LEWDNESS

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

12 COUNT 14 - OPEN OR GROSS LEWDNESS

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

16 COUNT 15 - INDECENT EXPOSURE

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

21 It is the duty of the jury to apply the rules of law contained in these instructions to the
22 facts of the case and determine whether or not the Defendant is guilty of the offenses
23 charged.

24 Each charge and the evidence pertaining to it should be considered separately. The
25 fact that you may find a defendant guilty or not guilty as to one of the offenses charged
26 should not control your verdict as to any other Defendant offense charged.

Open or Gross Lewdness is defined as any indecent, obscene or vulgar act of a sexual nature that:

1. is intentionally committed in a public place, even if the act is not observed; or
2. is committed in a private place, but in an open manner, as opposed to a secret manner, and with the intent to be offensive to the observer.

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2 With reference to the crime of Open and Gross Lewdness, you are instructed that the
3 word "open" is used to modify the term "lewdness". As such, it includes acts which are
4 committed in a public place, and acts in a private place which are nevertheless committed in
5 an "open" as opposed to a "secret" manner.

6 The term "gross" is defined as being indecent, obscene or vulgar.

7 The term "lewdness" is defined as any act of a sexual nature which the actor knows is
8 likely to be observed by the victim who would be affronted by the act.

It is not necessary that the State prove the offense of lewdness be committed in a public place. It is sufficient if the act be committed in an "open" fashion.

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INSTRUCTION NO. 7

Every person who willfully commits any lewd or lascivious act upon the body of another person in an offensive manner is guilty of the crime of Open and Gross Lewdness.

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INSTRUCTION NO. 8

Every person who makes any open and indecent or obscene exposure of his person, or of the person of another, is guilty of indecent exposure.

INSTRUCTION NO. 9

The well-settled and generally known significance of the phrase "indecent and obscene exposure of the person" is the exhibition of the genitals or anus.

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A person who subjects another person to sexual penetration, against the victim's will, or under conditions in which the perpetrator knows or should know that the victim is mentally or physically incapable of resisting or understanding the nature of his/her conduct, is guilty of sexual assault.

"Sexual penetration" means cunnilingus, fellatio, or any intrusion, however slight, of any part of a person's body or any object manipulated or inserted by a person into the genital or anal openings of the body of another, including sexual intercourse in its ordinary meaning. Evidence of ejaculation is not necessary.

Digital penetration is the placing of one or more fingers of the perpetrator into the genital or anal opening of another person.

Cunnilingus is a touching of the female sexual organ by the mouth or tongue of another person.

Fellatio is a touching of the penis by the mouth or tongue of another person.

Sexual intercourse is the intrusion, however slight, of the penis into the genital opening of another person.

Anal intercourse is the intrusion, however slight, of the penis into the anal opening of another person.

INSTRUCTION NO. 11

Physical force is not necessary in the commission of sexual assault. The crucial question is not whether a person was physically forced to engage in a sexual assault but whether the act was committed without his/her consent or under conditions in which the defendant knew or should have known, the person was incapable of giving his/her consent or understanding the nature of the act. There is no consent where a person is induced to submit to the sexual act through fear of death or serious bodily injury.

INSTRUCTION NO. 12

There is no requirement that the testimony of a victim of sexual assault be corroborated, and his/her testimony standing alone, if believed beyond a reasonable doubt, is sufficient to sustain a verdict of guilty.

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A person is not required to do more than his/her age, strength, surrounding facts and attending circumstances make it reasonable for him/her to do to manifest opposition to a sexual assault.

INSTRUCTION NO. 14

Submission is not the equivalent of consent. While consent inevitably involves submission, submission does not inevitably involve consent. Lack of protest by a victim is simply one among the totality of circumstances to be considered by the jury.

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2 To constitute the crime charged, there must exist a union or joint operation of an act
3 forbidden by law and an intent to do the act.

4 The intent with which an act is done is shown by the facts and circumstances
5 surrounding the case.

6 Do not confuse intent with motive. Motive is what prompts a person to act. Intent
7 refers only to the state of mind with which the act is done.

8 Motive is not an element of the crime charged and the State is not required to prove a
9 motive on the part of the Defendant in order to convict. However, you may consider
10 evidence of motive or lack of motive as a circumstance in the case.
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2 The Defendant is presumed innocent until the contrary is proved. This presumption
3 places upon the State the burden of proving beyond a reasonable doubt every material
4 element of the crime charged and that the Defendant is the person who committed the
5 offense.

6 A reasonable doubt is one based on reason. It is not mere possible doubt but is such a
7 doubt as would govern or control a person in the more weighty affairs of life. If the minds of
8 the jurors, after the entire comparison and consideration of all the evidence, are in such a
9 condition that they can say they feel an abiding conviction of the truth of the charge, there is
10 not a reasonable doubt. Doubt to be reasonable must be actual, not mere possibility or
11 speculation.

12 If you have a reasonable doubt as to the guilt of the Defendant, he is entitled to a
13 verdict of not guilty.
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1 The fact that a Defendant does not flee after he is accused of a crime is not
2 sufficient in itself to establish that he is not guilty, but is a fact which if believed may be
3 considered by you in light of all other proved facts in deciding the question of whether he
4 is guilty or not guilty.
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2 You are here to determine the guilt or innocence of the Defendant from the evidence
3 in the case. You are not called upon to return a verdict as to the guilt or innocence of any
4 other person. So, if the evidence in the case convinces you beyond a reasonable doubt of the
5 guilt of the Defendant, you should so find, even though you may believe one or more
6 persons are also guilty.

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The evidence which you are to consider in this case consists of the testimony of the witnesses, the exhibits, and any facts admitted or agreed to by counsel.

There are two types of evidence; direct and circumstantial. Direct evidence is the testimony of a person who claims to have personal knowledge of the commission of the crime which has been charged, such as an eyewitness. Circumstantial evidence is the proof of a chain of facts and circumstances which tend to show whether the Defendant is guilty or not guilty. The law makes no distinction between the weight to be given either direct or circumstantial evidence. Therefore, all of the evidence in the case, including the circumstantial evidence, should be considered by you in arriving at your verdict.

Statements, arguments and opinions of counsel are not evidence in the case. However, if the attorneys stipulate to the existence of a fact, you must accept the stipulation as evidence and regard that fact as proved.

You must not speculate to be true any insinuations suggested by a question asked a witness. A question is not evidence and may be considered only as it supplies meaning to the answer.

You must disregard any evidence to which an objection was sustained by the court and any evidence ordered stricken by the court.

Anything you may have seen or heard outside the courtroom is not evidence and must also be disregarded.

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The credibility or believability of a witness should be determined by his manner upon the stand, his relationship to the parties, his fears, motives, interests or feelings, his opportunity to have observed the matter to which he testified, the reasonableness of his statements and the strength or weakness of his recollections.

If you believe that a witness has lied about any material fact in the case, you may disregard the entire testimony of that witness or any portion of his testimony which is not proved by other evidence.

INSTRUCTION NO. 21

A witness who has special knowledge, skill, experience, training or education in a particular science, profession or occupation is an expert witness. An expert witness may give his opinion as to any matter in which he is skilled.

You should consider such expert opinion and weigh the reasons, if any, given for it. You are not bound, however, by such an opinion. Give it the weight to which you deem it entitled, whether that be great or slight, and you may reject it, if, in your judgment, the reasons given for it are unsound.

INSTRUCTION NO. 22

It is a constitutional right of a defendant in a criminal trial that he may not be compelled to testify. Thus, the decision as to whether he should testify is left to the Defendant on the advice and counsel of his attorney. You must not draw any inference of guilt from the fact that he does not testify, nor should this fact be discussed by you or enter into your deliberations in any way.

INSTRUCTION NO. 23

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The fact that a witness had been convicted of a felony, if such be a fact, may be considered by you only for the purpose of determining the credibility of that witness. The fact of such a conviction does not necessarily destroy or impair the witness' credibility. It is one of the circumstances that you may take into consideration in weighing the testimony of such a witness.

1
2 Although you are to consider only the evidence in the case in reaching a verdict, you
3 must bring to the consideration of the evidence your everyday common sense and judgment
4 as reasonable men and women. Thus, you are not limited solely to what you see and hear as
5 the witnesses testify. You may draw reasonable inferences from the evidence which you feel
6 are justified in the light of common experience, keeping in mind that such inferences should
7 not be based on speculation or guess.

8 A verdict may never be influenced by sympathy, prejudice or public opinion. Your
9 decision should be the product of sincere judgment and sound discretion in accordance with
10 these rules of law.
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INSTRUCTION NO. 25

In your deliberation you may not discuss or consider the subject of punishment, as that is a matter which lies solely with the court. Your duty is confined to the determination of the guilt or innocence of the Defendant.

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When you retire to consider your verdict, you must select one of your number to act as foreperson who will preside over your deliberation and will be your spokesperson here in court.

During your deliberation, you will have all the exhibits which were admitted into evidence, these written instructions and forms of verdict which have been prepared for your convenience.

Your verdict must be unanimous. As soon as you have agreed upon a verdict, have it signed and dated by your foreperson and then return with it to this room.

1
2 If, during your deliberation, you should desire to be further informed on any point of
3 law or hear again portions of the testimony, you must reduce your request to writing signed
4 by the foreperson. The officer will then return you to court where the information sought
5 will be given you in the presence of, and after notice to, the district attorney and the
6 Defendant and his/her counsel.

7 Playbacks of testimony are time-consuming and are not encouraged unless you deem
8 it a necessity. Should you require a playback, you must carefully describe the testimony to
9 be played back so that the court recorder can arrange his/her notes. Remember, the court is
10 not at liberty to supplement the evidence.

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INSTRUCTION NO. 28

Now you will listen to the arguments of counsel who will endeavor to aid you to reach a proper verdict by refreshing in your minds the evidence and by showing the application thereof to the law; but, whatever counsel may say, you will bear in mind that it is your duty to be governed in your deliberation by the evidence as you understand it and remember it to be and by the law as given to you in these instructions, with the sole, fixed and steadfast purpose of doing equal and exact justice between the Defendant and the State of Nevada.

GIVEN:


DISTRICT JUDGE

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.

11
12
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 4** - OPEN OR GROSS LEWDNESS (DENISE HANNA)

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

3 ☒ Guilty of OPEN OR GROSS LEWDNESS

4 ☐ Not Guilty

5 **COUNT 5** - SEXUAL ASSAULT (ROXANNE CAGNINA, DIGITAL)

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

7 ☒ Guilty of SEXUAL ASSAULT

8 ☐ Not Guilty

9 **COUNT 6** - SEXUAL ASSAULT (ROXANNE CAGNINA, DIGITAL)

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

11 ☒ Guilty of SEXUAL ASSAULT

12 ☐ Not Guilty

13 **COUNT 7** - SEXUAL ASSAULT (ROXANNE CAGNINA, CUNNILINGUS)

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

15 ☐ Guilty of SEXUAL ASSAULT

16 ☒ Not Guilty

17 **COUNT 8** - OPEN OR GROSS LEWDNESS (ROXANNE CAGNINA, THIGH)

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

19 ☒ Guilty of OPEN OR GROSS LEWDNESS

20 ☐ Not Guilty

21 **COUNT 9** - OPEN OR GROSS LEWDNESS (ROXANNE CAGNINA, BREAST)

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

23 ☒ Guilty of OPEN OR GROSS LEWDNESS

24 ☐ Not Guilty

25 **COUNT 10** - SEXUAL ASSAULT (MARCIA PETERSEN, ANAL)

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

27 ☒ Guilty of SEXUAL ASSAULT

28 ☐ Not Guilty

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

(please check the appropriate box, select only one)

☒ Guilty of OPEN OR GROSS LEWDNESS

☒ Not Guilty *P. &*

COUNT 12 - SEXUAL ASSAULT (MARCIA PETERSEN, VAGINAL)

(please check the appropriate box, select only one)

☒ Guilty of SEXUAL ASSAULT

☐ Not Guilty

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

(please check the appropriate box, select only one)

☒ Guilty of OPEN OR GROSS LEWDNESS

☐ Not Guilty

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

(please check the appropriate box, select only one)

☒ Guilty of OPEN OR GROSS LEWDNESS

☐ Not Guilty

COUNT 15 - INDECENT EXPOSURE (MARCIA PETERSEN)

(please check the appropriate box, select only one)

☒ Guilty of INDECENT EXPOSURE

☐ Not Guilty

DATED this 28 day of February, 2014


FOREPERSON

JAMES R. ROBBINS

FILED

APR 10 2014

John J. Williams
CLERK OF COURT

PINU

DISTRICT COURT
CLARK COUNTY, NEVADA
* * * *

THE STATE OF NEVADA VS
STEVEN D FARMER

CASE NO.: 08C245739

DEPARTMENT 5

DEFENDANT'S PROPOSED JURY INSTRUCTIONS NOT USED AT TRIAL

Attached hereto are the proposed jury instructions which were offered to the Court, but not submitted to the jury in the above entitled action.

DATED: This 10th day of April, 2014.

STEVEN D. GRIERSON, CEO/Clerk of the Court

By: *Denise Trujillo*
Denise Trujillo, Deputy Clerk of the Court

INSTRUCTION NO. _____

If evidence is susceptible to two constructions or interpretations, each of which appears to you to be reasonable, and one of which points to the guilt of the defendant, and the other to his innocence, it is your duty, under the law, to adopt that interpretation which will admit of the defendants' innocence, and reject that which points to their guilt.²

*Instructions proposed
by Defendant but
not given.*

Curly Brown

² Crane v. State, 88 Nev. 684 (1972)

INSTRUCTION NO. _____

The term lewdness, as it applies to the crime of Open and Gross Lewdness, means obscene, indecent, tending to moral impurity or wantonness, preoccupied with sex and sexual desire, or lustful.¹

¹ Berry v. State, 125 Nev. 265, 281-282 (2009).

The credibility or believability of a witness should be determined by anything that reasonably tends to prove or disprove the truth or accuracy of that testimony. Among the factors that you may consider are the witness's ability to see, hear, or otherwise perceive the things about which the witness testified; the witness's ability to remember and describe what happened; the witness's behavior while testifying; whether the witness understood the questions and answered them directly; whether the witness's testimony was influenced by a factor such as bias or prejudice, a personal relationship with someone involved in the case, or a personal interest in how the case is decided; the witness's attitude about the case or testifying; whether the witness made a statement in the past that is consistent or inconsistent with his or her testimony; whether the witness's testimony was reasonable when considering all the other evidence in the case; whether other evidence proved or disproved any fact about which the witness testified; whether the witness admitted to being untruthful; the witness's character for truthfulness; whether the witness has been convicted of a felony; whether the witness engaged in conduct that reflects on his or her believability; and was the witness promised immunity or leniency in exchange for his or her testimony.

If you do not believe a witness's testimony that he or she no longer remembers something, that testimony is inconsistent with the witness's earlier statement on that subject.

If you believe that a witness has lied about any material fact in the case, you may disregard the entire testimony of that witness or any portion of his testimony which is not proved by other evidence.³

³ CALCRIM 105

INSTRUCTION NO. _____

In determining the credibility of a witness you are not to consider any purported changes in their behavior in the weeks, months, and years after the alleged incident. For example, testimony concerning post allegation suicide attempts, depression, or turns to alcoholism shall not be considered by you in your deliberations as these purported changes in behavior are irrelevant in assessing a witnesses credibility or in determining whether the defendant committed the crimes charged.⁶

⁶ NRS 48.025. NRS 48.015: Evidence is only relevant if it has a tendency to "make the existence of any fact that *is of consequence to the determination of the action* more or less probable than it would be without the evidence" (emphasis added).

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FILED

APR 10 2014

Ann L. Quinn
CLERK OF COURT

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

9 THE STATE OF NEVADA VS
10 STEVEN D FARMER

CASE NO.: 08C245739

DEPARTMENT 5

11 PLAINTIFF'S PROPOSED JURY INSTRUCTIONS NOT USED AT TRIAL
12

13 Attached hereto are the proposed jury instructions which were offered to the
14 Court, but not submitted to the jury in the above entitled action.

15 DATED: This 10th day of April, 2014.
16

17 STEVEN D. GRIERSON, CEO/Clerk of the Court

18 By: *Denise Trujillo*
19 Denise Trujillo, Deputy Clerk of the Court
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INSTRUCTION NO. _____

The fact that a Defendant does not flee after he is accused of a crime is not sufficient in itself to establish that he is not guilty, but is a fact which if believed may be considered by you in light of all other proved facts in deciding the question of whether he is guilty or not guilty.

State objects to
giving of this instruction.

Given
Carly Elowitz


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.
6

7
8 DATED this 30th day of May, 2014.
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12 CAROLYN ELLSWORTH
13 DISTRICT JUDGE
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NEVADA Supreme Court
For STATE of Nevada

my COPY

FILED

JUN 16 2014

CLERK OF COURT

1. (CERT): 1121584

2. (Name): STEVEN Dale Farmer

3. (Address): P.O. Box 650

4. (City, State, Zip): Indian Springs, NV 89070

5.

6. STEVEN Dale Farmer

7. VS

8. STATE of Nevada

Case No: C.245739

DOCKET No:

9.

10. Notice of Appeal

11.

12. To The Court Clerk:

13.

14. I, STEVEN Dale Farmer, 1121584, PETITIONER -

15. MOVANT, Hereby am writing to inform this

16. COURT THAT I am EXERCISING my right to

17. STATE of Nevada free appeal after a Judge -

18. MENT of conviction. This motion of appeal is

19. Therefore timely, and made pursuant,

20. PROVISION under NR 34 § SEE Case Appeal

21. STATEMENT attached §

22.

23. Dated this 10th day of June 2014

24.

25.

26.

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RECEIVED

JUN 23 2014

CLERK OF THE COURT

- 1 of 1 -

RECEIVED

JUN 16 2014

TRACIE K. LINDEMAN
CLERK OF SUPREME COURT
DEPUTY CLERK

08C245739
NOASC
Notice of Appeal (criminal)
3938132



STEVEN FARMER
1121584
PO Box 650
Indian Springs, NY
89070

NEVADA SUPREME COURT
FOR THE
STATE OF NEVADA
201 SOUTH CARSON STREET
CARSON CITY, NV 89701
ATT: Tracy Lindiman

**PRESERVED
FIRST CLASS**

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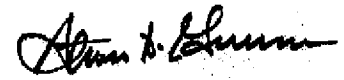
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JUN 11 2014

UNIT 5A/B

06-01-01-03

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CLERK OF THE COURT

1 NOAS
2 PHILIP J. KOHN, PUBLIC DEFENDER
3 NEVADA BAR No. 0556
4 309 South Third Street, Suite 226
5 Las Vegas, Nevada 89155
6 (702) 455-4685
7 Attorney for Defendant

8 DISTRICT COURT

9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,)
11) C249693
12 Plaintiff,) CASE NO. C245739/~~C294693~~
13 v.) DEPT. NO. V
14 STEVEN DALE FARMER,)
15 Defendant.)

16 NOTICE OF APPEAL

17 TO: THE STATE OF NEVADA

18 STEVEN B. WOLFSON, DISTRICT ATTORNEY, CLARK COUNTY,
19 NEVADA and DEPARTMENT NO V OF THE EIGHTH JUDICIAL
20 DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE
21 COUNTY OF CLARK.

22 NOTICE is hereby given that Defendant, Steven Dale
23 Farmer, presently incarcerated in the Nevada State Prison, appeals
24 to the Supreme Court of the State of Nevada from the judgment
25 entered against said Defendant on the 2nd day of June, 2014,
26 whereby he was convicted of Cts. 1, 2, 4, 8, 9, 11, 13 & 14 - Open
27 or Gross Lewdness; Ct. 15 - Indecent Exposure; Cts. 5, 6, 10 & 12
28 - Sexual Assault and sentenced to \$25 Admin. fee; \$150 DNA
analysis fee, genetic testing; as to Cts. 1, 2, 4, 8, 9, 11, 13,
14, & 15 - twelve months in CCDC as to each count with each count
running concurrent with each other, Ct. 5 - 10 years to Life in
prison, Ct. 5 to run concurrent with Cts. 1, 2 and 4; Ct. 6 - 10
years to Life in prison, Ct. 6 to run consecutive to Ct. 5; Ct. 10
10 years to Life in prison, Ct. 10 to run consecutive to Ct. 6;

1 Ct. 12 - 10 years to Life in prison, Ct. 12 to run concurrent with
2 Cts. 1, 2, 4, 6, 8, 10 & 11; 2,204 days CTS. Not Guilty Cts. 3 &
3 7. Special sentence of Lifetime Supervision to commence upon
4 release from any term of imprisonment, probation or parole.
5 Additionally, register as a sex offender within 48 hours after any
6 release from custody.¹

7 DATED this 20th day of June, 2014.

8 PHILIP J. KOHN
9 CLARK COUNTY PUBLIC DEFENDER

10
11 By: /s/ Deborah L. Westbrook
12 DEBORAH L. WESTBROOK, #9285
13 Deputy Public Defender
14 309 S. Third Street, Ste. 226
15 Las Vegas, Nevada 89155
16 (702) 455-4685
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25 ¹ Note: the Judgment of Conviction filed in the instant case
26 contains two District Court case numbers. The controlling case
27 number is C245739, which refers to the Second Amended Information
28 filed in the instant case. Case No. C294693 refers to an
Indictment that was merged into the lower case number prior to
trial. Both numbers were included in the caption so the Notice of
Appeal would be consistent with the Judgment of Conviction filed
by the District Court.

DECLARATION OF MAILING

Carrie Connolly, an employee with the Clark County Public Defender's Office, hereby declares that she is, and was when the herein described mailing took place, a citizen of the United States, over 21 years of age, and not a party to, nor interested in, the within action; that on the 20th day of June, 2014, declarant deposited in the United States mail at Las Vegas, Nevada, a copy of the Notice of Appeal in the case of the State of Nevada v. Steven Dale Farmer, Case No. C245739, enclosed in a sealed envelope upon which first class postage was fully prepaid, addressed to Steven Dale Farmer, c/o High Desert State Prison, P.O. Box 650, Indian Springs, NV 89018. That there is a regular communication by mail between the place of mailing and the place so addressed.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED on the 20th day of June, 2014.

/s/ Carrie M. Connolly
An employee of the Clark County
Public Defender's Office

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of the above and foregoing
was made this 20th day of June, 2014, by Electronic Filing to:

District Attorneys Office

E-Mail Address:

PDMotions@clarkcountyyda.com

Jennifer.Garcia@clarkcountyyda.com

Eileen.Davis@clarkcountyyda.com

/s/ Carrie M. Connolly
Secretary for the
Public Defender's Office

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 17, 2009**

08C245739

The State of Nevada vs Steven D Farmer

June 17, 2009**9:00 AM****All Pending Motions****ALL PENDING****MOTIONS 6-17-09****Court Clerk: Cheryl****Case****Reporter/Recorder:****Bev Sigurnik Heard****By: Ken Cory****HEARD BY:****COURTROOM:****COURT CLERK:** Cheryl Case**RECORDER:** Beverly Sigurnik**REPORTER:****PARTIES****PRESENT:**

Clarke, Summer C.

Attorney

Farmer, Steven D

Defendant

Public Defender

Attorney

Roundtree, Stacey

Attorney

JOURNAL ENTRIES**- DEFT'S MOTION TO CONTINUE TRIAL DATE...CALENDAR CALL**

Ms. Roundtree moved for a continuance to complete the investigation. Opposition by Ms. Clarke. Ms. Clarke advised the State was prepared to proceed to trial with 20-25 witnesses; the victims oppose a continuance. COURT ORDERED, Motion GRANTED; trial date VACATED and RESET. CUSTODY

11/4/09 9:00 AM CALENDAR CALL

11/9/09 10:30 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****November 17, 2009****08C249693****The State of Nevada vs Steven D Farmer****November 17, 2009****8:30 AM****Conversion Hearing Type****TRIAL SETTING****Court Clerk: April
Watkins****Reporter/Recorder:****Kerry Esparza Heard****By: Leavitt, Michelle****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Avants, Lynn

Farmer, Steven D

Merback, William J.

Public Defender

Attorney

Defendant

Attorney

Attorney

JOURNAL ENTRIES

- Mr. Merback advised this is Ms. Roundtree's case who is presently in trial and cannot make it today. Further, Mr. Merback advised Deft. is set for trial in Dept. 1 on April 26, 2010, and the State may file a motion to consolidate. Colloquy. COURT ORDERED, matter CONTINUED.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****October 28, 2009****08C245739****The State of Nevada vs Steven D Farmer****October 28, 2009****9:00 AM****Request**

**STATE'S REQUEST
TO CONTINUE
TRIAL Court Clerk:
Cheryl Case
Reporter/Recorder:
Bev Sigurnik Heard
By: Ken Cory**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Farmer, Steven D

Defendant

Merback, William J.

Attorney

Public Defender

Attorney

Yanez, Abel M.

Attorney

JOURNAL ENTRIES

- Mr. Merback advised parties agree to a continuance and request a firm setting; one victim is scheduled for surgery in November, and the defense has issues pertaining to expert Notices. Colloquy regarding trial date. COURT ORDERED, Request GRANTED; trial date VACATED and RESET. Trial should take 1 1/2 to 2 weeks.

CUSTODY

4/21/10 9:00 AM CALENDAR CALL

4/26/10 10:30 AM JURY TRIAL (FIRM)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****March 17, 2010****08C245739****The State of Nevada vs Steven D Farmer****March 17, 2010****9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS 3-17-10
Court Clerk: Cheryl
Case
Reporter/Recorder:
Bev Sigurnik Heard
By: Ken Cory**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Adams, Danae
Coyer, Gregory E.
Farmer, Steven D
Public Defender

Attorney
Attorney
Defendant
Attorney

JOURNAL ENTRIES

- STATE'S MOTION FOR VIDEOTAPED TESTIMONY OF VICTIM, MARCIA PETERSON... STATE'S MOTION TO CONSOLIDATE

Court noted the State has requested a continuance. Ms. Adams stated the defense requested additional time to respond. Mr. Coyer stated Deputy District Attorney Mr. Merback is in trial in another courtroom; this is Ms. Roundtree's case. COURT ORDERED, matter CONTINUED.

CUSTODY (COC)**CONTINUED TO: 3/22/10 9:00 AM****PRINT DATE: 06/24/2014****Page 12 of 71****Minutes Date:****July 08, 2008**

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 22, 2010

08C245739

The State of Nevada vs Steven D Farmer

March 22, 2010

9:00 AM

All Pending Motions

ALL PENDING
MOTIONS 3-22-10
Court Clerk: Cheryl
Case.

Reporter/Recorder:
Bev Sigurnik Heard
By: Ken Cory

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Coyer, Gregory E.

Attorney

Farmer, Steven D

Defendant

Merback, William J.

Attorney

Public Defender

Attorney

Roundtree, Stacey

Attorney

JOURNAL ENTRIES

- STATE'S MOTION FOR VIDEOTAPED TESTIMONY OF VICTIM, MARCIA PETERSON... STATE'S
MOTION TO CONSOLIDATE

Ms. Roundtree requested a continuance. Colloquy regarding trial date, and this Court's schedule.
Conference at bench. Due to this Court's schedule, and the possibility the trial would take three
weeks if cases are consolidated, COURT ORDERED, trial date VACATED AND RESET, FIRM.
FURTHER, COURT ORDERED, Motions are CONTINUED. Conference at bench with defense
counsel regarding Order, which was SIGNED IN OPEN COURT.

CUSTODY (COC)

4/7/10 9:00 AM STATE'S MOTION FOR VIDEOTAPED TESTIMONY OF VICTIM, MARCIA

PRINT DATE: 06/24/2014

Page 13 of 71

Minutes Date:

July 08, 2008

08C245739

PETERSON... STATE'S MOTION TO CONSOLIDATE
11/22/10 9:00 AM CALENDAR CALL
11/29/10 10:30 AM JURY TRIAL (FIRM)

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****April 07, 2010**

08C245739

The State of Nevada vs Steven D Farmer

April 07, 2010**9:00 AM****All Pending Motions****ALL PENDING****MOTIONS 4-7-10****Court Clerk: Cheryl****Case****Reporter/Recorder:****Bev Sigurnik Heard****By: Ken Cory****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Farmer, Steven D

Defendant

Merback, William J.

Attorney

JOURNAL ENTRIES

- STATE'S MOTION FOR VIDEOTAPED TESTIMONY OF VICTIM, MARCIA PETERSON... STATE'S MOTION TO CONSOLIDATE

Mr. Merback stated Defendant's counsel, Ms. Roundtree, is in another courtroom and may not be able to be present in court today. Mr. Merback further stated an Opposition was filed last night, and parties agree to a continuance. COURT ORDERED, matter CONTINUED.

CUSTODY (COC)**CONTINUED TO: 5/5/10 9:00 AM**

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 04, 2010****08C249693****The State of Nevada vs Steven D Farmer****May 04, 2010****8:30 AM****Conversion Hearing Type****TRIAL SETTING****Court Clerk: April
Watkins****Reporter/Recorder:****Kerry Esparza Heard****By: Michelle Leavitt****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Farmer, Steven D

Defendant

Pandelis, Christopher P.

Attorney

Public Defender

Attorney

Roundtree, Stacey

Attorney

Sweetin, James R.

Attorney

JOURNAL ENTRIES

- Media Request and Order for Camera Access to Court Proceedings FILED IN OPEN COURT. Ms. Roundtree advised the State has filed a motion to consolidate with a case in Department I which is the lower case number. Colloquy. Further, Ms. Roundtree requested this matter be set for trial.

COURT ORDERED, matter SET for trial.

CUSTODY

12/28/10 8:30 AM CALENDAR CALL

1/4/11 1:30 PM JURY TRIAL

PRINT DATE: 06/24/2014

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Minutes Date:

November 19, 2008

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 05, 2010**

08C245739

The State of Nevada vs Steven D Farmer

May 05, 2010

9:00 AM

All Pending Motions

**ALL PENDING
MOTIONS 5/5/10**

Court Clerk: Cheryl

Case Relief Clerk:

Dameda Scott/ds

Reporter/Recorder:

Bev Sigurnik Heard

By: Ken Cory

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coyer, Gregory E.

Attorney

Farmer, Steven D

Defendant

Kramer, Kristen B.

Attorney

Public Defender

Attorney

JOURNAL ENTRIES

**- STATE'S MOTION TO CONSOLIDATE...STATE'S NOTICE OF MOTION AND MOTION FOR
VIDEOTAPED TESTIMONY OF VICTIM, MARCIA PETERSON**

Mr. Coyer advised assigned Deputy District Attorney W. Merback requested continuance, and no
opposition by Defendant. COURT ORDERED, matter CONTINUED.

CUSTODY (COC)

**5/19/10 9:00 AM STATE'S MOTION TO CONSOLIDATE / STATE'S NOTICE OF MOTION AND
MOTION FOR VIDEOTAPED TESTIMONY OF VICTIM, MARCIA PETERSON**

PRINT DATE: 06/24/2014

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Minutes Date:

July 08, 2008

08C245739

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 19, 2010

08C245739

The State of Nevada vs Steven D Farmer

May 19, 2010

9:00 AM

All Pending Motions

ALL PENDING
MOTIONS 5-19-10
Court Clerk: Cheryl
Case Relief Clerk:
Billie Jo Craig/bjc
Reporter/Recorder:
Bev Sigurnik Heard
By: Ken Cory

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES**PRESENT:**

Coyer, Gregory E.
Farmer, Steven D
Merback, William J.
Public Defender
Roger, David J.
Roundtree, Stacey

Attorney
Defendant
Attorney
Attorney
Attorney
Attorney

JOURNAL ENTRIES

- STATE'S MOTION TO CONSOLIDATE...STATE'S NOTICE OF MOTION AND MOTION FOR VIDEOTAPED TESTIMONY OF VICTIM, MARCIA PETERSON CONFERENCE AT THE BENCH. COURT ORDERED, matter to TRAIL. RECALLED. Arguments by counsel regarding the State's Motion to Consolidate with C249693. Ms. Roundtree advised she would be filing Defendant's Motion to Sever. Further arguments by counsel. The State advised there may be a need for a Petrocelli Hearing. Ms. Roundtree advised she would file Defendant's Motion to Sever this week. The State to respond by 5/26/10. The above two Motions CONTINUED and

PRINT DATE: 06/24/2014

Page 18 of 71

Minutes Date:

July 08, 2008

08C245739

Defendant's Motion to Sever also to be heard on the same date and time.

CUSTODY (COC)

CONTINUED TO: 6/7/10 11:00 AM ABOVE MOTIONS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 07, 2010**

08C245739

The State of Nevada vs Steven D Farmer

June 07, 2010**9:00 AM****All Pending Motions**

**ALL PENDING
MOTIONS: 06/07/10
Relief Clerk: Shelly
Landwehr
Reporter/Recorder:
Bev Sigurnik Heard
By: Ken Cory**

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coyer, Gregory E.

Attorney

Farmer, Steven D.

Defendant

Merback, William J.

Attorney

Public Defender

Attorney

JOURNAL ENTRIES

**- STATE'S MOTION TO CONSOLIDATE...STATE'S NOTICE OF MOTION AND MOTION FOR
VIDEOTAPED TESTIMONY OF VICTIM**

Mr. Merback advised Ms. Roundtree could not be present today and requested a continuance.

COURT SO ORDERED.

CUSTODY (COC)

**06/28/10 09:00 AM STATE'S MOTION TO CONSOLIDATE...STATE'S NOTICE OF MOTION AND
MOTION FOR VIDEOTAPED TESTIMONY OF VICTIM**

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

June 07, 2010

08C249693

The State of Nevada vs Steven D Farmer

June 07, 2010

11:00 AM

Motion to Consolidate

STATE'S MTN TO
CONSOLIDATE
WITH C245739
Relief Clerk: Shelly
Landwehr
Reporter/Recorder:
Bev Sigurnik Heard
By: Ken Cory

HEARD BY:

COURTROOM:

COURT CLERK:

RECORDER:

REPORTER:

PARTIES

PRESENT:

Coyer, Gregory E.

Attorney

Farmer, Steven D

Defendant

Merback, William J.

Attorney

Public Defender

Attorney

JOURNAL ENTRIES

- Mr. Merback advised Ms. Roundtree was unable to be here today and requested a continuance.
COURT SO ORDERED.

CUSTODY

06/28/10 09:00 AM STATE'S MOTION TO CONSOLIDATE WITH C245739

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****June 28, 2010****08C249693****The State of Nevada vs Steven D Farmer****June 28, 2010****9:00 AM****Motion to Consolidate****STATE'S MTN TO
CONSOLIDATE****WITH C245739****Relief Clerk:****Roshonda Mayfield****Reporter/Recorder:****Bev Sigurnik Heard****By: Ken Cory****HEARD BY:****COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:****Albritton, Alicia A.****Attorney****Farmer, Steven D****Defendant****JOURNAL ENTRIES**

- The departmental JEA advised, defense counsel for this matter called and requested a continuance.
There being no opposition, COURT SO ORDERED.

CUSTODY**7/7/10 9:00 A.M. STATE'S MOTION TO CONSOLIDATE WITH C245739**

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 07, 2010**

08C249693

The State of Nevada vs Steven D Farmer

July 07, 2010**9:00 AM****Motion**

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

HEARD BY:**COURTROOM:****COURT CLERK:****RECORDER:****REPORTER:****PARTIES****PRESENT:**

Coyer, Gregory E.

Attorney

Farmer, Steven D

Defendant

Merback, William J.

Attorney

Public Defender

Attorney

Roundtree, Stacey

Attorney

JOURNAL ENTRIES

- 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.

PRINT DATE: 06/24/2014

Page 11 of 57

Minutes Date:

November 19, 2008

08C249693

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 01, 2010

08C245739

The State of Nevada vs Steven D Farmer

September 01, 2010 9:00 AM

**State's Notice Of Motion And Motion For
Videotaped Testimony Of Victim, Marcia Peterson**

HEARD BY: Cory, Kenneth

COURTROOM: RJC Courtroom 16A

COURT CLERK: Susan Jovanovich

RECORDER: Beverly Sigurnik

REPORTER:

PARTIES

PRESENT:

Coyer, Gregory E.	Deputy Public Defender
Farmer, Steven D.	Defendant
Merback, William J.	Deputy District Attorney
Public Defender	
State of Nevada	Plaintiff

JOURNAL ENTRIES

- Mr. Coyer requested continuance to file responsive pleadings to State's Motion. There being no objection, COURT ORDERED, request GRANTED; Matter CONTINUED. Responsive pleadings to be submitted by September 15, 2010.

CUSTODY (COC)

**9/22/10 9:00 AM STATE'S NOTICE OF MOTION AND MOTION FOR VIDEOTAPED TESTIMONY
OF VICTIM, MARCIA PETERSON**

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

September 22, 2010

08C245739

The State of Nevada vs Steven D Farmer

September 22, 2010 9:00 AM Motion

HEARD BY: Cory, Kenneth

COURTROOM: RJC Courtroom 16A

COURT CLERK: Cheryl Case; Billie Jo Craig

RECORDER: Beverly Sigurnik

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Deputy District Attorneys Keeler and Merback present for the State. Deputy Public Defender Coyer present for Defendant. Defendant present.

Mr. Keeler requested matter TRAIL for Mr. Merback. COURT SO ORDERED. RECALLED. Arguments by counsel regarding Marcia Peterson testifying. Mr. Merback requested a video taped deposition because of Marcia Peterson's health as she had a seizure after traveling here for a Court hearing in the past. Mr. Coyer argued there was no medical documentation to support that she could not testify at the Trial. Court stated its findings, and ORDERED, the video taped Deposition of Marcia Peterson to be SET for 2 to 3 hours. The Motion GRANTED to that extent. The video taped deposition to be held in ABEYANCE to determine if Marcia Peterson able to testify at Trial.

CUSTODY (COC)

11/15/10 1:30 PM DEPOSITION OF MARCIA PETERSON

bjc

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

October 14, 2010

08C245739

The State of Nevada vs Steven D Farmer

October 14, 2010

1:30 PM

Minute Order

HEARD BY: Cory, Kenneth

COURTROOM: RJC Courtroom 16A

COURT CLERK: Cheryl Case

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Minute Order Re: Status Check

This case is currently scheduled for a videotaped deposition on 11/15/10, and a Jury Trial on 11/29/10. Matter is SET for Status Check.

CUSTODY

10/25/10 9:00 AM Status Check: Pending Court Dates

CLERK'S NOTE: A copy of this minute order to be placed in the attorney folders of: W. Jake Merback (Dep DA-Crim) and Gregory Coyer (Dep PD).

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****October 25, 2010**

08C245739

The State of Nevada vs Steven D Farmer

October 25, 2010

9:00 AM

Status Check

HEARD BY: Cory, Kenneth

COURTROOM: RJC Courtroom 16A

COURT CLERK: Cheryl Case; Michele Tucker /mlt

RECORDER: Beverly Sigurnik

REPORTER:

PARTIES**PRESENT:**

Coyer, Gregory E.

Attorney for Defendant

Farmer, Steven D

Defendant

Kollins, Stacy L

Attorney for Plaintiff

State of Nevada

Plaintiff

JOURNAL ENTRIES

Defendant present in custody. Ms. Kollins advised Mr. Merback is in trial and needs to reschedule the trial date and the video deposition date. Court inquired as to why the deposition date needed to be rescheduled. Mr. Coyer advised the attorney handling the case is unavailable. COURT ORDERED, Trial date and video deposition date VACATED and RESET. COURT FURTHER ORDERED, Status Check set regarding Amended Information/Consolidation and Severed Count.

CUSTODY (COC)

12/6/10 1:30 PM STATUS CHECK: AS TO SEVERED COUNT

12/6/10 1:30 PM FURTHER PROCEEDINGS: VIDEO DEPOSITION

12/6/10 1:30 PM STATUS CHECK: AMENDED INFORMATION/CONSOLIDATION

4/13/11 9:00 AM CALENDAR CALL

4/18/11 1:30 PM JURY TRIAL

PRINT DATE: 10/25/2010

Page 1 of 1

Minutes Date:

October 25, 2010

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 23, 2010

08C245739

The State of Nevada vs Steven D Farmer

November 23, 2010 11:00 AM

Minute Order

HEARD BY: Cory, Kenneth

COURTROOM: RJC Courtroom 16A

COURT CLERK: Cheryl Case

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Minute Order Re: Status Check Set For 12/1/10

This case is set for a Video Deposition on 12/6/10 at 1:30 PM. Jeffrey Maningo, Deputy Public Defender, was recently assigned to this case. Matter is SET for Status Check as Mr. Maningo may not be prepared to proceed with the Video Deposition.

CUSTODY (COC)

12/1/10 9:00 AM Status Check: Reset Video Deposition

CLERK'S NOTE: A copy of this minute order to be placed in the attorney folders of: Jake Merback (Dep DA-Crim) and Jeffrey Maningo (Dep PD).

08C245739

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 01, 2010

08C245739

The State of Nevada vs Steven D Farmer

December 01, 2010 9:00 AM Status Check

HEARD BY: Cory, Kenneth

COURTROOM: RJC Courtroom 16A

COURT CLERK: Cheryl Case

RECORDER: Beverly Sigurnik

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Minutes completed by Ruth Gilfert, Court Clerk.

Jake MerBack, Deputy District Attorney, and Jeff Maningo, Deputy Public Defender, were present prior to Court. Due to the absence of the Court, matter CONTINUED. Hearings set for 12/6/10 are also RESET.

12/13/10 9:00 A.M. STATUS CHECK: RESET VIDEO DEPOSITION

PRINT DATE: 12/02/2010

Page 1 of 1

Minutes Date: December 01, 2010

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****December 13, 2010**

08C245739

The State of Nevada vs Steven D Farmer

December 13, 2010 9:00 AM**All Pending Motions****HEARD BY:** Cory, Kenneth**COURTROOM:** RJC Courtroom 16A**COURT CLERK:** Tia Everett; Susie Schofield; Tia Everett**RECORDER:** Beverly Sigurnik**REPORTER:****PARTIES**

PRESENT:	Coyer, Gregory E.	Attorney
	Farmer, Steven D	Defendant
	Maningo, Jeffrey S.	Attorney
	Merback, William J.	Attorney
	Public Defender	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- STATUS CHECK: RESET VIDEO DEPOSITION (BOTH)...STATUS CHECK: AMENDED INFORMATION/CONSOLIDATION (BOTH)...FURTHER PROCEEDINGS: VIDEO DEPOSITION OF VICTIM (BOTH)... STATUS CHECK: AS TO SEVERED COUNTS (BOTH)

Mr. Maningo requested depositions be reset in February. No opposition by the State. Colloquy regarding Amended Information. COURT ORDERED, matters CONTINUED.

CUSTODY (COC) (BOTH)**CONTINUE TO: 2/7/2011 9:00 AM**

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 01, 2011

08C245739

The State of Nevada vs Steven D Farmer

February 01, 2011

1:30 PM

Minute Order

HEARD BY: Cory, Kenneth

COURTROOM: RJC Courtroom 16A

COURT CLERK: Cheryl Case

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Minute Order Resetting Hearing from 2/7/11 to 3/7/11

This case was set for Hearing 2/7/10 at 1:30 PM. Due to this Court's schedule, matter is RESET.

CUSTODY (COC)

3/7/10 1:30 PM Further Proceedings: Video Deposition of Victim...Status Check: As to Severed Count...Status Check: Amended Information/Consolidation

CLERK'S NOTE: A copy of this minute order to be placed in the attorney folders of: Jake Merback (Dep DA-Crim) and Jeffrey Maningo/Gregory Coyer (Dep PD).

08C245739

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 28, 2011

08C245739

The State of Nevada vs Steven D Farmer

February 28, 2011

1:30 PM

Minute Order

HEARD BY: Cory, Kenneth

COURTROOM: RJC Courtroom 16A

COURT CLERK: Cheryl Case

RECORDER:

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- Minute Order Re: Hearing set for 3/7/11 at 1:30 PM

Pursuant to agreement of counsel, the Further Proceedings: Video Deposition of Victim scheduled for 3/7/11 at 1:30 PM is VACATED. The Status Checks set for 3/7/11 at 1:30 PM are RESET to 3/7/11 at 9:00 AM, and matter is SET for Status Check regarding rescheduling the Video Deposition.

CUSTODY (COC)

3/7/11 9:00 AM Status Check: Reschedule Video Deposition of Victim...Status Check: As to Severed Count...Status Check: Amended Information/Consolidation

CLERK'S NOTE: A copy of this minute order to be placed in the attorney folders of: Jake Merback (Dep DA-Crim) and Jeffrey Maningo/Gregory Coyer (Dep PD).

PRINT DATE: 02/28/2011

Page 1 of 1

Minutes Date:

February 28, 2011

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****March 07, 2011**

08C245739

The State of Nevada vs Steven D Farmer

March 07, 2011**9:00 AM****All Pending Motions****HEARD BY:** Cory, Kenneth**COURTROOM:** RJC Courtroom 16A**COURT CLERK:** Michele Tucker; Susie Schofield /mlt**RECORDER:** Beverly Sigurnik**REPORTER:**

PARTIES	Coyer, Gregory E.	Deputy Public Defender Attorney for Defendant
PRESENT:	Farmer, Steven D	Defendant
	Maningo, Jeffrey S.	Deputy Public Defender Attorney for Defendant
	Public Defender	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- Deft'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

Defendant FARMER present in custody. Mr. Maningo advised he can not be ready for trial due to how much discovery there is; requested continuance of trial. Mr. Merback objected but stated he understood; requested deposition be rescheduled. COURT ORDERED, trial VACATED and RESET. COURT FURTHER ORDERED, Deposition RESET.

5/5/11 1:30 PM VIDEO DEPOSTION

11/9/11 9:00 AM CALENDAR CALL

11/14/11 1:30 PM JURY TRIAL

PRINT DATE: 03/17/2011**Page 1 of 1****Minutes Date:****March 07, 2011**

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****October 17, 2011**

08C245739

The State of Nevada vs Steven D Farmer

October 17, 2011**9:00 AM****Status Check****HEARD BY:** Ellsworth, Carolyn**COURTROOM:** RJC Courtroom 16A**COURT CLERK:** Sharry Frascarelli; Jill Chambers; Lorna Shell; Nancy Tibbetts/nt**RECORDER:** Rachelle Hamilton**REPORTER:****PARTIES****PRESENT:**

Farmer, Steven D

Defendant

Johnson, Amy A.

Attorney for Deft

Maningo, Jeffrey S.

Attorney for Deft.

State of Nevada

Plaintiff

Walsh, Jessica A.

Attorney for Plft.

JOURNAL ENTRIES

- Mr. Maningo advised Ms. Feliciano (Johnson) recently was assigned to one of the Deft.'s cases and would not have enough time to review all the evidence. Mr. Maningo also advised with all the courtroom sharing it was hard to get a video deposition and requested a continuance. Ms. Walsh argued the trial is set for 11/14/11 and that is enough time to review and be ready. She stated Deft. cases were filed in 2008 and have been continued numerous times. Court noted it was not inclined to vacate the trial date and ORDERED counsel to get together to figure out dates for the video deposition and trial. FURTHER ORDERED, matter SET for Status Check.

10/19/11 9:00 AM STATUS CHECK: TRIAL DATE AND VIDEO EXAM

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****October 19, 2011**

08C245739

The State of Nevada vs Steven D. Farmer

October 19, 2011**9:00 AM****Status Check: Trial Date
And Video Exam****HEARD BY:** Ellsworth, Carolyn**COURTROOM:** RJC Courtroom 16A**COURT CLERK:** Susan Jovanovich**RECORDER:** Lara Corcoran**REPORTER:****PARTIES****PRESENT:**

Farmer, Steven D.

Defendant

Johnson, Amy A.

Deputy Public Defender

Merback, William J.

Deputy District Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES

CONFERENCE AT THE BENCH. Due to pre trial issues needing to be resolved, and Deft's counsel needing additional time for trial preparation, COURT ORDERED, trial date VACATED AND RESET; matter CONTINUED; hearing SET for preservation of witness testimony.

CUSTODY (COC)

12/14/11 10:30 A.M. STATUS CHECK: TRIAL DATE AND VIDEO EXAM / HEARING:
PRESERVATION OF WITNESSES

2/22/12 9:00 A.M. CALENDAR CALL

2/27/12 1:30 P.M. TRIAL BY JURY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****December 14, 2011**

08C245739

The State of Nevada vs Steven D Farmer

December 14, 2011 9:00 AM Status Check**HEARD BY:** Ellsworth, Carolyn**COURTROOM:** RJC Courtroom 16A**COURT CLERK:** Denise Trujillo**RECORDER:** Lara Corcoran**REPORTER:****PARTIES**

PRESENT:	Farmer, Steven D	Defendant
	Merback, William J.	Attorney
	Scow, Richard H.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES**- STATUS CHECK: PRESERVATION OF WITNESS TESTIMONY**

Deft. present in custody. State advised of witness' health issues that would require her testimony be placed on video in case she is unable to make the trial. FURTHER, requested firm setting. COURT SO ORDERED.

CUSTODY (COC)**1/20/12 10:00 AM HEARING: PRESERVATION OF WITNESS TESTIMONY**

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****January 20, 2012**

08C245739

The State of Nevada vs Steven D Farmer

January 20, 2012**10:00 AM****Hearing****HEARD BY:** Ellsworth, Carolyn**COURTROOM:****COURT CLERK:** Denise Trujillo**RECORDER:** Lara Corcoran**REPORTER:****PARTIES**

PRESENT:	Farmer, Steven D	Defendant
	Johnson, Amy A.	Attorney
	Maningo, Jeffrey S.	Attorney
	Merback, William J.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES**- HEARING: PRESERVATION OF WITNESS TESTIMONY**

Deft. present in custody. Exclusionary rule invoked. Maria Peterson sworn and testified. COURT advised this is trial testimony and admonished witness not to talk to anyone about her trial testimony.

CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 06, 2012**

08C245739

The State of Nevada vs Steven D Farmer

February 06, 2012

9:00 AM

Status Check

HEARD BY: Ellsworth, Carolyn

COURTROOM: RJC Courtroom 16A

COURT CLERK: Denise Trujillo

RECORDER: Lara Corcoran

REPORTER:

PARTIES**PRESENT:**

Farmer, Steven D

Defendant

Johnson, Amy A.

Attorney

Merback, William J.

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES**- STATUS CHECK**

Deft. present in custody. Conference at the bench. COURT advised due to evidentiary issues that affect the trial, and good cause showing, ORDERED, trial date VACATED and RESET.

CUSTODY (COC)

8/27/12 9 AM CALENDAR CALL

9/4/12 1:30 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

April 04, 2012

08C245739

The State of Nevada vs Steven D Farmer

April 04, 2012

9:00 AM

Motion

HEARD BY: Ellsworth, Carolyn

COURTROOM: RJC Courtroom 16A

COURT CLERK: Denise Trujillo; Christine Erickson

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:

Farmer, Steven D

Defendant

Luzaich, Elissa

Attorney

Maningo, Jeffrey S.

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES

- STATE'S MOTION TO CONSUME ENTIRE DNA SAMPLES FOR Y-STR TESTING BY OUTSIDE LABORATORY (C245739)

Deft. present in custody. Arguments by counsel. COURT stated findings and ORDERED, Motion GRANTED, State to prepare the Order.

CUSTODY (COC)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

July 23, 2012

08C245739

The State of Nevada vs Steven D Farmer

July 23, 2012

9:00 AM

Defendant's Motion to Continue Trial Date

HEARD BY: Ellsworth, Carolyn

COURTROOM: RJC Courtroom 16A

COURT CLERK: Denise Trujillo; Athena Trujillo/ AT

RECORDER: Lara Corcoran

REPORTER:

PARTIES William Merback, Deputy District Attorney, present for the State of Nevada.

PRESENT: Defendant Farmer, present in custody, with Amy Feliciano, Deputy Public Defender.

JOURNAL ENTRIES

Following a conference at the bench, COURT ORDERED, Motion Granted; trial date VACATED and RESET.

CUSTODY (COC)

02/25/13 9:00 AM CALENDAR CALL

03/04/12 1:30 PM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 25, 2013**

08C245739

The State of Nevada vs Steven D Farmer

February 25, 2013**9:00 AM****All Pending Motions****HEARD BY:** Ellsworth, Carolyn**COURTROOM:** RJC Courtroom 03E**COURT CLERK:** Denise Trujillo;**RECORDER:** Lara Corcoran**REPORTER:****PARTIES****PRESENT:**

Farmer, Steven D

Defendant

Feliciano, Amy A.

Attorney for Deft.

Maningo, Jeffrey S.

Attorney for Deft.

Monje, Ofelia L. and Jacqueline
Bluth

Attorneys for State

State of Nevada

Plaintiff

JOURNAL ENTRIES**- CALENDAR CALL...DEFT'S MOTION TO CONTINUE TRIAL DATE**

Deft. present in custody Counsel met with Court in chambers regarding motion to continue and depositions and discovery given to counsel from civil action. Court advised Mr. Murdock and Mr. Hyman, attorney's on civil case against Deft. that they are not a real party of interest in this criminal case. Argument by Mr. Murdock who advised the 5 year rule is approaching. Court advised there is a different burden of proof, and noted if they can get the stay lifted, they can depose Deft. but noted he can take the fifth. Colloquy between Court and counsel regarding civil trial and discovery. COURT advised good cause showing, trial date VACATED and RESET, with a FIRM SETTING.

CUSTODY (COC)**1/27/14 9 AM CALENDAR CALL****2/3/14 1:30 PM JURY TRIAL - FIRM (6 WEEKS)****PRINT DATE:** 02/28/2013**Page 1 of 2****Minutes Date:****February 25, 2013**

08C245739

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****January 27, 2014**

08C245739

The State of Nevada vs Steven D Farmer

January 27, 2014**9:00 AM****Calendar Call****HEARD BY:** Ellsworth, Carolyn**COURTROOM:** RJC Courtroom 03B**COURT CLERK:** Denise Trujillo**RECORDER:** Lara Corcoran**REPORTER:****PARTIES****PRESENT:**

Bashor, Ryan

Attorney

Bluth, Jacqueline

Attorney

Farmer, Steven D

Defendant

Kochevar, Brian J.

Attorney

Maningo, Jeffrey S.

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES

- CALENDAR CALL...STATE'S MOTION TO USE VIDEOTAPED TESTIMONY OF VICTIM, MARCIA PETERSON AT TRIAL...DEFT'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

Deft. present in custody. Counsel announced ready but believes it will only be 4 weeks instead of 6. Court advised she has 60 potential jurors ordered for Monday. Mr. Maningo advised there was recently some news coverage on this case. COURT noted they will ask jurors if they heard anything about this case on the news, and if they answer yes, those jurors will be individually voir dired. As to Motion, Court noted that bench conferences are not very clear, counsel must state their name each time before speaking, and would rather they have hearings outside the presence of the jury. However, COURT ORDERED, Motion GRANTED at this time, and will see how it goes. Colloquy between Court and counsel as to jury selection. Counsel agreed to 4 alternate jurors. Arguments by counsel at to videotaped testimony of victim, Marcia Peterson. COURT ORDERED, Motion DENIED.

CUSTODY (COC)**PRINT DATE:** 01/29/2014**Page 1 of 2****Minutes Date:** January 27, 2014

08C245739

2/3/14 1:30 PM JURY TRIAL

BLUTH & KOCHVAR/BASHER & MANINGO

4-6 weeks

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 03, 2014**

08C245739

The State of Nevada vs Steven D Farmer

February 03, 2014**1:30 PM****Jury Trial****HEARD BY:** Ellsworth, Carolyn**COURTROOM:** RJC Courtroom 03B**COURT CLERK:** Denise Trujillo**RECORDER:** Lara Corcoran**REPORTER:****PARTIES****PRESENT:**

Bashor, Ryan

Attorney

Bluth, Jacqueline

Attorney

Coyer, Gregory E.

Attorney

Farmer, Steven D

Defendant

Kochevar, Brian J.

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES**- JURY TRIAL -**

IN THE ABSENCE OF JURY PANEL. Counsel invoked exclusionary rule. State advised there has been a media request. IN THE PRESENCE OF THE JURY PANEL. Jury panel sworn for voir dire. IN THE ABSENCE OF JURY PANEL. Individual voir dire on 3 potential jurors based on answer to question regarding news. IN THE PRESENCE OF THE JURY. Jury selection commenced.

EVENING RECESS

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 04, 2014**

08C245739

The State of Nevada vs Steven D Farmer

February 04, 2014**10:00 AM****Jury Trial****HEARD BY:** Ellsworth, Carolyn**COURTROOM:** RJC Courtroom 03B**COURT CLERK:** Denise Trujillo**RECORDER:** Lara Corcoran**REPORTER:****PARTIES****PRESENT:**

Bashor, Ryan

Attorney

Bluth, Jacqueline

Attorney

Farmer, Steven D

Defendant

Kochevar, Brian J.

Attorney

Maningo, Jeffrey S.

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES**- JURY TRIAL**

IN THE ABSENCE OF JURY PANEL. Mr. Maningo advised Deft. was given new sets of clothes to wear each day, but the jail would not let him change. Statement by corrections officer. COURT directed corrections officer to take Deft. over and allow him to change shirts. Deft. agreed to allow counsel to argue motion in his absence. Arguments by counsel as to Motion in Limine. COURT ORDERED, motion DENIED WITHOUT PREJUDICE, subject to objections made by Deft. at trial. IN THE PRESENCE OF THE JURY. Jury selection commenced. As there were no more prospective jurors left, Court excused the 11 seated jurors. NEW JUROR PANEL PRESENT. Voir dire oath given. Two jurors who read about Deft. in the paper were called individually for individual voir dire. ALL PANEL PRESENT.

EVENING RECESS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 05, 2014

08C245739

The State of Nevada vs Steven D Farmer

February 05, 2014

1:00 PM

Jury Trial

HEARD BY: Ellsworth, Carolyn

COURTROOM: RJC Courtroom 03B

COURT CLERK: Denise Trujillo

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:

Bashor, Ryan

Attorney

Bluth, Jacqueline

Attorney

Farmer, Steven D

Defendant

Kochevar, Brian J.

Attorney

Maningo, Jeffrey S.

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES

- JURY TRIAL

IN THE PRESENCE OF THE JURY. Jury selection commenced with the 2nd and 3rd panel, but in the absence of the 11 seated potential jurors. Third panel sworn. Two jurors were individually Voir Dired. At 2:30 PM seated potential jurors returned and jury selection continued.

EVENING RECESS

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 06, 2014**

08C245739

The State of Nevada vs Steven D Farmer

February 06, 2014 9:30 AM Jury Trial**HEARD BY:** Ellsworth, Carolyn**COURTROOM:** RJC Courtroom 03E**COURT CLERK:** Denise Trujillo**RECORDER:** Lara Corcoran**REPORTER:****PARTIES**

PRESENT:	Bluth, Jacqueline	Attorney
	Farmer, Steven D	Defendant
	Kochevar, Brian J.	Attorney
	Maningo, Jeffrey S.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES**- JURY TRIAL**

IN THE ABSENCE OF THE JURY. Mr. Bashor objected to two of the pictures State wants to use in their opening. Arguments by counsel. COURT stated findings and ORDERED, as they can be used in opening, as they are probably going to come in at trial, and are not prejudicial. COURT advised the Marshall presented her a letter from juror 662 and read it for counsel. Per stipulation of counsel, COURT ORDERED, juror number 662 excused. IN THE PRESENCE OF THE JURY. Jury selection continued. IN THE ABSENCE OF THE JURY. Court advised it received another letter from juror number 653's employer. Counsel stipulated to excused that juror. IN THE PRESENCE OF THE JURY. Jury selection resumed.

EVENING RECESS

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 07, 2014

08C245739

The State of Nevada vs Steven D Farmer

February 07, 2014

10:00 AM

Jury Trial

HEARD BY: Ellsworth, Carolyn

COURTROOM: RJC Courtroom 03B

COURT CLERK: Denise Trujillo

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:

Bashor, Ryan

Attorney

Bluth, Jacqueline

Attorney

Farmer, Steven D

Defendant

Kochevar, Brian J.

Attorney

Maningo, Jeffrey S.

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES

- JURY TRIAL

IN THE PRESENCE OF THE JURY PANEL. Jury selection continued. Twelve jurors and 4 alternates selected. Information read and advised jury of Deft's pleas of not guilty. Court instructed jury as to trial procedure. Opening statements by counsel.

EVENING RECESS

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 10, 2014**

08C245739

The State of Nevada vs Steven D Farmer

February 10, 2014**1:00 PM****Jury Trial****HEARD BY:** Ellsworth, Carolyn**COURTROOM:** RJC Courtroom 03B**COURT CLERK:** Denise Trujillo**RECORDER:** Lara Corcoran**REPORTER:****PARTIES****PRESENT:**

Bashor, Ryan

Attorney

Bluth, Jacqueline

Attorney

Farmer, Steven D

Defendant

Kochevar, Brian J.

Attorney

Maningo, Jeffrey S.

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES**- JURY TRIAL**

IN THE PRESENCE OF THE JURY. Testimony and exhibits per worksheets. IN THE ABSENCE OF THE JURY. Arguments by counsel as to testimony regarding character. Mr. Lehan brought back into Court in the absence of the jury, for Court to hear testimony. Court believes if State opens the door, then Defense has a right to cross examine. Further arguments by counsel. COURT stated findings and ORDERED, limited testimony into this area will be allowed, but defense will be allowed to cross examine if door is opened. IN THE PRESENCE OF THE JURY. Testimony resumed.

EVENING RECESS

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 11, 2014**

08C245739

The State of Nevada vs Steven D Farmer

February 11, 2014**9:00 AM****Jury Trial****HEARD BY:** Ellsworth, Carolyn**COURTROOM:** RJC Courtroom 03B**COURT CLERK:** Andrea Natali**RECORDER:** Lara Corcoran

PARTIES	Bashor, Ryan	Attorney
PRESENT:	Bluth, Jacqueline	Attorney
	Farmer, Steven D	Defendant
	Kochevar, Brian J.	Attorney
	Maningo, Jeffrey S.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- OUTSIDE THE PRESENCE OF THE JURY: Mr. Kochevar stated after the testimony of Dr. Slaughter, the ER Physician, the State would request a 10 minute break to speak with the victim Roxanne Cagnina prior to her testimony. Mr. Maningo had no opposition. Colloquy regarding the schedule of witness testimony. Upon Court's inquiry, Ms Blueth stated the video had been altered to only show the victim. Mr. Bashor stated he would look at the video.

IN THE PRESENCE OF THE JURY: Testimony and exhibits presented. (See worksheets).
CONFERENCES AT THE BENCH. Testimony and Exhibits continued per worksheets.

COURT ORDERED, Jury Trial CONTINUED.

2/12/14 1:00 PM JURY TRIAL

CLERK S NOTE: By ORDER OF THE COURT, the Bench Conference held between 10:51:21 AM and 10:56:07 AM is hereby SEALED.

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 12, 2014**

08C245739

The State of Nevada vs Steven D Farmer

February 12, 2014**1:00 PM****Jury Trial****HEARD BY:** Ellsworth, Carolyn**COURTROOM:** RJC Courtroom 03B**COURT CLERK:** Denise Trujillo**RECORDER:** Lara Corcoran**REPORTER:****PARTIES****PRESENT:**

Bashor, Ryan

Attorney

Bluth, Jacqueline

Attorney

Farmer, Steven D

Defendant

Kochevar, Brian J.

Attorney

Maningo, Jeffrey S.

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES**- JURY TRIAL**

IN THE ABSENCE OF THE JURY. Mr. Maningo advised he objected to impeachment type testimony, especially from Ms. Cangino, and moved for mis-trial, and if Court is not inclined to do that for jury instruction. Further requested State be prohibited from doing that with further victims. Arguments by counsel. Court agrees with this coming in based on State's argument, however, they run the risk of opening the door for defense. COURT ORDERED, Motion for mis-trial DENIED. IN THE PRESENCE OF JURY. Testimony and exhibits per worksheets.

EVENING RECESS

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 13, 2014**

08C245739

The State of Nevada vs Steven D Farmer

February 13, 2014**9:00 AM****Jury Trial****HEARD BY:** Ellsworth, Carolyn**COURTROOM:** RJC Courtroom 03B**COURT CLERK:** Denise Trujillo**RECORDER:** Lara Corcoran**REPORTER:****PARTIES****PRESENT:**

Bashor, Ryan

Attorney

Bluth, Jacqueline

Attorney

Farmer, Steven D

Defendant

Kochevar, Brian J.

Attorney

Maningo, Jeffrey S.

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES**- TRIAL BY JURY**

IN THE ABSENCE OF THE JURY. Court advised counsel that a few jurors told the marshal they noticed a man come and take their picture through the window. Colloquy between Court and counsel as to how to handle this. Court directed marshal to cover the window. IN THE PRESENCE OF THE JURY. Court advised jury that window will be covered and to notify the Court if they are contacted by anyone. Testimony and exhibits per worksheets. IN THE ABSENCE OF THE JURY. Counsel stipulated to replace a redacted version of exhibit 23. IN THE PRESENCE OF THE JURY. Testimony resumed. IN THE ABSENCE OF THE JURY. Mr. Bashor advised he has 3 documents he wants to mark as Court's exhibit for appellant purposes. Court put earlier bench conference on the record. Counsel made further statements for the record regarding testimony of witness. COURT finds what happened to her later is collateral issue and does not show bias as to what she saw during this event. IN THE PRESENCE OF THE JURY. Testimony resumed.

EVENING RECESS

Flagged for follow up.

PRINT DATE: 03/21/2014

Page 1 of 2

Minutes Date:

February 13, 2014

08C245739

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 14, 2014**

08C245739

The State of Nevada vs Steven D Farmer

February 14, 2014**1:00 PM****Jury Trial****HEARD BY:** Ellsworth, Carolyn**COURTROOM:** RJC Courtroom 03B**COURT CLERK:** Denise Trujillo**RECORDER:** Lara Corcoran**REPORTER:****PARTIES****PRESENT:**

Bashor, Ryan

Attorney

Bluth, Jacqueline

Attorney

Farmer, Steven D

Defendant

Kochevar, Brian J.

Attorney

Maningo, Jeffrey S.

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES**- JURY TRIAL**

IN THE PRESENCE OF THE JURY. Testimony and exhibits per worksheets. IN THE ABSENCE OF THE JURY. Counsel advised they would not have witnesses for Tuesday. IN THE PRESENCE OF THE JURY. Testimony resumed

EVENING RECESS**CONTINUED TO: 2/19/14 1:30 PM**

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 19, 2014**

08C245739

The State of Nevada vs Steven D Farmer

February 19, 2014**1:30 PM****Jury Trial****HEARD BY:** Ellsworth, Carolyn**COURTROOM:** RJC Courtroom 03B**COURT CLERK:** Denise Trujillo**RECORDER:** Lara Corcoran**REPORTER:****PARTIES****PRESENT:**

Bashor, Ryan

Attorney

Bluth, Jacqueline

Attorney

Farmer, Steven D

Defendant

Kochevar, Brian J.

Attorney

Maningo, Jeffrey S.

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES**- JURY TRIAL**

IN THE ABSENCE OF THE JURY. State advised they were going to only ask limited questions to Michelle Simmons and advised they will not ask certain questions as they do not want to open door. Further, Marshall Peterson, victim's son will be testifying and defense has recently become in possession of victim, Marsha Peterson's, diary and State is requesting that not be admitted. Arguments by counsel. Upon reviewing statutes, Court believes this would be considered dying declaration, however, with redactions that are already on these pages, it can not be authenticated. Mr. Bashor requested the requested pages be admitted as Court's exhibits. COURT SO ORDERED. IN THE PRESENCE OF THE JURY. Testimony and exhibits per worksheets.

EVENING RECESS

CONTINUED TO 2/20/14 1 PM

PRINT DATE: 03/21/2014

Page 1 of 2

Minutes Date:

February 19, 2014

08C245739

PRINT DATE: 03/21/2014

Page 2 of 2

Minutes Date:

February 19, 2014

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 20, 2014**

08C245739

The State of Nevada vs Steven D Farmer

February 20, 2014**10:00 AM****Jury Trial****HEARD BY:** Ellsworth, Carolyn**COURTROOM:** RJC Courtroom 03B**COURT CLERK:** Denise Trujillo**RECORDER:** Lara Corcoran**REPORTER:****PARTIES****PRESENT:**

Bashor, Ryan

Attorney

Bluth, Jacqueline

Attorney

Farmer, Steven D

Defendant

Kochevar, Brian J.

Attorney

Maningo, Jeffrey S.

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES**- JURY TRIAL**

IN THE ABSENCE OF THE JURY. Mr. Bashor advised after State rests, he has an oral motion to dismiss CT 3 and modify CT 15. Arguments by counsel. State requested they have time to respond to this. COURT ORDERED, counsel can take up this issue again tomorrow. State objected to Deft's expert testifying as to her opinions are based solely on grand jury testimony of Marsha Peterson. Further, requested she not be allowed to state any inconsistencies, or give opinion as to standard of care. Arguments by counsel. Court advised it will have to wait to hear testimony and counsel can make appropriate objections, and Court will rule on them. Court advised Deft. of his right to testify. IN THE PRESENCE OF THE JURY. State rests. Testimony and exhibits per worksheets. Mr. Maningo advised on stipulation with State, they will not be calling their expert. Deft. rested.

EVENING RECESS**CONTINUED TO: 2/21/14 1:00 PM****PRINT DATE:** 03/21/2014**Page 1 of 2****Minutes Date:****February 20, 2014**

08C245739

08C245739

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 21, 2014

08C245739

The State of Nevada vs Steven D Farmer

February 21, 2014

1:00 PM

Jury Trial

HEARD BY: Ellsworth, Carolyn

COURTROOM: RJC Courtroom 03B

COURT CLERK: Denise Trujillo

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- JURY TRIAL

IN THE ABSENCE OF THE JURY. Jury instructions settled on the record. Counsel advised State will need to file Amended Information to correct CT 15. State's offered instruction not used will be filed with the Court. Deft's three instructions offered but not used will be filed collectively with the Court. IN THE PRESENCE OF THE JURY. COURT instructed jury. Closing arguments by State and Deft's. COURT ORDERED, matter RECESSED until Monday for State's final closing argument.

EVENING RECESS

CONTINUED TO: 2/24/14 9 AM 1 PM

PRINT DATE: 03/21/2014

Page 1 of 1

Minutes Date:

February 21, 2014

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 24, 2014**

08C245739

The State of Nevada vs Steven D Farmer

February 24, 2014**1:00 PM****Jury Trial****HEARD BY:** Ellsworth, Carolyn**COURTROOM:** RJC Courtroom 03B**COURT CLERK:** Denise Trujillo**RECORDER:** Lara Corcoran**REPORTER:****PARTIES****PRESENT:**

Bashor, Ryan

Attorney

Bluth, Jacqueline

Attorney

Farmer, Steven D

Defendant

Kochevar, Brian J.

Attorney

Maningo, Jeffrey S.

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES**- JURY TRIAL**

IN THE ABSENCE OF THE JURY. Amended Information FILED IN OPEN COURT. IN THE PRESENCE OF THE JURY. State presented rebuttal closing arguments. At 2:55 this date, jury retired to begin deliberations. State's initial closing power point admitted as Court's exhibit. State to provide rebuttal power point at later time.

EVENING RECESS (4:50 PM)**CONTINUED TO: 4/25/14 9 AM**

08C245739

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 25, 2014

08C245739

The State of Nevada vs Steven D Farmer

February 25, 2014

9:00 AM

Jury Trial

HEARD BY: Ellsworth, Carolyn

COURTROOM: RJC Courtroom 03B

COURT CLERK: Shelly Landwehr

RECORDER: Lara Corcoran

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

-JURY TRIAL-

Deliberations continued.

EVENING RECESS

CONTINUED TO: 4/27/14 9 AM

08C245739

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 26, 2014

08C245739

The State of Nevada vs Steven D Farmer

February 26, 2014

1:00 PM

Jury Trial

HEARD BY: Ellsworth, Carolyn

COURTROOM: RJC Courtroom 03B

COURT CLERK: Denise Trujillo

RECORDER: Lara Corcoran

REPORTER:

PARTIES

PRESENT:

JOURNAL ENTRIES

- JURY TRIAL

Deliberations continued.

EVENING RECESS

CONTINUED TO: 2/27/14 9 AM

PRINT DATE: 03/21/2014

Page 1 of 1

Minutes Date:

February 26, 2014

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 28, 2014**

08C245739

The State of Nevada vs Steven D Farmer

February 28, 2014**9:00 AM****Jury Trial****HEARD BY:** Ellsworth, Carolyn**COURTROOM:** RJC Courtroom 03B**COURT CLERK:** Denise Trujillo**RECORDER:** Lara Corcoran**REPORTER:****PARTIES****PRESENT:**

Bashor, Ryan

Attorney

Bluth, Jacqueline

Attorney

Farmer, Steven D

Defendant

Kochevar, Brian J.

Attorney

Maningo, Jeffrey S.

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES**- JURY PRESENT.**

At the hour of 2:29 pm, the Jury returned with a verdict in accordance with written verdict which was FILED IN OPEN COURT. JURY FOUND Defendant GUILTY of COUNT 1 - OPEN OR GROSS LEWDNESS (GM), GUILTY of COUNT 2 - OPEN OR GROSS LEWDNESS (GM), NOT GUILTY of COUNT 3 - INDECENT EXPOSURE (GM), GUILTY of COUNT 4 - OPEN OR GROSS LEWDNESS (GM), GUILTY of COUNT 5 - SEXUAL ASSAULT (F), GUILTY of COUNT 6 - SEXUAL ASSAULT (F), NOT GUILTY of COUNT 7 - SEXUAL ASSAULT (F), GUILTY of COUNT 8 - OPEN OR GROSS LEWDNESS (GM), GUILTY of COUNT 9 - OPEN OR GROSS LEWDNESS (GM), GUILTY of COUNT 10 - SEXUAL ASSAULT (F), GUILTY of COUNT 11 - OPEN OR GROSS LEWDNESS (GM), GUILTY of COUNT 12 - SEXUAL ASSAULT (F), GUILTY of COUNT 13 - OPEN OR GROSS LEWDNESS (GM), GUILTY of COUNT 14 - OPEN OR GROSS LEWDNESS (GM), and GUILTY of COUNT 15 - INDECENT EXPOSURE (GM). Jury POLLED. Court thanked and excused the jury. State requested Defendant be remanded without bail. COURT ORDERED, Defendant REMANDED, NO BAIL. COURT FURTHER ORDERED, matter SET for Sentencing.

PRINT DATE: 03/20/2014

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Minutes Date:

February 28, 2014

08C245739

CUSTODY

05/28/14 9:00 AM SENTENCING

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****May 28, 2014**

08C245739

The State of Nevada vs Steven D Farmer

May 28, 2014**9:00 AM****Sentencing****HEARD BY:** Ellsworth, Carolyn**COURTROOM:** RJC Courtroom 03E**COURT CLERK:** Denise Trujillo**RECORDER:** Lara Corcoran**REPORTER:****PARTIES****PRESENT:**

Bashor, Ryan

Attorney

Bluth, Jacqueline

Attorney

Farmer, Steven D

Defendant

Kochevar, Brian J.

Attorney

Maningo, Jeffrey S.

Attorney

State of Nevada

Plaintiff

JOURNAL ENTRIES**- SENTENCING (C249693 CHARGES CONSOLIDATED INTO C245739)**

Deft. present in custody. DEFT. FARMER ADJUDGED GUILTY OF:

CT 1, 2, 4, 8, 9, 11, 13, AND 14 - OPEN OR CROSS LEWDNESS (GM);

CT 5, 6, 10; AND 12 - SEXUAL ASSAULT (F);

CT 15 - INDECENT EXPOSURE (GM). (COUNTS 3 & 7 - NOT GUILTY)

Statements by Deft., and counsel. Roxanne Cagnina, victim, sworn and testified. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee and a \$150.00 DNA Analysis fee including testing to determine genetic markers, Deft. SENTENCED to:

CT 1 - TWELVE (12) MONTHS in the Clark County Detention Center (CCDC);

CT 2 - TWELVE (12) MONTHS in the CCDC to run CONCURRENT with CT 1;

CT 3 - NOT GUILTY

CT 4 - TWELVE (12) MONTHS in the CCDC to run CONCURRENT with CTS 1 & 2;

CT 5 - a TERM OF LIFE with parole eligibility after a MINIMUM TERM of TEN (10) YEARS in the Nevada Department of Corrections (NDC) to run CONCURRENT with CTS 1, 2 & 4;

PRINT DATE: 05/30/2014

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Minutes Date:

May 28, 2014

CT 6 - a TERM OF LIFE with parole eligibility after a MINIMUM TERM of TEN (10) YEARS in the Nevada Department of Corrections (NDC) to run CONSECUTIVE to CT 5;

CT 7 - NOT GUILTY

CT 8 - TWELVE (12) MONTHS in the CCDC to run CONCURRENT with CTS 1,2, 4 & 6;

CT 9 - TWELVE (12) MONTHS in the CCDC to run CONCURRENT with CTS 1,2, 4, 6 & 8

CT 10 - a MAXIMUM TERM OF LIFE with a MINIMUM TERM of TEN (10) YEARS in the Nevada Department of Corrections (NDC) to run CONSECUTIVE to CT 6;

CT 11 - TWELVE (12) MONTHS in the CCDC to run CONCURRENT with CTS 1,2,4,6,8 & 10;

CT 12 - a TERM OF LIFE with parole eligibility after a MINIMUM TERM of TEN (10) YEARS in the Nevada Department of Corrections (NDC) to run CONCURRENT with CTS 1,2,4,6,8,10 & 11;

CT 13 - TWELVE (12) MONTHS in the CCDC to run CONCURRENT with CTS 1,2,4,6,8, 10,11 & 12;

CT 14 - TWELVE (12) MONTHS in the CCDC to run CONCURRENT with CTS 1,2,4,6,8,10,11, 12 & 13; and

CT 15 - TWELVE (12) MONTHS in the CCDC to run CONCURRENT with CTS 1,2,4,6,8, 10,11,12, 13 & 14.

Deft. GRANTED 2,204 DAYS CREDIT for time served. Pursuant to Statute, Deft. to register as a sex offender in accordance with NRS 179D.460, and a special SENTENCE OF LIFETIME SUPERVISION is imposed to commence upon release from any term of probation, parole or imprisonment.

NDC

STEVEN DALE FARMER,) No. 65935
)
 Appellant,)
)
 vi.)
)
 THE STATE OF NEVADA,)
)
 Respondent.)

PHILIP J. KOHN
Clark County Public Defender
309 South Third Street
Las Vegas, Nevada 89155-2610

STEVE WOLFSON
Clark County District Attorney
200 Lewis Avenue, 3rd Floor
Las Vegas, Nevada 89155

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Carson City, Nevada 89701-4717
(702) 687-3538

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 20th day of Feb, 2014. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

HOWARD S. BROOKS
DEBORAH WESTBROOK

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

STEVEN DALE FARMER
NDOC # 1121584
c/o ELY STATE PRISON
P.O. Box 1989
Ely, NV 89301

BY _____
Employee, Clark County Public Defender's Office