

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
5 As to **COUNTS 1, 2, 4, 8, 9, 11, 13, 14 & 15** - TWELVE (12) MONTHS in the Clark
6 County Detention Center (CCDC) as to each count with each count running
7 **CONCURRENT** with each other; as to **COUNT 5** - LIFE with a **MINIMUM** parole
8 eligibility of TEN (10) YEARS in the Nevada Department of Corrections (NDC), Count
9 5 to run **CONCURRENT** with Counts 1, 2 and 4; as to **COUNT 6** - LIFE with a
10 **MINIMUM** parole eligibility of TEN (10) YEARS in the Nevada Department of
11 Corrections (NDC), Count 6 to run **CONSECUTIVE** to Count 5; as to **COUNT 10** -
12 LIFE with a **MINIMUM** parole eligibility of TEN (10) YEARS in the Nevada Department
13 of Corrections (NDC), Count 10 to run **CONSECUTIVE** to Count 6; and as to **COUNT**
14 **12** - LIFE with a **MINIMUM** parole eligibility of TEN (10) YEARS in the Nevada
15 Department of Corrections (NDC), Count 12 to run **CONCURRENT** with Counts 1, 2,
16 4, 6, 8, 10 & 11; with TWO THOUSAND TWO HUNDRED FOUR (2,204) days Credit
17 for Time Served.

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

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

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12 CAROLYN ELLSWORTH
13 DISTRICT JUDGE
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DOCUMENT ATTACHED IS A
TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE

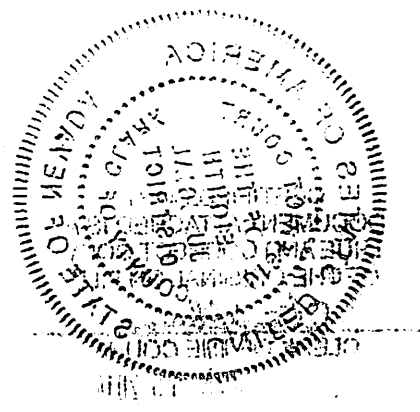

CLERK OF THE COURT

JUN 05 2014

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The following information was obtained from the records of the
Department of the Interior, Bureau of Land Management, and
the Department of the Interior, Bureau of Reclamation, and
the Department of the Interior, Bureau of Indian Affairs.

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IN THE SUPREME COURT OF THE STATE OF NEVADA

STEVEN DALE FARMER,

Appellant,

v.

THE STATE OF NEVADA,

Respondent.

CASE NO.: 65935

Electronically Filed
Aug 26 2015 10:07 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

MOTION TO OBTAIN COPY OF VIDEOTAPED DEPOSITION

COMES NOW Estate of Jane Doe, by and through its Special Administrator, Misty Petersen, by and through its attorneys of record Murdock & Associates, Chtd., and Eckley M. Keach, Chtd., moves this honorable court to release the videotaped testimony of the deceased Plaintiff Jane Doe.

POINTS AND AUTHORITIES

I. FACTS

This motion is filed pursuant to NRAP 27, which provides “An application for an order or other relief is made by motion...” and seeks to obtain a copy of the videotaped testimony of the deceased victim Jane Doe. The videotaped testimony was obtained in Case Number C245739, State vs. Steven Dale Farmer, which is on appeal before this Court in Case Number 65935. The videotaped testimony was received by this Court on March 11, 2015 as Original State’s Exhibit 25.

Jane Doe was one of Steven Farmer's victims. In May 2008, Farmer digitally penetrated Jane Doe's anus, vagina, and pinched and rubbed her nipples against the will of Jane Doe and while Jane Doe was physically unable to resist. Jane Doe was the victim in Counts 10, 11, 12, 13, 14, and 15 of the Indictment in the Eighth Judicial District Court, Clark County, Nevada, in Case Number 08C245739, the case from which this appeal emanated. Farmer was convicted in Count 10 of Sexual Assault (Felony–Category A) in violation of NRS 200.364 & 200.366 for the digital penetration, by inserting his finger(s) into the anal opening of Jane Doe, Count 11 of Open or Gross Lewdness (Gross Misdemeanor) in violation of NRS 201.210 for touching and/or rubbing the genital opening of Jane Doe with his hand(s) and/or finger(s), Count 12 of Sexual Assault (Felony–Category A) in violation of NRS 200.364 & 200.366 for the digital penetration, by inserting his finger(s) into the genital opening of Jane Doe, Count 13 of Open or Gross Lewdness (Gross Misdemeanor) in violation of NRS 201.210 for touching and/or rubbing and/or pinching the breast(s) and/or nipple(s) of Jane Doe with his hand(s) and/or finger(s), Count 14 of Open or Gross Lewdness (Gross Misdemeanor) in violation of NRS 201.210 for touching and/or rubbing and/or pinching the breast(s) and/or nipple(s) of Jane Doe with his hand(s) and/or finger(s), and Count 15 of Indecent Exposure (Gross Misdemeanor) in violation of NRS 201.220 for deliberately lifting the

hospital gown of Jane Doe to look at her genital opening and/or anal opening and/or breast(s). See Judgment of Conviction attached hereto as Exhibit 1.

Jane Doe filed a civil suit in the Eighth Judicial District Court, Case No. 09-A-595780-C, against Steven Farmer and his employers, VALLEY HEALTH SYSTEM LLC, a Nevada limited liability company, d/b/a CENTENNIAL HILLS HOSPITAL MEDICAL CENTER, UNIVERSAL HEALTH SERVICES, INC., a Delaware corporation, and AMERICAN NURSING SERVICES, INC., a Louisiana corporation, in July 2009.¹ She was a patient in the hospital when Farmer, who was working as a certified nursing assistant, committed the crimes for which he was convicted. On July 10, 2013, Jane Doe committed suicide. Prior to her death, on November 18, 2008 Jane Doe testified before a Clark County Grand Jury investigating Farmer's criminal activity at the hospital. Thereafter, on January 20, 2012, Jane Doe testified again at a hearing to preserve her testimony. This hearing was before the Honorable Carolyn Ellsworth, and was videotaped as well as transcribed. The videotaped testimony was admitted into evidence in the criminal trial as State's Exhibit 25. The videotaped testimony is now in the possession of this Court, having been received on March 11, 2015 as part of the record on appeal.

¹ This civil case was recently before this Court on a Petition for Writ of Mandamus in Case Number 67886. That Writ was denied on May 20, 2015.

Jane Doe was never provided a copy of her videotaped testimony. As is often the case, Jane Doe was not provided access to the discovery in the criminal case.² In an unusual twist, the hospital's attorneys, Hall Prangle, were actively involved in assisting Farmer in his criminal defense, and were identified by Farmer as consultants to his defense. While Jane Doe was not provided access to the discovery in the criminal case, the hospital's attorneys were granted access by Farmer and his counsel. Ultimately, in early 2015, Jane Doe was provided copies of the discovery in the criminal case from Farmer. The videotaped testimony was not included within that discovery. The Public Defender's office, who represented Farmer, has informed Jane Does' counsel that they do not have a copy of the videotaped testimony.

II. CONCLUSION

It is counsel's understanding that there are no other copies of the videotaped testimony, other than the original that is in this Court's possession. While counsel has a copy of the transcript related to the videotaped testimony, the transcript does not convey the testimony to the same extent as watching Jane Doe tell her story. It is for this reason that counsel seeks an order from this court authorizing the Clerk to have a copy of the videotaped testimony made and provided to Jane Doe's counsel. Any and all costs for the copying shall be paid by counsel. The trial in this case is

² The discovery in this civil case was stayed for a number of years due to ANS's bankruptcy and resolution of the pending criminal case.

set on a stack in October 2015; the District Court has advised the parties the case will not be going to trial until later in the stack, to at least November 2015, and will probably be kicked to the January 2016 stack.

Respectfully submitted,

MURDOCK & ASSOCIATES, CHTD.
ECKLEY M. KEACH, CHTD.

_____/s/ Eckley M. Keach_____

Robert E. Murdock, Esq.

Nevada Bar No. 4013

Eckley M. Keach, Esq.

Nevada Bar No. 1154

521 South Third Street

Las Vegas, NV 89101

702-685-6111

Attorneys for Plaintiff

CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on the 25th day of August, 2015. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as Follows:

Adam Paul Laxalt
Nevada Attorney General

Deborah L. Westbrook
Deputy Public Defender

Steven S. Owens
Chief Deputy District Attorney

_____/s/ Tiffany Dube_____
Employee of Murdock & Associates, Chtd., and
Eckley M. Keach, Chtd.