

## JOSHUA BACHARACH

Appellant,

VS.

THE STATE OF NEVADA,

Respondent.

DOCKET NUMBER: 69677

Electronically Filed  
Jun 09 2016 09:46 a.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

**APPELLANT’S FAST TRACK APPENDIX VOLUME I**

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Attorney for Respondent  
THE STATE OF NEVADA

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## **COURT MINUTES**

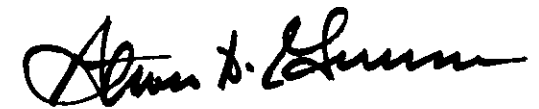
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Transcript of Proceedings, Sentencing, December 30, 2015 .....	VII / 934-944



CLERK OF THE COURT

1 **IND**  
2 **STEVEN B. WOLFSON**  
3 **Clark County District Attorney**  
4 **Nevada Bar #001565**  
5 **MEGAN THOMSON**  
6 **Chief Deputy District Attorney**  
7 **Nevada Bar #011002**  
8 **200 Lewis Avenue**  
9 **Las Vegas, Nevada 89155-2212**  
10 **(702) 671-2500**  
11 **Attorney for Plaintiff**

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

CASE NO: C-14-299425-1

-vs-

DEPT NO: VIII

JOSHUA W. BACHARACH, aka,  
Joshua William Bacharach, #1900105

Defendant.

INDICTMENT

STATE OF NEVADA }  
COUNTY OF CLARK } ss.

The Defendant above named, JOSHUA W. BACHARACH, aka, Joshua William Bacharach, accused by the Clark County Grand Jury of the crime(s) of ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B Felony - NRS 200.010, 200.030, 193.330, 193.165 - NOC 50031); DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR VEHICLE (Category B Felony - NRS 202.287 - NOC 51445); ASSAULT WITH A DEADLY WEAPON (Category B Felony - NRS 200.471 - NOC 50201); STOP REQUIRED ON SIGNAL OF POLICE OFFICER (Category B Felony - NRS 484B.550.3b - NOC 53833); RESISTING PUBLIC OFFICER WITH USE OF A FIREARM (Category C Felony - NRS 199.280 - NOC 55104); POSSESSION OF FIREARM WITH ALTERED OR OBLITERATED SERIAL NUMBER (Category D Felony - NRS 202.277 - NOC 51438) and POSSESSION OF FIREARM BY EX-FELON (Category B Felony - NRS 202.360 - NOC 51460), committed at and within the County of Clark, State of Nevada, on or about the 26th



1 day of June, 2014, as follows:

2 COUNT 1 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

3 did then and there wilfully, unlawfully, feloniously and with malice aforethought  
4 attempt to kill Officer R. MCNABB, a human being, by repeatedly shooting at the said Officer  
5 R. MCNABB, with use of a deadly weapon, to-wit: a firearm.

6 COUNT 2 - DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR  
7 VEHICLE

8 did then and there wilfully, unlawfully, maliciously and feloniously, while in, on or  
9 under a vehicle, located near East Carey Avenue and East Lake Mead Boulevard, Las Vegas,  
10 Clark County, Nevada, discharge a firearm within or from the vehicle; said vehicle being  
11 within an area designated by a City or County Ordinance as a populated area for the purpose  
12 of prohibiting the discharge of weapons.

13 COUNT 3 - ASSAULT WITH A DEADLY WEAPON

14 did then and there wilfully, unlawfully, feloniously and intentionally place another  
15 person in reasonable apprehension of immediate bodily harm and/or did willfully and  
16 unlawfully attempt to use physical force against another person, to-wit: Officer R. MCNABB,  
17 with use of a deadly weapon, to-wit: by shooting a firearm at Officer R. MCNABB.

18 COUNT 4 - DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR  
19 VEHICLE

20 did then and there wilfully, unlawfully, maliciously and feloniously, while in, on or  
21 under a vehicle, located near East Carey Avenue and North Gateway Road, Las Vegas, Clark  
22 County, Nevada, discharge a firearm within or from the vehicle; said vehicle being within an  
23 area designated by a City or County Ordinance as a populated area for the purpose of  
24 prohibiting the discharge of weapons.

25 ///

26 ///

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28 ///

1 COUNT 5 - ASSAULT WITH A DEADLY WEAPON

2 did then and there wilfully, unlawfully, feloniously and intentionally place another  
3 person in reasonable apprehension of immediate bodily harm and/or did willfully and  
4 unlawfully attempt to use physical force against another person, to-wit: Officer R. MCNABB,  
5 with use of a deadly weapon, to-wit: by shooting a firearm at Officer R. MCNABB.

6 COUNT 6 - DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR  
7 VEHICLE

8 did then and there wilfully, unlawfully, maliciously and feloniously, while in, on or  
9 under a vehicle, located near East Carey Avenue and North Gateway Road, Las Vegas, Clark  
10 County, Nevada, discharge a firearm within or from the vehicle; said vehicle being within an  
11 area designated by a City or County Ordinance as a populated area for the purpose of  
12 prohibiting the discharge of weapons.

13 COUNT 7 - ASSAULT WITH A DEADLY WEAPON

14 did then and there wilfully, unlawfully, feloniously and intentionally place another  
15 person in reasonable apprehension of immediate bodily harm and/or did willfully and  
16 unlawfully attempt to use physical force against another person, to-wit: Officer R. MCNABB,  
17 with use of a deadly weapon, to-wit: by shooting a firearm at Officer R. MCNABB.

18 COUNT 8 - DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR  
19 VEHICLE

20 did then and there wilfully, unlawfully, maliciously and feloniously, while in, on or  
21 under a vehicle, located near East Carey Avenue and North Lamb Boulevard, Las Vegas, Clark  
22 County, Nevada, discharge a firearm within or from the vehicle; said vehicle being within an  
23 area designated by a City or County Ordinance as a populated area for the purpose of  
24 prohibiting the discharge of weapons.

25 COUNT 9 - ASSAULT WITH A DEADLY WEAPON

26 did then and there wilfully, unlawfully, feloniously and intentionally place another  
27 person in reasonable apprehension of immediate bodily harm and/or did willfully and  
28 unlawfully attempt to use physical force against another person, to-wit: Officer R. MCNABB,  
with use of a deadly weapon, to-wit: by shooting a firearm at Officer R. MCNABB.

1 COUNT 10 - DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR  
2 VEHICLE

3 did then and there wilfully, unlawfully, maliciously and feloniously, while in, on or  
4 under a vehicle, located near East Carey Avenue and North Lamb Boulevard, Las Vegas, Clark  
5 County, Nevada, discharge a firearm within or from the vehicle; said vehicle being within an  
6 area designated by a City or County Ordinance as a populated area for the purpose of  
7 prohibiting the discharge of weapons.

8 COUNT 11 - ASSAULT WITH A DEADLY WEAPON

9 did then and there wilfully, unlawfully, feloniously and intentionally place another  
10 person in reasonable apprehension of immediate bodily harm and/or did willfully and  
11 unlawfully attempt to use physical force against another person, to-wit: Officer R. MCNABB,  
12 with use of a deadly weapon, to-wit: by shooting a firearm at Officer R. MCNABB.

13 COUNT 12 - STOP REQUIRED ON SIGNAL OF POLICE OFFICER

14 did while driving a motor vehicle at East Carey Avenue and Dolly Lane, Las Vegas,  
15 Clark County, Nevada, willfully, unlawfully, and feloniously fail or refuse to bring said vehicle  
16 to a stop, or otherwise flee or attempt to elude a peace officer in a readily identifiable vehicle  
17 of any police department or regulatory agency, to-wit: Officer R. MCNABB, after being given  
18 a signal to bring the vehicle to a stop, and did operate said motor vehicle in a manner which  
19 endangered, or was likely to endanger any person other than himself or the property of any  
20 person other than himself.

21 COUNT 13 - RESISTING PUBLIC OFFICER WITH USE OF A FIREARM

22 did wilfully, unlawfully, and feloniously resist, delay, or obstruct Officer R. MCNABB,  
23 a public officer in discharging or attempting to discharge any legal duty, to-wit: by shooting  
24 at and/or pointing a firearm at the said officer while fleeing from the officer on foot, as the  
25 officer attempted to lawfully detain Defendant, Defendant using a firearm in the course of such  
26 resistance, obstruction or delay.

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1 COUNT 14 – POSSESSION OF FIREARM WITH ALTERED OR OBLITERATED SERIAL  
2 NUMBER

3 did then and there wilfully, knowingly, unlawfully and feloniously possess a firearm on  
4 which a serial number has been intentionally changed, altered, removed, or obliterated, to-wit:  
5 a Colt .25 caliber semi-automatic firearm.

6 COUNT 15 - POSSESSION OF FIREARM BY EX-FELON

7 did then and there wilfully, unlawfully, and feloniously own or have in his possession,  
8 or under his control, a weapon, to-wit: a .25 caliber Colt handgun, the said Defendant being  
9 an ex-felon, having in 2009, been convicted of Possession of Stolen Vehicle, in Case No.  
10 C256298, and having in 2014, been convicted of Attempt Theft, in Case No. C293845, both  
11 in the Eighth Judicial District Court, Clark County, felonies under the laws of the State of  
12 Nevada.

13 COUNT 16 - POSSESSION OF FIREARM BY EX-FELON

14 did then and there wilfully, unlawfully, and feloniously own or have in his possession,  
15 or under his control, a weapon, to-wit: a 7.62 Ewbank rifle serial number 1983S-AS4608, the  
16 said Defendant being an ex-felon, having in 2009, been convicted of Possession of Stolen  
17 Vehicle, in Case No. C256298, and having in 2014, been convicted of Attempt Theft, in Case  
18 No. C293845, both in the Eighth Judicial District Court, Clark County, felonies under the laws  
19 of the State of Nevada.

20 COUNT 17 - POSSESSION OF FIREARM BY EX-FELON

21 did then and there wilfully, unlawfully, and feloniously own or have in his possession,  
22 or under his control, a weapon, to-wit: a .45 caliber Colt handgun serial number CP33432, the  
23 said Defendant being an ex-felon, having in 2009, been convicted of Possession of Stolen

24 ///

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1 Vehicle, in Case No. C256298, and having in 2014, been convicted of Attempt Theft, in Case  
2 No. C293845, both in the Eighth Judicial District Court, Clark County, felonies under the laws  
3 of the State of Nevada.

4 DATED this 15<sup>th</sup> day of July, 2014.

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

8 BY

  
9 MEGAN THOMSON  
10 Chief/Deputy District Attorney  
11 Nevada Bar #011002

12  
13  
14 ENDORSEMENT: A True Bill

15   
16 \_\_\_\_\_  
17 Foreperson, Clark County Grand Jury  
18  
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28

Names of Witnesses and testifying before the Grand Jury:

HUYSENTRUYT, KARL, LVMPD# 6034

JAEGER, RYAN, LVMPD# 5587

MCNABB, RYAN, LVMPD# 8399

NAZAROFF, EUFRASIA, c/o CCDA, 200 Lewis Avenue, LV, NV 89101

QUESADA, RICARDO, c/o CCDA, 200 Lewis Avenue, LV, NV 89101

Additional Witnesses known to the District Attorney at time of filing the Indictment:

CUSTODIAN OF RECORDS, CCDC

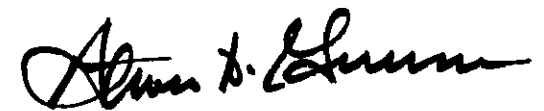
CUSTODIAN OF RECORDS, LVMPD COMMUNICATIONS

CUSTODIAN OF RECORDS, LVMPD RECORDS

PARENT OF RICARDO QUESDADA

TARANGO, MARISALA, c/o CCDA, 200 Lewis Avenue, LV, NV 89101

14AGJ025X/14F10180X/ed-GJ  
LVMPD EV# 1406264091  
(TK11)



CLERK OF THE COURT

NWEW  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
J. TIMOTHY FATTIG  
Chief Deputy District Attorney  
Nevada Bar #006639  
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-

JOSHUA WILLIAM BACHARACH,  
#1900105  
Defendant.

CASE NO: C-14-299425-1

DEPT NO: VIII

**NOTICE OF WITNESSES AND/OR EXPERT WITNESSES**  
**[NRS 174.234]**

TO: JOSHUA WILLIAM BACHARACH, Defendant; and

TO: ROCHELLE NGUYEN, ESQ., Counsel of Record:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF  
NEVADA intends to call the following witnesses and/or expert witnesses in its case in chief.

These witnesses are in addition to those witnesses endorsed on the Information or  
Indictment and any other witness for which a separate Notice of Witnesses and/or Expert  
Witnesses has been filed.

The substance of each expert witness' testimony and copy of all reports made by or at  
the direction of the expert witness has been provided in discovery.

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

//

//

	<u>NAME</u>	<u>ADDESS</u>
1		
2	AKE, PAUL – LVMPD P#8100	
3	ALBERT, JOEL. - LVMPD P#13204 (or designee): CRIME SCENE ANALYST II:	
4	Expert in the identification, documentation, collection and preservation of evidence and	
5	is expected to testify as an expert to the identification, documentation, collection and	
6	preservation of the evidence in this case.	
7	ATWOOD, C. – LVMPD P#10003	
8	BASNER, SPENCER – LVMPD P#8784	
9	BIEN, T. – LVMPD P#7946	
10	BRIGGS, BRIAN – LVMPD P#6201	
11	BUNTING, CHRIS – LVMPD P#6484	
12	BYBEE, RUSSELL – LVMPD P#13295	
13	CORTES-MONROY, ABEL – 4586 EL TOVAR AVE., LVN 89115	
14	CUSTODIAN OF RECORDS – CLARK COUNTY DETENTION CENTER	
15	CUSTODIAN OF RECORDS – LVMPD COMMUNICATIONS	
16	CUSTODIAN OF RECORDS – LVMPD RECORDS	
17	DELATORRF, ANTONIO – LVMPD P#8567	
18	DOSCH, MITCHELL – LVMPD P#7907	
19	FALKNER, BILL – DISTRICT ATTORNEY INVESTIGATOR	
20	FASULO, CINDY – LVMPD P#5672	
21	FERGUSEN, VERNON – LVMPD P#9353	
22	FERGUSON, VERNON – LVMPD P#9353	
23	FERGUSON, VERNON – LVMPD P#9353	
24	GARBUTT, ANTHONY – LVMPD P#7078	
25	GILLIS, MATTHEW – LVMPD P#6432	
26	GOLGART, RICHARD – LVMPD P#4647	
27	GUILLEN, GLORIA – 4586 EL TOVAR, LVN 89115	
28	HEMSEY, THOMAS – LVMPD P#14040	



1 HODSON, BRECK – LVMPD P#9034  
2 HONAKER, JAMIE – DISTRICT ATTORNEY INVESTIGATOR  
3 HOUGHTON, JONATHAN – LVMPD P#9789  
4 HOUGHTON, JONATHAN – LVMPD P#9789  
5 HUGHES, PATRICK – LVMPD P#9084  
6 HUYSENTRUTY, KARL – LVMPD P#6034  
7 JAEGER, RYAN – LVMPD P#5587  
8 JIMENEZ, JESUS – LVMPD P#12882  
9 JOSEPH, SHAYLA – LVMPD P#8178 (or designee): CRIME SCENE ANALYST:  
10 Expert in the identification, documentation, collection and preservation of evidence and  
11 is expected to testify as an expert to the identification, documentation, collection and  
12 preservation of the evidence in this case.  
13 KELLY, JOHN – LVMPD P#13737  
14 KERNS, ERIC – LVMPD P#4331  
15 KOMMEL-BERNSTEIN, JESSE – LVMPD P#9045  
16 MANGIONE, MICHAEL – LVMPD P#13727  
17 MCGINNIS, MICHAEL – LVMPD P#4878  
18 MCGUIRE, JAMES – LVMPD P#14067  
19 MCINTYRE, M. – LVMPD P#13207  
20 MCNABB, RYAN – LVMPD P#8399  
21 MILEWSKI, DAVID – LVMPD P#9678  
22 MIRAMONTES, MILTON – LVMPD P#9813  
23 MORGAN, ERNEST – LVMPD P#5851  
24 NAVA, EDUARDO – LVMPD P#8499  
25 NAZAROFF, ENFRASIA – 333 N. MICHAEL WAY., #1029, LVN 89108  
26 NELSON, CJEAN – LVMPD P#13728  
27 NELSON, JOHN – LVMPD P#14008  
28 ODONELL, SEAN – LVMPD P#8787

1 PALMER, MAURINE – 2409 N. WALNUT RD., LVN 89115  
2 PARENT OF RICARDO QUESADA-ROBLES – SAME ADDRESS  
3 PATTON, J. – LVMPD P#8284  
4 PAZOS, E. – LVM PD P#6817  
5 PEREZ, AARON – LVMPD P#8392  
6 PETERSON, ALAN – LVMPD P#13579  
7 POND, DANIEL – LVMPD P#3791  
8 PORTER, HARRISON – LVMPD P#14086  
9 QUESADA-ROBLES, RICARDO – 4595 EL TOVAR AVE., LVN 89115  
10 QUEZADA, JOSE – 4595 EL TOVAR, LVN 89115  
11 REVELS, JEROME – DISTRICT ATTORNEY INVESTIGATOR  
12 RODRIGUEZ, JOSE – 2433 N. WALNUT RD., #D, LVN 89115  
13 RUMMERY, FRANK – LVMPD P#5817  
14 SCHELIN, CURT – LVMPD P#8454  
15 SCHULER, NATHANIEL – LVMPD P#9814  
16 SHATRAW, BRANDON – LVMPD P#7304  
17 SMITH, RYAN – LVMPD P#13228  
18 SMITH, RYAN – LVMPD P#13228  
19 STAFFORD, ERIC – LVMPD P#13642  
20 STERNS, JOSHUA – LVMPD P#9203  
21 STOUT, ADRIA – LVMPD P#9011  
22 TANANGO, MARIA – 3825 PECAN LANE, LVN 89115  
23 TARANGO, MANUEL – 3825 PECAN LANE, LVN 89115  
24 TARANGO, MARISALA – 3825 PECAN LANE, LVN 89115  
25 THI, STEPHANIE - LVMPD P#14373 (or designee): CRIME SCENE ANALYST:  
26 Expert in the identification, documentation, collection and preservation of evidence and  
27 is expected to testify as an expert to the identification, documentation, collection and  
28 preservation of the evidence in this case.

1 TOSCHI, JEFFREY – LVMPD P#6761

2 TURCAZ, LUIS – LVMPD P#5467

3 VAANDERING, BRENDA – LVMPD P#13575 (or designee): CRIME SCENE  
4 ANALYST: Expert in the identification, documentation, collection and preservation  
5 of evidence and is expected to testify as an expert to the identification, documentation,  
6 collection and preservation of the evidence in this case.

7 VANCE, JEREMY – LVMPD P#9004

8 WAGNER, DAVID – 4585 E. CAREY AVE., LVN

9 WAGNER, MARCIA – 4585 E. CAREY AVE., LVN

10 WILDERMUTH, SCOTT – LVMPD P#8075

11 WRIGHT, AMANDA – LVMPD P#9974 (or designee): CRIME SCENE ANALYST:  
12 Expert in the identification, documentation, collection and preservation of evidence and  
13 is expected to testify as an expert to the identification, documentation, collection and  
14 preservation of the evidence in this case.

15 WYCHE, B. – LVMPD P#14114

16 ZAMORA, CARLOS – LVMPD P#9217

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

19  
20 BY /s//J. TIMOTHY FATTIG  
21 J. TIMOTHY FATTIG  
22 Chief Deputy District Attorney  
Nevada Bar #006639  
23  
24  
25  
26  
27  
28

1                                   **CERTIFICATE OF ELECTRONIC FILING**

2                   I hereby certify that service of State's Opposition, was made this 23rd day of February,  
3 2015, by Electronic Filing to:

4                                   ROCHELLE T. NGUYEN, ESQ.  
5                                   E-mail Address: rtn@lasvegasdefender.com

6                                   Shellie Warner  
7                                   Secretary for the District Attorney's Office

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28 mmw/GCU

*Curriculum Vitae*

**Las Vegas Criminalistics Bureau  
Statement of Qualifications**

Name: Joel Albert

P# 13204

Date: 03-25-08

<b>CURRENT CLASSIFICATION</b>		
	<i>Classification</i>	<i>Minimum Qualifications</i>
X	Crime Scene Analyst I	AA Degree with major course work in Criminal Justice, Forensic Science, Physical Science or related field, including specialized training in Crime Scene Investigation.
	Crime Scene Analyst II	18 months - 2 years continuous service with LVMPD as a Crime Scene Analyst I.
	Senior Crime Scene Analyst	Two (2) years as a Crime Scene Analyst II to qualify for the promotional test for Senior Crime Scene Analyst.
	Crime Scene Analyst Supervisor	Four (4) years continuous service with LVMPD and completion of probation as a Senior Crime Scene Analyst. Must have the equivalent of a Bachelor's Degree from an accredited college or university with major course work in Criminal Justice, Forensic Science, Physical Science or related field.

<b>FORMAL EDUCATION</b>		
<i>Institution</i>	<i>Major</i>	<i>Degree/Date</i>
George Washington University	Forensic Science: Crime Scene	Masters/ Dec 2007
University of California Los Angeles	Microbiology, Immunology, and Molecular Genetics	Bachelor of Science/June 2006

<b>TESTIMONY</b>		
<i>Yes</i>	<i>No</i>	

<b>EMPLOYMENT HISTORY</b>		
<i>Employer</i>	<i>Title</i>	<i>Date</i>
LVMPD	Crime Scene Analyst I	03-10-08 to Present
US Secret Service/ Sparks	Forensic Services Division Contractor	09/06 - 02/08

000014

*Curriculum Vitae*  
**SHAYLA JOSEPH**  
P # 8178

**EMPLOYMENT**

11/17/03 – Present

Las Vegas Metropolitan Police Department, C.S.A.

**CURRENT CLASSIFICATION**

Crime Scene Analyst I

AA Degree with major course work in Criminal Justice, Forensic Science, Physical Science or related field, including specialized training in Crime Scene Investigation.

Crime Scene Analyst II

18 months – 2 years continuous service with LVMPD as a Crime Scene Analyst I.

Senior Crime Scene Analyst

Two (2) years as a Crime Scene Analyst II to qualify for the promotional test for Senior Crime Scene Analyst.

Crime Scene Analyst Supervisor

Four (4) years continuous service with LVMPD and completion of probation as a Senior Crime Scene Analyst. Must have the equivalent of a Bachelor's Degree from an accredited college or university with major course work in Criminal Justice, Forensic Science, Physical Science or related field.

**EDUCATION**

May 2003

Biology – UNLV, Reno

*Curriculum Vitae*

**Las Vegas Criminalistics Bureau  
Statement of Qualifications**

Name: Stephanie Thi

P# 14373

Date: 04-01-13

<b>CURRENT CLASSIFICATION</b>			
	<i>Classification</i>	<i>Minimum Qualifications</i>	
X	Crime Scene Analyst I	AA Degree with major course work in Criminal Justice, Forensic Science, Physical Science or related field, including specialized training in Crime Scene Investigation.	
X	Crime Scene Analyst II	18 months - 2 years continuous service with LVMPD as a Crime Scene Analyst I.	
	Senior Crime Scene Analyst	Two (2) years as a Crime Scene Analyst II to qualify for the promotional test for Senior Crime Scene Analyst.	
	Crime Scene Analyst Supervisor	Four (4) years continuous service with LVMPD and completion of probation as a Senior Crime Scene Analyst. Must have the equivalent of a Bachelor's Degree from an accredited college or university with major course work in Criminal Justice, Forensic Science, Physical Science or related field.	
<b>FORMAL EDUCATION</b>			
	<i>Institution</i>	<i>Major</i>	<i>Degree/Date</i>
	Boston University	Biomedical Forensic Science	Master of Science 09/2009
	John Carroll University	Biology	Bachelor of Science 05/2006
<b>TESTIMONY</b>			
<i>Yes</i>	<i>No</i>		
X		District Court, Justice Court	
<b>EMPLOYMENT HISTORY</b>			
	<i>Employer</i>	<i>Title</i>	<i>Date</i>
	LVMPD	CSA II	01-03-13 to Present
	LVMPD	CSA I	01-03-11 to 01-03-13

*Curriculum Vitae*

**Las Vegas Criminalistics Bureau  
Statement of Qualifications**

Name: Brenda Vaandering

P# 13575

Date: 09-02-10

CURRENT CLASSIFICATION		
	<i>Classification</i>	<i>Minimum Qualifications</i>
X	Crime Scene Analyst I	AA Degree with major course work in Criminal Justice, Forensic Science, Physical Science or related field, including specialized training in Crime Scene
X	Crime Scene Analyst II	18 months - two (2) years continuous service with LVMPD as a Crime Scene Analyst I.
	Senior Crime Scene Analyst	Two (2) years as a Crime Scene Analyst II to qualify for the promotional test for Senior Crime Scene Analyst.
	Crime Scene Analyst Supervisor	Four (4) years continuous service with LVMPD and completion of probation as a Senior Crime Scene Analyst. Must have the equivalent of a Bachelor's Degree from an accredited college or university with major course work in Criminal Justice, Forensic Science, Physical Science or related field.
FORMAL EDUCATION		
<i>Institution</i>	<i>Major</i>	<i>Degree/Date</i>
Western Oregon University	Forensic Chemistry	Bachelor's of Science / 06-2007
TESTIMONY		
<i>Yes</i>	<i>No</i>	
X		Las Vegas Justice Court 09-15-2009
EMPLOYMENT HISTORY		
<i>Employer</i>	<i>Title</i>	<i>Date</i>
LVMPD	CSA I	09-02-08 to 09-02-10
LVMPD	CSA II	09-02-10 to Present

000017



*Curriculum Vitae*

**Las Vegas Criminalistics Bureau  
Statement of Qualifications**

Name: WRIGHT, Amanda

P# 9974

Date: 05-14-07

**CURRENT CLASSIFICATION**

	<i>Classification</i>	<i>Minimum Qualifications</i>
X	Crime Scene Analyst I	AA Degree with major course work in Criminal Justice, Forensic Science, Physical Science or related field, including specialized training in Crime Scene Investigation.
	Crime Scene Analyst II	18 months - 2 years continuous service with LVMPD as a Crime Scene Analyst I.
	Senior Crime Scene Analyst	Two (2) years as a Crime Scene Analyst II to qualify for the promotional test for Senior Crime Scene Analyst.
	Crime Scene Analyst Supervisor	Four (4) years continuous service with LVMPD and completion of probation as a Senior Crime Scene Analyst. Must have the equivalent of a Bachelor's Degree from an accredited college or university with major course work in Criminal Justice, Forensic Science, Physical Science or related field.

**FORMAL EDUCATION**

<i>Institution</i>	<i>Major</i>	<i>Degree/Date</i>
University of New Haven	Forensic Science	Bachelor of Science - January 2006
Bowdoin College	Biochemistry	Bachelor of Arts - May 2001

**TESTIMONY**

<i>Yes</i>	<i>No</i>	

**EMPLOYMENT HISTORY**

<i>Employer</i>	<i>Title</i>	<i>Date</i>
LVMPD	CSAI	05-14-07 to

000018

  
CLERK OF THE COURT

NWEW  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
J. TIMOTHY FATTIG  
Chief Deputy District Attorney  
Nevada Bar #006639  
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-

JOSHUA WILLIAM BACHARACH,  
#1900105  
Defendant.

CASE NO: C-14-299425-1  
DEPT NO: VIII

**SUPPLEMENTAL NOTICE OF WITNESSES AND/OR EXPERT WITNESSES  
[NRS 174.234]**

TO: JOSHUA WILLIAM BACHARACH, Defendant; and

TO: ROCHELLE NGUYEN, ESQ., Counsel of Record:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF  
NEVADA intends to call the following witnesses and/or expert witnesses in its case in chief.

These witnesses are in addition to those witnesses endorsed on the Information or  
Indictment and any other witness for which a separate Notice of Witnesses and/or Expert  
Witnesses has been filed.

The substance of each expert witness' testimony and copy of all reports made by or at  
the direction of the expert witness has been provided in discovery.

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

**\*Indicates an additional witness**

//

	<u>NAME</u>	<u>ADDESS</u>
1		
2	AKE, PAUL – LVMPD P#8100	
3	ALBERT, JOEL. - LVMPD P#13204 (or designee): CRIME SCENE ANALYST II:	
4	Expert in the identification, documentation, collection and preservation of evidence and	
5	is expected to testify as an expert to the identification, documentation, collection and	
6	preservation of the evidence in this case.	
7	ATWOOD, C. – LVMPD P#10003	
8	BASNER, SPENCER – LVMPD P#8784	
9	BIEN, T. – LVMPD P#7946	
10	BRIGGS, BRIAN – LVMPD P#6201	
11	BUNTING, CHRIS – LVMPD P#6484	
12	BYBEE, RUSSELL – LVMPD P#13295	
13	*CARTER, MARNIE – LVMPD P#8179 (or designee): LATENT PRINT	
14	EXAMINER II - Expert in the science and techniques of fingerprint comparison, and	
15	comparisons done in this case and any reports prepared therefrom.	
16	CORTES-MONROY, ABEL – 4586 EL TOVAR AVE., LVN 89115	
17	CUSTODIAN OF RECORDS – CLARK COUNTY DETENTION CENTER	
18	CUSTODIAN OF RECORDS – LVMPD COMMUNICATIONS	
19	CUSTODIAN OF RECORDS – LVMPD RECORDS	
20	DELATORRF, ANTONIO – LVMPD P#8567	
21	DOSCH, MITCHELL – LVMPD P#7907	
22	FALKNER, BILL – DISTRICT ATTORNEY INVESTIGATOR	
23	FASULO, CINDY – LVMPD P#5672	
24	FERGUSEN, VERNON – LVMPD P#9353	
25	FERGUSON, VERNON – LVMPD P#9353	
26	FERGUSON, VERNON – LVMPD P#9353	
27	GARBUTT, ANTHONY – LVMPD P#7078	
28	GILLIS, MATTHEW – LVMPD P#6432	

1 GOLGART, RICHARD – LVMPD P#4647  
2 GUILLEN, GLORIA – 4586 EL TOVAR, LVN 89115  
3 HEMSEY, THOMAS – LVMPD P#14040  
4 HODSON, BRECK – LVMPD P#9034  
5 HONAKER, JAMIE – DISTRICT ATTORNEY INVESTIGATOR  
6 HOUGHTON, JONATHAN – LVMPD P#9789  
7 HOUGHTON, JONATHAN – LVMPD P#9789  
8 HUGHES, PATRICK – LVMPD P#9084  
9 HUYSENTRUTY, KARL – LVMPD P#6034  
10 JAEGER, RYAN – LVMPD P#5587  
11 JIMENEZ, JESUS – LVMPD P#12882  
12 JOSEPH, SHAYLA – LVMPD P#8178 (or designee): CRIME SCENE ANALYST:  
13 Expert in the identification, documentation, collection and preservation of evidence and  
14 is expected to testify as an expert to the identification, documentation, collection and  
15 preservation of the evidence in this case.  
16 KELLY, JOHN – LVMPD P#13737  
17 KERNS, ERIC – LVMPD P#4331  
18 KOMMEL-BERNSTEIN, JESSE – LVMPD P#9045  
19 \*LESTER, ANYA “SANKO” – LVMPD P#13771 (or designee):  
20 FIREARMS/TOOLMARK EXAMINER with the Las Vegas Metropolitan Police  
21 Department. She is an expert in the field of firearm and toolmark comparisons and is  
22 expected to testify thereto.  
23 MANGIONE, MICHAEL – LVMPD P#13727  
24 MCGINNIS, MICHAEL – LVMPD P#4878  
25 MCGUIRE, JAMES – LVMPD P#14067  
26 MCINTYRE, M. – LVMPD P#13207  
27 MCNABB, RYAN – LVMPD P#8399  
28 MILEWSKI, DAVID – LVMPD P#9678

1 MIRAMONTES, MILTON – LVMPD P#9813  
2 MORGAN, ERNEST – LVMPD P#5851  
3 NAVA, EDUARDO – LVMPD P#8499  
4 NAZAROFF, ENFRASIA – 333 N. MICHAEL WAY., #1029, LVN 89108  
5 NELSON, CJEAN – LVMPD P#13728  
6 NELSON, JOHN – LVMPD P#14008  
7 ODONELL, SEAN – LVMPD P#8787  
8 PALMER, MAURINE – 2409 N. WALNUT RD., LVN 89115  
9 PARENT OF RICARDO QUESADA-ROBLES – SAME ADDRESS  
10 PATTON, J. – LVMPD P#8284  
11 PAZOS, E. – LVM PD P#6817  
12 PEREZ, AARON – LVMPD P#8392  
13 PETERSON, ALAN – LVMPD P#13579  
14 POND, DANIEL – LVMPD P#3791  
15 PORTER, HARRISON – LVMPD P#14086  
16 QUESADA-ROBLES, RICARDO – 4595 EL TOVAR AVE., LVN 89115  
17 QUEZADA, JOSE – 4595 EL TOVAR, LVN 89115  
18 REVELS, JEROME – DISTRICT ATTORNEY INVESTIGATOR  
19 RODRIGUEZ, JOSE – 2433 N. WALNUT RD., #D, LVN 89115  
20 RUMMERY, FRANK – LVMPD P#5817  
21 SCHELIN, CURT – LVMPD P#8454  
22 SCHULER, NATHANIEL – LVMPD P#9814  
23 SHATRAW, BRANDON – LVMPD P#7304  
24 SMITH, RYAN – LVMPD P#13228  
25 SMITH, RYAN – LVMPD P#13228  
26 STAFFORD, ERIC – LVMPD P#13642  
27 STERNS, JOSHUA – LVMPD P#9203  
28 STOUT, ADRIA – LVMPD P#9011

1 TANANGO, MARIA – 3825 PECAN LANE, LVN 89115

2 TARANGO, MANUEL – 3825 PECAN LANE, LVN 89115

3 TARANGO, MARISALA – 3825 PECAN LANE, LVN 89115

4 THI, STEPHANIE - LVMPD P#14373 (or designee): CRIME SCENE ANALYST:  
5 Expert in the identification, documentation, collection and preservation of evidence and  
6 is expected to testify as an expert to the identification, documentation, collection and  
7 preservation of the evidence in this case.

8 TOSCHI, JEFFREY – LVMPD P#6761

9 TURCAZ, LUIS – LVMPD P#5467

10 VAANDERING, BRENDA – LVMPD P#13575 (or designee): CRIME SCENE  
11 ANALYST: Expert in the identification, documentation, collection and preservation  
12 of evidence and is expected to testify as an expert to the identification, documentation,  
13 collection and preservation of the evidence in this case.

14 VANCE, JEREMY – LVMPD P#9004

15 \*VIDA, BEATA – LVMPD P#14279 (or designee): Expert in the field of DNA  
16 extractions, comparisons, analysis, and the identification of bodily fluids and is  
17 expected to testify thereto.

18 WAGNER, DAVID – 4585 E. CAREY AVE., LVN

19 WAGNER, MARCIA – 4585 E. CAREY AVE., LVN

20 WILDERMUTH, SCOTT – LVMPD P#8075

21 WRIGHT, AMANDA – LVMPD P#9974 (or designee): CRIME SCENE ANALYST:  
22 Expert in the identification, documentation, collection and preservation of evidence and  
23 is expected to testify as an expert to the identification, documentation, collection and  
24 preservation of the evidence in this case.

25 //

26 //

27 //

28 //

1 WYCHE, B. – LVMPD P#14114

2 ZAMORA, CARLOS – LVMPD P#9217

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

6 BY /s//J. TIMOTHY FATTIG  
7 J. TIMOTHY FATTIG  
8 Chief Deputy District Attorney  
9 Nevada Bar #006639

10 **CERTIFICATE OF ELECTRONIC FILING**

11 I hereby certify that service of State's Opposition, was made this 23rd day of February,  
12 2015, by Electronic Filing to:

13 ROCHELLE T. NGUYEN, ESQ.  
14 E-mail Address: rtn@lasvegasdefender.com

15 Shellie Warner  
16 Secretary for the District Attorney's Office

27  
28 mmw/GCU

<b>Las Vegas Metropolitan Police Department</b> <b>Forensic Laboratory</b> <b>Report of Examination</b> <b>Biology/DNA Forensic Casework</b>		<b>Distribution Date:</b> December 16, 2014 <b>Agency:</b> LVMPD <b>Location:</b> OIO <b>Primary Case #:</b> 140626-4091 <b>Incident:</b> OIS <b>Requester:</b> Ryan M Jaeger <b>Lab Case #:</b> 14-11347.1
<b>Subject(s):</b>	Joshua BACHARACH (Suspect) LVMPD (Victim)	

The following evidence was examined and results are reported below.

Lab Item #	Impound Pkg #	Impound Item #	Description	Summary
Item 16	013204 - 7	19	Swab from trigger, grip and slide of "Colt .45" handgun	• Inconclusive profile
Item 17		20	Swab from base and feed ramp of magazine	• No DNA profile obtained
Item 20	013204 - 17	29	Swab from trigger, grip and slide of "Colt .25" handgun	• Negative presumptive blood test(s) • Inconclusive profile
Item 21		30	Swab from base and feed ramp of magazine	• Negative presumptive blood test(s) • No DNA profile obtained
Item 22		31	Swab from trigger, forestock and butt of "AK" rifle	• Inconclusive profile
Item 25	013579 - 1	1	Swab from driver's side interior door handle	• Inconclusive mixture profile
Item 26		5	Steering wheel cover	• Mixture profile
Item 27		7	Swab from gear shift knob	• Full female profile
Item 12	013204 - 5	14	White "American" ballistic vest	• Complex mixture profile
Item 2	009974 - 4	6	Buccal swab from Joshua Bacharach	• Full male profile

### Results and Conclusions:

Item 16, Item 17, Item 20, Item 21, Item 22, Item 25, Item 26, Item 27, Item 12 and Item 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.

#### Lab Item 16

Conclusions with regard to the swab from the trigger, grip and slide of the "Colt .45" handgun (Item 16) cannot be reached because the profile is not suitable for comparison.

#### Lab Item 17

A DNA profile was not obtained from the swab from the base and feed ramp of the magazine (Item 17).

#### Lab Item 20

Conclusions with regard to the swab from the trigger, grip and slide of the "Colt .25" handgun (Item 20) cannot be reached because the profile is not suitable for comparison.

#### Lab Item 21

A DNA profile was not obtained from the swab from the base and feed ramp of the magazine (Item 21).

#### Lab Item 22

Conclusions with regard to the swab from the trigger, forestock and butt of the "AK" rifle (Item 22) cannot be reached because the profile is not suitable for comparison.

#### Lab Item 25

Conclusions with regard to the swab from the driver's side interior door handle (Item 25) cannot be reached because the profile is not suitable for comparison.



**Lab Item 26**

The DNA profile obtained from the steering wheel cover (Item 26) is consistent with a mixture of at least three individuals with at least one being a male. There are two major contributors present as well as at least one additional minor contributor. The unknown female #1 and Joshua Bacharach (Item 2) cannot be excluded as the major contributors to the mixture. Approximately 1 in 167,000 unrelated individuals in the general population can be included as a possible major DNA contributor to the major mixture profile obtained. No conclusions can be made regarding the additional minor contributor(s) to the mixture.

**Lab Item 27**

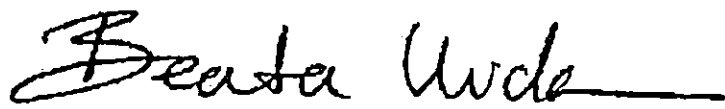
The DNA profile obtained from the swab from the gear shift knob (Item 27) is consistent with an unknown female #1.

**Lab Item 12**

Conclusions with regard to the white "American" ballistic vest (Item 12) cannot be reached because the profile is not suitable for comparison.

The evidence is returned to secure storage.

---This report does not constitute the entire case file. The case file may be comprised of worksheets, images, analytical data and other documents.---



Beata Vida, #14279  
Forensic Scientist II

12/15/2014

- END OF REPORT -

<b>Las Vegas Metropolitan Police Department</b> <b>Forensic Laboratory</b>  <b>Report of Examination</b>  <b>Firearms &amp; Toolmarks</b>		<b>Distribution Date:</b> January 8, 2015 <b>Agency:</b> LVMPD <b>Location:</b> OIO <b>Primary Case #:</b> 140626-4091 <b>Incident:</b> OIS <b>Requester:</b> Ryan M Jaeger <b>Lab Case #:</b> 14-11347.2
<b>Subject(s):</b>	Joshua BACHARACH (Suspect)	

The following evidence was examined and results are reported below.

Lab Item #	Impound Pkg #	Impound Item #	Description
1	009974-1	1	One Glock Model 17C 9x19 (9mm Luger) caliber semiautomatic pistol, serial number HGP724, equipped with a Surefire X300 Ultra Weaponlight and one magazine
3	013204-1	1	One "SPEER" 9mm Luger +P cartridge case
4	013204-1	2	One "SPEER" 9mm Luger +P cartridge case
5	013204-1	3	One "SPEER" 9mm Luger +P cartridge case
6	013204-1	4	One "SPEER" 9mm Luger +P cartridge case
7	013204-1	5	One "SPEER" 9mm Luger +P cartridge case
8	013204-1	6	One "SPEER" 9mm Luger +P cartridge case
9	013204-1	7	One "SPEER" 9mm Luger +P cartridge case
10	013204-1	8	One "SPEER" 9mm Luger +P cartridge case
11	013204-4	13	One Colt Model 1991A1 Compact Model .45 Auto caliber semiautomatic pistol, serial number CP33432 and one magazine
13	013204-6	15	One "SPEER" .45 Auto cartridge case
14	013204-6	16	One "SPEER" .45 Auto cartridge case
15	013204-6	17	One "SPEER" .45 Auto cartridge case
18	013204-13	26	One Colt Model Automatic .25 Auto caliber semiautomatic pistol with an obliterated serial number and one magazine
19	013204-16	28	One Ewbank Manufacturing Model EMAKM 7.62x39mm caliber semiautomatic rifle, serial number 004478
24	013204-12	25	One magazine
28	013204-3	10	One "WINCHESTER" .45 Auto cartridge
29	013204-3	11	One "SPEER" .45 Auto cartridge
30	013204-3	12	One "SPEER" .45 Auto cartridge
31	009974-2	2	One magazine (not examined)

## Results and Conclusions:

### Firearms

The Glock pistol (Lab Item 1) was examined, test fired and found to be operational with no noted malfunctions. This pistol has a barrel length of approximately 4 ½ inches, an overall length of approximately 8 inches without the affixed light and approximately 8 7/8 inches with the affixed light and a trigger pull of 6 ¾ – 7 ¼ pounds. The submitted magazine fits and functions in this pistol and has a capacity of 17 cartridges.

The Colt .45 Auto caliber pistol (Lab Item 11) was examined, test fired and found to be operational with no noted malfunctions. This pistol has a barrel length of approximately 3 ¾ inches, an overall length of approximately 7 ¼ inches and a trigger pull of 4 – 4 ½ pounds. The submitted magazine fits and functions in this pistol and has a capacity of 10 cartridges.

The Colt .25 Auto caliber pistol (Lab Item 18) was examined, test fired and found to be operational with no noted malfunctions. This pistol was found to be missing the rear lever safety, which did not affect its function. An area of obliteration on the left frame, in the location where the manufacturer typically places a serial number, was noted on this pistol. Attempts to restore a serial number in this area were unsuccessful. This pistol has a barrel length of approximately 2 3/16 inches, an overall length of approximately 4 ½ inches and a trigger pull of 7 – 7 ½ pounds. The submitted magazine fits and functions in this pistol and has a capacity of 6 cartridges.

**Firearms (continued)**

The Ewbank Manufacturing rifle (Lab Item 19) was examined and test fired and found to be operational. The stock and receiver were found to have been altered to allow the receiver to slide backwards into the stock and a metal loop has been attached to the left stock near the trigger guard. These modifications allow this semiautomatic rifle to simulate automatic firing by repeatedly recoiling and reconnecting the trigger with the shooter's finger upon firing. This rifle has a barrel length of approximately 17 ¼ inches, an overall length of approximately 36 ¾ inches and a trigger pull of 3 ½ - 4 pounds. The submitted magazine (Lab Item 24) fits and functions in this pistol and has a capacity of 31 cartridges.

Representative images of test fired cartridge cases from the two Colt pistols and the Ewbank Manufacturing rifle were entered into and searched in the National Integrated Ballistic Information Network (NIBIN). Notifications will be made if there are any associations to these entries.

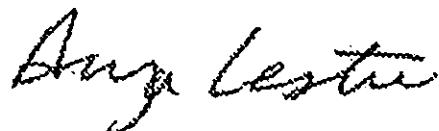
**Cartridge Cases and Cartridges**

The evidence and test fired cartridge cases and cartridges were examined and microscopically inter-compared with the following results:

- The eight cartridge cases (Lab Items 3-10) were identified as having been fired by the submitted Glock pistol (Lab Item 1).
- The three cartridge cases (Lab Items 13-15) were identified as having been fired by the submitted Colt pistol (Lab Item 11).
- The cartridge (Lab Item 29) was associated with the submitted Colt pistol (Lab Item 11). This association is based on an examination of the marks related to the cycling process of the firearm.
- The two cartridges (Lab Items 28 and 30) could not be associated with the submitted Colt pistol (Lab Item 11) due to insufficient marks.

The evidence is returned to secure storage.

---This report does not constitute the entire case file. The case file may be comprised of worksheets, images, analytical data and other documents.---



Anya Lester, #13771  
Forensic Scientist II

01/02/2015

- END OF REPORT -

<b>Las Vegas Metropolitan Police Department</b> <b>Forensic Laboratory</b> <b>Report of Examination</b> <b>Latent Prints</b>		<b>Distribution Date:</b> November 12, 2014 <b>Agency:</b> LVMPD <b>Location:</b> OIO <b>Primary Case #:</b> 140626-4091 <b>Incident:</b> OIS <b>Requester:</b> Ryan M Jaeger <b>Lab Case #:</b> 14-11347.3
<b>Subject(s):</b>	Joshua BACHARACH (Suspect)	

The following evidence was examined and results are reported below.

#### Latent Print Examination

Lab Item #	Impound Pkg #	Card #	Description	Results and Conclusions
Item 23	013204 - 1	Q1	Five photographs of the "Side of magazine from Colt .45 (Item #13)...LP1b CA/R6G/LASER"	One suitable print(s) marked A: A - Identified to the left thumb of BACHARACH, Joshua.
		Q2	Two photographs of the "Side of charging handle of AK rifle (Item #28)...LP2a CA/R6G/LASER"	No suitable latent prints

#### Exemplar Prints

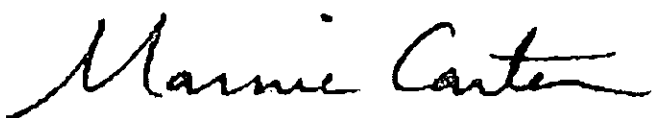
Name	ID	Description
BACHARACH, Joshua	1900105	LVMPD Archive fingerprints dated 5/4/2009 LVMPD Archive fingerprints dated 6/17/2005

All suitable latent prints have been identified; no further comparisons are warranted.

The evidence is returned to secure storage.

Technical Reviewer: Forensic Scientist David Johnson P#9933

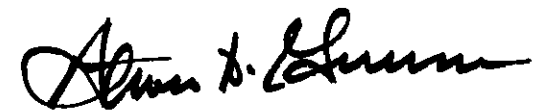
---This report does not constitute the entire case file. The case file may be comprised of worksheets, images, analytical data and other documents.---



Marnie M Carter, #8179  
Forensic Scientist II

11/06/2014

- END OF REPORT -



CLERK OF THE COURT

NWEW  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
J. TIMOTHY FATTIG  
Chief Deputy District Attorney  
Nevada Bar #006639  
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-

JOSHUA WILLIAM BACHARACH,  
#1900105

Defendant.

CASE NO: C-14-299425-1

DEPT NO: VIII

**SECOND SUPPLEMENTAL NOTICE OF WITNESSES  
AND/OR EXPERT WITNESSES  
[NRS 174.234]**

TO: JOSHUA WILLIAM BACHARACH, Defendant; and

TO: ROCHELLE NGUYEN, ESQ., Counsel of Record:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF  
NEVADA intends to call the following witnesses and/or expert witnesses in its case in chief.

These witnesses are in addition to those witnesses endorsed on the Information or  
Indictment and any other witness for which a separate Notice of Witnesses and/or Expert  
Witnesses has been filed.

The substance of each expert witness' testimony and copy of all reports made by or at  
the direction of the expert witness has been provided in discovery.

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

**\*Indicates an additional witness**

//

	<u>NAME</u>	<u>ADDESS</u>
1		
2	AKE, PAUL – LVMPD P#8100	
3	ALBERT, JOEL. - LVMPD P#13204 (or designee): CRIME SCENE ANALYST II:	
4	Expert in the identification, documentation, collection and preservation of evidence and	
5	is expected to testify as an expert to the identification, documentation, collection and	
6	preservation of the evidence in this case.	
7	ATWOOD, C. – LVMPD P#10003	
8	BASNER, SPENCER – LVMPD P#8784	
9	BIEN, T. – LVMPD P#7946	
10	BRIGGS, BRIAN – LVMPD P#6201	
11	BUNTING, CHRIS – LVMPD P#6484	
12	BYBEE, RUSSELL – LVMPD P#13295	
13	CARTER, MARNIE – LVMPD P#8179 (or designee): LATENT PRINT EXAMINER	
14	II - Expert in the science and techniques of fingerprint comparison, and comparisons	
15	done in this case and any reports prepared therefrom.	
16	CORTES-MONROY, ABEL – 4586 EL TOVAR AVE., LVN 89115	
17	CUSTODIAN OF RECORDS – CLARK COUNTY DETENTION CENTER	
18	CUSTODIAN OF RECORDS – LVMPD COMMUNICATIONS	
19	CUSTODIAN OF RECORDS – LVMPD RECORDS	
20	DELATORRF, ANTONIO – LVMPD P#8567	
21	DOSCH, MITCHELL – LVMPD P#7907	
22	FALKNER, BILL – DISTRICT ATTORNEY INVESTIGATOR	
23	FASULO, CINDY – LVMPD P#5672	
24	FERGUSEN, VERNON – LVMPD P#9353	
25	FERGUSON, VERNON – LVMPD P#9353	
26	FERGUSON, VERNON – LVMPD P#9353	
27	GARBUTT, ANTHONY – LVMPD P#7078	
28	GILLIS, MATTHEW – LVMPD P#6432	

1 GOLGART, RICHARD – LVMPD P#4647

2 GUILLEN, GLORIA – 4586 EL TOVAR, LVN 89115

3 HEMSEY, THOMAS – LVMPD P#14040

4 HODSON, BRECK – LVMPD P#9034

5 HONAKER, JAMIE – DISTRICT ATTORNEY INVESTIGATOR

6 HOUGHTON, JONATHAN – LVMPD P#9789

7 HOUGHTON, JONATHAN – LVMPD P#9789

8 HUGHES, PATRICK – LVMPD P#9084

9 HUYSENTRUTY, KARL – LVMPD P#6034

10 JAEGER, RYAN – LVMPD P#5587

11 JIMENEZ, JESUS – LVMPD P#12882

12 \*JOHNSON, DAVID – LVMPD P#9933 (or designee): LATENT PRINT  
13 EXAMINER II - Expert in the science and techniques of fingerprint comparison, and  
14 comparisons done in this case and any reports prepared therefrom.

15 JOSEPH, SHAYLA – LVMPD P#8178 (or designee): CRIME SCENE ANALYST:  
16 Expert in the identification, documentation, collection and preservation of evidence and  
17 is expected to testify as an expert to the identification, documentation, collection and  
18 preservation of the evidence in this case.

19 KELLY, JOHN – LVMPD P#13737

20 KERNS, ERIC – LVMPD P#4331

21 KOMMEL-BERNSTEIN, JESSE – LVMPD P#9045

22 LESTER, ANYA “SANKO” – LVMPD P#13771 (or designee):  
23 FIREARMS/TOOLMARK EXAMINER with the Las Vegas Metropolitan Police  
24 Department. She is an expert in the field of firearm and toolmark comparisons and is  
25 expected to testify thereto.

26 MANGIONE, MICHAEL – LVMPD P#13727

27 MCGINNIS, MICHAEL – LVMPD P#4878

28 MCGUIRE, JAMES – LVMPD P#14067

1 MCINTYRE, M. – LVMPD P#13207  
2 MCNABB, RYAN – LVMPD P#8399  
3 MILEWSKI, DAVID – LVMPD P#9678  
4 MIRAMONTES, MILTON – LVMPD P#9813  
5 MORGAN, ERNEST – LVMPD P#5851  
6 NAVA, EDUARDO – LVMPD P#8499  
7 NAZAROFF, ENFRASIA – 333 N. MICHAEL WAY., #1029, LVN 89108  
8 NELSON, CJEAN – LVMPD P#13728  
9 NELSON, JOHN – LVMPD P#14008  
10 ODONELL, SEAN – LVMPD P#8787  
11 PALMER, MAURINE – 2409 N. WALNUT RD., LVN 89115  
12 PARENT OF RICARDO QUESADA-ROBLES – SAME ADDRESS  
13 PATTON, J. – LVMPD P#8284  
14 PAZOS, E. – LVM PD P#6817  
15 PEREZ, AARON – LVMPD P#8392  
16 PETERSON, ALAN – LVMPD P#13579  
17 POND, DANIEL – LVMPD P#3791  
18 PORTER, HARRISON – LVMPD P#14086  
19 QUESADA-ROBLES, RICARDO – 4595 EL TOVAR AVE., LVN 89115  
20 QUEZADA, JOSE – 4595 EL TOVAR, LVN 89115  
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22 RODRIGUEZ, JOSE – 2433 N. WALNUT RD., #D, LVN 89115  
23 RUMMERY, FRANK – LVMPD P#5817  
24 SCHELIN, CURT – LVMPD P#8454  
25 SCHULER, NATHANIEL – LVMPD P#9814  
26 SHATRAW, BRANDON – LVMPD P#7304  
27 SMITH, RYAN – LVMPD P#13228  
28 STAFFORD, ERIC – LVMPD P#13642



1 STERNS, JOSHUA – LVMPD P#9203

2 STOUT, ADRIA – LVMPD P#9011

3 TANANGO, MARIA – 3825 PECAN LANE, LVN 89115

4 TARANGO, MANUEL – 3825 PECAN LANE, LVN 89115

5 TARANGO, MARISALA – 3825 PECAN LANE, LVN 89115

6 THI, STEPHANIE - LVMPD P#14373 (or designee): CRIME SCENE ANALYST:  
7 Expert in the identification, documentation, collection and preservation of evidence and  
8 is expected to testify as an expert to the identification, documentation, collection and  
9 preservation of the evidence in this case.

10 TOSCHI, JEFFREY – LVMPD P#6761

11 TURCAZ, LUIS – LVMPD P#5467

12 VAANDERING, BRENDA – LVMPD P#13575 (or designee): CRIME SCENE  
13 ANALYST: Expert in the identification, documentation, collection and preservation  
14 of evidence and is expected to testify as an expert to the identification, documentation,  
15 collection and preservation of the evidence in this case.

16 VANCE, JEREMY – LVMPD P#9004

17 VIDA, BEATA – LVMPD P#14279 (or designee): Expert in the field of DNA  
18 extractions, comparisons, analysis, and the identification of bodily fluids and is  
19 expected to testify thereto.

20 WAGNER, DAVID – 4585 E. CAREY AVE., LVN

21 WAGNER, MARCIA – 4585 E. CAREY AVE., LVN

22 WILDERMUTH, SCOTT – LVMPD P#8075

23 WRIGHT, AMANDA – LVMPD P#9974 (or designee): CRIME SCENE ANALYST:  
24 Expert in the identification, documentation, collection and preservation of evidence and  
25 is expected to testify as an expert to the identification, documentation, collection and  
26 preservation of the evidence in this case.

27 //

28 //

1 WYCHE, B. – LVMPD P#14114

2 ZAMORA, CARLOS – LVMPD P#9217

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

6 BY /s//J. TIMOTHY FATTIG  
7 J. TIMOTHY FATTIG  
8 Chief Deputy District Attorney  
9 Nevada Bar #006639

10 **CERTIFICATE OF ELECTRONIC FILING**

11 I hereby certify that service of State's Opposition, was made this 23rd day of February,  
12 2015, by Electronic Filing to:

13 ROCHELLE T. NGUYEN, ESQ.  
14 E-mail Address: rtn@lasvegasdefender.com

15 Shellie Warner  
16 Secretary for the District Attorney's Office

27  
28 mmw/GCU

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

Date: 12/14/10

Name: David Johnson

P#: 9933

Classification: Forensic Scientist II

Current Discipline of Assignment: Latent Prints

EXPERIENCE IN THE FOLLOWING DISCIPLINE(S)			
Controlled Substances		Blood Alcohol	
Toolmarks		Breath Alcohol	
Trace Evidence		Arson Analysis	
Toxicology		Firearms	
Latent Prints	X	Crime Scene Investigations	
Serology		Clandestine Laboratory Response Team	
Document Examination		DNA Analysis	
Quality Assurance		Technical Support /	
EDUCATION			
<i>Institution</i>	<i>Dates Attended</i>	<i>Major</i>	<i>Degree Completed</i>
University of California, Riverside	9/99-8/03	Biology	BS
ADDITIONAL TRAINING / SEMINARS			
<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>	
NEDIAI 18 <sup>th</sup> Annual Educational Conference	Manchester, VT	11/09/10-11/12/10	
Photoshop CS5	Las Vegas, NV	08/31/10	
Forensic Fingerprint Analysis Basics	Las Vegas, NV	08/25/10	
IAI 95 <sup>th</sup> Educational Conference	Spokane, WA	07/11/10-07/17/10	
Paper Chemistry, Oil Red O, and Physical Developer	Las Vegas, NV	10/09/09	
The Development of Latent Prints on Porous Surfaces Using 1,2-IND-Zn	Las Vegas, NV	10/08/09	
Writing for Publication	Las Vegas, NV	06/17/09	

**000036**

ADDITIONAL TRAINING / SEMINARS		
<i>Course / Seminar</i>	<i>Location</i>	<i>Dates</i>
Probability Based Fingerprint Examination – Fingerprinting in the 21 <sup>st</sup> Century	Las Vegas, NV	06/15/09-06/16/09
Analysis of Distortion in Latent Prints	Las Vegas, NV	02/09/09-02/10/09
GWS-L Latent user Methods and Operations	Las Vegas, NV	09/17/09-09/18/08
IAI 93 <sup>rd</sup> Educational Conference	Louisville, KY	08/17/08-08/23/08
LVMPD Latent Print Training Program	Las Vegas, NV	03/26/07-07/14/08
PNWD-IAI Education & Training Conference	Medford, OR	05/13/08-05/16/08
Witnessing 101	Las Vegas, NV	05/09/08
Application of Statistics to Ridgeology and ACE-V Methodology	Las Vegas, NV	03/31/08 – 04/04/08
Forensic Ridgeology	Las Vegas, NV	02/18/08 – 02/22/08
Forensic Photography	Las Vegas, NV	02/11/08 – 02/13/08
Forensic Imaging Techniques	Las Vegas, NV	01/07/08 – 01/09/08
Finding Latents with Chemistry and Light	Henderson, NV	12/12/07 - 12/15/07
Advanced Palm Print Comparison Techniques	Fresno, CA	11/13/07 - 11/15/07
Introduction to Firearms Safety	Las Vegas, NV	10/24/07
SCAFO Training Seminar	Riverside, CA	10/01/07 – 10/2/07
IAI 92 <sup>nd</sup> Educational Conference	San Diego, CA	7/23/07 - 7/27/07
Driver Training	Las Vegas, NV	07/05/07
COURTROOM EXPERIENCE		
<i>Court</i>	<i>Discipline</i>	<i>Number of Times</i>
Clark County District Court	Latent Prints	8
Federal Court (Nevada)	Latent Prints	1
Clark County Grand Jury	Latent Prints	1
EMPLOYMENT HISTORY		

<i>Employer</i>	<i>Job Title</i>	<i>Date</i>
LVMPD Forensic Laboratory	Forensic Scientist II	03/10 – present
LVMPD Forensic Laboratory	Forensic Scientist I	03/08 – 03/10
LVMPD Forensic Laboratory	Forensic Scientist Trainee	03/07- 03/08
<b>PROFESSIONAL AFFILIATIONS</b>		
<i>Organization</i>		<i>Date(s)</i>
International Association for Identification (IAI)		2007-present
<b>PUBLICATIONS / PRESENTATIONS:</b>		
<b>Presentations:</b>		
11/12/10 “How Much is Enough: Exploring “Of Value” Decisions and Borderline Latent Prints” NEDIAI 18 <sup>th</sup> Annual Educational Conference, Manchester, VT		
11/12/10 “Ridge Flows of the Feet” NEDIAI 18 <sup>th</sup> Annual Educational Conference, Manchester, VT		
11/11/10 “Aging and Wound Healing of the Skin” NEDIAI 18 <sup>th</sup> Annual Educational Conference, Manchester, VT		
10/28/10-10/29/10 “Analysis of Distortion in Latent Prints” San Diego, CA		
10/18/10 “How Much is Enough: Exploring “Of Value” Decisions and Borderline Latent Prints” Indiana IAI 17th Annual Conference, Fort Wayne IN		
07/16/10 “How Much is Enough: Exploring “Of Value” Decisions and Borderline Latent Prints” IAI 95 <sup>th</sup> Educational Conference, Spokane, WA		
07/15/10 “Ridge Flows of the Feet” IAI 95 <sup>th</sup> Educational Conference, Spokane, WA		
07/15/10 “How Much is Enough: Exploring “Of Value” Decisions and Borderline Latent Prints” IAI 95 <sup>th</sup> Educational Conference, Spokane, WA		
07/13/10 “Ridge Flows of the Feet” IAI 95 <sup>th</sup> Educational Conference, Spokane, WA		
07/13/10 “How Much is Enough: Exploring “Of Value” Decisions and Borderline Latent Prints” IAI 95 <sup>th</sup> Educational Conference, Spokane, WA		
05/27/10 “Analysis of Distortion in Latent Prints” CSDIAI 20110 Annual Training Seminar, Rancho Mirage, CA		
10/08/09 “Ridge Flows of the Feet” 4 <sup>th</sup> Tri-Division Educational Conference, Las Vegas, NV		
10/07/09 “Ridge Flows of the Feet” 4 <sup>th</sup> Tri-Division Educational Conference, Las Vegas, NV		

**PUBLICATIONS / PRESENTATIONS:**

9/22/08 "Latent Print Evidence", CSA Academy, LVMPD, Las Vegas, NV

8/22/08 "Ridge Flows of the Feet" IAI 93<sup>rd</sup> Educational Conference, Louisville, KY8/21/08 "Ridge Flows of the Feet" IAI 93<sup>rd</sup> Educational Conference, Louisville, KY8/19/08 "Ridge Flows of the Feet" IAI 93<sup>rd</sup> Educational Conference, Louisville, KY

07/21/08-7/25/08 "Ridgeology Science Workshop" Pretoria, South Africa

6/11/08 "Historical and Scientific Development of Latent Print Methodologies", LVMPD, Las Vegas, NV

05/08 "Aging and Wound Healing of the Friction Ridge Skin", PNWDIAI, Medford, OR

05/08 "Disguised and Disrupted Fingerprints", PNWDIAI, Medford, OR

05/08 "Ridge Flows and Crease Patterns of the Feet", PNWDIAI, Medford, OR

05/08 "Analysis of Distortion in Latent Prints", PNWDIAI, Medford, OR

04/08 "Ridge Flows and Crease Patterns of the Feet", SWGFAST, Huntsville, TX

3/08 "Latent Print Evidence", CSA Academy, LVMPD, Las Vegas, NV

1/16/08 "Introduction to Latent Print Collection", LVMPD Laughlin Substation, NV

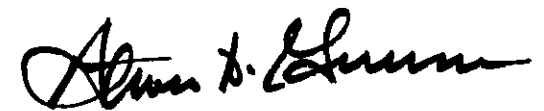
8/21/07 "Disguising and Disrupting Fingerprints", LVMPD, Las Vegas, NV

8/7/07 "Distortion in Latent Prints", LVMPD, Las Vegas, NV

6/14/07 "Ridge Flows and Crease Patterns of the Hands and Feet", LVMPD, Las Vegas, NV

**OTHER QUALIFICATIONS:**

Certified Latent Print Examiner through the International Association for Identification since 9/2009



CLERK OF THE COURT

NWEW  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
J. TIMOTHY FATTIG  
Chief Deputy District Attorney  
Nevada Bar #006639  
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-

JOSHUA WILLIAM BACHARACH,  
#1900105  
Defendant.

CASE NO: C-14-299425-1

DEPT NO: VIII

**THIRD SUPPLEMENTAL NOTICE OF WITNESSES  
AND/OR EXPERT WITNESSES  
[NRS 174.234]**

TO: JOSHUA WILLIAM BACHARACH, Defendant; and

TO: ROCHELLE NGUYEN, ESQ., Counsel of Record:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF  
NEVADA intends to call the following witnesses and/or expert witnesses in its case in chief.

These witnesses are in addition to those witnesses endorsed on the Information or  
Indictment and any other witness for which a separate Notice of Witnesses and/or Expert  
Witnesses has been filed.

The substance of each expert witness' testimony and copy of all reports made by or at  
the direction of the expert witness has been provided in discovery.

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

**\*Indicates an additional witness**

//

	<u>NAME</u>	<u>ADDESS</u>
1		
2	AKE, PAUL – LVMPD P#8100	
3	ALBERT, JOEL. - LVMPD P#13204 (or designee): CRIME SCENE ANALYST II:	
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10	BRIGGS, BRIAN – LVMPD P#6201	
11	BUNTING, CHRIS – LVMPD P#6484	
12	BYBEE, RUSSELL – LVMPD P#13295	
13	CARTER, MARNIE – LVMPD P#8179 (or designee): LATENT PRINT EXAMINER	
14	II - Expert in the science and techniques of fingerprint comparison, and comparisons	
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17	CUSTODIAN OF RECORDS – CLARK COUNTY DETENTION CENTER	
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27	GARBUTT, ANTHONY – LVMPD P#7078	
28	GILLIS, MATTHEW – LVMPD P#6432	



1 GOLGART, RICHARD – LVMPD P#4647

2 \*GONZALEZ, NORAYAMA – 2330 DOLLY LANE, LVN

3 GUILLEN, GLORIA – 4586 EL TOVAR, LVN 89115

4 HEMSEY, THOMAS – LVMPD P#14040

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11 JAEGER, RYAN – LVMPD P#5587

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3 MCNABB, RYAN – LVMPD P#8399  
4 MILEWSKI, DAVID – LVMPD P#9678  
5 MIRAMONTES, MILTON – LVMPD P#9813  
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8 NAZAROFF, ENFRASIA – 333 N. MICHAEL WAY., #1029, LVN 89108  
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15 PAZOS, E. – LVM PD P#6817  
16 PEREZ, AARON – LVMPD P#8392  
17 PETERSON, ALAN – LVMPD P#13579  
18 POND, DANIEL – LVMPD P#3791  
19 PORTER, HARRISON – LVMPD P#14086  
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21 QUEZADA, JOSE – 4595 EL TOVAR, LVN 89115  
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23 RODRIGUEZ, JOSE – 2433 N. WALNUT RD., #D, LVN 89115  
24 RUMMERY, FRANK – LVMPD P#5817  
25 SCHELIN, CURT – LVMPD P#8454  
26 SCHULER, NATHANIEL – LVMPD P#9814  
27 SHATRAW, BRANDON – LVMPD P#7304  
28 SMITH, RYAN – LVMPD P#13228

1 STAFFORD, ERIC – LVMPD P#13642

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3 STOUT, ADRIA – LVMPD P#9011

4 TANANGO, MARIA – 3825 PECAN LANE, LVN 89115

5 TARANGO, MANUEL – 3825 PECAN LANE, LVN 89115

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7 THI, STEPHANIE - LVMPD P#14373 (or designee): CRIME SCENE ANALYST:

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9 is expected to testify as an expert to the identification, documentation, collection and  
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13 VAANDERING, BRENDA – LVMPD P#13575 (or designee): CRIME SCENE

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21 WAGNER, DAVID – 4585 E. CAREY AVE., LVN

22 WAGNER, MARCIA – 4585 E. CAREY AVE., LVN

23 WILDERMUTH, SCOTT – LVMPD P#8075

24 WRIGHT, AMANDA – LVMPD P#9974 (or designee): CRIME SCENE ANALYST:

25 Expert in the identification, documentation, collection and preservation of evidence and  
26 is expected to testify as an expert to the identification, documentation, collection and  
27 preservation of the evidence in this case.

28 //

1 WYCHE, B. – LVMPD P#14114

2 ZAMORA, CARLOS – LVMPD P#9217

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

6 BY /s//J. TIMOTHY FATTIG  
7 J. TIMOTHY FATTIG  
8 Chief Deputy District Attorney  
9 Nevada Bar #006639

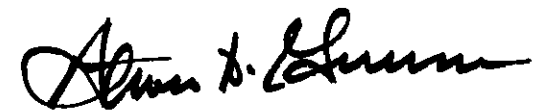
10 **CERTIFICATE OF ELECTRONIC FILING**

11 I hereby certify that service of State's Opposition, was made this 20th day of October,  
12 2015, by Electronic Filing to:

13 ROCHELLE T. NGUYEN, ESQ.  
14 E-mail Address: rtn@lasvegasdefender.com

15 Shellie Warner  
16 Secretary for the District Attorney's Office

27  
28 mmw/GCU



CLERK OF THE COURT

NWEW  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
J. TIMOTHY FATTIG  
Chief Deputy District Attorney  
Nevada Bar #006639  
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-

JOSHUA WILLIAM BACHARACH,  
#1900105  
  
Defendant.

CASE NO: C-14-299425-1

DEPT NO: VIII

**FOURTH SUPPLEMENTAL NOTICE OF WITNESSES  
AND/OR EXPERT WITNESSES  
[NRS 174.234]**

TO: JOSHUA WILLIAM BACHARACH, Defendant; and

TO: ROCHELLE NGUYEN, ESQ., Counsel of Record:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF  
NEVADA intends to call the following witnesses and/or expert witnesses in its case in chief.

These witnesses are in addition to those witnesses endorsed on the Information or  
Indictment and any other witness for which a separate Notice of Witnesses and/or Expert  
Witnesses has been filed.

The substance of each expert witness' testimony and copy of all reports made by or at  
the direction of the expert witness has been provided in discovery.

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

**\*Indicates an additional witness**

//

	<u>NAME</u>	<u>ADDESS</u>
1		
2	AKE, PAUL – LVMPD P#8100	
3	ALBERT, JOEL. - LVMPD P#13204 (or designee): CRIME SCENE ANALYST II:	
4	Expert in the identification, documentation, collection and preservation of evidence and	
5	is expected to testify as an expert to the identification, documentation, collection and	
6	preservation of the evidence in this case.	
7	ATWOOD, C. – LVMPD P#10003	
8	BASNER, SPENCER – LVMPD P#8784	
9	BIEN, T. – LVMPD P#7946	
10	BRIGGS, BRIAN – LVMPD P#6201	
11	BUNTING, CHRIS – LVMPD P#6484	
12	BYBEE, RUSSELL – LVMPD P#13295	
13	CARTER, MARNIE – LVMPD P#8179 (or designee): LATENT PRINT EXAMINER	
14	II - Expert in the science and techniques of fingerprint comparison, and comparisons	
15	done in this case and any reports prepared therefrom.	
16	CORTES-MONROY, ABEL – 4586 EL TOVAR AVE., LVN 89115	
17	CUSTODIAN OF RECORDS – CLARK COUNTY DETENTION CENTER	
18	CUSTODIAN OF RECORDS – LVMPD COMMUNICATIONS	
19	CUSTODIAN OF RECORDS – LVMPD RECORDS	
20	DELATORRF, ANTONIO – LVMPD P#8567	
21	DOSCH, MITCHELL – LVMPD P#7907	
22	FALKNER, BILL – DISTRICT ATTORNEY INVESTIGATOR	
23	FASULO, CINDY – LVMPD P#5672	
24	FERGUSEN, VERNON – LVMPD P#9353	
25	*FERRANTI, PETER – LVMPD P#5427	
26	GARBUTT, ANTHONY – LVMPD P#7078	
27	GILLIS, MATTHEW – LVMPD P#6432	
28	GOLGART, RICHARD – LVMPD P#4647	

1 GONZALEZ, NORAYAMA – 2330 DOLLY LANE, LVN  
2 GUILLEN, GLORIA – 4586 EL TOVAR, LVN 89115  
3 HEMSEY, THOMAS – LVMPD P#14040  
4 HODSON, BRECK – LVMPD P#9034  
5 HONAKER, JAMIE – DISTRICT ATTORNEY INVESTIGATOR  
6 HOUGHTON, JONATHAN – LVMPD P#9789  
7 HOUGHTON, JONATHAN – LVMPD P#9789  
8 HUGHES, PATRICK – LVMPD P#9084  
9 HUYSENTRUTY, KARL – LVMPD P#6034  
10 JAEGER, RYAN – LVMPD P#5587  
11 JIMENEZ, JESUS – LVMPD P#12882  
12 JOHNSON, DAVID – LVMPD P#9933 (or designee): LATENT PRINT EXAMINER  
13 II - Expert in the science and techniques of fingerprint comparison, and comparisons  
14 done in this case and any reports prepared therefrom.  
15 JOSEPH, SHAYLA – LVMPD P#8178 (or designee): CRIME SCENE ANALYST:  
16 Expert in the identification, documentation, collection and preservation of evidence and  
17 is expected to testify as an expert to the identification, documentation, collection and  
18 preservation of the evidence in this case.  
19 KELLY, JOHN – LVMPD P#13737  
20 KERNS, ERIC – LVMPD P#4331  
21 KOMMEL-BERNSTEIN, JESSE – LVMPD P#9045  
22 LESTER, ANYA “SANKO” – LVMPD P#13771 (or designee):  
23 FIREARMS/TOOLMARK EXAMINER with the Las Vegas Metropolitan Police  
24 Department. She is an expert in the field of firearm and toolmark comparisons and is  
25 expected to testify thereto.  
26 MANGIONE, MICHAEL – LVMPD P#13727  
27 MCGINNIS, MICHAEL – LVMPD P#4878  
28 MCGUIRE, JAMES – LVMPD P#14067

1 MCINTYRE, M. – LVMPD P#13207  
2 MCNABB, RYAN – LVMPD P#8399  
3 MILEWSKI, DAVID – LVMPD P#9678  
4 MIRAMONTES, MILTON – LVMPD P#9813  
5 MORGAN, ERNEST – LVMPD P#5851  
6 NAVA, EDUARDO – LVMPD P#8499  
7 NAZAROFF, ENFRASIA – 333 N. MICHAEL WAY., #1029, LVN 89108  
8 NELSON, CJEAN – LVMPD P#13728  
9 NELSON, JOHN – LVMPD P#14008  
10 ODONELL, SEAN – LVMPD P#8787  
11 PALMER, MAURINE – 2409 N. WALNUT RD., LVN 89115  
12 PARENT OF RICARDO QUESADA-ROBLES – SAME ADDRESS  
13 PATTON, J. – LVMPD P#8284  
14 PAZOS, E. – LVM PD P#6817  
15 PEREZ, AARON – LVMPD P#8392  
16 PETERSON, ALAN – LVMPD P#13579  
17 POND, DANIEL – LVMPD P#3791  
18 PORTER, HARRISON – LVMPD P#14086  
19 QUESADA-ROBLES, RICARDO – 4595 EL TOVAR AVE., LVN 89115  
20 QUEZADA, JOSE – 4595 EL TOVAR, LVN 89115  
21 REVELS, JEROME – DISTRICT ATTORNEY INVESTIGATOR  
22 RODRIGUEZ, JOSE – 2433 N. WALNUT RD., #D, LVN 89115  
23 RUMMERY, FRANK – LVMPD P#5817  
24 SCHELIN, CURT – LVMPD P#8454  
25 SCHULER, NATHANIEL – LVMPD P#9814  
26 SHATRAW, BRANDON – LVMPD P#7304  
27 SMITH, RYAN – LVMPD P#13228  
28 STAFFORD, ERIC – LVMPD P#13642



1 STERNS, JOSHUA – LVMPD P#9203

2 STOUT, ADRIA – LVMPD P#9011

3 TANANGO, MARIA – 3825 PECAN LANE, LVN 89115

4 TARANGO, MANUEL – 3825 PECAN LANE, LVN 89115

5 TARANGO, MARISALA – 3825 PECAN LANE, LVN 89115

6 THI, STEPHANIE - LVMPD P#14373 (or designee): CRIME SCENE ANALYST:  
7 Expert in the identification, documentation, collection and preservation of evidence and  
8 is expected to testify as an expert to the identification, documentation, collection and  
9 preservation of the evidence in this case.

10 TOSCHI, JEFFREY – LVMPD P#6761

11 TURCAZ, LUIS – LVMPD P#5467

12 VAANDERING, BRENDA – LVMPD P#13575 (or designee): CRIME SCENE  
13 ANALYST: Expert in the identification, documentation, collection and preservation  
14 of evidence and is expected to testify as an expert to the identification, documentation,  
15 collection and preservation of the evidence in this case.

16 VANCE, JEREMY – LVMPD P#9004

17 VIDA, BEATA – LVMPD P#14279 (or designee): Expert in the field of DNA  
18 extractions, comparisons, analysis, and the identification of bodily fluids and is  
19 expected to testify thereto.

20 WAGNER, DAVID – 4585 E. CAREY AVE., LVN

21 WAGNER, MARCIA – 4585 E. CAREY AVE., LVN

22 WILDERMUTH, SCOTT – LVMPD P#8075

23 WRIGHT, AMANDA – LVMPD P#9974 (or designee): CRIME SCENE ANALYST:  
24 Expert in the identification, documentation, collection and preservation of evidence and  
25 is expected to testify as an expert to the identification, documentation, collection and  
26 preservation of the evidence in this case.

27 //

28 //

1 WYCHE, B. – LVMPD P#14114

2 ZAMORA, CARLOS – LVMPD P#9217

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

6 BY /s//J. TIMOTHY FATTIG  
7 J. TIMOTHY FATTIG  
8 Chief Deputy District Attorney  
9 Nevada Bar #006639

10 **CERTIFICATE OF ELECTRONIC FILING**

11 I hereby certify that service of State's Opposition, was made this 22nd day of October,  
12 2015, by Electronic Filing to:

13 ROCHELLE T. NGUYEN, ESQ.  
14 E-mail Address: rtn@lasvegasdefender.com

15 Shellie Warner  
16 Secretary for the District Attorney's Office

27  
28 mmw/GCU

ORIGINAL

1 IND

2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 MEGAN THOMSON  
6 Chief Deputy District Attorney  
7 Nevada Bar #011002  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

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

NOV - 2 2015

By *Tena Jolley*  
TENA JOLLEY, DEPUTY

C-14-299425-1  
AIND  
Amended Indictment  
4499500



DISTRICT COURT  
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

12 JOSHUA W. BACHARACH,  
13 aka Joshua William Bacharach, #1900105

14 Defendant.

CASE NO: C-14-299425-1

DEPT NO: VIII

AMENDED  
INDICTMENT

15 STATE OF NEVADA }  
16 COUNTY OF CLARK } ss.

17 The Defendant above named, JOSHUA W. BACHARACH, aka Joshua William  
18 Bacharach, accused by the Clark County Grand Jury of the crime(s) of **ATTEMPT MURDER**  
19 **WITH USE OF A DEADLY WEAPON** (Category B Felony - NRS 200.010, 200.030,  
20 193.330, 193.165 - NOC 50031); **DISCHARGE OF FIREARM FROM OR WITHIN A**  
21 **STRUCTURE OR VEHICLE** (Category B Felony - NRS 202.287 - NOC 51445);  
22 **ASSAULT WITH A DEADLY WEAPON** (Category B Felony - NRS 200.471 - NOC  
23 50201); **STOP REQUIRED ON SIGNAL OF POLICE OFFICER** (Category B Felony -  
24 NRS 484B.550.3b - NOC 53833); **RESISTING PUBLIC OFFICER WITH USE OF A**  
25 **FIREARM** (Category C Felony - NRS 199.280 - NOC 55104); **POSSESSION OF**  
26 **FIREARM WITH ALTERED OR OBLITERATED SERIAL NUMBER** (Category D  
27 **Felony - NRS 202.277 - NOC 51438)** and **POSSESSION OF FIREARM BY EX-FELON**  
28 **(Category B Felony - NRS 202.360 - NOC 51460)**, committed at and within the County of

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Clark, State of Nevada, on or about the 26th day of June, 2014, as follows:

COUNT 1 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

did then and there wilfully, unlawfully, feloniously and with malice aforethought attempt to kill Officer R. MCNABB, a human being, by repeatedly shooting at the said Officer R. MCNABB, with use of a deadly weapon, to-wit: a firearm.

**COUNT 2 - DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR VEHICLE**

did then and there wilfully, unlawfully, maliciously and feloniously, while in, on or under a vehicle, located near East Carey Avenue and East Lake Mead Boulevard, Las Vegas, Clark County, Nevada, discharge a firearm within or from the vehicle; said vehicle being within an area designated by a City or County Ordinance as a populated area for the purpose of prohibiting the discharge of weapons.

## COUNT 3 - ASSAULT WITH A DEADLY WEAPON

did then and there wilfully, unlawfully, feloniously and intentionally place another person in reasonable apprehension of immediate bodily harm and/or did wilfully and unlawfully attempt to use physical force against another person, to-wit: Officer R. MCNABB, with use of a deadly weapon, to-wit: by shooting a firearm at Officer R. MCNABB.

**COUNT 4 - DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR VEHICLE**

did then and there wilfully, unlawfully, maliciously and feloniously, while in, on or under a vehicle, located near East Carey Avenue and North Gateway Road, Las Vegas, Clark County, Nevada, discharge a firearm within or from the vehicle; said vehicle being within an area designated by a City or County Ordinance as a populated area for the purpose of prohibiting the discharge of weapons.

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did then and there wilfully, unlawfully, feloniously and intentionally place another person in reasonable apprehension of immediate bodily harm and/or did wilfully and unlawfully attempt to use physical force against another person, to-wit: Officer R. MCNABB, with use of a deadly weapon, to-wit: by shooting a firearm at Officer R. MCNABB.

did then and there wilfully, unlawfully, maliciously and feloniously, while in, on or under a vehicle, located near East Carey Avenue and North Gateway Road, Las Vegas, Clark County, Nevada, discharge a firearm within or from the vehicle; said vehicle being within an area designated by a City or County Ordinance as a populated area for the purpose of prohibiting the discharge of weapons.

did then and there wilfully, unlawfully, feloniously and intentionally place another person in reasonable apprehension of immediate bodily harm and/or did wilfully and unlawfully attempt to use physical force against another person, to-wit: Officer R. MCNABB, with use of a deadly weapon, to-wit: by shooting a firearm at Officer R. MCNABB.

did then and there wilfully, unlawfully, maliciously and feloniously, while in, on or under a vehicle, located near East Carey Avenue and North Lamb Boulevard, Las Vegas, Clark County, Nevada, discharge a firearm within or from the vehicle; said vehicle being within an area designated by a City or County Ordinance as a populated area for the purpose of prohibiting the discharge of weapons.

//

did then and there wilfully, unlawfully, feloniously and intentionally place another person in reasonable apprehension of immediate bodily harm and/or did wilfully and unlawfully attempt to use physical force against another person, to-wit: Officer R. MCNABB, with use of a deadly weapon, to-wit: by shooting a firearm at Officer R. MCNABB.

did then and there wilfully, unlawfully, maliciously and feloniously, while in, on or under a vehicle, located near East Carey Avenue and North Lamb Boulevard, Las Vegas, Clark County, Nevada, discharge a firearm within or from the vehicle; said vehicle being within an area designated by a City or County Ordinance as a populated area for the purpose of prohibiting the discharge of weapons.

did then and there wilfully, unlawfully, feloniously and intentionally place another person in reasonable apprehension of immediate bodily harm and/or did wilfully and unlawfully attempt to use physical force against another person, to-wit: Officer R. MCNABB, with use of a deadly weapon, to-wit: by shooting a firearm at Officer R. MCNABB.

did while driving a motor vehicle between the areas of Walnut and Carey and Carey and Dolly Lane, Las Vegas, Clark County, Nevada, willfully, unlawfully, and feloniously fail or refuse to bring said vehicle to a stop, or otherwise flee or attempt to elude a peace officer in a readily identifiable vehicle of any police department or regulatory agency, to-wit: Officer R. MCNABB, after being given a signal to bring the vehicle to a stop, and did operate said motor vehicle in a manner which endangered, or was likely to endanger any person other than himself or the property of any person other than himself.

//

1 COUNT 13 - RESISTING PUBLIC OFFICER WITH USE OF A FIREARM

2 did wilfully, unlawfully, and feloniously resist, delay, or obstruct Officer R. MCNABB,  
3 a public officer in discharging or attempting to discharge any legal duty, to-wit: by shooting  
4 at and/or pointing a firearm at the said officer while fleeing from the officer on foot, as the  
5 officer attempted to lawfully detain Defendant, Defendant using a firearm in the course of such  
6 resistance, obstruction or delay.

7 COUNT 14 - POSSESSION OF FIREARM WITH ALTERED OR OBLITERATED SERIAL  
8 NUMBER

9 did then and there wilfully, knowingly, unlawfully and feloniously possess a firearm on  
10 which a serial number has been intentionally changed, altered, removed, or obliterated, to-wit:  
11 a Colt .25 caliber semi-automatic firearm.

12 COUNT 15 - POSSESSION OF FIREARM BY EX-FELON

13 did then and there wilfully, unlawfully, and feloniously own or have in his possession,  
14 or under his control, a weapon, to-wit: a .25 caliber Colt handgun, the said Defendant being  
15 an ex-felon, having in 2009, been convicted of Possession of Stolen Vehicle, in Case No.  
16 C256298, and having in 2014, been convicted of Attempt Theft, in Case No. C293845, both  
17 in the Eighth Judicial District Court, Clark County, felonies under the laws of the State of  
18 Nevada.

19 COUNT 16 - POSSESSION OF FIREARM BY EX-FELON

20 did then and there wilfully, unlawfully, and feloniously own or have in his possession,  
21 or under his control, a weapon, to-wit: a 7.62 Ewbank rifle serial number 1983S-AS4608, the  
22 said Defendant being an ex-felon, having in 2009, been convicted of Possession of Stolen  
23 Vehicle, in Case No. C256298, and having in 2014, been convicted of Attempt Theft, in Case  
24 No. C293845, both in the Eighth Judicial District Court, Clark County, felonies under the laws  
25 of the State of Nevada.

26 //

27 //

28 //

did then and there wilfully, unlawfully, and feloniously own or have in his possession, or under his control, a weapon, to-wit: a .45 caliber Colt handgun serial number CP33432, the said Defendant being an ex-felon, having in 2009, been convicted of Possession of Stolen Vehicle, in Case No. C256298, and having in 2014, been convicted of Attempt Theft, in Case No. C293845, both in the Eighth Judicial District Court, Clark County, felonies under the laws of the State of Nevada.

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

MEGAN THOMSON  
Chief Deputy District Attorney  
Nevada Bar #011002



**Names of Witnesses and testifying before the Grand Jury:**

HUYSENTRUYT, KARL, LVMPD# 6034

JAEGER, RYAN, LVMPD# 5587

MCNABB, RYAN, LVMPD# 8399

NAZAROFF, EUFRASIA, c/o CCDA, 200 Lewis Avenue, LV, NV 89101

QUESADA, RICARDO, c/o CCDA, 200 Lewis Avenue, LV, NV 89101

**Additional Witnesses known to the District Attorney at time of filing the Indictment:**

CUSTODIAN OF RECORDS, CCDC

CUSTODIAN OF RECORDS, LVMPD COMMUNICATIONS

CUSTODIAN OF RECORDS, LVMPD RECORDS

PARENT OF RICARDO QUESDADA

TARANGO, MARISALA, c/o CCDA, 200 Lewis Avenue, LV, NV 89101

14AGJ025X/14F10180X/mmw/GCU  
LVMPD EV# 1406264091  
(TK11)

ORIGINAL

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

NOV - 2 2015

JURL

DISTRICT COURT

BY: Tena Jolley  
TENA JOLLEY, DEPUTY

CLARK COUNTY, NEVADA

STATE OF NEVADA

Plaintiff(s),

-vs-

CASE NO: C299425

JOSHUA W. BACHARACH

Defendant(s).

DEPT. NO. VIII

JURY LIST

1. Carol Burgeson

8. Linda Andrews

2. Andrew West

9. Yvette Steward

3. Dana Pfannkuchen

10. Elizabeth Ringer

4. Joseph Gambino

11. Dustin Krause

5. Rebecca Troxell

12. Elijah Teves

6. Joseph Young

13. Trevor Yanke

7. Yanisley Elias

14. Lena Sankovich

ALTERNATES

Secret from above

C-14-299425-1  
JURL  
Jury List  
4489601



000059

1 JURL

2 ORIGINAL

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

4 DISTRICT COURT

NOV - 3 2015

5 CLARK COUNTY, NEVADA

6 BY: *Tena Jolley*  
TENA JOLLEY, DEPUTY

7 STATE OF NEVADA

Plaintiff(s),

8 -vs-

CASE NO: C299425

9 JOSHUA W. BACHARACH

DEPT. NO. VIII

10 Defendant(s).

11  
12 AMENDED JURY LIST

13 1. Carol Burgeson

8. Linda Andrews

14 2. Andrew West

9. Yvette Steward

15 3. Dana Pfannkuchen

10. Elizabeth Ringer

16 4. Joseph Gambino

11. Trevor Yanke

17 5. Rebecca Troxell

12. Elijah Teves

18 6. Joseph Young

13. Lena Sankovich

19 7. Yanisley Elias

20  
21 ALTERNATE

22 Secret from above



NOV - 4 2015

BY, Tena Jolley  
TENA JOLLEY, DEPUTY

ORIGINAL

JURL

DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA

Plaintiff(s),

-vs-

JOSHUA W. BACHARACH

Defendant(s).

CASE NO: C299425

DEPT. NO. VIII

SECOND AMENDED JURY LIST

- |                     |                      |
|---------------------|----------------------|
| 1. Carol Burgeson   | 7. Yanisley Elias    |
| 2. Andrew West      | 8. Linda Andrews     |
| 3. Dana Pfannkuchen | 9. Yvette Steward    |
| 4. Joseph Gambino   | 10. Elizabeth Ringer |
| 5. Rebecca Troxell  | 11. Trevor Yanke     |
| 6. Joseph Young     | 12. Elijah Teves     |

ALTERNATE

1. Lena Sankovich

C-14-299425-1  
AJUR  
Amended Jury List  
4500145



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1 INST

2 ORIGINAL

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

3 NOV - 5 2015 @ 4:15pm

4 BY Tena Jolley  
5 TENA JOLLEY, DEPUTY

6 DISTRICT COURT  
CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,

8 Plaintiff,

9 -VS-

10 JOSHUA W. BACHARACH,

11 Defendant.

CASE NO: C-14-299425-1

DEPT NO: VIII

12 INSTRUCTIONS TO THE JURY (INSTRUCTION NO. I)

13 MEMBERS OF THE JURY:

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

17 You must not be concerned with the wisdom of any rule of law stated in these  
18 instructions. Regardless of any opinion you may have as to what the law ought to be, it  
19 would be a violation of your oath to base a verdict upon any other view of the law than that  
20 given in the instructions of the Court.  
21  
22  
23  
24  
25  
26  
27  
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C-14-299425-1  
INST  
Instructions to the Jury  
4500081



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39

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.

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An Indictment 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 Indictment that on or about the 26 day of June, 2014, the Defendant committed the offenses of ATTEMPT MURDER WITH USE OF A DEADLY WEAPON; DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR VEHICLE; ASSAULT WITH A DEADLY WEAPON; STOP REQUIRED ON SIGNAL OF POLICE OFFICER; RESISTING PUBLIC OFFICER WITH USE OF A FIREARM; and POSSESSION OF FIREARM WITH ALTERED OR OBLITERATED SERIAL NUMBER.

COUNT 1 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

did then and there wilfully, unlawfully, feloniously and with malice aforethought attempt to kill Officer R. MCNABB, a human being, by repeatedly shooting at the said Officer R. MCNABB, with use of a deadly weapon, to-wit: a firearm.

COUNT 2 - DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR VEHICLE

did then and there wilfully, unlawfully, maliciously and feloniously, while in, on or under a vehicle, located near East Carey Avenue and East Lake Mead Boulevard, Las Vegas, Clark County, Nevada, discharge a firearm within or from the vehicle; said vehicle being within an area designated by a City or County Ordinance as a populated area for the purpose of prohibiting the discharge of weapons.

COUNT 3 - ASSAULT WITH A DEADLY WEAPON

did then and there wilfully, unlawfully, feloniously and intentionally place another person in reasonable apprehension of immediate bodily harm and/or did willfully and unlawfully attempt to use physical force against another person, to-wit: Officer R. MCNABB, with use of a deadly weapon, to-wit: by shooting a firearm at Officer R. MCNABB.

//

1 //

2 //

3 COUNT 4 - DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR  
4 VEHICLE

5 did then and there wilfully, unlawfully, maliciously and feloniously, while in, on or  
6 under a vehicle, located near East Carey Avenue and North Gateway Road, Las Vegas, Clark  
7 County, Nevada, discharge a firearm within or from the vehicle; said vehicle being within an  
8 area designated by a City or County Ordinance as a populated area for the purpose of  
9 prohibiting the discharge of weapons.

10 COUNT 5 - ASSAULT WITH A DEADLY WEAPON

11 did then and there wilfully, unlawfully, feloniously and intentionally place another  
12 person in reasonable apprehension of immediate bodily harm and/or did willfully and  
13 unlawfully attempt to use physical force against another person, to-wit: Officer R.  
14 MCNABB, with use of a deadly weapon, to-wit: by shooting a firearm at Officer R.  
15 MCNABB.

16 COUNT 6 - DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR  
17 VEHICLE

18 did then and there wilfully, unlawfully, maliciously and feloniously, while in, on or  
19 under a vehicle, located near East Carey Avenue and North Gateway Road, Las Vegas, Clark  
20 County, Nevada, discharge a firearm within or from the vehicle; said vehicle being within an  
21 area designated by a City or County Ordinance as a populated area for the purpose of  
22 prohibiting the discharge of weapons.

23 COUNT 7 - ASSAULT WITH A DEADLY WEAPON

24 did then and there wilfully, unlawfully, feloniously and intentionally place another  
25 person in reasonable apprehension of immediate bodily harm and/or did willfully and  
26 unlawfully attempt to use physical force against another person, to-wit: Officer R.  
27 MCNABB, with use of a deadly weapon, to-wit: by shooting a firearm at Officer R.  
28 MCNABB.



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5 COUNT 8 - DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR  
6 VEHICLE

7 did then and there wilfully, unlawfully, maliciously and feloniously, while in, on or  
8 under a vehicle, located near East Carey Avenue and North Lamb Boulevard, Las Vegas,  
9 Clark County, Nevada, discharge a firearm within or from the vehicle; said vehicle being  
10 within an area designated by a City or County Ordinance as a populated area for the purpose  
11 of prohibiting the discharge of weapons.

12 COUNT 9 - ASSAULT WITH A DEADLY WEAPON

13 did then and there wilfully, unlawfully, feloniously and intentionally place another  
14 person in reasonable apprehension of immediate bodily harm and/or did willfully and  
15 unlawfully attempt to use physical force against another person, to-wit: Officer R.  
16 MCNABB, with use of a deadly weapon, to-wit: by shooting a firearm at Officer R.  
17 MCNABB.

18 COUNT 10 - DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR  
19 VEHICLE

20 did then and there wilfully, unlawfully, maliciously and feloniously, while in, on or  
21 under a vehicle, located near East Carey Avenue and North Lamb Boulevard, Las Vegas,  
22 Clark County, Nevada, discharge a firearm within or from the vehicle; said vehicle being  
23 within an area designated by a City or County Ordinance as a populated area for the purpose  
24 of prohibiting the discharge of weapons.

25 COUNT 11 - ASSAULT WITH A DEADLY WEAPON

26 did then and there wilfully, unlawfully, feloniously and intentionally place another  
27 person in reasonable apprehension of immediate bodily harm and/or did willfully and  
28 unlawfully attempt to use physical force against another person, to-wit: Officer R.

1 MCNABB, with use of a deadly weapon, to-wit: by shooting a firearm at Officer R.  
2 MCNABB.

3 COUNT 12 - STOP REQUIRED ON SIGNAL OF POLICE OFFICER

4 did while driving a motor vehicle between the areas of Walnut and Carey and Carey  
5 and Dolly Lane, Las Vegas, Clark County, Nevada, willfully, unlawfully, and feloniously  
6 fail or refuse to bring said vehicle to a stop, or otherwise flee or attempt to elude a peace  
7 officer in a readily identifiable vehicle of any police department or regulatory agency, to-wit:  
8 Officer R. MCNABB, after being given a signal to bring the vehicle to a stop, and did  
9 operate said motor vehicle in a manner which endangered, or was likely to endanger any  
10 person other than himself or the property of any person other than himself.

11 COUNT 13 - RESISTING PUBLIC OFFICER WITH USE OF A FIREARM

12 did wilfully, unlawfully, and feloniously resist, delay, or obstruct Officer R.  
13 MCNABB, a public officer in discharging or attempting to discharge any legal duty, to-wit:  
14 by shooting at and/or pointing a firearm at the said officer while fleeing from the officer on  
15 foot, as the officer attempted to lawfully detain Defendant, Defendant using a firearm in the  
16 course of such resistance, obstruction or delay.

17 COUNT 14 - POSSESSION OF FIREARM WITH ALTERED OR OBLITERATED  
18 SERIAL NUMBER

19 did then and there wilfully, knowingly, unlawfully and feloniously possess a firearm  
20 on which a serial number has been intentionally changed, altered, removed, or obliterated,  
21 to-wit: a Colt .25 caliber semi-automatic firearm.

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

25 Each charge and the evidence pertaining to it should be considered separately. The  
26 fact that you may find a defendant guilty or not guilty as to one of the offenses charged  
27 should not control your verdict as to any other defendant or offense charged.  
28

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

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

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

Motive is not an element of the crime charged and the State is not required to prove a motive on the part of the Defendant in order to convict. However, you may consider evidence of motive or lack of motive as a circumstance in the case.

The Defendant is presumed innocent unless the contrary is proved. This presumption places upon the State the burden of proving beyond a reasonable doubt every element of the crime charged and that the Defendant is the person who committed the offense.

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

If you have a reasonable doubt as to the guilt of the Defendant, he is entitled to a verdict of not guilty.

INSTRUCTION NO. 6

You are here to determine whether or not the State has proven each of the charges beyond a reasonable doubt from the evidence in the case. You are not called upon to return a verdict as to the guilt of any other person. So, if the evidence in the case convinces you beyond a reasonable doubt of the guilt of the Defendant, you should so find, even though you may believe one or more persons are also guilty.

000070

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

6 If you believe that a witness has lied about any material fact in the case, you may  
7 disregard the entire testimony of that witness or any portion of his testimony which is not  
8 proved by other evidence.  
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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. 10

Attempted murder is the performance of an act or acts which tend, but fail, to kill a human being, when such acts are done with express malice, namely, with the deliberate intention unlawfully to kill.

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Malice aforethought, as used in the definition of Attempted Murder, means the intentional attempt to kill another human being without legal cause, legal excuse or what the law considers adequate provocation. The condition of mind described as malice aforethought may rise, not alone from anger, hatred, revenge or from particular ill will, spite, or grudge toward the person killed, but may result from any unjustifiable or unlawful motive or purpose to injure another which proceeds from a heart fatally bent on mischief or with reckless disregard of consequences and social duty. Malice aforethought does not imply deliberation or the lapse of any considerable time between the malicious intention, but denotes rather an unlawful purpose and design in contradistinction to accident and mischance.

INSTRUCTION NO. 12

It is not necessary to prove the elements of premeditation and deliberation in order to prove attempted murder.

000076

The elements of an attempt to commit a crime are:

- 1) the intent to commit the crime;
- 2) performance of some act towards its commission; and
- 3) failure to consummate its commission.

In determining whether or not such an act was done, it is necessary to distinguish between mere preparation, on the one hand, and the actual commencement of the doing of the criminal deed, on the other. Mere preparation, which may consist of planning the offense or of devising, obtaining or arranging the means for its commission, is not sufficient to constitute an attempt; but acts of a person who intends to commit a crime will constitute an attempt where they themselves clearly indicate a certain, unambiguous intent to commit that specific crime, and, in themselves, are an immediate step in the present execution of the criminal design, the progress of which would be completed unless interrupted by some circumstance not intended in the original design.

INSTRUCTION NO. 14

If you find the defendant guilty of Attempt Murder, you must also determine whether or not a deadly weapon was used in the commission of this crime.

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"Deadly weapon" means any instrument which, if used in the ordinary manner contemplated by its design and construction, will or is likely to cause substantial bodily harm or death; any weapon, device, instrument, material or substance which, under the circumstances in which it is used, attempted to be used or threatened to be used, is readily capable of causing substantial bodily harm or death; or a dangerous or deadly weapon specifically described as a gun, pistol, spring pistol, revolver or other firearm.

You are instructed that a firearm is a deadly weapon.

If you find beyond a reasonable doubt that a defendant committed Attempt Murder with the Use of a Deadly Weapon, then you are instructed that the verdict of Attempt Murder with the Use of a Deadly Weapon is the appropriate verdict.

If, however, you find that a deadly weapon was not used in the commission of the Attempt Murder, but you do find that an Attempt Murder was committed, then you are instructed that the verdict of Attempt Murder without the Use of a Deadly Weapon is the appropriate verdict.

You are instructed that you cannot return a verdict of both Attempt Murder with the Use of a Deadly Weapon and Attempt Murder without the Use of a Deadly Weapon.

INSTRUCTION NO. 17

A person who is in, on or under a structure or vehicle and who maliciously or wantonly discharges or maliciously or wantonly causes to be discharged a firearm within or from the structure or vehicle while the structure or vehicle is within an area designated by city or county ordinance as a populated area for the purpose of prohibiting the discharge of weapons, is guilty of Discharging a Firearm from or within a Structure or Vehicle.

000081



It shall be unlawful within the City limits, except in a regular licensed shooting gallery to wilfully discharge any pistol, firearm, air gun, musket, or instrument of any kind, character or description which throws a bullet or missiles for any distance by means of the elastic force of air or any explosive substance.

It is unlawful to wilfully discharge any pistol, firearm, air gun, musket or instrument of any kind, character or description which throws a bullet or missile of any kind for any distance by means of the elastic force of air or any explosive substance within the County except at shooting ranges, or a sanctioned event by federal, state, county or an incorporated city currently licensed by business license.

The areas addressed within this case are within the County.

“Assault” means:

(1) Unlawfully attempting to use physical force against another person; or

(2) Intentionally placing another person in reasonable apprehension of immediate  
bodily harm.

INSTRUCTION NO. 21

You are instructed that if you find a defendant guilty of Assault, you must also determine whether or not a deadly weapon was used in the commission of this crime.

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2 If you find beyond a reasonable doubt that a defendant committed Assault With the  
3 Use of a Deadly Weapon, then you are instructed that the verdict of Assault With the Use of  
4 a Deadly Weapon is the appropriate verdict.

5 If, however, you find that a deadly weapon was not used in the commission of the  
6 Assault, but you do find that an Assault was committed, then you are instructed that the  
7 verdict of Assault is the appropriate verdict.

8 You are instructed that you cannot return a verdict of both Assault With the Use of a  
9 Deadly Weapon and Assault.

A driver of a motor vehicle who willfully fails or refuses to bring the vehicle to a stop, or who otherwise flees or attempts to elude a peace officer in a readily identifiable vehicle of any police department or regulatory agency, when given a signal to bring the vehicle to a stop is guilty evading where the driver operates the motor vehicle in a manner which endangers or is likely to endanger any other person or the property of any other person.

The signal by the peace officer must be by flashing red lamp and siren.

A person who, in any case or under any circumstances not otherwise specially provided for, willfully resists, delays or obstructs a public officer in discharging or attempting to discharge any legal duty of his or her office with use of a firearm in the course of such resistance, obstruction or delay is guilty of Resisting Public Officer with Use of a Firearm.

Metropolitan Police Department Police Officers are public officers.

INSTRUCTION NO. 25

A person shall not knowingly possess a firearm on which the serial number has been intentionally changed, altered, removed or obliterated.

000089



The law recognizes two kinds of possession: actual possession and constructive possession. A person who knowingly has direct physical control over a thing, at a given time, is then in actual possession of it.

A person who, although not in actual possession, knowingly has both the power and the intention, at a given time, to exercise dominion or control over a thing, either directly or through another person or persons, is then in constructive possession of it.

The law recognizes also that possession may be sole or joint. If one person alone has actual or constructive possession of a thing, possession is sole. If two or more persons share actual or constructive possession of a thing, possession is joint.

You may find that the element of possession as that term is used in these instructions is present if you find beyond a reasonable doubt that a defendant had actual or constructive possession, either alone or jointly with others.

An act or a failure to act is "knowingly" done, if done voluntarily and intentionally, and not because of mistake or accident or other innocent reason.

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2 The flight of a person immediately after the commission of a crime, or after he is  
3 accused of a crime, is not sufficient in itself to establish his guilt, but is a fact which, if  
4 proved, may be considered by you in light of all other proved facts in deciding the question  
5 of his guilt or innocence. Whether or not evidence of flight shows a consciousness of guilt  
6 and the significance to be attached to such a circumstance are matters for your deliberation.  
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Mere presence at the scene of a crime or knowledge that a crime is being committed is not sufficient to establish that a defendant is guilty of an offense, unless you find beyond reasonable doubt that the defendant was a participant and not merely a knowing spectator.

However, the presence of a person at the scene of a crime and companionship with another person engaged in the commission of the crime and a course of conduct before and after the offense are circumstances which may be considered in determining whether such person aided and abetted the commission of that crime.

If necessary to prevent escape, an officer may, after giving a warning, if feasible, use deadly force to effect the arrest of a person only if there is probable cause to believe that the person:

1. Has committed a felony which involves the infliction or threat of serious bodily harm or the use of deadly force; or

2. Poses a threat of serious bodily harm to the officer or to others.

INSTRUCTION NO. 30

You have heard evidence of prior inconsistent statements. You may consider those for purposes of impeachment or as substantive evidence, at your discretion.

000094

INSTRUCTION NO. 31

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.

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

A verdict may never be influenced by sympathy, prejudice or public opinion. Your decision should be the product of sincere judgment and sound discretion in accordance with these rules of law.

INSTRUCTION NO. 33

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 member 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.

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

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

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 INST

2 ORIGINAL

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

NOV -5 2015 @ 4:37pm

3  
4 BY Tena Jolley  
TENA JOLLEY, DEPUTY

5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,

8 Plaintiff,

9 -VS-

10 JOSHUA W. BACHARACH,

11 Defendant.

CASE NO: C-14-299425-1

DEPT NO: VIII

12 INSTRUCTIONS TO THE JURY (INSTRUCTION NO. I)

13 MEMBERS OF THE JURY:

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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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Instructions to the Jury  
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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 Indictment 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 Indictment that on or about the 26 day of June, 2014, the Defendant committed the offenses of POSSESSION OF FIREARM BY EX-FELON (Category B Felony)

COUNT 15 - POSSESSION OF FIREARM BY EX-FELON

did then and there wilfully, unlawfully, and feloniously own or have in his possession, or under his control, a weapon, to-wit: a .25 caliber Colt handgun, the said Defendant being an ex-felon, having in 2009, been convicted of Possession of Stolen Vehicle, in Case No. C256298, and having in 2014, been convicted of Attempt Theft, in Case No. C293845, both in the Eighth Judicial District Court, Clark County, felonies under the laws of the State of Nevada.

COUNT 16 - POSSESSION OF FIREARM BY EX-FELON

did then and there wilfully, unlawfully, and feloniously own or have in his possession, or under his control, a weapon, to-wit: a 7.62 Ewbank rifle serial number 1983S-AS4608, the said Defendant being an ex-felon, having in 2009, been convicted of Possession of Stolen Vehicle, in Case No. C256298, and having in 2014 , been convicted of Attempt Theft, in Case No. C293845, both in the Eighth Judicial District Court, Clark County, felonies under the laws of the State of Nevada.

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1 COUNT 17 - POSSESSION OF FIREARM BY EX-FELON

2 did then and there wilfully, unlawfully, and feloniously own or have in his  
3 possession, or under his control, a weapon, to-wit: a .45 caliber Colt handgun serial number  
4 CP33432, the said Defendant being an ex-felon, having in 2009, been convicted of  
5 Possession of Stolen  
6 Vehicle, in Case No. C256298, and having in 2014, been convicted of Attempt Theft, in  
7 Case No. C293845, both in the Eighth Judicial District Court, Clark County, felonies under  
8 the laws of the State of Nevada.

9  
10 It is the duty of the jury to apply the rules of law contained in these instructions to the  
11 facts of the case and determine whether or not the Defendant is guilty of one or more of the  
12 offenses charged.

13 Each charge and the evidence pertaining to it should be considered separately. The  
14 fact that you may find a defendant guilty or not guilty as to one of the offenses charged  
15 should not control your verdict as to any other defendant or offense charged.  
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To constitute the crime charged, there must exist a union or joint operation of an act forbidden by law and an intent to do the act.

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

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

Motive is not an element of the crime charged and the State is not required to prove a motive on the part of the Defendant in order to convict. However, you may consider evidence of motive or lack of motive as a circumstance in the case.



The Defendant is presumed innocent unless the contrary is proved. This presumption places upon the State the burden of proving beyond a reasonable doubt every element of the crime charged and that the Defendant is the person who committed the offense.

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

If you have a reasonable doubt as to the guilt of the Defendant, he is entitled to a verdict of not guilty.

INSTRUCTION NO. 6

You are here to determine whether or not the State has proven each of the charges beyond a reasonable doubt from the evidence in the case. You are not called upon to return a verdict as to the guilt of any other person. So, if the evidence in the case convinces you beyond a reasonable doubt of the guilt of the Defendant, you should so find, even though you may believe one or more persons are also guilty.

000107

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.

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.

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.

A person who has been convicted of a felony in this or any other state, or in any political subdivision thereof, or of a felony in violation of the laws of the United States of America, unless he has received a pardon and the pardon does not restrict his right to bear arms, shall not own or have in his possession or under his custody or control any firearm. Neither the concealment of the firearm nor the carrying of the weapon are necessary elements of the offense.

"Firearm" includes any firearm that is loaded or unloaded and operable or inoperable.

"Firearm" includes any device designed to be used as a weapon from which a projectile may be expelled through the barrel by the force of any explosion or other form of combustion.

1       The law recognizes two kinds of possession: actual possession and constructive  
2 possession. A person who knowingly has direct physical control over a thing, at a given  
3 time, is then in actual possession of it.

4       A person who, although not in actual possession, knowingly has both the power and  
5 the intention, at a given time, to exercise dominion or control over a thing, either directly or  
6 through another person or persons, is then in constructive possession of it.

7       The law recognizes also that possession may be sole or joint. If one person alone has  
8 actual or constructive possession of a thing, possession is sole. If two or more persons share  
9 actual or constructive possession of a thing, possession is joint.

10       You may find that the element of possession as that term is used in these instructions  
11 is present if you find beyond a reasonable doubt that a defendant had actual or constructive  
12 possession, either alone or jointly with others.

13       An act or a failure to act is "knowingly" done, if done voluntarily and intentionally,  
14 and not because of mistake or accident or other innocent reason.

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Mere presence at the scene of a crime or knowledge that a crime is being committed is not sufficient to establish that a defendant is guilty of an offense, unless you find beyond reasonable doubt that the defendant was a participant and not merely a knowing spectator.

However, the presence of a person at the scene of a crime and companionship with another person engaged in the commission of the crime and a course of conduct before and after the offense are circumstances which may be considered in determining whether such person aided and abetted the commission of that crime.

INSTRUCTION NO. 14

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.

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

A verdict may never be influenced by sympathy, prejudice or public opinion. Your decision should be the product of sincere judgment and sound discretion in accordance with these rules of law.

INSTRUCTION NO. 16

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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INSTRUCTION NO. 17

When you retire to consider your verdict, you must select one of your member 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.

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

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

INSTRUCTION NO. 19

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

000120

1 VER

2 ORIGINAL

3 FILED IN OPEN COURT  
4 STEVEN D. GRIERSON  
5 CLERK OF THE COURT

6 NOV - 5 2015 @ 4:15pm

7 DISTRICT COURT  
8 CLARK COUNTY, NEVADA

9 BY Tena Jolley  
10 TENA JOLLEY, DEPUTY

11 THE STATE OF NEVADA,

12 Plaintiff,

13 -VS-

14 JOSHUA W. BACHARACH,

15 Defendant.

CASE NO: C-14-299425

DEPT NO: VIII

16 VERDICT

17 We, the jury in the above entitled case, find the Defendant JOSHUA W.  
18 BACHARACH, as follows:

19 COUNT 1 – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON

20 *(Please check the appropriate box, select only one)*

21 ☒ Guilty of ATTEMPT MURDER WITH USE OF A DEADLY  
22 WEAPON

23 ☐ Guilty of ATTEMPT MURDER WITHOUT USE OF A DEADLY  
24 WEAPON

25 ☐ Not Guilty

26 COUNT 2 – DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR  
27 VEHICLE (Walnut)

28 *(Please check the appropriate box, select only one)*

☒ Guilty of DISCHARGE OF A FIREARM FROM OR WITHIN A  
STRUCTURE OR VEHICLE

☐ Not Guilty

//

C-14-299425-1  
VER  
Verdict  
4500084



000121

4



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2 **COUNT 3** – ASSAULT WITH A DEADLY WEAPON (Carey and N. Gateway)

3 *(Please check the appropriate box, select only one)*

- 4 ☒ Guilty of ASSAULT WITH A DEADLY WEAPON  
5 ☐ Guilty of ASSAULT  
6 ☐ Not Guilty

7 **COUNT 4** – DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR  
8 VEHICLE (Carey and N. Gateway)

9 *(Please check the appropriate box, select only one)*

- 10 ☒ Guilty of DISCHARGE OF FIREARM FROM OR WITHIN A  
11 STRUCTURE OR VEHICLE  
12 ☐ Not Guilty

13 **COUNT 5** – ASSAULT WITH A DEADLY WEAPON (Carey and N. Gateway)

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

- 15 ☒ Guilty of ASSAULT WITH A DEADLY WEAPON  
16 ☐ Guilty of ASSAULT  
17 ☐ Not Guilty

18 **COUNT 6** – DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR  
19 VEHICLE (Carey and N. Gateway)

20 *(Please check the appropriate box, select only one)*

- 21 ☒ Guilty of DISCHARGE OF FIREARM FROM OR WITHIN A  
22 STRUCTURE OR VEHICLE  
23 ☐ Not Guilty

24 **COUNT 7** – ASSAULT WITH A DEADLY WEAPON (Carey and N. Lamb)

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

- 26 ☒ Guilty of ASSAULT WITH A DEADLY WEAPON  
27 ☐ Guilty of ASSAULT  
28 ☐ Not Guilty

000122

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2 **COUNT 8** – DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR  
3 VEHICLE (Carey and N. Lamb)

4 *(Please check the appropriate box, select only one)*

5 ☒ Guilty of DISCHARGE OF FIREARM FROM OR WITHIN A  
6 STRUCTURE OR VEHICLE

7 ☐ Not Guilty

8 **COUNT 9** – ASSAULT WITH A DEADLY WEAPON (Carey and N. Lamb)

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

10 ☐ Guilty of ASSAULT WITH A DEADLY WEAPON

11 ☐ Guilty of ASSAULT

12 ☒ Not Guilty

13 **COUNT 10** – DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR  
14 VEHICLE (Carey and N. Lamb)

15 *(Please check the appropriate box, select only one)*

16 ☐ Guilty of DISCHARGE OF FIREARM FROM OR WITHIN A  
17 STRUCTURE OR VEHICLE

18 ☒ Not Guilty

19 **COUNT 11** – ASSAULT WITH A DEADLY WEAPON (Carey and Dolly)

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

21 ☒ Guilty of ASSAULT WITH A DEADLY WEAPON

22 ☐ Guilty of ASSAULT

23 ☐ Not Guilty

24 **COUNT 12** – STOP REQUIRED ON SIGNAL OF POLICE OFFICER

25 *(Please check the appropriate box, select only one)*

26 ☒ Guilty of STOP REQUIRED ON SIGNAL OF POLICE OFFICER

27 ☐ Not Guilty

28 //

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2 **COUNT 13** – RESISTING PUBLIC OFFICER WITH USE OF A FIREARM

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

4 ☒ Guilty of RESISTING PUBLIC OFFICER WITH USE OF A  
5 FIREARM

6 ☐ Not Guilty

7 **COUNT 14** – POSSESSION OF FIREARM WITH ALTERED OR OBLITERATED  
8 SERIAL NUMBER

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

10 ☒ Guilty of POSSESSION OF FIREARM WITH ALTERED OR  
11 OBLITERATED SERIAL NUMBER

12 ☐ Not Guilty

13 DATED this 5 day of November, 2015

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15   
16 \_\_\_\_\_  
17 FOREPERSON

ORIGINAL

VER

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

NOV - 5 2015 @ 4:37pm

DISTRICT COURT  
CLARK COUNTY, NEVADA

BY: Tena Jolley  
TENA JOLLEY, DEPUTY

THE STATE OF NEVADA,

Plaintiff,

-vs-

JOSHUA W. BACHARACH,

Defendant.

CASE NO: C-14-299425

DEPT NO: VIII

VERDICT

We, the jury in the above entitled case, find the Defendant JOSHUA W. BACHARACH, as follows:

**COUNT 15** – POSSESSION OF FIREARM BY EX-FELON (.25 Caliber Colt)

*(Please check the appropriate box, select only one)*

☒ Guilty of POSSESSION OF FIREARM BY EX-FELON

☐ Not Guilty

**COUNT 16** – POSSESSION OF FIREARM BY EX-FELON (7.62 Ewbank rifle)

*(Please check the appropriate box, select only one)*

☒ Guilty of POSSESSION OF FIREARM BY EX-FELON

☐ Not Guilty

///

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C-14-299425-1  
VER  
Verdict  
4500085



000125

1 **COUNT 17** – POSSESSION OF FIREARM BY EX-FELON (.45 Caliber Colt)

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

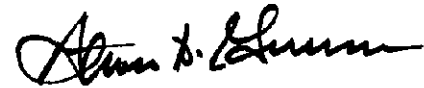
3 ☒ Guilty of POSSESSION OF FIREARM BY EX-FELON

4 ☐ Not Guilty

5 DATED this 5 day of November, 2015

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8 FOREPERSON



CLERK OF THE COURT

JOC

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JOSHUA W. BACHARACH  
aka Joshua William Bacharach  
#1900105

Defendant.

CASE NO. C299425-1

DEPT. NO. VIII

JUDGMENT OF CONVICTION  
(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of  
COUNT 1 – ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (Category B  
Felony) in violation of NRS 200.010, 200.030, 193.330, 193.165; COUNTS 2, 4, 6, 8 &  
10 – DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR VEHICLE  
(Category B Felony) in violation of NRS 202.287; COUNTS 3, 5, 7, 9 & 11 – ASSAULT  
WITH A DEADLY WEAPON (Category B Felony) in violation of NRS 200.471; COUNT  
12 – STOP REQUIRED ON SIGNAL OF POLICE OFFICER – (Category B Felony) in  
violation of NRS 484B.550.3b; COUNT 13 – RESISTING PUBLIC OFFICER WITH  
USE OF A FIREARM (Category C Felony) in violation of NRS 199.280; COUNT 14 –

//

1 POSSESSION OF FIREARM WITH ALTERED OR OBLITERATED SERIAL  
2 NUMBER (Category D Felony) in violation of NRS 202.277; COUNTS 15, 16 & 17 –  
3 POSSESSION OF FIREARM BY EX-FELON (Category B Felony) in violation of NRS  
4 202.360; and the matter having been tried before a jury, and the Defendant having been  
5 found **NOT GUILTY** of **COUNTS 9 & 10 ONLY**, and guilty of all remaining crimes;  
6

7 thereafter, on the 30<sup>th</sup> day of December, 2015, the Defendant was present in court for  
8 sentencing with his counsel, ROCHELLE NGUYEN, ESQ., and good cause appearing,  
9

10 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense(s) and, in  
11 addition to the \$25.00 Administrative Assessment Fee, \$250.00 Indigent Defense Civil  
12 Assessment Fee, a Fine in the amount of \$75,000.00, and \$150.00 DNA Analysis Fee  
13 including testing to determine genetic markers, plus a \$3.00 DNA Collection Fee, the  
14 Defendant is SENTENCED to the Nevada Department of Corrections (NDC) as follows:  
15 AS TO **COUNT 1** - TO A MAXIMUM of TWO HUNDRED FORTY (240) MONTHS with a  
16 MINIMUM Parole Eligibility of NINETY-SIX (96) MONTHS, plus a CONSECUTIVE term  
17 of TWO HUNDRED FORTY (240) MONTHS MAXIMUM with a MINIMUM Parole  
18 Eligibility of NINETY-SIX (96) MONTHS for use of a deadly weapon; AS TO **COUNT 2** -  
19 TO A MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM Parole  
20 Eligibility of SEVENTY-TWO (72) MONTHS; AS TO **COUNT 3** - TO A MAXIMUM of  
21 SEVENTY-TWO (72) MONTHS with a MINIMUM Parole Eligibility of TWENTY-EIGHT  
22 (28) MONTHS; AS TO **COUNT 4** – TO A MAXIMUM of ONE HUNDRED EIGHTY (180)  
23 MONTHS with a MINIMUM Parole Eligibility of SEVENTY-TWO (72) MONTHS; AS TO  
24 **COUNT 5** - TO A MAXIMUM of SEVENTY-TWO (72) MONTHS with a MINIMUM Parole  
25 Eligibility of TWENTY-EIGHT (28) MONTHS AS TO **COUNT 6** - TO A MAXIMUM of  
26 ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM Parole Eligibility of  
27  
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1 SEVENTY-TWO (72) MONTHS; AS TO **COUNT 7** - TO A MAXIMUM of SEVENTY-  
2 TWO (72) MONTHS with a MINIMUM Parole Eligibility of TWENTY-EIGHT (28)  
3 MONTHS; AS TO **COUNT 8** - TO A MAXIMUM of ONE HUNDRED EIGHTY (180)  
4 MONTHS with a MINIMUM Parole Eligibility of SEVENTY-TWO (72) MONTHS; AS TO  
5 **COUNT 11** – TO A MAXIMUM of SEVENTY-TWO (72) MONTHS with a MINIMUM  
6 Parole Eligibility of TWENTY-EIGHT (28) MONTHS; AS TO **COUNT 12** - TO A  
7 MAXIMUM of SEVENTY-TWO (72) MONTHS with a MINIMUM Parole Eligibility of  
8 TWENTY-EIGHT (28) MONTHS; AS TO **COUNT 13** – TO A MAXIMUM of SIXTY (60)  
9 MONTHS with a MINIMUM Parole Eligibility of TWENTY-FOUR (24) MONTHS; AS TO  
10 **COUNT 14** – TO A MAXIMUM of FORTY-EIGHT (48) MONTHS with a MINIMUM  
11 Parole Eligibility of NINETEEN (19) MONTHS; AS TO **COUNT 15** – TO A MAXIMUM of  
12 SEVENTY-TWO (72) MONTHS with a MINIMUM Parole Eligibility of TWENTY-EIGHT  
13 (28) MONTHS; AS TO **COUNT 16** – TO A MAXIMUM of SEVENTY-TWO (72)  
14 MONTHS with a MINIMUM Parole Eligibility of TWENTY-EIGHT (28) MONTHS; and  
15 AS TO **COUNT 17** – TO A MAXIMUM of SEVENTY-TWO (72) MONTHS with a  
16 MINIMUM Parole Eligibility of TWENTY-EIGHT (28) MONTHS, ALL COUNTS to run  
17 CONSECUTIVE to each other; with ZERO (0) DAYS credit for time served. Defendant's  
18 AGGREGATE TOTAL sentence is ONE THOUSAND EIGHT HUNDRED EIGHTY-  
19 FOUR (1,884) MONTHS MAXIMUM with a MINIMUM of SEVEN HUNDRED FORTY-  
20 SEVEN (747) MONTHS.

21 DATED this 6TH day of January, 2016.

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26  
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DOUG SMITH  
DISTRICT COURT JUDGE *smj*



  
CLERK OF THE COURT

NOA  
ROCHELLE T. NGUYEN  
Nevada Bar No. 8205  
732 S. 6<sup>th</sup> St., Ste. 102  
Las Vegas, NV 89101  
Phone: (702) 383-3200  
Fax: (702) 675-8174  
Email: rtn@lasvegasdefender.com  
Attorney for Defendant  
JOSHUA BACHARACH

DISTRICT COURT  
CLARK COUNTY, NEVADA

STATE OF NEVADA,  
Plaintiff,  
vs.  
JOSHUA BACHARACH,  
Defendant.

Case No.: C-14-299425-1  
Dept. No.: VIII

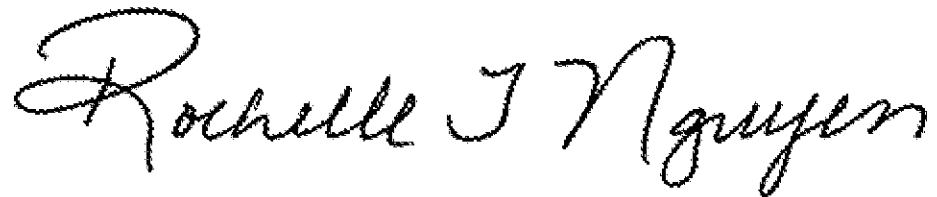
**NOTICE OF APPEAL**

NOTICE IS HEREBY GIVEN that Defendant, JOSHUA BACHARACH, appeals to the Supreme Court of the State of Nevada from the JUDGMENT OF CONVICTION (JURY TRIAL) entered against said Defendant on January 8, 2016.

DATED this 8<sup>th</sup> day of January, 2016.

Respectfully Submitted:

NGUYEN & LAY



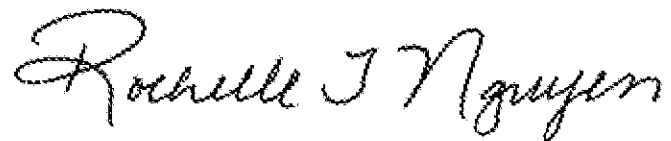
ROCHELLE T. NGUYEN, ESQ.  
Nevada Bar No. 008205  
732 S. 6<sup>th</sup> St., Ste. 102  
Las Vegas, Nevada 89101  
Attorney for Defendant  
JOSHUA BACHARACH

1  
2  
3 **DECLARATION OF MAILING**

4 Rochelle T. Nguyen, attorney, hereby declares that she is, and was where the herein  
5 described mailing took place a citizen of the United States, over 21 years of age, and not a party to,  
6 nor interested in, the within action; that on the 8<sup>th</sup> day of January, 2016, declarant deposited in the  
7 United States mail at Las Vegas, Nevada, a copy of the Notice of Appeal in the case of the State of  
8 Nevada v. JOSHUA BACHARACH, case no. C-14-299425-1 enclosed in a sealed envelope upon  
9 which first class postage was fully prepared addressed to JOSHUA BACHARACH (90607), High  
10 Desert State Prison, P.O. Box 650, Indian Springs, NV 89070-0650. That there is a regular  
11 communication by mail between the place of mailing and the place so addressed.  
12

13 I declare under penalty of perjury that the foregoing is true and correct.  
14

15 EXECUTED on this 8<sup>th</sup> day of January, 2016.  
16

17   
18

19 By \_\_\_\_\_

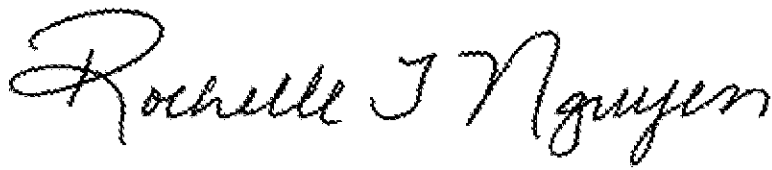
20 ROCHELLE T. NGUYEN, ESQ.  
21 Nevada Bar No.: 008205  
22 Attorney for Defendant  
23 JOSHUA BACHARACH  
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CERTIFICATE OF ELECTRONIC FILING

I hereby certify that electronic service of the foregoing Notice of Appeal was made on the  
8<sup>th</sup> day of January, 2016 to:

**District Attorney**  
**Email: pdmotions@clarkcountyda.com**



By \_\_\_\_\_  
ROCHELLE T. NGUYEN, ESQ.  
Nevada Bar No.: 008205  
Attorney for Defendant

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**July 16, 2014**

C-14-299425-1      State of Nevada  
vs  
Joshua Bacharach

**July 16, 2014      11:45 AM      Grand Jury Indictment**

**HEARD BY:** Bell, Linda Marie

**COURTROOM:** RJC Courtroom 03F

**COURT CLERK:** Sylvia Perez

**RECORDER:** Renee Vincent

**REPORTER:**

**PARTIES**

**PRESENT:**      State of Nevada      Plaintiff  
                 Thomson, Megan      Attorney

**JOURNAL ENTRIES**

- Chris Datzler, Grand Jury Foreperson, stated to the Court that at least twelve members had concurred in the return of the true bill during deliberation, but had been excused for presentation to the Court. State presented Grand Jury Case Number 14AGJ025X to the Court. COURT ORDERED, the Indictment may be filed and is assigned Case Number C-14-299425-1, Department 8. Ms. Thomson requested a warrant and argued bail. COURT ORDERED, a NO BAIL BENCH WARRANT WILL ISSUE . FURTHER, exhibit(s) 1-25 lodged with the Clerk of District Court, exhibit 19 was withdrawn by the DA. Matter SET for Arraignment.

B.W.

7/28/14 8:00 AM INITIAL ARRAIGNMENT (DEPT. 8)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**July 28, 2014**

C-14-299425-1      State of Nevada  
vs  
Joshua Bacharach

**July 28, 2014      8:00 AM      All Pending Motions**

**HEARD BY:** Smith, Douglas E.

**COURTROOM:** RJC Courtroom 16D

**COURT CLERK:** Louisa Garcia

**RECORDER:** Sandra Pruchnic

**PARTIES**

<b>PRESENT:</b>	Bacharach, Joshua W	Defendant
	Christensen, Nell E.	Attorney
	Lay, D. Matthew	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- State advised they filed an indictment and through their research they discovered the public defender represented two of their witnesses which were subpoenaed through the grand jury; therefore, the Court may have to appoint counsel in this case. DEFT. BACHARACH ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. COURT ORDERED, matter set for trial. Matter trailed and recalled with Mr. Lay present on behalf of Ms. Nguyen. Court invoked on behalf of the Defendant with the understanding the matter may be waived after Defendant speaks with Ms. Nguyen.

**CUSTODY**

8/27/14 8:00 AM CALENDAR CALL

9/2/14 9:30 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**October 28, 2015**

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C-14-299425-1      State of Nevada  
                                 vs  
                                 Joshua Bacharach

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**October 28, 2015      8:00 AM      Calendar Call**

**HEARD BY:** Smith, Douglas E.

**COURTROOM:** RJC Courtroom 11B

**COURT CLERK:** Tena Jolley

**RECORDER:** Jill Jacoby

**PARTIES**

<b>PRESENT:</b>	Bacharach, Joshua W.	Defendant
	Fattig, John T.	DA/ Attorney for State of Nevada
	Nguyen, Rochelle T.	Attorney for Defendant
	Thomson, Megan	DA/ Attorney for State of Nevada

**JOURNAL ENTRIES**

- Follow a BENCH CONFERENCE, COURT ORDERED, Defendant to remain at the Clark County Detention Center (CCDC) and matter SET for Status Check re possible negotiations. Mr. Fattig stated all offers will be revoked if Defendant does not accept the plea negotiations tomorrow.

**CUSTODY (COC-NDC)**

10/29/15 9:00 AM STATUS CHECK: NEGOTIATIONS

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**October 29, 2015**

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C-14-299425-1      State of Nevada  
                                 vs  
                                 Joshua Bacharach

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**October 29, 2015      9:00 AM      Status Check: Negotiations**

**HEARD BY:** Smith, Douglas E.      **COURTROOM:** RJC Courtroom 11B

**COURT CLERK:** Tena Jolley

**RECORDER:** Jill Jacoby

**PARTIES**

<b>PRESENT:</b>	Bacharach, Joshua W	Defendant
	Nguyen, Rochelle T.	Attorney for Defendant
	Thomson, Megan	DA/Attorney for State of Nevada

**JOURNAL ENTRIES**

- Ms. Nguyen stated an offer was extended to Defendant and he was not inclined to accept and they are prepared to move forward with trial. Ms. Thomson stated at this point there is no more offer and will proceed to trial and anticipate one week. Court directed the parties to provide question counsel wishes the Court to ask the jury and be prepared to do their opening statements. COURT ORDERED, Trial to commence on Monday, November 2, 2015, at 9:30 a.m.

CUSTODY (COC-NDC)

11/2/15 9:30 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**November 02, 2015**

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C-14-299425-1      State of Nevada  
                                 vs  
                                 Joshua Bacharach

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**November 02, 2015      9:30 AM      Jury Trial**

**HEARD BY:** Smith, Douglas E.

**COURTROOM:** RJC Courtroom 11B

**COURT CLERK:** Tena Jolley

**RECORDER:** Jill Jacoby

**PARTIES**

<b>PRESENT:</b>	Bacharach, Joshua W.	Defendant
	Fattig, John T.	DA/ Attorney for State of Nevada
	Nguyen, Rochelle T.	Attorney for Defendant
	Thomson, Megan	DA/ Attorney for State of Nevada

**JOURNAL ENTRIES**

- Amended Indictment FILED IN OPEN COURT.

**PROSPECTIVE JURORS PRESENT:**

Voir dire conducted. Twelve jurors and two alternates selected and the remaining jurors were thanked and excused.

Jury List FILED IN OPEN COURT.

**LUNCH RECESS**

**OUTSIDE THE PRESENCE OF THE JURY:**

Defendant advised of his right not to testify and that he would be asked, after the State rested their case, whether he wished to testify. Ms. Thomson advised she would be calling Eufasia Nazaroff to testify; that she had declined to meet with counsel prior to her testimony; and requested that the Court admonish the witness. Ms. Nguyen also requested that the witness be admonished from referring to little locos gang, probation, parole or that Defendant was a prior convicted felon.

PRINT DATE: 11/13/2015

Page 1 of 2

Minutes Date: November 02, 2015

**000137**



Eufrazia Nazaroff sworn and questioned. COURT ADMONISHED Ms. Nazaroff that she was not to talk about any gang affiliation/moniker and if she violated that admonishment, she would go to jail.

JURY PRESENT:

Jury sworn. Amended Indictment read to the Jury and Defendant's pleas stated thereto. Opening Statements by Mr. Fattig on behalf of the State and Mr. Nguyen on behalf of Defendant. Testimony and exhibits presented. (See Worksheets).

OUTSIDE THE PRESENCE OF THE JURY:

Juror #8 questioned regarding her recognizing one of the witnesses, Maurine Palmer, as an employee of Walgreens where she has shopped and agree not to go to Walgreens during the duration of this trial.

JURY PRESENT:

Testimony and exhibits presented. (See Worksheets). Jury ADMONISHED and EXCUSED for the evening recess.

CUSTODY

CONTINUED TO: 11/3/15 9:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**November 03, 2015**

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C-14-299425-1      State of Nevada  
                                 vs  
                                 Joshua Bacharach

---

**November 03, 2015      9:00 AM      Jury Trial**

**HEARD BY:** Smith, Douglas E.

**COURTROOM:** RJC Courtroom 11B

**COURT CLERK:** Tena Jolley

**RECORDER:** Jill Jacoby

**PARTIES**

<b>PRESENT:</b>	Bacharach, Joshua W.	Defendant
	Fattig, John T.	DA/ Attorney for State of Nevada
	Nguyen, Rochelle T.	Attorney for Defendant
	Thomson, Megan	DA/ Attorney for State of Nevada

**JOURNAL ENTRIES**

**-OUTSIDE THE PRESENCE OF THE JURY:**

Counsel stipulated to release Juror #11, Dustin Krause, as he is a witness scheduled to testify this morning in a felony jury trial in Department 9; Juror #13, Trevor Yanke will take his spot as Juror #11. Mr. Nguyen stated that during the testimony of Ms. Nazaroff yesterday, she was admonished not to refer to gang or probation and she indicated she spoke with gang detectives during her testimony; therefore counsel made an oral Motion for Mistrial. Mr. Fattig objected stating it was an unsolicited response by her and her statement was factually inaccurate; that it was not gang detectives, it was firearms detectives. Court noted Ms. Nazaroff is an adverse witness to the State; that her comment was quick and not highlighted, therefore COURT ORDERED, Motion for Mistrial, DENIED.

Amended Jury List FILED IN OPEN COURT.

**JURY PRESENT:**

Testimony and exhibits presented. (See Worksheets).

PRINT DATE: 11/13/2015

Page 1 of 2

Minutes Date: November 03, 2015

**000139**

**OUTSIDE THE PRESENCE OF THE JURY:**

Mr. Fattig stated that during the lunch recess, the Clerk and counsel went through and marked proposed exhibits from the police evidence; that there was one item of miscellaneous paperwork from State's Proposed Exhibit 195 (Clark County Detention Center Visitor Registration) that was removed and marked as Court's Exhibit 11.

**JURY PRESENT:**

Testimony and exhibits presented. (See Worksheets). Jury ADMONISHED and EXCUSED for the evening recess.

**OUTSIDE THE PRESENCE OF THE JURY:**

Court DIRECTED counsel to be prepared to settle Jury Instructions in the morning.

**CUSTODY**

CONTINUED TO: 11/4/15 9:00 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**November 04, 2015**

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C-14-299425-1      State of Nevada  
                                 vs  
                                 Joshua Bacharach

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**November 04, 2015      9:00 AM      Jury Trial**

**HEARD BY:** Smith, Douglas E.

**COURTROOM:** RJC Courtroom 11B

**COURT CLERK:** Tena Jolley

**RECORDER:** Jill Jacoby

**PARTIES**

<b>PRESENT:</b>	Bacharach, Joshua W.	Defendant
	Fattig, John T.	DA/ Attorney for State of Nevada
	Nguyen, Rochelle T.	Attorney for Defendant
	Thomson, Megan	DA/ Attorney for State of Nevada

**JOURNAL ENTRIES**

**- OUTSIDE THE PRESENCE OF THE JURY:**

Jury Instructions settled on the record. Objections regarding jail calls put on the record and transcripts of the jail calls marked as Court's exhibits.

**JURY PRESENT:**

Testimony and exhibits presented. (See Worksheets). State RESTED.

**OUTSIDE THE PRESENCE OF THE JURY:**

Defendant advised of his right not to testify.

**JURY PRESENT:**

Defendant RESTED. Court instructed the Jury. Closing statements by Ms. Thomsen and Ms. Nguyen. Rebuttal by Mr. Fattig. Court thanked and excused the alternate juror. Jury ADMONISHED and EXCUSED for the evening recess, to begin their deliberations in the morning.

Second Amended Jury List FILED IN OPEN COURT.

PRINT DATE: 11/13/2015

Page 1 of 2

Minutes Date: November 04, 2015

**000141**

CUSTODY

11/5/15 9:00 AM JURY DELIBERATION

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**November 05, 2015**

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C-14-299425-1      State of Nevada  
                                 vs  
                                 Joshua Bacharach

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**November 05, 2015      9:00 AM      Jury Trial**

**HEARD BY:** Smith, Douglas E.

**COURTROOM:** RJC Courtroom 11B

**COURT CLERK:** Tena Jolley

**RECORDER:** Jill Jacoby

**PARTIES**

<b>PRESENT:</b>	Bacharach, Joshua W.	Defendant
	Fattig, John T.	DA/ Attorney for State of Nevada
	Nguyen, Rochelle T.	Attorney for Defendant
	Thomson, Megan	DA/ Attorney for State of Nevada

**JOURNAL ENTRIES**

- Jury began deliberation at the hour of 9:00 a.m.

At the hour of 4:15 p.m., the Jury returned with the following Verdict:

GUILTY of COUNT 1 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON, GUILTY of COUNTS 2, 4, 6 and 8 - DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR VEHICLE, GUILTY of COUNTS 3, 5, 7 and 11 - ASSAULT WITH A DEADLY WEAPON, GUILTY of COUNT 12 - STOP REQUIRED ON SIGNAL OF POLICE OFFICER, GUILTY of COUNT 13 - RESISTING PUBLIC OFFICER WITH USE OF A FIREARM, GUILTY of COUNT 14 - POSSESSION OF FIREARM WITH ALTERED OR OBLITERATED SERIAL NUMBER, and NOT GUILTY of COUNTS 9 and 10.

Jury polled.

BIFURCATED TRIAL PHASE

OUTSIDE THE PRESENCE OF THE JURY:

Instructions settled on the record.

JURY PRESENT:

Counsel WAIVED Opening Statements. Exhibits presented. (See Worksheet). State RESTED.

OUTSIDE THE PRESENCE OF THE JURY:

Defendant advised of his right not to testify.

JURY PRESENT:

Defendant RESTED. Jury instructed by the Court and retired to deliberate at the hour of 4:25 p.m.

At the hour of 4:37 p.m., the Jury returned with the following Verdict:

GUILTY of COUNTS 15, 16 and 17 - POSSESSION OF FIREARM BY EX-FELON.

Jury polled.

Court thanked and excused the Jury.

COURT ORDERED, Defendant REMANDED WITHOUT BAIL and SET for Sentencing.

CUSTODY

12/30/15 8:00 AM SENTENCING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**December 30, 2015**

C-14-299425-1      State of Nevada  
vs  
Joshua Bacharach

**December 30, 2015      8:00 AM      Sentencing**

**HEARD BY:** Smith, Douglas E.

**COURTROOM:** RJC Courtroom 11B

**COURT CLERK:** Tena Jolley (tmj)  
Jennifer Kimmel

**RECORDER:** Jill Jacoby

**PARTIES**

<b>PRESENT:</b>	Bacharach, Joshua W.	Defendant
	Fattig, John T.	DA/ Attorney for State of Nevada
	Nguyen, Rochelle T.	Attorney for Defendant
	Thomson, Megan	DA/ Attorney for State of Nevada

**JOURNAL ENTRIES**

- DEFT. BACHARACH ADJUDGED GUILTY as to COUNT 1 - ATTEMPT MURDER WITH USE OF A DEADLY WEAPON (F), GUILTY of COUNTS 2, 4, 6 and 8 - DISCHARGE OF FIREARM FROM OR WITHIN A STRUCTURE OR VEHICLE (F), GUILTY of COUNTS 3, 5, 7 and 11 - ASSAULT WITH A DEADLY WEAPON (F), GUILTY of COUNT 12 - STOP REQUIRED ON SIGNAL OF POLICE OFFICER, GUILTY of COUNT 13 - RESISTING PUBLIC OFFICER WITH USE OF A FIREARM, GUILTY of COUNT 14 - POSSESSION OF FIREARM WITH ALTERED OR OBLITERATED SERIAL NUMBER, and NOT GUILTY as to COUNTS 9 and 10. Matter argued and submitted. Statement by Defendant. COURT ORDERED, DEFENDANT SENTENCED to the Nevada Department of Corrections (NDC) as follows:

As to COUNT 1 - to a MINIMUM of NINETY-SIX (96) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS, plus a CONSECUTIVE term of a MINIMUM of NINETY-SIX (96) MONTHS and a MAXIMUM of TWO HUNDRED FORTY (240) MONTHS for use of a deadly weapon;

PRINT DATE: 12/30/2015

Page 1 of 3

Minutes Date: December 30, 2015

**000145**



As to COUNT 2 - to a MINIMUM of SEVENTY-TWO (72) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS, CONSECUTIVE to COUNT 1, and a \$5,000.00 FINE;

As to COUNT 3 - to a MINIMUM of TWENTY-EIGHT (28) MONTHS and a MAXIMUM of SEVENTY-TWO (72) MONTHS, CONSECUTIVE to COUNTS 1 and 2, and a \$5,000.00 FINE;

As to COUNT 4 - to a MINIMUM of SEVENTY-TWO (72) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS, CONSECUTIVE to COUNTS 1-3, and a \$5,000.00 FINE;

As to COUNT 5 - to a MINIMUM of TWENTY-EIGHT (28) MONTHS and a MAXIMUM of SEVENTY-TWO (72) MONTHS, CONSECUTIVE to COUNTS 1-4, and a \$5,000.00 FINE;

As to COUNT 6 - to a MINIMUM of SEVENTY-TWO (72) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS, CONSECUTIVE to COUNTS 1-5, and a \$5,000.00 FINE;

As to COUNT 7 - to a MINIMUM of TWENTY-EIGHT (28) MONTHS and a MAXIMUM of SEVENTY-TWO (72) MONTHS, CONSECUTIVE to COUNTS 1-6, and a \$5,000.00 FINE;

As to COUNT 8 - to a MINIMUM of SEVENTY-TWO (72) MONTHS and a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS, CONSECUTIVE to COUNTS 1-7, and a \$5,000.00 FINE;

As to COUNT 11 - to a MINIMUM of TWENTY-EIGHT (28) MONTHS and a MAXIMUM of SEVENTY-TWO (72) MONTHS, CONSECUTIVE to COUNTS 1-8, and a \$5,000.00 FINE;

As to COUNT 12 - to a MINIMUM of TWENTY-EIGHT (28) MONTHS and a MAXIMUM of SEVENTY-TWO (72) MONTHS, CONSECUTIVE to COUNTS 1-8 and 11, and a \$5,000.00 FINE;

As to COUNT 13 - to a MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of SIXTY (60) MONTHS, CONSECUTIVE to COUNTS 1-8 and 11-12, and a \$10,000.00 FINE;

As to COUNT 14 - to a MINIMUM of NINETEEN (19) MONTHS and a MAXIMUM of FORTY-EIGHT (48) MONTHS, CONSECUTIVE to COUNTS 1-8 and 11-13, and a \$5,000.00 FINE;

As to COUNT 15 - to a MINIMUM of TWENTY-EIGHT (28) MONTHS and a MAXIMUM of SEVENTY-TWO (72) MONTHS, CONSECUTIVE to COUNTS 1-8 and 11-14, and a \$5,000.00 FINE;

As to COUNT 16 - to a MINIMUM of TWENTY-EIGHT (28) MONTHS and a MAXIMUM of SEVENTY-TWO (72) MONTHS, CONSECUTIVE to COUNTS 1-8 and 11-15, and a \$5,000.00 FINE;

As to COUNT 17 - to a MINIMUM of TWENTY-EIGHT (28) MONTHS and a MAXIMUM of SEVENTY-TWO (72) MONTHS, CONSECUTIVE to COUNTS 1-8 and 11-16, and a \$5,000.00 FINE;

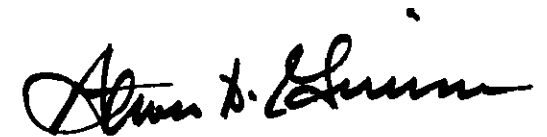
For an AGGREGATE TOTAL FINE of \$75,000.00, and SENTENCE of a MINIMUM of SEVEN HUNDRED FORTY-SEVEN (747) MONTHS and a MAXIMUM of ONE THOUSAND EIGHT HUNDRED EIGHTY-FOUR (1,884) MONTHS in the Nevada Department of Corrections (NDC), with ZERO (0) DAYS credit for time served.

Ms. Nguyen advised Defendant intends to file a Notice of Appeal.

BOND, if any, EXONERATED.

NDC

CLERK'S NOTE: Pursuant to statute, Defendant is also required to pay a \$25.00 Administrative Assessment fee, a \$150.00 DNA Analysis fee including testing to determine genetic markers, a \$3.00 DNA Collection fee, and a \$250.00 Indigent Defense Civil Assessment fee.



CLERK OF THE COURT

RTRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

JOSHUA W. BACHARACH  
JOSHUA WILLIAM BACHARACH,

Defendant.

CASE NO. C299425

DEPT. VIII

BEFORE THE HONORABLE DOUGLAS E. SMITH, DISTRICT COURT JUDGE  
MONDAY, JULY 28, 2014

**TRANSCRIPT OF PROCEEDINGS  
INITIAL ARRAIGNMENT  
INDICTMENT WARRANT RETURN**

APPEARANCES:

For the State:

NELL E. CHRISTENSEN, ESQ.  
Chief Deputy District Attorney

For the Defendant:

NADIA HOJJAT, ESQ.  
Deputy Public Defender

MATTHEW LAY, ESQ.

RECORDED BY: SANDRA PRUCHNIC, COURT TRANSCRIBER

1 MONDAY, JULY 28, 2014 AT 8:07 A.M.

2  
3 THE COURT: C299425, Joshua Bacharach.

4 THE DEFENDANT: Yes, sir.

5 MS. CHRISTENSEN: Your Honor, Nell Christensen, for the State. We  
6 indicted this case.

7 THE COURT: Okay.

8 MS. CHRISTENSEN: And through our research and preparing for that, we  
9 found that the Public Defender has actually represented two of our witnesses, both  
10 of which were subpoenaed for the grand jury. So we believe that you probably have  
11 to appoint a track attorney on this case.

12 THE COURT: Okay.

13 Mr. Bacharach, you --

14 Have you given him a copy of the Indictment?

15 MS. CHRISTENSEN: Yes.

16 THE DEFENDANT: No, ma'am -- or no, sir.

17 THE COURT: You've been given a copy of an Indictment charging you with  
18 Count 1, attempt murder with use of deadly weapon, a felony. Counts 2, 4, 6, 8, and  
19 10, discharging firearm from or within a structure or vehicle. Counts 3, 5, 7, 9, and  
20 11, assault with a deadly weapon. Count 12, stop required on signal of a police  
21 officer. Count 13, resisting a public officer with use of a firearm. And Counts 15  
22 through 17, possession of a firearm by an ex-felon. All felonies.

23 How do you plead?

24 THE DEFENDANT: Guilty.

25 MS. HOJJAT: Not --

1 THE DEFENDANT: Or not guilty, my bad. My bad.

2 THE COURT: You have the right to an attorney. Can you afford a lawyer?

3 THE DEFENDANT: No.

4 THE COURT: We'll have a lawyer for you here on Wednesday.

5 Call Drew.

6 THE CLERK: Call Drew.

7 THE COURT: Tannery is out for three weeks because of surgery. He had a

8 burst appendix.

9 THE CLERK: Yes. So what case is that on?

10 THE COURT: Ask Drew if we can have Spencer Judd appointed on the case.

11 THE CLERK: Okay. What case is that, Judge?

12 THE COURT: Pardon?

13 THE CLERK: What case is that on?

14 THE COURT: 1B.

15 MS. CHRISTENSEN: Your Honor, this is actually, we don't have a life tail on

16 any of the counts. So I think you have to appoint one of the attorneys that tracks in

17 through you.

18 THE COURT: Well, I only have two.

19 MS. CHRISTENSEN: Oh, is it Spencer Judd? Oh, okay.

20 THE COURT: And so I'm -- Judd does things for Tannery. Tannery is out for

21 three weeks because of surgery.

22 MS. CHRISTENSEN: Oh.

23 THE COURT: And Judd is covering for him in other departments. So.

24 THE CLERK: Okay, that sounds good to me.

25 MS. HOJATT: And, Your Honor --

1 THE COURT: And you guys can't represent him because --

2 MS. HOJATT: No, Your Honor. I apologize, just acting as a friend of the

3 Court, I don't think Mr. Tannery is a track attorney on this track anymore. I believe

4 right now it's Ms. Nguyen, Mr. Claus, and Mr. --

5 THE CLERK: Nelson.

6 MS. HOJJAT: -- Nelson.

7 THE COURT: Oh. Okay. Get Roy Nelson in here or who's up next? I

8 thought it was Tannery, sorry.

9 THE CLERK: Probably Rochelle or --

10 MS. CHRISTENSEN: It probably was before.

11 THE COURT: And we have to go outside. Do you think we have to go

12 outside of the --

13 MS. CHRISTENSEN: No, it should be --

14 THE COURT: Okay.

15 MS. CHRISTENSEN: -- one of those three.

16 THE COURT: I thought Tannery was.

17 THE CLERK: Ms. Nguyen?

18 THE COURT: Okay, put Ms. Nguyen. Ms. Nguyen will be here on

19 Wednesday to meet you.

20 Does she have anything today? All right. Just hold on.

21 THE CLERK: Yes, she does.

22 MS. CHRISTENSEN: Okay, we'll wait.

23 THE COURT: Okay.

24 MS. CHRISTENSEN: Thank you.

25 MS. HOJJAT: And, just for the record --

1 THE COURT: Holler.

2 MS. HOJJAT: -- the PD is not going to be on this case.

3 THE COURT: No.

4 MS. HOJJAT: Thank you.

5 [Proceeding trailed at 8:10 a.m.]

6 [Proceeding recalled at 9:07 a.m.]

7 THE COURT: C299425, Joshua Bacharach.

8 Mr. Bacharach, Ms. Nguyen is not here. This is an attorney appearing  
9 on her behalf. Mr. Bacharach had previously pled not guilty. Yes?

10 THE DEFENDANT: Yeah.

11 THE COURT: And did you invoke your right to a speedy trial or do you waive  
12 it?

13 THE DEFENDANT: I think we went over that, yeah, but I was informed by  
14 somebody else that --

15 THE COURT: Let's -- let's do this. Before you do that, let's have you  
16 talk -- I'll, the Court will invoke it for you, but you talk with Ms. Nguyen when she  
17 comes to talk to you and if she wants to waive it, we'll bring you back to waive it.

18 THE DEFENDANT: All right.

19 THE COURT: All right?

20 THE DEFENDANT: Is there any specific date when I'll be able to talk to  
21 them? I still haven't talked to a person about it.

22 THE COURT: She'll be, when she can, she didn't know this was on --

23 THE DEFENDANT: All right.

24 THE COURT: -- today. So we'll set it within 60 days, but with the  
25 understanding it may get.

1 If you'll get in touch with Ms. Nguyen as well.

2 MS. CHRISTENSEN: We will, Your Honor.

3 THE COURT: Okay.

4 THE DEFENDANT: But I'm already sentenced on another case and I'm going  
5 to be going to prison within, like, next, like two, three weeks.

6 THE COURT: All right. Okay. So you'll probably being transported?

7 THE DEFENDANT: Yeah, within like --

8 THE COURT: Okay.

9 THE DEFENDANT: -- the next 30 days.

10 THE COURT: All right. We'll -- we'll keep track of that.

11 THE CLERK: So we're -- are we going to set a trial date on this?

12 THE COURT: Yes, trial date in 60 days.

13 THE CLERK: Calendar call would be August 27<sup>th</sup> at 8 a.m. Trial,  
14 September 2<sup>nd</sup>, at 9:30.

15 THE COURT: Do we have another Ms. Nguyen case?

16 MR. LAY: That's correct, Your Honor.

17 THE CLERK: And, Counsel, what is your name?

18 MR. LAY: Last name is Lay, L-A-Y.

19 THE CLERK: Okay.

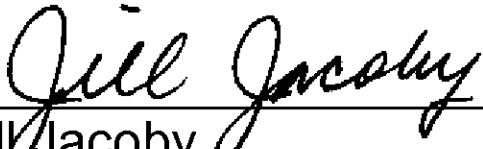
20 MR. LAY: Bar number is 12249.

21 THE CLERK: Thank you.

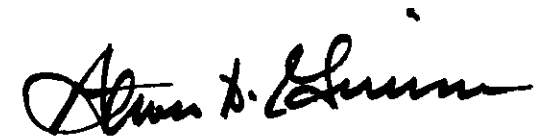
22 [Proceeding concluded at 9:08 a.m.]

23 ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual  
24 recording in the above-entitled case.

25

  
\_\_\_\_\_  
Jill Jacoby  
Court Recorder





CLERK OF THE COURT

RTRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

JOSHUA W. BACHARACH  
JOSHUA WILLIAM BACHARACH,

Defendant.

CASE NO. C299425

DEPT. VIII

BEFORE THE HONORABLE DOUGLAS E. SMITH, DISTRICT COURT JUDGE  
WEDNESDAY, OCTOBER 28, 2015

**TRANSCRIPT OF PROCEEDINGS**  
**CALENDAR CALL**

APPEARANCES:

For the State:

JOHN FATTIG, ESQ.  
MEGAN S. THOMSON  
Chief Deputy District Attorneys

For the Defendant:

ROCHELLE T. NGUYEN, ESQ.

RECORDED BY: JILL JACOBY, COURT RECORDER

1 WEDNESDAY, OCTOBER 28, 2015 AT 9:11 A.M.

2  
3 THE COURT: C299425, Joshua Bacharach.

4 MS. NGUYEN: May we approach?

5 THE COURT: Yeah.

6 [Bench Conference Begins]

7 MS. NGUYEN: You've got a busy morning.

8 THE COURT: I've had a lovely morning.

9 MS. NGUYEN: He's at High Desert and so I've just had a heck of time visiting  
10 him because I get Tuesdays --

11 THE COURT: He's right here.

12 MS. NGUYEN: I know he is. I just -- we've been going back and forth  
13 because I've been up there the last couple of weeks a lot. But I just got the Guilty  
14 Plea Agreement. He's -- this is stipulated 12 to 30 years. He just would like to  
15 review it.

16 THE COURT: Twelve to 30 years or 30 months?

17 MS. THOMSON: Years.

18 MS. NGUYEN: Years.

19 MR. FATTIG: Years.

20 THE COURT: Oh. You're fast on the gun.

21 MS. NGUYEN: These two, they don't even -- they don't even budge.

22 THE COURT: Okay. So.

23 MS. NGUYEN: I just need -- it's set, this is calendar so it's set for trial on  
24 Monday.

25 THE COURT: So what is today?

1 MR. FATTIG: We're ready.

2 MS. NGUYEN: It's Wednesday. They're ready.

3 THE COURT: Put it on Friday morning at 9 o'clock.

4 MS. NGUYEN: It's a holiday.

5 MS. THOMSON: Friday's a holiday.

6 THE COURT: Oh, is it?

7 MS. NGUYEN: It's Nevada Day so I'm hoping for --

8 THE COURT: How about tomorrow?

9 MS. NGUYEN: That's what I'm hoping.

10 THE COURT: And I'll order him to stay here.

11 MS. NGUYEN: That's what I'm hoping.

12 THE COURT: Okay.

13 MS. NGUYEN: Okay.

14 MR. FATTIG: But our concern I guess would be if you set another trial in here

15 next week.

16 THE COURT: I don't have any --

17 MS. NGUYEN: There's no -- we're the only one.

18 THE COURT: We don't have anything

19 MR. FATTIG: Okay.

20 MS. THOMSON: Okay.

21 MR. FATTIG: So we'll keep this.

22 THE COURT: Uh-huh.

23 MR. FATTIG: Okay. Good. We have about 20 witnesses. It'll be all week,

24 but it'll be done.

25 THE COURT: It won't be a week-long trial.

1 MR. FATTIG: We'll get it done.

2 THE COURT: I try them fast.

3 MS. NGUYEN: What do you need 20 witnesses for? There's one cop.

4 THE COURT: All right.

5 MS. THOMSON: Yeah, except that he shoots for over like a mile at the cop.

6 THE COURT: We're going -- we're going --

7 [Bench Conference Concludes]

8 THE COURT: This will be the trial for next week except she wants to talk to

9 you about a possible negotiation. I'm going to order that he'd be booked in the Clark

10 County Detention Center and then the attorney can come over and talk to him. It'll

11 be on tomorrow morning at 9 o'clock. And that'll give the State -- or the defense

12 attorney an opportunity to go over the Guilty Plea Agreement.

13 MS. THOMSON: And for the record, if he does not sign it tomorrow --

14 THE COURT: Then we go to trial Monday.

15 MS. THOMSON: -- there will be no more offers.

16 THE COURT: Then we go to trial Monday at 9:30.

17 MR. FATTIG: And then all offers will be revoked if he doesn't sign it

18 tomorrow.

19 THE COURT: All right. Deal.

20 / / /

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MS. THOMSON: Thank, Your Honor.

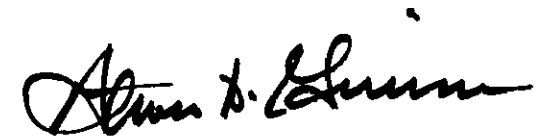
MR. FATTIG: Thank you.

THE COURT: Thanks.

[Proceeding concluded at 9:13 a.m.]

ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual recording in the above-entitled case.

  
\_\_\_\_\_  
Jill Jacoby  
Court Recorder



CLERK OF THE COURT

RTRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

JOSHUA W. BACHARACH  
JOSHUA WILLIAM BACHARACH,

Defendant.

CASE NO. C299425

DEPT. VIII

BEFORE THE HONORABLE DOUGLAS E. SMITH, DISTRICT COURT JUDGE  
THURSDAY, OCTOBER 29, 2015

**TRANSCRIPT OF PROCEEDINGS  
AT THE REQUEST OF THE COURT:  
STATUS CHECK: NEGOTIATIONS**

APPEARANCES:

For the State:

MEGAN S. THOMSON, ESQ.  
Chief Deputy District Attorney

For the Defendant:

ROCHELLE T. NGUYEN, ESQ.

RECORDED BY: JILL JACOBY, COURT RECORDER

1 THURSDAY, OCTOBER 29, 2015 AT 9:06 A.M.

2  
3 THE COURT: This is case C299425, Joshua Bacharach.

4 No negotiation?

5 MS. NGUYEN: There was a negotiation extended. I did have the opportunity  
6 to speak with him.

7 THE COURT: Oh.

8 MS. NGUYEN: He did have the opportunity to review that and he is not  
9 inclined to accept that so we're prepared to go forward.

10 THE COURT: Is that right?

11 THE DEFENDANT: Yes, sir, Your Honor.

12 THE COURT: Okay.

13 MS. THOMSON: And at this point, there is no more offer. We will proceed to  
14 trial.

15 THE COURT: All right. How long will it take to try? In this department.

16 MS. THOMSON: In this department, I don't think the whole week.

17 THE COURT: All right. We'll just keep the whole week for it, though, just in  
18 case. You said you had twenty witnesses.

19 MS. THOMSON: We do.

20 THE COURT: All right. We'll start 9:30 Monday morning. You'll get me any  
21 jury instructions you wish me -- or jury questions that you want asked. I'll do the  
22 asking. If you have questions that come up, you can ask some. You get me  
23 questions you want me to ask the jury.

24 MS. THOMSON: Yes, Your Honor.

25 THE COURT: We'll pick the jury on Monday. Be ready to do opening

1 statements Monday.

2 MS. THOMSON: And the Court is doing the traditional questions already --

3 THE COURT: Yeah.

4 MS. THOMSON: -- victim of crime, all that. Okay, perfect.

5 THE COURT: Okay?

6 MS. THOMSON: Thank you, Your Honor.

7 THE COURT: All right.

8 MS. NGUYEN: Thank you.

9 MS. THOMSON: 9:30, correct?

10 THE COURT: 9:30.

11 MS. THOMSON: Perfect. Thank you.

12 THE COURT: All right.

13 [Proceeding concluded at 9:07 a.m.]

14  
15  
16  
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21 ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual  
22 recording in the above-entitled case.

23   
24 Jill Jacoby  
25 Court Recorder

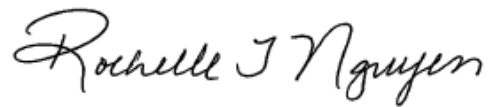


**CERTIFICATE OF ELECTRONIC TRANSMISSION**

The undersigned hereby declares that on June 08, 2016, an electronic copy of the foregoing APPELLANT'S FAST TRACK APPENDIX VOLUME I was sent via the master transmission list with the Nevada Supreme Court to the following:

STEPHEN B. WOLFSON  
Clark County District Attorney

ADAM PAUL LAXALT  
Nevada Attorney General

A handwritten signature in black ink that reads "Rochelle T. Nguyen". The signature is written in a cursive, flowing style.

---

ROCHELLE T. NGUYEN, ESQ.  
Nevada Bar Identification No. 8205  
Nguyen & Lay  
732 S. Sixth Street, Suite 102  
Las Vegas, Nevada 89101  
Telephone: (702) 383-3200