

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF N.J., A MINOR
CHILD

NARA MIKHAL JOHNSON
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

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Trocie K. Lindeman
Clerk of Supreme Court

Case No. 70220

APPELLANT'S APPENDIX

Appeal from a finding of Juvenile Delinquency, Tenth Judicial District Court

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Case No.: 15-1000-1243

Dept. No.: 1

The undersigned hereby affirms that
this document does not contain the
social security number of any person.

BY ~~Shalle Hoefen~~ DEPUTY

SUE SEVON
COURT CLERK

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FILED

IN THE JUVENILE DIVISION OF THE
TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CHURCHILL

IN THE MATTER OF:

NARA MIKAHL JOHNSON
DOB: 02/01/2000

PETITION UNDER
JUVENILE COURT ACT

MINOR CHILD UNDER THE AGE OF
EIGHTEEN (18) YEARS.

COMES NOW, TAMI D. RICHARDSON, Chief Juvenile Probation Officer of Churchill
County, Nevada, and petitions the Court as follows:

I.

That the following facts bring **NARA MIKAHL JOHNSON** within the purview of the
Juvenile Court Act (Title 5 of NRS):

COUNT 1

BATTERY (SIMPLE), a Misdemeanor, in violation of NRS 200.481(2)(A)

That **NARA MIKAHL JOHNSON**, Fifteen (15) years of age, on or about the 22nd day
of September, 2015, and prior to the filing of this Petition, at or near field behind 2333 West
Williams Avenue, Churchill County, Nevada, did willfully and unlawfully use force or violence
upon the person of another to wit: said Juvenile did punch a known but unnamed 15 year old
Juvenile in the temple.

///

///

Churchill County District Attorney
165 North Ada Street
Fallon, Nevada 89406
(775) 423-6561 Fax (775) 423-6528

COUNT 2

HARASSMENT, a Misdemeanor, in violation of NRS 200.571(2)(A)

That NARA MIKAHL JOHNSON, Fifteen (15) years of age, on or about the 22nd day of September, 2015, and prior to the filing of this Petition, at or near field behind 2333 West Williams Avenue, Churchill County, Nevada, did, without lawful authority, knowingly threaten to cause bodily injury in the future to the person threatened or to any other person, to cause physical damage to the property of another person, to subject the person threatened to physical confinement or restraint, or to do any act which is intended to substantially harm the person threatened or any other person with respect to his physical or mental safety; and by words or conduct placed the person receiving the threat in reasonable fear that the threat will be carried out, to wit: said Juvenile did threaten a known but unnamed 15 year old Juvenile by saying "don't ever go near True or breathe his air or I'll cut you bitch".

By reason of the foregoing, NARA MIKAHL JOHNSON is a delinquent child within the purview of NRS 62B.330.

II.

That the date of birth and address of NARA MIKAHL JOHNSON is: DOB: February 1, 2000; ADDRESS: 922 Dodge Lane, Fallon, Nevada 89406.

III.

That the name and address of the parents or guardian of NARA MIKAHL JOHNSON are:

Mother: Chantelle Johnson Address: 922 Dodge Lane, Fallon, Nevada 89406

Father: John Johnson Address: 922 Dodge Lane, Fallon, Nevada 89406.

Guardian: N/A.

IV.

That NARA MIKAHL JOHNSON is currently not detained.

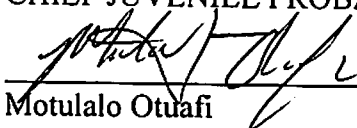
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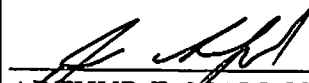
V.

WHEREFORE, the Petitioner prays that after due notice hereof and hearing as required by law, that NARA MIKAHL JOHNSON be found within the jurisdiction of the Court as indicated in Title 5 of the NRS, and that she be dealt with accordingly.

DATED: This 26 day of October, 2015.

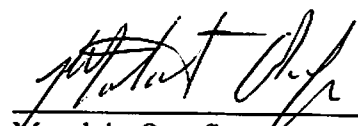
TAMI D. RICHARDSON
CHIEF JUVENILE PROBATION OFFICER,


Motulalo Otuafi
Juvenile Probation Officer



ARTHUR E. MALLORY
DISTRICT ATTORNEY
165 North Ada Street
Fallon, Nevada 89406

Under penalties of perjury, the undersigned declares that he or she is the Petitioner in the above-entitled matter and knows the contents thereof; that the Petition is true of his or her own knowledge, except as to those matters stated on information and belief, and that as to such matters he or she believes it to be true.



Motulalo Otuafi
Juvenile Probation Officer

1 CASE NO. 15-10DC-1243

2 DEPT. II

3
4
5 IN THE JUVENILE DIVISION
6 THE TENTH JUDICIAL DISTRICT COURT - THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF CHURCHILL
8 BEFORE THE HON. THOMAS STOCKARD, DISTRICT JUDGE,
9 PRESIDING

10
11
12 IN THE MATTER OF:

13 NARA MIKHAL JOHNSON,

14 A CHILD UNDER THE AGE OF 18 YEARS.

15 ----- /

16
17 TRANSCRIPT OF PROCEEDINGS VIA JAVS

18 EVIDENTIARY HEARING

19 MARCH 16, 2016

20 COURTHOUSE

21 FALLON, NEVADA

22
23
24 TRANSCRIBED by:

Kathy Terhune

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APPEARANCES:

FOR THE STATE:

JOE SANFORD
Deputy District Attorney
165 North Ada St.
Fallon, NV. 89406

JUVENILES PRESENT IN COURT.

FOR THE JUVENILE:

TROY JORDAN, ESQ.
PUBLIC DEFENDER
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RENO, NV 89501

DAVID NEIDERT, ESQ.
Deputy Public Defender
643 South Maine Street
Fallon, NV 89406

NO OTHER APPEARANCES.

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J = JORDAN				
S = SANFORD				

EXHIBITS

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1 MARCH 16, 2016; 9:05 A.M.; FALLON NEVADA.

2
3
4 TRANSCRIPT OF PROCEEDINGS

5
6 THE BAILIFF: All rise.

7 THE COURT: Please be seated.

8 Good morning.

9 This is Case Number 15-1242, its in the matter
10 of Tru Mason Hanley; and Case Number 15-1243, in the
11 matter of Nara Mikhal Johnson.

12 Mr. Hanley -- is Mr. Hanley present?

13 MR. NEIDERT: He is, Your Honor.

14 THE COURT: Mr. Hanley's present in the
15 courtroom, and he's represented by David Neidert.

16 Ms. Johnson is also present, and she's
17 represented by her attorney, Troy Jordan.

18 Joe Sanford is here representing the State of
19 Nevada.

20 Are we prepared to proceed?

21 MR. SANFORD: State is prepared, Your Honor.

22 MR. JORDAN: We are, Your Honor.

23 MR. NEIDERT: Yes, Your Honor.

24 THE COURT: I'd like to have -- yeah let's get

1 some chairs up here just so that Ms. Johnson and
2 Mr. Hanley can sit next to their counsel.

3 And does either party wish to invoke the Rule
4 of Exclusion?

5 MR. JORDAN: Yes, Your Honor.

6 MR. NEIDERT: Yes, Your Honor.

7 THE COURT: So, Mr. Sanford, I don't know who
8 your witnesses are.

9 Would you ask them to please wait outside?

10 Mr. Neidert and Mr. Jordan, would you do the
11 same?

12 MR. SANFORD: Yes, please.

13 They know who they are except, Mr. Wilkes.

14 THE COURT: Don't discuss your testimony with
15 any other person until your -- you testify.

16 I'm going to ask each counsel to ensure that
17 their witnesses comply with the Rule of Exclusion.

18 Counsel, I have this matter set for two hours.
19 I have another matter set again at 11:00. Will that --
20 will we be able to conclude that in two hours?

21 MR. NEIDERT: I thought we could, then I saw
22 the number of witnesses the State excluded a few
23 minutes ago. I'm not sure we can.

24 THE COURT: Well, we need to. All right? Just

1 so I want you to understand.

2 MR. SANFORD: I believe we'll be finished,
3 Your Honor.

4 THE COURT: Very well.

5 Mr. Sanford.

6 MR. SANFORD: The State calls Raymond Wilkes.

7 THE COURT: Mr. Wilkes.

8 Okay.

9 Mr. Wilkes if you'll come forward to the
10 witness stand. If you'd stand and face the clerk and
11 raise your right to take the oath much a witness.

12 (Witness sworn.)

13 THE COURT: Please be seated.

14 So there was some hesitation, the clerk
15 administered an oath, do you understand what she did
16 just did?

17 THE WITNESS: Yes.

18 THE COURT: What did you just commit to do?

19 THE WITNESS: Telling the truth.

20 THE COURT: All right.

21 Do you understand what that commitment means?

22 THE WITNESS: Yes.

23 THE COURT: Do you understand that'd subject to
24 the penalties of perjury?

1 THE WITNESS: Yes.

2 THE COURT: Okay.

3 Very well. Mr. Sanford.

4 MR. SANFORD: Thank you, Your Honor.

5

6 RAYMOND WILKES,

7 called as a witness herein by the State,

8 having been first duly sworn, was examined

9 and testified as follows:

10

11 DIRECT EXAMINATION

12 BY MR. SANFORD:

13 Q Mr. Wilkes, state your name and spell it for
14 the record.

15 A Raymond Wilkes, R-A-Y-M-O-N-D W-I-L-K-E-S.

16 Q Thank you.

17 And do you know why you're here today?

18 A I'm a witness.

19 Q On the night of September 22, 2015, where were
20 you?

21 A At Oats Park.

22 Q Okay. And who was with you in Oats Park?

23 A A few people, including (inaudible) Nara,
24 Gillian, Tru, Alan, Ruben, Bill and -- there was quite

1 a few people there.

2 Q Okay.

3 And did you say that Gillian was at the park
4 with you?

5 A For like five to ten minutes.

6 Q Okay.

7 And when you say Nara, who is that?

8 A Nara Johnson.

9 Q Is she in the courtroom today?

10 A Yes.

11 Q Would you please point to her?

12 A (Indicating.)

13 MR. SANFORD: Would the record reflect that
14 Mr. Wilkes identified the defendant, Nara Johnson?

15 THE COURT: Is it the young lady in the white,
16 sitting behind the attorney over there?

17 THE WITNESS: Yes.

18 THE COURT: The record should so reflect.

19 BY MR. SANFORD:

20 Q And when you say Tru was there --

21 MR. NEIDERT: We'll stipulate to
22 identification, Your Honor.

23 MR. SANFORD: Thank you.

24 THE COURT: Very well.

1 BY MR. SANFORD:

2 Q And what were you doing at the park?

3 A Playing volleyball.

4 Q Okay.

5 And what were Donna and Tru doing at the park?

6 A Same; just playing volleyball and hanging out
7 and talking and then --

8 Q Okay.

9 And after you were finished playing volleyball,
10 did you hear either defendant mention Gillian?

11 A No, not that I know of.

12 Q Okay.

13 And when you were prepared to leave the park,
14 you said that Gillian came for five to ten minutes.
15 When did that happen?

16 A I don't remember exactly when, I just remember
17 they came in a truck, and they went to go talk to
18 Gillian.

19 Q When you say "they came in a truck," who is
20 "they"?

21 A Okay.

22 Q Who came?

23 A These two girls named Sam and Kayla brought
24 Gillian.

1 Q Okay.

2 A And Gillian and Nara just wanted to talk. And
3 they talked at the park, and then after that all I know
4 is Gillian left.

5 Q Gillian left. Okay.

6 And what did you do after they had spoken? Did
7 you -- did you speak with either defendant about what
8 you were going to do after you left the park?

9 A No. Everyone was still just playing volleyball
10 or just doing whatever. There was quite a few friends
11 there, and we were just chilling at the park.

12 Q Okay.

13 And when you left the park, where did you go?

14 A I followed my friend, Ruben, to the spot behind
15 Walmart.

16 Q And did you know that was where you were going
17 before?

18 A No.

19 Q And why did you follow your friend Ruben to
20 that spot?

21 A Because like, this -- at the time we'd didn't
22 hang out much anymore because he -- but that was like
23 my brother. We did everything together. So if I saw
24 him going somewhere, I'd follow him.

1 Q Okay.

2 A We just do things together.

3 Q And who was with you in your car?

4 A Alan.

5 Q And do you know who was in Ruben's car?

6 A I know Gillian was in his car. That's all I
7 remember.

8 Q Okay.

9 And you said you followed your friend, Ruben.
10 Gillian, you said, had left, and Ruben was with you at
11 the time.

12 So did you follow him to pick up Gillian?

13 A No. He had left while we were at the park to
14 go get her, I guess. And then he came back.

15 Q Okay.

16 So he came back to the park with Gillian then,
17 and then you followed him from there?

18 A Yes.

19 Q Okay.

20 What happened once you got to the spot
21 behind -- can you actually describe the spot?

22 A It was, like, a wooded area, just in the middle
23 of nowhere.

24 Q And where exactly is this spot?

1 A I guess it's down Casey Road. You pass
2 Walmart, go past U.S. Bank, down Casey Road, then you
3 take, like, a left into a wooded area.

4 Q Okay.

5 And there is no houses there? It's no -- not
6 anybody's house?

7 A No.

8 Q Okay.

9 What happened once you got to the wooded area?

10 A Tiara and Nara ran out -- I mean, Tiara and --
11 (inaudible) -- ran out. They ran out from ran from
12 Katie's car. And they just ran up to their car and
13 started -- Tiara started yelling at Gillian. And all I
14 know is, like, they are just yelling for a while. Both
15 Nara and Tiara were pretty upset with Gillian, and
16 Tiara wanted Gillian to get out of car so she could
17 fight her, and Gillian didn't want to get out.

18 Eventually, as in the video, Tiara ended up
19 pulling Gillian out, and then that's what happened.

20 Q Okay.

21 And you said they ran up to the car?

22 A Yes.

23 Q Okay.

24 And did you take video of this incident?

1 A Yes, I did.

2 Q And did you take that with a cellphone camera?

3 A Yes.

4 Q And have you seen the video?

5 A Yes.

6 Q Is it a true and accurate representation of
7 what happened on that night?

8 A Uh-hum.

9 Q Did you make any alterations to the video?

10 A No.

11 THE COURT: Just -- Raymond, I want to make
12 sure you answer "yes" or "no," not "Uh-huh," because
13 this matter's recorded and just so it accurately
14 reflects what your response is.

15 THE WITNESS: Okay.

16 THE COURT: Okay?

17 Go ahead.

18 MR. SANFORD: Your Honor, I'd like to play the
19 video.

20 THE COURT: Very well.

21 And, counsel, if you need to move to be able to
22 see it better, that's fine.

23 Having some technical difficulties on the
24 video.

1 Now, this is playing on the laptop?

2 MR. SANFORD: Let me try and close it one more
3 time.

4 THE COURT: Do you have anything that has any
5 sound coming through right now?

6 Do it without sound now.

7 (Video played.)

8 BY MR. SANFORD:

9 Q Is that a true and accurate representation of
10 what happened that night?

11 A Yes.

12 Q Is that the video that you took?

13 A Yes.

14 MR. SANFORD: Your Honor, I'd ask to admit
15 Exhibit 1 of the State.

16 MR. JORDAN: Stipulated.

17 MR. NEIDERT: No objection.

18 THE COURT: It will be admitted.

19 (Whereupon, State's Exhibit 1, for
20 identification, was received in
evidence.)

21 BY MR. SANFORD:

22 Q Okay. Mr. Wilkes, I'm just going to have you
23 identify some people, if you would do that for me.

24 Do you recognize who the girl walking towards

1 us is?

2 A Nara Johnson.

3 Q And what is Nara wearing in this video?

4 A Looks like a white-and-blue sweater, with --

5 Q Would you describe that sweater for me?

6 A (No oral response.)

7 Q Is the top half of the sweater, what is that?

8 A It's white.

9 Q And the bottom half of the sweater, what is

10 that?

11 A It looks like an ugly blue color.

12 Q Okay.

13 Does that sweater have sleeves to it?

14 A Yes.

15 Q What color are the sleeves?

16 A Blue.

17 Q Okay. Thank you.

18 A White and blue.

19 Q And who is the person in the -- that you see in

20 the video here?

21 A Tiara McQueen.

22 Q And what is she wearing?

23 A A white shirt with black leggings with pink

24 stripes.

1 Q Okay.

2 A And pink socks, I guess.

3 Q Just to be clear, what is she doing in this?

4 A Pulling Gillian out of the car.

5 Q Okay.

6 And the young woman that just got pulled out of
7 the car, who is that?

8 A Gillian.

9 Q Okay.

10 And do you recognize who this person is
11 standing directly in front of camera is?

12 A That's Tiara.

13 THE COURT: Can you speak little louder.

14 THE WITNESS: Yes.

15 THE COURT: Go ahead.

16 BY MR. SANFORD:

17 Q How did you recognize that that is Tiara?

18 A She's wearing the same outfit; the black
19 leggings with pink stripes and a white shirt.

20 Q Okay.

21 And do you see a person -- another person
22 behind Tiara in this part of the video, along with
23 Gillian?

24 A Yes.

1 Q And what is she doing? What is that person
2 doing?

3 A She's bending over. Either yelling -- saying
4 something or --

5 Q Okay.

6 And what is the person who's bending over
7 wearing?

8 A A white hoodie. It looks like it has a hood on
9 it, with drawstrings.

10 Q It's hard to see, but can you see the arm of
11 the person who had on the white hoodie?

12 A Yes.

13 Q And what does that arm look like to you?

14 A The color?

15 Q Yeah, just describe what it is they are
16 wearing.

17 A A white hoodie with -- looks like the bottom is
18 blue.

19 Q Okay. Thank you.

20 And is that consistent with what Nara Johnson
21 was wearing?

22 A Yes.

23 Q Thank you, Mr. Wilkes.

24 So after this video finished, what happened?

1 A I believe everyone left except me, Ruben,
2 Gillian, and Alan. I think Katie Downs took everyone
3 else home, which would be Bill, Tiara, Tru, and Nara,
4 or she took them somewhere.

5 And Gillian's phone got thrown in the process,
6 I don't know by who, but we looked for it. I didn't
7 know if we ever found it, but after that we just left.

8 Q Okay.

9 And did anyone else approach Gillian during the
10 period of this video other than the two people you
11 identified as Nara and Tiara?

12 A Ruben did, just to pick her up and sit her in
13 his car.

14 Q And that was after this video took place?

15 A Yeah. It's at very end of the video. It shows
16 him walking over there.

17 Q Okay.

18 My last question. If you -- so did you know
19 that there was likely going to be a fight at this --

20 A No --

21 Q -- place?

22 A -- I didn't.

23 Q Okay. Thank you.

24 MR. SANFORD: No further questions.

1 THE COURT: Mr. Neidert.

2

3 CROSS-EXAMINATION

4 BY MR. NEIDERT:

5 Q First of all, you said that everybody was a
6 Oats Park prior to this, correct?

7 A Yes.

8 Q Did you see any interaction between my client,
9 Tru, and Gillian at the park, that you remember?

10 A No.

11 Q And when we go forward to this video, first of
12 all. Well, if we had the sound, there is a man's voice
13 that can be heard on the video.

14 Can you identify -- assume at some point the
15 judge might hear the video -- the voice on the video as
16 opposed to just seeing pictures. Do you know whose
17 voice you can hear on the video?

18 A Bill McKaney.

19 Q Bill McKaney.

20 So the voice you hear is Bill McKaney's and not
21 Tru Hanley's?

22 A Yes.

23 Q And--

24 THE COURT: I'm sorry. What was your answer?

1 THE WITNESS: Yes.

2 THE COURT: Okay.

3 BY MR. NEIDERT:

4 Q And, finally, why did you keep recording if
5 your goal was trying to stop the fight?

6 A It wasn't my place. I was just a witness. I
7 was one of the least involved.

8 Q So basically you wanted to take pictures, you
9 didn't want to be involved as one female was beating
10 the crap out of another one.

11 It wasn't your place to get involved in their
12 fight.

13 THE COURT: You need to answer out loud.

14 THE WITNESS: No.

15 MR. NEIDERT: Nothing further.

16 THE COURT: Mr. Jordan.

17

18 CROSS-EXAMINATION

19 BY MR. JORDAN:

20 Q Mr. Wilkes, I'm going to take you back to the
21 first part of the tape.

22 All right. I'm going past it.

23 (Video played.)

24 BY MR. JORDAN:

1 Q Do you see the person that just walked away?

2 A Go back.

3 Q I'll back it up. Hold on.

4 A Yeah.

5 Q Okay.

6 Do you see the person that just walked away
7 from Ms. McQueen? Who is that?

8 A Nara.

9 Q And she walked away at the beginning before --
10 to get her out of the car --

11 A Yes.

12 Q -- isn't that correct?

13 Now, you videod the whole thing, and you just
14 testified that this is a fair and accurate
15 representation of what happened that night; isn't that
16 correct?

17 A Yes.

18 Q And you said that Raymond, at the end of this
19 video, was coming up to get Gillian back in the car,
20 correct?

21 A Ruben.

22 Q Ruben. Excuse me.

23 A Uh-hum.

24 Q And Ruben is Gillian's friend; isn't that

1 correct?

2 A Yes.

3 Q And Ruben's the one that picked her up off the
4 ground and got her back in the car and got her out of
5 there; is that right?

6 A Yes.

7 Q And he did so pretty much immediately after
8 this tape ends?

9 A Yes.

10 Q Okay.

11 Now, you videod this whole thing. Could you
12 also see with your own eyes?

13 A Yes.

14 Q Did you ever see Nara Johnson hit Gillian?

15 A No.

16 Q Did you ever see her kick her?

17 A No.

18 Q Did you ever see her do anything to her except
19 lean over her right there?

20 A No.

21 MR. JORDAN: Nothing further, Your Honor.

22 THE COURT: Anything based on that?

23 MR. SANFORD: Just very quickly, Your Honor.

24

1 REDIRECT EXAMINATION

2 BY MR. SANFORD:

3 Q So it was pointed out Nara walked away at the
4 very end of it, right?

5 A Yes.

6 Q We see someone walking back in this part of the
7 time. Someone with red hair.

8 What color hair did Nara have at the time of
9 this video?

10 A Red.

11 She was just pacing back and forth.

12 Q This is the same white -- this person seems to
13 be also wearing a white sweater; is that correct?

14 A Yes.

15 MR. SANFORD: No further questions.

16 THE COURT: Anything based on that,
17 Mr. Neidert?

18 MR. NEIDERT: No, Your Honor.

19 MR. JORDAN: Yes. I want to hone in on one
20 detail.

21
22 RECROSS-EXAMINATION

23 BY MR. JORDAN:

24 Q Mr. Wilkes, you said she was pacing back and

1 forth?

2 A Yes.

3 Q Was that pretty much the whole time in the
4 video?

5 A From what I remember.

6 Q Okay.

7 She's pacing back and forth and back and forth?

8 A Yeah. She wasn't trying to over there or start
9 anything.

10 Q That was I was getting at. She wasn't trying
11 to approach Gillian until that point where she may have
12 leaned over?

13 A Uh-hum. Yes.

14 MR. JORDAN: Pass the witness.

15 THE COURT: Thank you, sir.

16 Mr. Sanford, your next witness.

17 MR. SANFORD: Your Honor, I'll be calling the
18 victim, Gillian Norman.

19 I have another copy of this video, and I'll see
20 if I can get some sound.

21 THE COURT: Okay.

22 Let's go ahead and get Ms. Norman up there,
23 Mr. Bailiff.

24 Ms. Norman, if you'll come to the witness

1 stand.

2 Ms. Norman? Gillian Norman here?

3 If you'll come on up to the witness stand. If
4 you'd stand and face the clerk to take the oath of the
5 witness.

6 (Witness sworn.)

7 THE COURT: Please be seated.

8

9 GILLIAN NORMAN,

10 called as a witness herein by the State,

11 having been first duly sworn, was examined

12 and testified as follows:

13

14 DIRECT EXAMINATION

15 BY MR. SANFORD:

16 Q Ms. Norman, would you state and spell your name
17 for the record?

18 A Gillian Norman. G-I-L-L-I-A-N N-O-R-M-A-N.

19 Q Thank you.

20 And where were you on the night of September
21 22, 2015?

22 A I was at my friend's house.

23 Q Okay.

24 A And I was staying the night there.

1 Q Okay.

2 And at any point did you leave your friend's
3 house?

4 A Yes.

5 Q When did you first leave your friend's house?

6 A Around ten o'clock, to go to Oats Park to play
7 volleyball.

8 THE COURT: Can I interrupt right there.

9 Would you just be able to move that microphone
10 right into the middle.

11 THE WITNESS: (Witness complies.)

12 THE COURT: Perfect. Thank you.

13 BY MR. SANFORD:

14 Q Thank you.

15 And, did you go to Oats Park?

16 A Yes.

17 Q Who did you go with?

18 A I went with Nara, and Aaron Nelson was driving.

19 Q Okay.

20 And what did you do when you arrived at
21 Oats Park?

22 A We got out of the truck, and Nara tried
23 fighting me in the baseball -- by the baseball fields,
24 in that parking lot, but I walked away.

1 Q Okay.

2 When you say she tried fighting you, what do
3 you mean?

4 MR. JORDAN: I'm going to object. This is
5 uncharged misconduct, if anything. We're talking about
6 an incident prior to this, and she's now alleging that
7 she tried to fight her at that point, but it's never
8 been alleged in any Petition that I've seen, and it's
9 not in any discovery we've seen.

10 Furthermore, it would be uncharged misconduct
11 because it wasn't charged.

12 MR. SANFORD: Your Honor, motive for the
13 conduct that later occurred.

14 THE COURT: I'm going to overrule the
15 objection. But I want the record to reflect I think it
16 probably comes in under res gestae, and I'm going to
17 allow the question.

18 MR. SANFORD: Thank you.

19 BY MR. SANFORD:

20 Q What do you mean by she "tried to fight you"?

21 A She kept saying she's going to do grown stuff.
22 She can handle it in a grown way. And they kept trying
23 to get me into a fight. And my friend stepped in front
24 of me telling them that I didn't have to fight.

1 Q Okay.

2 And so you said you walked away?

3 A Yeah, I walked away.

4 Q Okay.

5 Where did you go after that?

6 A Went back to my friend's house.

7 Q Okay.

8 And did you leave the house again that night?

9 A Yes.

10 Q Why did you leave the house?

11 A Because my friend, Jenna Ray, that I was at her

12 house, wanted me to go get pajama pants and a shirt to

13 match, me and my friend, for pajama day the next day.

14 Q Okay.

15 So you wanted to go get pajamas?

16 A Yes.

17 Q And that was with another person, right?

18 A No. She wasn't with me.

19 Q Okay.

20 So who did you go with?

21 A Tru and Ruben.

22 Q Okay.

23 And you had discussed with them that you wanted

24 to go get pajamas?

1 A Uh-hum.

2 Q And --

3 A I told Ruben before he came and got me, that I
4 wanted to get pajamas.

5 THE COURT: Ms. Norman --

6 THE WITNESS: Uh-hum.

7 THE COURT: Either a "yes" or a "no," just so
8 that --

9 THE WITNESS: Okay.

10 BY MR. SANFORD:

11 Q And did you know that Tru was going to be
12 coming?

13 A Yes.

14 Q How did you know that?

15 A I had a text from him asking if we could talk,
16 but it wasn't really him.

17 Q Okay.

18 How did you know it wasn't him?

19 A Because when we went to where they beat me up,
20 they -- Tiara was telling me it wasn't him texting.

21 MR. JORDAN: Objection. Hearsay.

22 THE COURT: Sustained. I'll order that that be
23 stricken.

24 BY MR. SANFORD:

1 Q And so you got out of the car and you went with
2 Ruben and Tru?

3 A Yes.

4 Q Where did you go?

5 A To Walmart.

6 Q And at what point did you figure out that you
7 were not going to Walmart?

8 A When we passed -- went onto Casey Road.

9 Q Okay.

10 And what happened while you were in the car
11 going past Casey Road?

12 A It was just quiet, and I guess Tru was telling
13 Ruben where to go. He was --

14 Q You guess or you what --

15 Okay. So where did you end up going?

16 A Into the back fields where all these trees are
17 over on Casey Road.

18 Q And do you know, is that Churchill County?

19 A Well, it's out in the country.

20 Q Okay.

21 But this is a field directly behind Walmart,
22 and that Walmart's in Fallon, Nevada?

23 A Yes.

24 MR. SANFORD: And if I might pull up a map of

1 the area.

2 THE COURT: Counsel, I understand -- I mean,
3 you guys want to approach just real quick on just this
4 issue?

5 (Discussion at the bench among court and
6 counsel.)

7 BY MR. SANFORD:

8 Q So what happened after you both -- or what
9 happened after Tru was directing where to go?

10 A He pulled onto this dirt road to go behind into
11 the field.

12 Q Okay.

13 And could you describe this place?

14 A There was this barbed wire fence, and we went
15 in through this opening. And we went into these trees,
16 there was like -- we were in the circle. It was
17 surrounded by trees.

18 Q Okay.

19 And did this appear to be anybody's residence?

20 A Uh-uh. No.

21 Q What happened as soon as you stopped the car --
22 or he stopped to?

23 A I see headlights behind us, and Ruben told me
24 and Tru to run out the doors. But then right when we

1 got out of the door, I saw Tiara coming and I locked
2 the back doors. And then I couldn't get the front
3 doors, and she came in the front and started hitting
4 me.

5 Q Okay.

6 When you say "she"?

7 A Tiara came through the passenger door and
8 started hitting me when I was sitting in the backseat.

9 Q Okay.

10 And did anyone else come in?

11 A No.

12 Q Okay.

13 And what did you do while you were in the car?

14 A When she was hitting me, I leaned back and I
15 kicked her in the face a few times. And then Nara came
16 on the left back side door and tried getting me out of
17 the car with Tiara.

18 Q You said you kicked Tiara?

19 A Yes.

20 Q Why did you do that?

21 A To defend myself.

22 Q And did you know or believe that you were about
23 to be attacked?

24 A No. Well, I had a feeling I did. I didn't

1 know she was going to do it.

2 Q Okay.

3 So someone had just come through the front
4 door?

5 A Uh-hum. Yes.

6 Q And which side of the car?

7 A The passenger side.

8 Q And that was Tiara?

9 A Yes.

10 Q Did you start kicking her first or did she
11 start hitting you?

12 A She started hitting me first.

13 Q And then you kicked her back?

14 A Yes.

15 Q Okay.

16 You said Nara came to the back side?

17 A Yeah, the left side, behind the driver's.

18 Yeah.

19 Q And she attempted to pull you out?

20 A Yes.

21 Q And did she succeed at that?

22 A No.

23 Q Okay.

24 And what happens after that?

1 A Then Nara -- I mean Tiara came on the right
2 side and tried pulling me out multiple times, but then
3 I was holding onto the seat, and she couldn't get me
4 out. And she kept telling me that no one liked me, and
5 then she got me out and started attacking me.

6 Q Okay.

7 And what happened during the attack?

8 A I was lying there, and she was calling me
9 names. She hit --

10 Q "She" is?

11 A Tiara hit me and she kept calling me names.
12 Tiara. Really --

13 Q And did Nara ever touch you?

14 A Yes.

15 Q What did she do?

16 A She hit me right here in the temple. She had
17 rings on.

18 Q Okay.

19 A And she told me to stay away from Tru or she
20 would cut me.

21 Q Okay.

22 And did she do any other thing that -- any
23 other physical attacks on you?

24 A No.

1 Q Did she ever spit on you?

2 A Yes.

3 MR. JORDAN: Objection. Bad acts, uncharged
4 misconduct.

5 THE COURT: Overruled.

6 MR. SANFORD: Okay.

7 BY MR. SANFORD:

8 Q And have you seen a video of this event?

9 A Yes. Yes.

10 Q And is that an accurate representation of what
11 happened to you that night?

12 A Yes.

13 Q Can I ask you to identify some people for me in
14 that video?

15 (Video played.)

16 BY MR. SANFORD:

17 Q Did you recognize the person that is walking
18 towards the camera?

19 A Yes.

20 Q And who is that?

21 A Nara.

22 Q And --

23 MR. JORDAN: We'll stipulate to identification.

24 THE COURT: Okay.

1 And the record should reflect, then, that
2 Mr. Jordan is stipulating as to his client,
3 Ms. Johnson.

4 And Mr. Neidert?

5 MR. NEIDERT: He was present night.

6 BY MR. SANFORD:

7 Q Who's the person over here next to the car?

8 A Tiara.

9 Q And what is she wearing?

10 A Black and pink leggings and a white shirt.

11 Q Okay.

12 And what was Nara wearing?

13 A A white and blue sweater, with black leggings.

14 Q I'm actually just going to play this whole clip
15 since I have the program open.

16 (Video played.)

17 BY MR. SANFORD:

18 Q But would you describe the events as they are
19 happening?

20 So the person attacking you is?

21 A Tiara.

22 Q And just to clarify, you're the person on the
23 ground in this video?

24 A Yes.

1 Q And you recognize who this person in front of
2 the camera is?

3 A Yes. Tiara.

4 Q And that was hard to see. But see the person
5 that was in the back?

6 A No, I don't, no idea.

7 Q Do you recognize this person?

8 A No.

9 THE COURT: Is that view different from the
10 previous view?

11 MR. SANFORD: It's a different program. I
12 mean, it seems more truncated. It's harder for the
13 Court to actually view it.

14 (Video played.)

15 BY MR. SANFORD:

16 Q The voice in the back that's saying, "Get her,"
17 do you know who that is?

18 A Yes.

19 Q Who was that?

20 A Bill McKaney.

21 (Video played.)

22 BY MR. SANFORD:

23 Q Okay.

24 Fast forward to the part -- okay. So do you

1 recognize -- there is three people in this video?

2 A Yes.

3 Q All right.

4 And who's the person closest to the camera?

5 A Tiara.

6 Q Okay.

7 And you are on the ground?

8 A Yes.

9 Q And there is somebody leaning over you?

10 A Yes.

11 Q And what's going on in that frame?

12 A I'm getting spit on.

13 Q By who?

14 A Tiara.

15 MR. JORDAN: Again, I want an objection for the
16 record that she's not charged with spitting on her,
17 she's charged with punching her.

18 THE COURT: I agree that's the charge, but I'm
19 going to allow the question.

20 MR. SANFORD: Thank you.

21 BY MR. SANFORD:

22 Q And do you -- what happened after this video
23 finished?

24 A I was laying on the ground, and Ruben picked me

1 up and put me in the car telling me everything was
2 okay.

3 Q And did Nara ever make any statements to you
4 during this time period?

5 A Yeah, she told me to stay away from Tru or she
6 would cut me.

7 MR. SANFORD: Thank you, Your Honor. No
8 further questions.

9 THE COURT: Mr. Neidert.

10 MR. NEIDERT: Just a few questions.

11

12 CROSS-EXAMINATION

13 BY MR. NEIDERT:

14 Q You didn't have any problems with Tru prior to
15 this date; is that correct?

16 A No.

17 Q And you testified that the trip where this
18 incident occurred, it was you and Ruben and Tru in the
19 vehicle; is that correct?

20 A Yes.

21 Q Ruben was driving?

22 A Yes.

23 Q Tru was in the passenger's -- front passenger's
24 seat?

1 A Yes.

2 Q And you were in the backseat?

3 A Yes.

4 Q And it's your testimony that Tru told Ruben
5 where to go instead of going to Walmart?

6 A Yes.

7 Q Did Ruben just blindly follow instructions or
8 did he ask why or was there any conversation with
9 respect to that?

10 A There was no conversation.

11 Q So basically Tru said go over there, and Ruben,
12 acted like being a taxi driver and drove over there
13 instead of the Walmart parking lot?

14 A Yes.

15 Q And then you care -- and then once you are at
16 the scene, I believe you testified Ruben said, "Get out
17 and run," to both you and Tru?

18 A Yes.

19 Q And at that point in time you both got out of
20 the car?

21 A I tried. And then I saw Tiara and a got back
22 in the car.

23 Q But Tru got out of the car and went over to the
24 other car at that point in time?

1 A Yes.

2 Q And that's when you -- and other than seeing
3 Tru go over to the car, did you see Tru do anything
4 else that night?

5 A No.

6 MR. NEIDERT: Thank you. Nothing further.

7 THE COURT: Mr. Jordan.

8 MR. JORDAN: If can I approach the clerk and
9 have this marked?

10 THE COURT: Of course.

11 MR. JORDAN: For the record, been marked
12 Exhibit A, Number 12 to the prosecutor.

13 May I approach the witness, Your Honor?

14 THE COURT: Yes.

15 (Whereupon,
16 Defendant's Exhibit #A was marked
 for identification.)

17

18 CROSS-EXAMINATION

19 BY MR. JORDAN:

20 Q Ms. Norman, I'm just going to show you what's
21 been marked Exhibit A. Do you recognize that document?

22 A Yes.

23 Q What is it?

24 A My statement.

1 Q That's your statement to the police; isn't that
2 correct?

3 A Yes.

4 Q And that was the statement that you gave for
5 the police when your parents brought you down to the
6 police station to report this; isn't that correct?

7 A Yes.

8 THE COURT: Mr. Jordan, you need to be near a
9 microphone just for the -- that's the only recording we
10 have.

11 BY MR. SANFORD:

12 Q And, Ms. Norman, you told the truth in that
13 statement, correct?

14 A Yes.

15 Q Okay.

16 Where in that statement does it say that my
17 client, Nara Johnson, tried to fight you at Oats Park
18 that day?

19 A Nowhere.

20 Q Where does it say that Nara Johnson spit on
21 you, in that statement?

22 A Nowhere.

23 Q Now, this also -- I want to go back to the
24 video for a minute.

1 This video shows everything that happened that
2 night, right?

3 A Yes.

4 Q Okay.

5 It's fair and accurate, as you remember it?

6 A Yes.

7 Q Including the voices?

8 A Yes.

9 Q Okay.

10 And after this video was over, Ruben picked you
11 up and put you in the car, correct?

12 A Yes.

13 Q Now, isn't it true that you were trying to
14 romantically pursue Mr. Hanley?

15 A No.

16 Q You weren't trying to date Mr. Hanley at all?

17 A No.

18 Q Okay.

19 You hadn't told Nara that you were trying to
20 date Mr. Hanley?

21 A No.

22 Q Okay.

23 Wasn't part of the incident -- wasn't one of
24 the reasons Ms. McQueen was so mad at you was you were

1 pursuing her boyfriend?

2 A No.

3 Q That didn't happen either?

4 A No.

5 Q And this whole thing wasn't over you pursuing
6 Ms. McQueen's boyfriend?

7 A No.

8 MR. SANFORD: Objection. Asked and answered.

9 THE COURT: I'm going to allow the question. I
10 do understand what your answer is, so --

11 MR. JORDAN: I'll move to a different subject.

12 BY MR. JORDAN:

13 Q Now, you've already identified my client had a
14 white hoodie with a blue bottom on it?

15 A Yes.

16 Q She was wearing some sort of bandana?

17 A Yes.

18 Q She's the one with red hair?

19 A Yes.

20 Q Okay. And you can see her in the video walking
21 away from this incident at the beginning, can't you?

22 A Yes.

23 Q And that's when Tiara was hitting you; isn't
24 that correct?

1 A Yes.

2 Q And Tiara hit you?

3 A Yes.

4 Q Tiara kicked you?

5 A Yes.

6 Q Tiara screamed at you?

7 A Yes.

8 Q Tiara called you names?

9 A Yes.

10 Q And that's all reflected on the video?

11 A Yes.

12 Q Okay.

13 But nowhere on this video can you hear my

14 client threaten you, can you?

15 A No.

16 Q Nowhere on this video does it show her hitting

17 you, does it?

18 A No.

19 MR. JORDAN: Pass the witness.

20 THE COURT: Anything based on that,

21 Mr. Sanford?

22 MR. SANFORD: Just a quick question.

23 ///

24 ///

REDIRECT EXAMINATION

BY MR. SANFORD:

Q Does this video capture what happened --

THE COURT: Just one second.

Mr. Jordan, that's a marked as an exhibit I think.

MR. JORDAN: I was just holding it for recross. Then I can give it to you quick.

THE COURT: Okay.

I missed your question.

MR. SANFORD: I'm sorry.

BY MR. SANFORD:

Q I know you said that this captured the whole event. But we I'd just like to -- this captures the event after you were taken out of the car?

A Yes.

Q Does is it capture anything that happened before you we're pulled out the car?

A No.

Q Okay.

And is it at that point when Nara tried to pull you out of the car and hit you?

A Yes.

MR. SANFORD: Thank you.

1 THE COURT: Mr. Neidert, anything based on
2 that?

3 MR. NEIDERT: Nothing, Your Honor.

4 THE COURT: Mr. Jordan?

5 MR. JORDAN: Yes, Your Honor.

6

7 RECROSS-EXAMINATION

8 BY MR. JORDAN:

9 Q We're going to go back to Exhibit A, Ms.
10 Norman.

11 You testified for Mr. Sanford that she hit you
12 beforehand; isn't that correct?

13 A Yes.

14 Q But that's not what that statement says, is it?

15 A No.

16 Q That statement says that if she hit you at
17 all -- if we're to believe what you put in that
18 statement, it said she hit you after the camera was
19 turned off after this; isn't that correct?

20 A No.

21 Q Okay.

22 Why don't you go ahead and read that to
23 yourself, please.

24 What you testified to is not in there, is it,

1 Mr. Norman?

2 A It happened before Tiara pulled me out of the
3 car.

4 Q Now your story is it happened before?

5 A I didn't say that it was after. I didn't say
6 it was after the video turned off.

7 Q It says "after the video," and then it talks
8 about Nara hitting you; isn't that right?

9 A Before I got pulled out of the car.

10 Q So it's now our testimony that it was before
11 any of this happened on the video?

12 A It was before.

13 Q Now, with regard to where you were at, it's
14 kind of a dirt mound behind Walmart, correct? Yes?
15 There's houses around it?

16 A Yes.

17 Q Okay.

18 And it's here in Fallon?

19 A Yes.

20 Q And that night -- have you ever had a
21 conversation with Tiara McQueen about this case between
22 the time it happened and now?

23 A No.

24 MR. SANFORD: Objection. Hearsay.

1 THE COURT: I mean, the answer to that question
2 is -- I mean, I'm going to you allow the question.

3 BY MR. JORDAN:

4 Q Have you ever made a statement to Tiara McQueen
5 that you, quote, Nara, didn't do anything, but it
6 wasn't your choice to press charges?

7 A Yes.

8 MR. SANFORD: Objection, again, on the hearsay.

9 THE COURT: Well, under 62D.420, what's the
10 evidentiary standard?

11 "All competent material, relevant evidence that
12 may be helpful in determining the issues presented
13 including but not limited to oral and written reports."

14 "Rely on such evidence to the extent of its
15 probative value."

16 And that --

17 MR. JORDAN: Well, Your Honor, I was going to
18 argue it was not hearsay because, A, it's her
19 statement --

20 THE COURT: Yeah, but if it is hearsay --

21 MR. JORDAN: -- as she is testifying.

22 THE COURT: -- could it potentially be relevant
23 evidence that may be helpful determining the issues
24 presented?

1 The burden of proof is a beyond a reasonable
2 doubt, but the evidentiary admissibility standard is
3 62D --

4 MR. SANFORD: This is a different evidentiary
5 standard, Your Honor. I guess to the extent you
6 determine the probative, it can be allowed even as
7 hearsay testimony.

8 However --

9 THE COURT: I'm going to allow it. I'll give
10 it the weight that 62D --

11 MR. JORDAN: And I'm going to argue,
12 Your Honor, it's an inconsistent statement because
13 she's testified on the stand that she been spit on,
14 threatened, and punched by my client, but previously
15 made a statement out of court, which she's just
16 admitted to, where she said she knows Nara didn't do
17 anything.

18 THE COURT: Well, I'm going to allow the
19 question regardless because I think --

20 BY MR. JORDAN:

21 Q Now, Ms. Norman, you didn't report this
22 incident right away, did you?

23 A No.

24 Q In fact, you didn't want to report the

1 incident, did you?

2 A No, I didn't.

3 Q Your parents brought you down to the police
4 station and told you to make a statement; isn't that
5 correct?

6 A Yes.

7 Q That's because you didn't want to deal with
8 this?

9 A No.

10 Q And you talked to Officer Goodrick that day?

11 A Yes.

12 Q And your parents were the ones telling you to
13 press charges; isn't that correct?

14 A Yes.

15 MR. JORDAN: Pass the witness.

16 THE COURT: Mr. Sanford, anything based on
17 that?

18

19 FURTHER REDIRECT EXAMINATION

20 BY MR. SANFORD:

21 Q Just why didn't you want to report the
22 incident?

23 A I didn't want to do this.

24 MR. SANFORD: Thank you.

1 THE COURT: Mr. Neidert, anything based on
2 that?

3 MR. NEIDERT: Nothing.

4 THE COURT: Mr. Jordan?

5 MR. JORDAN: Nothing.

6 THE COURT: Thank you.

7 Mr. Sanford.

8 MR. SANFORD: Your Honor, the State calls
9 Katie Downs.

10 THE COURT: Katie Downs?

11 MR. SANFORD: Katie Wiesmann.

12 Now, any objection to Ms. Johnson remaining in
13 the courtroom or is she --

14 MR. SANFORD: You mean Ms. Norman?

15 THE COURT: Ms. Norman. I'm sorry.
16 Ms. Norman.

17 MR. SANFORD: I have no objection.

18 MR. JORDAN: I may end up recalling her, so I'd
19 ask that she remained excluded.

20 THE COURT: Okay.

21 Ms. Norman, I'm going to ask -- and your family
22 is welcome to stay in the courtroom. But you may be
23 recalled as a witness, so I'm going to ask you to wait
24 outside.

1 And let's make sure -- does she have a place to
2 wait?

3 The family can stay in or go out with her.

4 Okay. And if you'll come up here to the
5 witness stand. If you'd stand and face the clerk and
6 raise your right to take the oath of witness.

7 (Witness sworn.)

8 THE COURT: Please be seated.

9 MR. SANFORD: And I see that you have a
10 document with you?

11 THE WITNESS: Oh, it's just the subpoena
12 papers.

13 MR. SANFORD: Oh, okay.

14 THE COURT: It's in an envelope.

15 MR. SANFORD: Thank you.

16

17 KATIE WIESMANN,

18 called as a witness herein by the State,

19 having been first duly sworn, was examined

20 and testified as follows:

21

22 DIRECT EXAMINATION

23 BY MR. SANFORD:

24 Q Would you state your name and spell it for the

1 record, please?

2 A Katie Wiesmann. K-A-T-I-E W-I-E-S-M-A-N-N.

3 Q Where were you on the night of September 22,
4 2015?

5 A I was at Oats Park.

6 Q And who was with you in Oats Park?

7 A My boyfriend, William McKaney, and everyone who
8 is here today. And then -- do I need to name all their
9 names?

10 Q Yes, please.

11 A Nara, Tru, Ruben, Gillian -- not Gillian, just
12 a group people that I didn't know their names, too, at
13 Oats Park.

14 Q Okay.

15 What were you doing at Oats Park?

16 A We were playing volleyball.

17 Q And did you recognize Mr. Hanley and
18 Ms. Johnson at the park?

19 A Yes.

20 Q And what were they doing?

21 A Just talking. We were with all just talking
22 after the volleyball was over.

23 Q Okay.

24 And did Mr. Johnson or Mr. Hanley discuss

1 Gillian?

2 A Not that I know of.

3 Q Okay.

4 And when you were at the park, who -- where did
5 you decide to go afterwards?

6 A Well, Ruben -- we were supposed to follow him
7 because he was going to pick up Gillian and we were
8 just going to follow him. There was no specific place
9 to, like, go.

10 Q And when you say "we," who is "we"?

11 A Me and my boyfriend, everyone in their cars,
12 like Ray had his own car.

13 Q Okay.

14 And who was in your car?

15 A Nara, Tiara, Levi, and my boyfriend.

16 Q Okay.

17 And so you were supposed to follow Ruben?

18 A Yeah.

19 Q And who was Ruben with?

20 A Tru.

21 Q And was Gillian with him at that time?

22 A No. But they went and got her.

23 Q Did you follow her to Gillian's house?

24 A No. So I just -- went to -- it's like the

1 building near Walmart. I just went there because I
2 didn't want to go to her house or anything.

3 Q So you knew roughly where you were supposed to
4 go to wait at Walmart, but not exactly where you were
5 going?

6 A Yeah.

7 Q Okay.

8 And did Nara and Tiara know where they were
9 going as well?

10 A It's not like where we were going, we just knew
11 that we were meeting Gillian to talk to her.

12 Q And so you said you didn't follow Ruben to his
13 house. How did you end up following Ruben?

14 A He drove past, and we saw him drive past, so we
15 pulled out of the parking lot and then followed him and
16 he saw us behind him, so he pulled over.

17 And it just -- I wasn't like, oh, we're meeting
18 here. I just saw him drive by.

19 Q So he pulled into the --

20 A Dirt road, yeah.

21 Q And you followed behind him?

22 A Yeah.

23 Q And did this appear to be anybody's residence?

24 A No.

1 Q Okay.

2 And what happened when he stopped?

3 A Everyone got out of the cars, and Tiara and I
4 were just talking to Gillian asking her questions, then
5 things just escalated.

6 Q Gillian was in her car?

7 A Not her car, Ruben's car.

8 Q She was in Ruben's car?

9 And when you say "just asking questions," did
10 Gillian get out of car and meet them?

11 A No, she was talking to them, like, sitting in
12 the car, but talking to them.

13 Q And they were in the car with her or --

14 A No. Just the driver got out, which was Ruben,
15 and Tru got out too. She decided to sit in the car but
16 still talk.

17 Q Through the window or did Nara and Tiara get
18 into the car?

19 A The door was open. Like, her door was open.

20 Q And when you say it started to escalate from
21 there, what started to happen?

22 A Because Tiara and Nara wanted to know if what
23 she did was true, and Gillian blatantly said, yes, I
24 did those things. And then she decided to ignore the

1 girls, and that angered them. So it just escalated.

2 Q When you say "escalated," what do you mean by
3 that?

4 A It got physical.

5 Q Okay.

6 Did Nara get in the back of the car?

7 A I wouldn't say getting in the car, she didn't
8 go sit in the car. They were trying to get her out of
9 the car. That's about it.

10 Q Okay.

11 What do you mean by "trying to get your out of
12 the car"?

13 A I'm not sure. I was -- I was on the other
14 side, so couldn't really see.

15 Q Okay.

16 And this is both Nara and Tiara?

17 A (No verbal response.)

18 THE COURT: Answer out loud.

19 THE WITNESS: Yes.

20 BY MR. SANFORD:

21 Q And at what point did she actually get taken
22 out of the car?

23 A What did mean at what point?

24 Q So you said they were trying to get her out of

1 the car. What happened after that?

2 A She ended up on the outside of the car. I
3 didn't really know how to answer that. It was a fight,
4 so it's not like --

5 Q Okay.

6 And so you said it was a fight. Would you just
7 describe what happened during the fight?

8 A She wouldn't -- she stopped talking back,
9 Gillian did. They were just trying to get answers out
10 of her, but then she finally answered. And she just --
11 it wasn't really -- honestly, when the fight was over,
12 she wasn't even hurt. Like she just sat there and got
13 back on her phone, like, she was perfectly fine.

14 So it was honestly really like more like a
15 scuffle, like, there was just very angry girls.

16 Q And have you seen the video of this fight?

17 A One time.

18 Q Let me play it for you.

19 (Video played.)

20 BY MR. SANFORD:

21 Q So you described that as a scuffle?

22 A Uh-hum.

23 Q Do you recognize the person walking towards the
24 camera?

1 A It's either Nara or Tiara. I can't make out
2 the face.

3 Q Okay.

4 And who was at this field, other than yourself?

5 A My boyfriend, William McKaney, Tru, Ruben, Alan
6 Winford, and Ray. Yeah, that's it.

7 Q So what girls were at this field?

8 A Gillian, myself, Tiara, and Nara.

9 Q Okay.

10 So it was just the four girls?

11 A Yes.

12 Q Okay.

13 And is the person walking towards the camera a
14 girl?

15 A Yes.

16 Q Okay.

17 So is that you?

18 A No.

19 Q Okay. Thank you.

20 And what is this person wearing?

21 A Looks like a jacket. I don't know.

22 Q Describe the jacket for me?

23 A I don't know. It's a white jacket.

24 Q Okay. It's a white jacket.

1 Is there any other color on the jacket?

2 A Blue.

3 Q And the person in the background that's
4 reaching into the car, do you recognize who that is?

5 A I don't know. I'm not sure.

6 Q Do you recall from the events of the night, not
7 just from this video, but who was pulling somebody out
8 the car?

9 A I believe Tiara.

10 Q What is this person wearing, the person pulling
11 someone out of the car.

12 A Something pink.

13 Q Okay.

14 Do you recall from this part who was doing --

15 A I think Tiara.

16 Q And that was the person wearing the pink
17 striped pants?

18 A Yeah.

19 Q And the person doing the attacking.

20 And do you see another person in the frame
21 here?

22 A Yes.

23 Q And is this -- what is this person doing?

24 A Leaning over.

1 Q Okay.

2 What is that person wearing?

3 A Something white.

4 Q Does it appear to have a hood on it?

5 A Yes.

6 Q What happened after the fight?

7 A Gillian got up and got back in the car --
8 actually, Ruben stopped everything. It doesn't show it
9 in the video. Right when that video stopped, he made
10 sure it was split up, then she got up and got back in
11 Ruben's car and he locked the doors so that the girls
12 couldn't get to him or nobody could get to her.

13 MR. SANFORD: Okay. No further questions,
14 Your Honor.

15 THE COURT: Mr. Neidert?

16

17 CROSS-EXAMINATION

18 BY MR. NEIDERT:

19 Q You testified that there was discussions
20 between Tiara, Nara, and Gillian prior to their having
21 this fight; is that correct?

22 A Yes.

23 Q Do you remember approximately how long that
24 discussion lasted?

1 A Maybe two minutes or more.

2 Q There was quite a bit of talking and then this
3 happened?

4 A Yes.

5 Q And did you see what Tru Hanley was doing
6 during all that time?

7 A He wasn't really involved. He was just
8 standing off to the side.

9 Q He was there -- he wasn't part of the
10 conversation between --

11 A No.

12 Q -- Tiara, Nara and Gillian?

13 A No.

14 Q Just over -- he was by himself or talking to
15 somebody else?

16 A I'm not sure.

17 MR. NEIDERT: Thank you. I have nothing
18 further.

19 THE COURT: Mr. Jordan.

20

21 CROSS-EXAMINATION

22 BY MR. JORDAN:

23 Q Earlier you testified that my client, Nara, and
24 Tiara were trying to get answers from Gillian; isn't

1 that correct?

2 A Yes.

3 Q What was that about?

4 A It was about Gillian, if it was true or not.
5 If she had slept with both of their boyfriends, Tiara
6 and Nara's boyfriend.

7 Q So this whole incident appears to have started
8 by the fact Gillian was accused of sleeping with
9 Tiara's boyfriend and possibly Nara's boyfriend?

10 A And the girls didn't want to do anything if
11 that wasn't Tru, so they wanted to ask Gillian if it
12 was true first, just to know if it was true.

13 Q And at some point she said yeah I slept with
14 Tiara's boyfriend?

15 A Yes, blatantly.

16 MR. SANFORD: Objection. Relevance.

17 MR. JORDAN: It goes to motive to fabricate,
18 Your Honor, and it's an inconsistent statement from her
19 sworn testimony today.

20 THE COURT: I'll allow the testimony. I don't
21 see a whole lot of probative value, I'll just be honest
22 with you, but I'll allow the testimony.

23 BY MR. JORDAN:

24 Q And that's when it, quote, unquote, got

1 physical, as you testified?

2 A After they asked her.

3 Q And she answered?

4 A Uh-hum.

5 Q And it was Tiara that got physical?

6 A It was both of them.

7 Q What do you mean by "got physical"?

8 A Trying to get her out of the car.

9 Q Did you see one of them punch her before they
10 got her out of the car?

11 A I don't remember.

12 Q Okay.

13 Did either one of them strike her before she
14 was pulled out in this video?

15 A No.

16 MR. JORDAN: Pass the witness.

17 THE COURT: Anything based on that.

18 MR. SANFORD: Nothing, Your Honor.

19 THE COURT: Thank you, ma'am.

20 Mr. Sanford.

21 MR. SANFORD: Your Honor, we call
22 Officer Goodrick.

23 THE COURT: Mr. Goodrick, if you'll come to the
24 stand and raise right hand and take the oath of the

1 witness.

2 (Witness sworn.)

3 THE COURT: Please be seated.

4

5 TREVIN GOODRICK,

6 called as a witness herein by the State,

7 having been first duly sworn, was examined

8 and testified as follows:

9

10 DIRECT EXAMINATION

11 BY MR. SANFORD:

12 Q Thank you.

13 Officer Goodrick, state full your name for the
14 record.

15 A Deputy Trevin Goodrick, G-O-O-D-R-I-C-K.

16 Q Where are you employed?

17 A The Churchill County Sheriff's Office.

18 Q How long have you been employed there?

19 A A little over four years.

20 Q And did you investigate an alleged battery on
21 Gillian Norman?

22 A I did.

23 Q And did you determine the location where the
24 battery was alleged to have occurred?

1 A I did.

2 Q And where was that?

3 A In a field just west of Walmart, in the County
4 of Churchill.

5 Q That was in Churchill County?

6 A Yes.

7 MR. SANFORD: No further questions, Your Honor.

8 THE COURT: Mr. Neidert?

9 MR. JORDAN: Nothing based on that.

10 MR. NEIDERT: Nothing based on that.

11 THE COURT: Thank you.

12 MR. SANFORD: The State rests, Your Honor.

13 THE COURT: Mr. Neidert, any witnesses?

14 MR. NEIDERT: Your Honor, I have discussed with
15 my client his Constitutional rights to testify in these
16 proceedings. He has elected to remain silent.

17 We would have no witnesses.

18 THE COURT: Mr. Jordan?

19 MR. JORDAN: Your Honor, we're going to call
20 Tiara McQueen.

21 THE COURT: Okay.

22 Ms. McQueen, if you'll come up here to the
23 witness stand. If you'd stand and face the clerk and
24 raise your right arm to take the oath of a witness.

1 (Witness sworn.)

2 THE COURT: Please be seated.

3

4 TIARA MCQUEEN,

5 called as a witness herein by the Defendant,

6 having been first duly sworn, was examined

7 and testified as follows:

8

9 DIRECT EXAMINATION

10 BY MR. JORDAN:

11 Q Ms. McQueen, do you remember where you were the
12 night of September 22, 2015?

13 A Yes.

14 Q Where were you at?

15 A I was at the park.

16 Q Which park?

17 A Oats Park.

18 Q Who was there with you?

19 A There was Tru, Nara. It was everybody was
20 basically put into this fight that was there.

21 Q Was Gillian Normam there at some point?

22 A At one point. But she wasn't there to play
23 volleyball.

24 Q Okay.

1 Did you eventually leave Oats Park?

2 A Yeah.

3 Q Okay.

4 Where did you go?

5 A Where did Gillian go?

6 Q Where did you go?

7 A Oh. We went to the Dotty's parking lot.

8 Q Okay.

9 And did you somehow end up by Walmart?

10 A Yeah. Because Dotty's is right next to
11 Walmart.

12 Q Okay. So there is this field over by Walmart.
13 Is that where you went?

14 A Yeah, its right off Casey Road.

15 Q Okay.

16 And did Gillian Norman arrive at some time?

17 A Yes.

18 Q Okay.

19 Did you get in an argument with her about
20 romantically pursuing your boyfriend?

21 A Yeah. But I told her that earlier that day,
22 that there was -- I had no intention of fighting her
23 because they like -- I was -- I wanted to talk to her
24 before stuff would actually get handled, like, the way

1 that it did.

2 Q Okay.

3 Now, you've seen the video of this incident
4 before, correct?

5 A Yeah.

6 Q Several times?

7 A Millions.

8 Q Okay.

9 Are you the young lady with the pink socks and
10 the pink highlighter stripe up your pants?

11 A Yes.

12 Q Is my client the one with the white hoodie with
13 the blue bottom? By my client meaning Nara Johnson?

14 A Nara, yeah.

15 Q "Nara." Excuse me.

16 A Yeah.

17 Q Okay.

18 And there is some sort of argument that took
19 place at Ruben's car with Gillian?

20 A Yeah.

21 Q At some point it got physical?

22 A Yeah.

23 Q Did Nara ever punch Gillian?

24 A I honestly wasn't focused on Nara punching her,

1 so I was zoned into what I was doing. So I cannot
2 really say that Nara punched her, because I didn't,
3 like, peripherally see it because I was focused on
4 hitting her myself.

5 Q You didn't see Nara hit her?

6 A I was focused on myself.

7 Q Okay.

8 But you cannot say that you saw her hit her?

9 A Not in that video.

10 Q Okay.

11 And you don't remember her hitting her?

12 A Her hitting her or me hitting her?

13 Q Her hitting her.

14 A No. I was focused on myself.

15 Q Okay.

16 So as far as you know, it didn't happen?

17 A No.

18 MR. JORDAN: Pass the witness.

19 THE COURT: Mr. Sanford?

20 MR. NEIDERT: Your Honor, I have some
21 questions. I am cross-examining after Mr. -- I don't
22 know the procedure --

23 THE COURT: Yeah, I was just going to go. I'll
24 let you go. I mean --

MR. NEIDERT: I don't care. I must have a question to ask.

THE COURT: No, I was going to let you go --
I'll let you go now, then I'll let Mr. Sanford go.

MR. NEIDERT: I just have a very important --
(inaudible) -- case how the preference was for
cross-examining defense witnesses of the other
defendant.

THE COURT: No, go ahead.

CROSS-EXAMINATION

BY MR. NEIDERT:

Q Was your purpose when you went -- when I saw her -- when you saw Gillian that night to fight her?

A (No verbal response.)

THE COURT: You need to answer out loud.

THE WITNESS: Okay. Sorry.

No.

BY MR. NEIDERT:

Q Did you go to the field with the intention of fighting her?

A It was -- yeah, I told her at first I wanted to talk to her, that's when I hopped in the car I told her, "I want to talk to you."

1 And then when I went to go talk to her, that's
2 when she kicked me, and that's when I got out of the
3 car and when I opened the door and -- yeah.

4 Q But -- and when you were traveling to this
5 location by the Walmart, was it your intention to be
6 involved in any physical confrontation with Gillian?

7 A No. It was to talk to her.

8 MR. NEIDERT: Okay. Thank you. That's what I
9 was getting at.

10 No further questions.

11 THE COURT: Mr. Sanford.

12

13 CROSS-EXAMINATION

14 BY MR. SANFORD:

15 Q So just to clarify, Gillian was at the park
16 beforehand?

17 A Yeah, but she wasn't there to play volleyball.

18 Q Did you speak with her at the park?

19 A No.

20 Q Did Nara speak with her at the park?

21 A Yeah.

22 Q And do you know what she said -- Nara said?

23 A Not that I remember. I'm sorry. This happened
24 so long ago.

1 Q Okay.

2 And was Nara upset with Gillian over the
3 allegations?

4 A Yeah, she was upset.

5 Q And who -- so you traveled to the field. Who
6 did you go with?

7 A I went with Katie, Bill, Nara. That was it.
8 Just Katie, Bill, Nara, and me.

9 Q You knew you were going there to talk with
10 Gillian?

11 A Yeah.

12 Q But you said you knew Gillian was going to be
13 there?

14 A Yeah.

15 Q How did you know that?

16 A Okay. Hold on. I'm getting nervous. This
17 isn't okay. Okay.

18 So I knew Gillian was going because -- we
19 didn't really talk to her about it, but we, like, told
20 her -- because she thought me and Nara wanted to fight
21 her at the beginning, like, when she went to the park.

22 She said, No, like they want to fight, they
23 want to fight."

24 Somebody was like, "Do you want to go home?"

1 And she's, like, "Yeah, I want to go home." So
2 they took her home.

3 And they ended up talking to Gillian again
4 Jenna Ray. I messaged Jenna Rae. Either Jenna Rae
5 messaged Jenna Rae and told Jenna Rae, I said -- I
6 asked -- let's go -- "I want to talk to Gillian still."
7 I told her that I still wanted to talk to her. So --

8 Q So Gillian had thought that you were going to
9 fight earlier at the park?

10 A Yeah.

11 Q And she left because she didn't want to fight.
12 So no fighting occurred in the park?

13 A No fighting occurred at the park.

14 Q Okay.

15 And -- but she knew that you and Nara were
16 upset?

17 A Uh-hum.

18 Q And did she agree?

19 A Yeah, because she kicked me in the face, so,
20 obviously, she agreed to fight.

21 Q She agreed to come -- so I'll ask this again.
22 How did you know she was going to be at the
23 empty field?

24 A Because I messaged Jenna Rae and I told

1 Jenna Rae, "Jenna Rae, I need to talk to Gillian. So
2 get Gillian to come to this field so I can talk to
3 her."

4 I told Gillian several times that night that I
5 did not want to fight her, I had no intention on
6 fighting her.

7 MR. SANFORD: No further questions, Your Honor.

8 THE COURT: Mr. Jordan, anything based on?

9 MR. JORDAN: No, Your Honor.

10 THE COURT: Mr. Neidert, anything?

11 MR. NEIDERT: Nothing based on that,
12 Your Honor.

13 THE COURT: Thank you, ma'am.

14 THE WITNESS: Okay.

15 THE COURT: Mr. Jordan.

16 MR. JORDAN: Your Honor, could I request a
17 30-second-to-a-minute recess. I want to consult with
18 my client about one issue.

19 THE COURT: Very well. It'll be longer than 30
20 seconds. We'll take a five-minute recess, and we'll
21 come back at 10:35.

22 (Recess.)

23 THE COURT: Please be seated.

24 Going back on the record on Case Number

1 15-1242, in the matter of Tru Mason Hanley; and Case
2 Number 15-1243, in the matter Nara Mikhal Johnson.

3 Both Mr. Hanley and Ms. Johnson are present,
4 represented by their attorney, David Neidert and Troy
5 Jordan, respectively.

6 And Joe Sanford is here representing the State
7 of Nevada.

8 Mr. Jordan, any other witnesses?

9 MR. JORDAN: Ruben Gutierrez, Your Honor.

10 THE COURT: Mr. Gutierrez, if you'll come here
11 to the witness stand. If you'd stand and face the
12 clerk and raise your right arm to take the oath of a
13 witness.

14 (Witness sworn.)

15 THE COURT: Please be seated.

16 Go ahead, Mr. Jordan.

17
18 RUBEN GUTIERREZ,
19 called as a witness herein by the Defendant,
20 having been first duly sworn, was examined
21 and testified as follows:

22
23
24 DIRECT EXAMINATION

1 BY MR. JORDAN:

2 Q Mr. Gutierrez, do you remember where you were
3 the night of September 22, 2015?

4 A Kind of, yeah.

5 Q Did there come a point where you give a ride to
6 a Gillian Norman?

7 A Yeah.

8 Q And that's Gillian Normam outside the court
9 today?

10 A Yeah.

11 Q And where did you give her a ride to?

12 A We were suppose to go to Walmart. She wanted
13 to talk to Tru, and we were going to Walmart. And we
14 were going to Walmart, missed the first turn, so I went
15 by the stoplight and I turned that way towards the
16 bank, and once I got there, I saw Katie's car.

17 Q Who is Katie?

18 A Katie, the one outside.

19 Q Okay.

20 Katie Wiesmann, or Katie Downs?

21 A Yes.

22 Q Okay.

23 And you said she wanted to talk to Tru. Do
24 know what she wanted to talk to Tru about?

1 A Some relationship that there was going on
2 between them.

3 Q And did you talk to Tru at all that day?

4 A Not really.

5 Q Okay.

6 Did you talk to him while you were in the car?

7 A Not that I remember.

8 Q Okay.

9 He wasn't giving you direction or anything?

10 A No.

11 Q Now, when you stopped the car, who was there?

12 A When I pulled over?

13 Q When you pulled over.

14 A When I pulled over it was just us. And then,
15 like I said, when I saw Katie's car, I just kept going
16 straight. So I pulled off. I figured they were
17 following me or something. I don't know. But once I
18 saw the car, I just kept going straight. I just pulled
19 over to the dirt road and I just kept going. And then
20 once I stopped, the other car showed up.

21 Q Okay.

22 When you say "they" and "the other car," who
23 was that?

24 A Katie's car, and then the yellow car, race car.

1 Q Okay.

2 And did you see any interaction between my
3 client, Nara Johnson and Gillian?

4 A No.

5 Q When you say -- when I say "interaction," did
6 they talk to each other? Was there anything going on?

7 A Not that I know of. After we stopped, Gillian
8 and Tiara were just arguing about some relation, I
9 guess, Tiara's ex-boyfriend or something had cheated on
10 her with Gillian in the past. So they were arguing
11 about that. And her -- she threw her phone. I don't
12 know where, but I wanted to go look for it. Her shoes
13 were missing too --

14 Q "She" is --

15 A Gillian.

16 She lost her phone, so I wanted to go look for
17 it. And then they were just arguing and everything was
18 happening, and then they just -- Tiara started -- they
19 just started fighting.

20 Q When you say "they just started fighting," who
21 is that?

22 A Tiara.

23 Q Tiara and who?

24 A Tiara -- well, she started hitting Gillian.

1 Q Okay.

2 Did you ever see Ms. Johnson hit anybody?

3 A No.

4 MR. JORDAN: Pass the witness.

5 THE COURT: Mr. Neidert?

6

7 CROSS-EXAMINATION

8 BY MR. NEIDERT:

9 Q Let's talk a little bit about that ride over.
10 If there had been testimony of somebody that you had --
11 that Tru told you to go to that location, would that
12 testimony be accurate?

13 A What?

14 Q If somebody had said that you -- that Tru told
15 you to go to the location where this incident between
16 Tiara and the other young lady occurred -- or did Tru
17 tell you to go there?

18 A No.

19 Q So how did you end up going there?

20 A How did we end up going there?

21 Q Yeah, how did you end up going there?

22 A It's like I said, we were going to Walmart, I
23 passed the first turn, went by the stoplight that turns
24 way, and then once I saw Katie's car, I just kept

1 driving straight.

2 MR. NEIDERT: Thank you. Nothing further.

3 THE COURT: Mr. Sanford.

4

5 CROSS-EXAMINATION

6 BY MR. SANFORD:

7 Q Mr. Gutierrez, you picked up Gillian from her
8 house, right?

9 A Yes.

10 Q And why did you do that?

11 A Because she wanted me to.

12 Q How did you know she wanted you to?

13 A Messaged me that day. We were texting on
14 messenger, yeah.

15 Q So she messaged you to come pick her up?

16 A Yeah.

17 Q And Tru was in the car with you?

18 A Yeah.

19 Q Did Tru want to come with you to Walmart?

20 A I don't remember. But Gillian wanted to talk
21 to him, and that's when I went to go pick her up.

22 Q Gillian wanted to talk to Tru?

23 A Yeah.

24 Q That's -- so when she texted you she said she

1 wanted to go talk to Tru?

2 A And she said she wanted to go to Walmart for
3 something else.

4 Q Okay.

5 So when you were -- you said you missed the
6 turn.

7 So you picked up Gillian so she could talk to
8 Tru. Tru was in the car with you, right?

9 A Yeah.

10 Q And were they talking?

11 A Not that I remember.

12 Q Okay.

13 So she wanted something. They didn't talk to
14 you about it?

15 A That I remember, no.

16 Q And you said that you drove to Walmart --

17 A Uh-huh.

18 Q -- and turned off --

19 A At the stoplight.

20 Q -- at the stoplight. And then you missed the
21 turn to go to Walmart?

22 A I didn't miss that turn, I saw -- when I saw
23 Katie's car, I just kept driving straight.

24 Q So you saw Katie's car before you --

1 A No. Once I turned off the light when I kept
2 driving when I was by the turn to that U.S. Bank that
3 goes to Walmart, before I did that I saw her car, so I
4 kept driving straight.

5 Q So the turn that you missed was before you
6 turned on Casey Road? If this was the -- so there are
7 two turns to get to Walmart; one that goes directly to
8 the Walmart parking lot and one that's the Casey Road
9 light?

10 A Yeah, the one I missed was the first one.

11 Q To the parking lot?

12 A Yeah.

13 Q Okay.

14 So you made the turn, and you saw Casey -- or
15 Katie's car?

16 A Katie's car, yeah.

17 Q How did you recognize the car?

18 A Because it's red and red rims.

19 Q So why did you keep driving?

20 A Huh?

21 Q Why -- why would you keep driving?

22 A Because I knew Tiara was in the car, and for
23 all I know they are following me.

24 Q You knew Tiara was in the car? How did you

1 know Tiara was in the car?

2 A Because we're were all at the park before. We
3 were all playing volleyball.

4 Q So you knew Tiara was in the car, you saw Katie
5 at the parking lot --

6 A So I kept driving straight.

7 Q -- so you kept driving straight because you
8 knew that they'll were going to fight her and jump her;
9 isn't that right?

10 A I'm pretty sure, yeah, Tiara wanted to fight
11 her or talk to, yeah.

12 Q Okay.

13 So you knew that someone in Katie's car wanted
14 to fight?

15 A Uh-hum.

16 Q Was that just Tiara or was Tiara and Nara?

17 A It was just Tiara.

18 Q Just Tiara wanted to fight?

19 A Yeah.

20 Q How did you know that?

21 A Well, I don't know that. But Tiara was just
22 mad at whole -- her ex cheating on her with Gillian.

23 Q And Nara wasn't mad?

24 A I don't know. I'm pretty sure she was, but she

1 didn't show anything that she wanted to fight her.

2 Q And so you kept going?

3 A Yeah.

4 Q And you're in a perfectly safe car, and you
5 decided to turn down into a deserted empty lot, why?

6 A I just turned off.

7 Q Why?

8 A I don't know. There is no real reason. I just
9 turned off just because I did.

10 Q And then you stopped the car --

11 A Yeah.

12 Q -- and parked?

13 A Yeah.

14 THE COURT: You need to answer, sir.

15 THE WITNESS: Huh?

16 THE COURT: You need to answer out loud.

17 THE WITNESS: I did.

18 THE COURT: Okay.

19 Just make sure I can hear you.

20 THE WITNESS: All right.

21 BY MR. SANFORD:

22 Q So you stopped the car and parked?

23 A Yes.

24 Q Even though -- and then you saw headlights

1 behind you?

2 A Uh-huh.

3 Q Is that right?

4 A Yeah.

5 Q Why didn't you put the car in drive and drive
6 away?

7 A I don't know. I just stopped, I turned off my
8 lights.

9 Q So you knew she was -- you knew that someone in
10 your car was about to get jumped?

11 A I didn't know she was going to get jumped. She
12 didn't get jumped.

13 Q She didn't get jumped?

14 A No.

15 Q Have you seen the video?

16 A I seen the video, yeah. But I only see Tiara
17 hitting her.

18 Q Is that not -- so you kept driving when you saw
19 Katie's car because you just testified that you knew
20 that Tiara in the car and wanted to fight with Gillian,
21 right?

22 A Yeah.

23 Q So you then pulled into to an empty lot and
24 parked, right?

1 A Yes.

2 Q You saw lights come on behind you that you
3 believe was somebody who followed you --

4 A Yeah.

5 Q -- and you didn't --

6 A Yeah.

7 Q So -- your testimony is that you didn't know
8 what was going on happen, you just parked the car?

9 A Pretty much.

10 Q Did she get out of the car?

11 A Did she? Yeah. Both --

12 Q Did she get out of the car?

13 A Did I get on the car? No.

14 Q You were in the car the whole time?

15 A Not I wouldn't say the whole time. At first I
16 stayed in the car.

17 MR. SANFORD: No further questions, Your Honor.

18 THE COURT: Anything based on that?

19 MR. NEIDERT: Nothing, Your Honor.

20 MR. JORDAN: Nothing based on that.

21 THE COURT: Thank you, sir.

22 THE WITNESS: You're welcome.

23 THE COURT: Mr. Jordan.

24 MR. JORDAN: Your Honor, just to make a record,

1 I've gone with my client her right to testify, and
2 she's chosen to remain silent, Your Honor.

3 THE COURT: Very well.

4 And do you have any other witnesses?

5 MR. JORDAN: No, Your Honor.

6 THE WITNESS: Do we still have to be here or
7 can we leave?

8 THE COURT: Can this witness be excused?

9 MR. JORDAN: Yes, Your Honor.

10 THE COURT: Okay.

11 You may be excused.

12 THE WITNESS: Thank you.

13 THE COURT: So I'll start with you, Mr. Hanley,
14 you've discussed your right to testify with your
15 attorney?

16 THE DEFENDANT 1: Yes.

17 THE COURT: And it's your decision not to
18 testify?

19 THE DEFENDANT 1: Yes.

20 THE COURT: Do you understand that that will
21 not be held against you?

22 THE DEFENDANT 1: Yes.

23 THE COURT: Okay.

24 And with respect to you, Ms. Johnson, you've

1 discussed your right to testify with your attorney,
2 Mr. Jordan?

3 THE DEFENDANT 2: Yes.

4 THE COURT: And it's your decision not to
5 testify?

6 THE DEFENDANT 2: Yes.

7 THE COURT: And you understand that the Court
8 will not hold that against you and I'll draw no
9 inferences from whether or not you testified?

10 THE DEFENDANT 2: Yes, Your Honor.

11 THE COURT: Okay. Very well.

12 Mr. Sanford, anything from you?

13 MR. SANFORD: Your Honor, you've --

14 THE COURT: I would like to hear brief
15 arguments from each of the parties.

16 What I want in particular from you,
17 Mr. Sanford, I'd like to know what evidence that -- as
18 it relates to each of the counts on the various
19 Petitions that -- just that you think supports those
20 counts.

21 I'll hear whatever argument you want, but I
22 would like to focus you on those issues in particular.

23 MR. SANFORD: And, Your Honor, there are two
24 separate Petitions in this case. I'll start with --

1 I'll start with Mr. Hanley. Mr. Hanley is alleged to
2 have committed the crime principal to battery; which is
3 he that encouraged or aided or abetted in the
4 commission of a battery of Gillian Norman.

5 And you've heard evidence today, testimony,
6 including from the victim herself who was in the car,
7 that they had been at the -- at a park. She was texted
8 from Tru's phone that he wanted to meet and talk with
9 her. He then traveled to her home and helped pick her
10 up. And that when they decided to go to Walmart, he
11 then informed the driver to pull off into this field,
12 where shortly thereafter she was accosted by two other
13 girls of who Mr. Hanley had previously been at the park
14 with, one was his girlfriend at the time, Nara Johnson;
15 and that his directions to Mr. Gutierrez on where to
16 go, where to be allowed what was the commission of the
17 battery. And as heard from Mr. Gutierrez himself, he
18 knew there was a strong likelihood that there was going
19 to be a fight when they stopped the car.

20 Regarding Ms. Johnson, she is alleged to have
21 had two criminal acts; the first is battery on
22 Ms. Norman. That act included the punching of
23 Ms. Norman while in the car, and it was -- that's
24 the -- afterward including the spitting on Ms. --

1 MR. JORDAN: Your Honor, I hate to interrupt
2 him, but she is not charged with spitting on her. And
3 I would object to any sort of argument on that front.
4 The Complaint is what the Complaint is. It does not
5 include the allegation of spitting.

6 THE COURT: I'd like you to address that.

7 MR. SANFORD: Your Honor, the Complaint -- it's
8 a Petition --

9 THE COURT: It's a Petition.

10 MR. JORDAN: A Petition. I'm sorry.

11 MR. SANFORD: -- for battery -- as the report
12 came over was alleged to have been a battery with
13 striking.

14 Later there may have been spitting involved.
15 However, it was part of the same occurrence of events.

16 THE COURT: But you could have amended the
17 Petition, right, to allege that theory?

18 MR. SANFORD: We could have alleged two
19 separate batteries as part of the same.

20 THE COURT: Hit and/or spit. I mean, one of
21 the things -- and I guess I'd like to hear what your
22 thought is on the "to wit." I mean, the "to wit,"
23 you've alleged a simple battery, and then you put the
24 defense on notice that -- on what that battery is,

1 right? And what does your "to wit" say?

2 MR. SANFORD: "To wit, the juvenile did punch
3 an unnamed 15-year-old juvenile."

4 THE COURT: So that's what -- I think -- I
5 allowed the testimony because I think the res geste --
6 I think it tells the story, but it's not what they are
7 on notice that what -- you could have amended, right?

8 MR. SANFORD: I could have amended it,
9 Your Honor.

10 THE COURT: Okay.

11 You understand what -- and, see, I'm willing to
12 allow the argument, but I understand your objection.

13 MR. SANFORD: And then the second count is
14 towards evidence of that event that is shown in the
15 testimony of the witnesses, including the victim, who
16 stated that while in the car she was struck by
17 Ms. Johnson, feels her rings.

18 There is also testimony from Katie Wiesmann,
19 who did not see the striking, but did the see a
20 physical altercation in the car. She could not
21 identify -- (inaudible) -- other than the physical --

22 As to the second count, harassment, Ms. Johnson
23 was alleged to have threatened the victim with the
24 statement, "You'll never go near Tru or breathe his air

1 or I'll find you, bitch."

2 We've heard testimony today from the victim
3 that during the course of altercation that statement
4 was made to her, that threat was made to her. And that
5 statement is consistent with the testimony heard from
6 all of the other witnesses that described Ms. Johnson
7 was upset with Ms. Norman due to -- all due to a
8 situation of having slept with her boyfriend,
9 Tru Hanley as -- (Inaudible).

10 THE COURT: Mr. Neidert.

11 MR. NEIDERT: Your Honor, the State's theory is
12 truly based on, I must assume, that, A, he knew a fight
13 was going to occur; and, B, he directed Ruben Gutierrez
14 of the location of the fight. That's the only thing.
15 Otherwise he was merely present.

16 There was no testimony from anybody that he
17 said anything. Whether Mr. -- or he did any action at
18 all other than being physically present when this
19 incident occurred.

20 The problem with the State's theory is on both
21 prongs. It's two pronged. First of all, evidence that
22 he directed them to the location.

23 The problem with that, Your Honor, is does
24 Ruben Gutierrez, who the victim testified is allied

1 with her, said that's not how it happened.

2 Mr. Gutierrez, the driver of the vehicle who the victim
3 says he was going to help me. I have no problem with
4 her. He's the one who said, well, she said she wanted
5 to talk to Tru and Tru didn't say anything about where
6 they were going. So there is certainly doubt, and I
7 think reasonable doubt, with respect to part.

8 The second part is whether -- even if he did
9 somehow direct her, for which the evidence of that has
10 been discredited by other party in the vehicle, they
11 didn't know a fight was going to occur.

12 Well, again, we had two witnesses that said
13 that's not the case. We had Katie Wiesmann who said
14 they were talking, they were talking for a couple of
15 minutes and then the fight occurred.

16 We had Tiara McQueen saying we were talking and
17 then the fight occurred.

18 So even if you somehow think -- somehow think
19 that Mr. Gutierrez lied about my client not telling him
20 where to go, that my client had to have known a fight
21 would occurred, when the evidence is he didn't know a
22 fight was going to occur. And there is no evidence he
23 did anything at the scene. No evidence whatsoever that
24 he knew that a fight was going to occur.

1 So, Your Honor, I believe that -- I'm not
2 standing up here saying my client's a Boy Scout, we
3 have issues with respect to him. But with respect to
4 the allegations of this Petition that my client is a
5 principal to the crime of battery, I do not believe the
6 State has proven that beyond a reasonable doubt. And
7 so I would ask you to deny those allegations -- to
8 overrule those allegations.

9 THE COURT: Thank you.

10 Mr. Bailiff, I don't know if any of the
11 witnesses are out there, or the victim. But testimony
12 is done. We should invite -- we should let everyone
13 know it's open court and they're welcome to come in and
14 hear the argument and the Court's decision.

15 Mr. Jordan.

16 MR. JORDAN: Thank you, Your Honor.

17 The State has not proven either allegation
18 against my client beyond a reasonable doubt.

19 And what was very interesting was one of the
20 things Mr. Sanford just argued in his closing was that
21 somehow, for Mr. Hanley, that this was over her
22 romantic relationship with him. It's consistent that
23 everybody but Gillian Norman said this was about Tru
24 Hanley, Tiara McQueen's boyfriend.

1 But you watched her under oath get up on that
2 stand and tell you something different. I asked her
3 that, he actually objected to it, asked about the
4 relevance. I knew what the relevance was because this
5 whole incident started because there was an allegation
6 made that Gillian Norman has slept with Tiara McQueen's
7 boyfriend, possibly Mr. Hanley.

8 What's interesting is this: She denied it.
9 "She" being Gillian. She got up there under oath, and
10 in my opinion, Your Honor, she committed perjury. She
11 knew that's what it was over. She didn't want to admit
12 in front of her parents who were in the back of room.
13 That loses credibility, Your Honor, because the only
14 evidence they that put forth is her testimony. This is
15 a woman who couldn't even put it into Churchill County.
16 She said she didn't know.

17 She beforehand and afterward and three
18 different versions of it. But there is also little
19 tidbits in the video and little tidbits in the
20 testimony that shows she either isn't remembering what
21 happened correctly, she exaggerated it and her parents
22 drug her down to the police, as she testified to or
23 that it didn't happen at all.

24 I will tell you it didn't happen at all. I'm

1 not going to say Ms. Johnson was a Boy Scout that night
2 and wasn't yelling, they were mad, but there is no
3 evidence the battery as charged, which is charged as
4 she punched her in the temple, ever occurred. There is
5 nothing.

6 Ruben Gutierrez said no. Raymond Wilkes said
7 no. Katie Wiesmann said, "If it did, I didn't see it."
8 Even Tiara McQueen said, "I didn't see it."

9 The fact of the matter is, she never actually
10 touched her. And they can run behind the spitting
11 things all you want, Your Honor, that is the most
12 unconstitutional thing. We were given notice of this.
13 We relied on that this morning, even during
14 negotiations, that this is why we were going forward,
15 because they couldn't prove this.

16 What's interesting is Raymond Wilkes, the
17 videographer, so to speak, says to you that this is
18 what happened. This is -- was a fair and accurate -- I
19 ask the him that, Mr. Sanford asked him that.

20 And what's interesting about it this: Nowhere
21 does it show her hitting her. She had every
22 opportunity to hit her when she leaned over there. You
23 didn't see her arm recoil, you didn't see her arm go
24 forward, you didn't see it. I started to her look over

1 there. She could have as much been checking to see if
2 she was still alive, because, let's face it, Tiara put
3 a pounding on her, and that was on video.

4 What everybody consistently said was Tiara
5 pulled her out of the car and Tiara beat her up. There
6 has been no other consistent testimony.

7 Now, there is other little nuggets in this
8 video, and I'm going to try to bring it up for you.
9 But you'll remember the testimony, I believe it of Ms.
10 Wiesmann, that said that the back door was open when
11 they were talking. This was contradicted by Ms. Norman
12 what said that she locked the back doors.

13 Your Honor, I would put to you that the video
14 clearly shows that the back door is open.

15 Another thing that shows she's not telling the
16 truth, or at least she's not consistent is we got a
17 statement at the police. Doesn't talk about the
18 previous incident in the park, doesn't talk about any
19 spitting. Only after she has a consultation with the
20 DA and is going to testify for this hearing does that
21 come up.

22 You see my client nowhere on the video gets
23 anywhere near this until the end. And, Your Honor, the
24 thing that you tell every jury in America is if there

1 is plausible explanation, there is a reasonable doubt.

2 I always argue in my closing if you're left
3 wondering, there is a reasonable doubt. And that
4 little flash over there, she could have spit on her,
5 but she could have been checking to see if she was
6 still okay, at least not hurt too badly. Because let's
7 face it, she got kicked in the head, she got punched on
8 a lot. And if you're left wondering, there is a
9 reasonable doubt.

10 The fact of matter is the only testimony they
11 put on today was that of Ms. Norman. Ms. Norman said
12 this wasn't about boyfriends. Ms. Norman said it
13 wasn't in Churchill County. Ms. Norman didn't include
14 parts of the story in her original statement when she
15 told to make a statement, who actually admitted on the
16 stand to telling Ms. McQueen, I know Nara didn't do
17 anything, but I'm not the one who filed the charges.

18 Now, she was under the pressure of her parents
19 to report this. She was probably pressured by the
20 police when she interviewed to tell the whole story,
21 and she exaggerated it. Either that or she didn't know
22 what happened. And let's face it, Judge, she doesn't
23 look like she is paying much attention or doing
24 anything but covering up her head right there. And the

1 time framed is all messed up. Back and forth, it was
2 the beginning, it was the end. It wasn't on the video.

3 What's interesting is any time a video shows
4 something, the video is gospel. We see it in this
5 courtroom, we see it in Reno, we see Elko. When there
6 is a video, that's what happened. Well, the video
7 clearly shows my client didn't touch her during the
8 video. But then they had to go on beyond and all of a
9 sudden the video happened and there was this
10 altercation before that nobody backs up. There was an
11 argument before, Ms. McQueen pulled her out of the car
12 and started pounding on her.

13 Your Honor, Nara didn't touch her, and there is
14 no evidence to back it up.

15 We'd ask that you find her not guilty.

16 THE COURT: Mr. Sanford, anything else?

17 MR. SANFORD: I'll just state, Your Honor, that
18 the comment "did not touch her" is highly exaggerated
19 based on the evidence that you see; that the testimony
20 of Ms. Norman is the only one consistent with the
21 video; that Ms. McQueen hit on her, that she has been
22 spit on by girls --

23 MR. JORDAN: Objection. There is not
24 testimony for both girls at all.

1 THE COURT: Well, there is a video, and I --

2 MR. JORDAN: (Inaudible.)

3 MR. NEIDERT: (Inaudible.)

4 THE COURT: I understand.

5 I'm going to overrule the objections.

6 MR. SANFORD: That's it, Your Honor.

7 THE COURT: Very well. Very well.

8 The Court -- this is one of the most disturbing
9 videos I've ever seen. I'll be honest with you. When
10 I watch the conduct here and then I listen to this
11 parade of witnesses of whom I found to be totally
12 unbelievable, particularly Ruben Gutierrez. His
13 testimony, I can just tell you, I found totally
14 incredible.

15 With that being said, as I make my decision,
16 the Court has considered the testimony of all the
17 witnesses, and the video that has been admitted into
18 evidence.

19 And as I watch -- I'll first rule on Case
20 Number 15-1242, which is in the matter of Tru Mason
21 Hanley. He is charged with principal to the crime of
22 battery.

23 Mr. Hanley, I've said I don't believe
24 Mr. Gutierrez testimony at all. I do believe that you

1 were involved in isolating this young woman, but I
2 don't believe the State has proven beyond a reasonable
3 doubt that you were a principal to battery.

4 That doesn't mean that I don't believe that you
5 weren't involved. I want you to be clear on that. I
6 think it was -- and so I don't find that the State has
7 met their burden on Count I, principal to battery with
8 respect to Tru Mason Hanley.

9 Ms. Johnson, with respect to battery, if this
10 were -- I think it's a simple case where you were
11 charged as the spitting, I do find it's clear beyond a
12 reasonable doubt that you spit on her. I watched that
13 video, and there is no question about it. They didn't
14 charge it that way. I don't know why.

15 But I do -- I do find Gillian Norman's
16 testimony that you hit her in the head to be credible.
17 I understand that this video shows a snippet. I think
18 one thing that was clear, on that night there was a lot
19 of things going on. And I do find that the State has
20 proven the battery, not that they proved -- this is a
21 harder battery, the one that's not on the video, but I
22 do find beyond a reasonable doubt that you -- they have
23 proven the battery.

24 With respect to harassment, I do find that the

1 testimony to be highly credible and probative. And I
2 find that you beyond a reasonable doubt committed the
3 harassment.

4 Are we prepared to go to disposition?

5 MR. SANFORD: The State is ready, Your Honor.

6 THE COURT: Mr. Neidert?

7 MR. JORDAN: Yes.

8 THE COURT: Mr. Neidert, I guess we have
9 disposition on your client on unrelated matters; is
10 that correct?

11 MR. JORDAN: Not on this, but we do have
12 probation violation of all the --

13 THE COURT: Very well.

14 We'll start with your client.

15 Are you prepared, Mr. Neidert -- or Mr. Jordan?

16 MR. JORDAN: Your Honor, I was hoping to get
17 some witnesses on, but I think -- let me consult with
18 my client.

19 THE COURT: We can turn the video off.

20 MR. SANFORD: Yes.

21 THE COURT: Mr. Jordan, why don't you consult
22 with her a few minutes outside, and we'll go ahead and
23 do the disposition on Mr. Hanley.

24 So this is Case Number 15-0571, in matter of

1 Tru Mason Hanley. We're here for disposition on -- I
2 want to make sure I get this right.

3 MR. NEIDERT: It's a violation --

4 THE COURT: He admitted to Count I and
5 Count II; is that correct?

6 MR. NEIDERT: I believe that's correct,
7 Your Honor, that we -- that we violated probation,
8 associations, with Cameron Matson, and Violation Number
9 2 --

10 THE COURT: The house arrest?

11 MR. NEIDERT: The house arrest.

12 So, yeah, I think he denied -- I mean, he
13 admitted those to both of those allegations plea --
14 (Inaudible.)

15 THE COURT: All right.

16 Mr. Sanford.

17 MR. SANFORD: Yes, Your Honor. Those are
18 correct counts, Your Honor.

19 Your Honor, Mr. Hanley is on probation. He's
20 been on probation for quite some time. The actual --
21 he placed on --

22 THE COURT: How is he doing now on probation?

23 MR. SANFORD: His probation officer can answer
24 that question.

1 THE COURT: The record should reflect the
2 presence of Brian Hutchins, Deputy juvenile probation
3 officer.

4 MR. HUTCHINS: Your Honor, Tru's performance on
5 probation, currently there has been some issues with
6 his house arrest, his school work could use some
7 improvement.

8 THE COURT: Okay.

9 So let's -- first tell me about his grades.

10 MR. HUTCHINS: His grades, currently the third
11 quarter ended last week. He did pass all of his
12 classes. He received a D in history, a B in video
13 production, a D in art, a C in horticulture, a C in
14 hands who stats, or statistics.

15 Currently, being the first week of the first
16 quarter he was failing both U.S. History and Hands on
17 Statistics, as far as his online. Concerning his -- he
18 has four online classes he needs to complete by the end
19 of semester. He's on track with two of those; those
20 being government and English.

21 He has made minimal progress in algebra and
22 English.

23 Progress since the 23rd of February to this
24 date, the 16th of March, for both, which is very

1 minimal.

2 THE COURT: Tell me about -- you said issues
3 with house arrest. What -- has he been on house
4 arrest?

5 MR. HUTCHINS: He has been on house arrest all
6 the way up until now. He was placed on the 5th of
7 February. As recently as this last weekend I received
8 phone calls from his grandmother saying that he had
9 made his bed appear to look like he was present in the
10 home. He had snuck out. He had a conversation with
11 grandmother. Said he out in the desert with his
12 friends because they were drunk and he needed to drive
13 home.

14 Tru Hanley does not have a driver's license,
15 and without -- that has not been handed due to the fact
16 I've been out of the office.

17 THE COURT: Mr. Sanford.

18 MR. SANFORD: Your Honor, Mr. Hanley has been
19 on probation for a long time, including as was recent
20 case on probation at that time.

21 In September a fight occurred that he was
22 present at and proved to be involved at. He was also
23 on probation on February 5th when he discussed with his
24 probation officer about cutting school. He was placed

1 on house arrest at that time. Then on February 8th,
2 the case that we're here on, he was located with
3 Cameron Matson, Dustin Monaghan during what was a
4 driving under the influence case and minor in
5 possession by Cameron Matson.

6 And that was in violation of his probation.
7 They were on probation.

8 And, Your Honor, the State's opinion is that
9 the reason we have these conditions that he not
10 associate with other probationers is very simple, is to
11 make sure that Tru might not make bad decisions by
12 himself, but he makes bad decisions when he is with
13 other people who are not in a positive peer group for
14 him.

15 And those decisions are not bad, but at least
16 someone involved in them is doing something criminal,
17 if not himself.

18 And in this case, Your Honor, as just this most
19 recent weekend, he doesn't appear to have learned his
20 lesson or even care that he was on house arrest. He
21 sneaks out, makes his grandma feel bad for calling JPO.

22 Your Honor, I just don't see any way for me to
23 suggest that being back on house arrest does him any
24 good. He's almost 18 years old. He'll be 18 on the

1 23rd of April.

2 It's the recommendation of the State that he
3 attend and complete the FIT program, and that when he's
4 completed that program, he be discharged and to live
5 life as an adult. And, hopefully, we can give him the
6 skills in the next two months so that, you know, he
7 can -- when he's released, he won't go back to the same
8 peer group that he has and can make better decisions.

9 THE COURT: Mr. Neidert.

10 MR. NEIDERT: Your Honor, I think Mr. Hanley,
11 wanted to speak for himself as well.

12 Certainly, I know nothing about the
13 allegations, I heard them today, with respect to the
14 last weekend and sneaking out. But that certainly is
15 something that, in fact it did occur, the explanation
16 of it or why it occurred is not a malevolent
17 explanation. It's not so he could go out and party, it
18 was not so he could go out and do something else
19 illegal, he's going out to assist friends he thought
20 were in need.

21 Your Honor, I think that in this case the
22 violation -- I would recommend my client be left on
23 house arrest until his 18th birthday, and then JPO can
24 discharge him from his probation.

1 THE COURT: Mr. Hanley, anything you wanted to
2 say?

3 THE JUVENILE: I just wanted to say that my
4 grades are up -- (inaudible) -- but they were way
5 worse before I brought them up. So I've been just
6 recently trying to --

7 THE COURT: I'm not impressed. I'll just be
8 honest with you.

9 THE JUVENILE: I know.

10 THE COURT: Yeah, if you go up from an F,
11 that's not super impressive.

12 Go ahead.

13 THE JUVENILE: But, like I'm saying, this next
14 quarter I'm trying to hold my grades up higher because
15 I know I can do better than what the last quarter was.
16 I also have to finish my online work, which I just got
17 my laptop back, and so I can work at home.

18 THE COURT: If we were to commit him to the FIT
19 program, how does he work on his classes?

20 He's got D's, so, I mean, it's not like he's
21 working on them now.

22 MR. HUTCHINS: Your Honor, as far as his
23 classes, he will be able to complete his online classes
24 there. As far as his video production, art class,

1 horticulture, those three classes are very hands-on,
2 cameras and things of that nature. So --

3 THE COURT: True.

4 MR. HUTCHINS: So those he wouldn't be able to
5 complete.

6 THE COURT: Okay.

7 So are you on track to graduated?

8 THE JUVENILE: I'm -- all seven classes. All
9 seven credits to --

10 THE COURT: What would the plan be to get him
11 to graduate?

12 I mean, you've got D's. Can you graduate with
13 D's?

14 THE JUVENILE: (No verbal response.)

15 THE COURT: You can?

16 THE JUVENILE: Yes.

17 MR. HUTCHINS: Yes.

18 THE COURT: I guess that explains a little bit
19 about the status of our educational system.

20 MR. HUTCHINS: The plan would be to work with
21 the high school, see what we could do, if these last --
22 these three classes, if there was homework that we
23 could do. Otherwise I contacted them, and it's still
24 undetermined with his teachers.

1 THE COURT: Anything else you wanted to say?

2 THE JUVENILE: No.

3 THE COURT: Very well.

4 I'm going to order you detained, and I'm going
5 to order you to enter and complete the FIT program.
6 Once turn 18, you'll be released. And, hopefully, we
7 wont' see you in the adult system. And if we do, we
8 with will deal with it then. Okay?

9 He can be detained.

10 Let's go ahead and proceed on Ms. Johnson.

11 Mr. Otuaifi, are you going to represent the
12 Department on this case?

13 MR. OTUAFI: Yes, sir.

14 THE COURT: This is Case Number 15-1243, in the
15 matter of Nara Mikhal Johnson.

16 Ms. Johnson is present represented by her
17 attorney, Troy Jordan.

18 Joe Sanford is here representing the State of
19 Nevada, along with Mr. Otuaifi, Deputy Chief, is here
20 representing Juvenile Probation.

21 What's your position, Mr. Sanford?

22 MR. SANFORD: Your Honor, I would just like to
23 state that there is actually a number of people here
24 who wanted to give their input. Ms. Johnson is

1 currently in the custody of the Division of Child and
2 Family Services. And I indicate Bailey's (phonetic)
3 here on their behalf today to discuss what they're
4 planning to do for Nara.

5 My recommendation -- and CASA is also appointed
6 on this case, and they have also a recommendation to
7 give.

8 Your Honor, my recommendation is the FIT
9 program for Ms. Johnson as well. And the reason for
10 that is very simple. You saw the video as well as I
11 did, and it's truly vicious. And I know that the
12 primary physical aggression was done by another young
13 woman --

14 THE COURT: What happened to Ms. McQueen? What
15 was her disposition?

16 MR. SANFORD: Ms. McQueen received 100 hours
17 community service, four months house arrest, and placed
18 on Juvenile Probation, and a no-contact order with
19 everyone else.

20 THE COURT: And clearly, at least on the video
21 portion, her conduct was more egregious than
22 Ms. Johnson's.

23 MR. SANFORD: Indeed.

24 My statements actually reflect to after that

1 period, that Ms. McQueen came in many months ago,
2 admitted her role in the event.

3 THE COURT: Right.

4 But I can't hold her -- I mean, I don't want
5 to --

6 MR. JORDAN: I'd make an objection that you
7 can't hold it against my client that we fought this
8 charge.

9 THE COURT: Yes. And the Court isn't going to.
10 I want the record to reflect that clearly.

11 MR. SANFORD: I just wanted to say that she has
12 had remorse for the action that she has committed.

13 And, honestly, Your Honor, the State has not
14 seen any remorse from --

15 THE COURT: I mean --

16 MR. SANFORD: -- (inaudible.)

17 THE COURT: Yeah, and it's your obligation to
18 prove it. I'm going -- I'm not -- I'm don't -- I'm not
19 going to ask for an objection. I'm just not going to
20 allow any argument on that.

21 MR. SANFORD: Okay.

22 And then, Your Honor, my statement is just that
23 in looking at what happened the -- no one involved in
24 that case -- in this case has made life easier for

1 Ms. Norman afterwards.

2 And I believe her family is here and wanted to
3 say something in regards to that.

4 If you'd like to hear from them first, I can
5 have it -- discuss this afterwards.

6 THE COURT: I mean, is this the victim impact
7 testimony?

8 MR. SANFORD: Yes, Your Honor.

9 MR. JORDAN: Your Honor, it's my understanding
10 this is some sort of argument that the kids at school
11 are harassing her after the fact, which we had no
12 discovery on and no --

13 THE COURT: Well, I --

14 MR. JORDAN: The impact on her life, that's
15 fine, but --

16 THE COURT: Is she here still?

17 MR. SANFORD: Yes.

18 THE COURT: If she wants to address the
19 Court -- I don't know whether she does or doesn't.
20 I'll allow that under oath here.

21 But I don't know that it's going to be
22 particularly probative in the sense of what -- I mean,
23 right now the focus has to be on -- this is a juvenile
24 case on Ms. Johnson.

1 MR. SANFORD: Right, Your Honor.

2 And we've spent the -- for Ms. Johnson, she's
3 in State custody. And, Your Honor, I believe that she
4 wouldn't be a good fit for house arrest. That's just
5 allegations, that she's been with a foster family
6 recently. I know that was she removed from that foster
7 home regarding the attitude at that home. I believe
8 Ms. Johnson will absolutely warrant forms of that as
9 well as DCFS.

10 But her current position -- and that has been
11 confrontational with the family -- or the foster family
12 for whichever reason that is, I believe that the
13 Juvenile Probation office would be in the best position
14 to teach her the skills to help cope with her life,
15 whether that remains to be in a foster family or back
16 home with her parents.

17 THE COURT: Here is my information, Mr. Jordan,
18 I see the dependency case as separate from this case,
19 and I don't necessarily -- I think their roles should
20 be more supportive than to be put on the spot one way
21 or the other. And the same thing with the Court
22 appointed special advocate. They are there to advocate
23 in the 432B. And I don't know what they're going to
24 say, and I'm inclined not to ask them. But I'd like to

1 hear -- I know the State says they want to address the
2 Court.

3 MR. JORDAN: Your Honor, I don't think it's
4 relevant. And the reason I don't think they should
5 address the Court is this: This is based on a
6 delinquency case. If they've want to put her in
7 programs based on DCFS, one, they better justify it.
8 But, two, it's a completely different standard for a
9 completely separate reason.

10 THE COURT: I understand --

11 MR. JORDAN: And the other fact of the matter
12 is this: It's not their call.

13 THE COURT: I agree.

14 So I'd like to hear argument from you, what
15 you --

16 MR. JORDAN: Your Honor, she has no criminal
17 history. And I would put -- and I don't want to insult
18 her parents. I think they are great people. But a
19 DCFS case where she is removed is due to the parents'
20 actions.

21 THE COURT: I agree.

22 MR. JORDAN: It should not be held her against
23 her in any way.

24 THE COURT: And it won't be.

1 MR. JORDAN: And, Your Honor, what is
2 ridiculous -- and I use that word on purpose -- what is
3 ridiculous about the recommendation you just got from
4 Mr. Sanford is this: The primary perpetrator of this
5 offense didn't get the FIT program, didn't get the
6 Wilderness program, she got house arrest and community
7 service.

8 But the person who -- you even made a sort of
9 semi-finding of was the lighter of the two, they are
10 asking to incarcerate her for two months and send her
11 through a program where she is taken out of her normal
12 school, where she is no longer able to do her
13 extracurricular activities. She's a big person in the
14 theater department at the school. They've taken her
15 away from any sort of normalcy and stuck her down in
16 Teurman Hall for two months, when the person that's on
17 the video kicking the lady in the head got to stay at
18 home.

19 THE COURT: How are her grades?

20 MR. JORDAN: They are good, except she got a C
21 in math. A C to her is bad grade.

22 THE COURT: That doesn't tell me anything.
23 Tell me what "good" means.

24 MR. JORDAN: A's and B's, except for math,

1 she's got a C. She's doing fine in school. That is
2 the environment where she was succeeding.

3 She's also in the drama program. She's in
4 plays. The first time she ever came to my office she
5 was in a costume. She's got numerous extracurricular
6 activities related to that.

7 And what you heard from your district attorney
8 today was we want to pull her out of those positive
9 things and stick her in Teurman Hall.

10 THE COURT: And I'll be honest with you, the
11 recommendation isn't ridiculous, it's reasonable
12 given -- I'm not sure what I'm going to do, but it's
13 not ridiculous, given the conduct and -- but go ahead.

14 MR. JORDAN: Judge, I would -- I'll agree to
15 disagree with you on that. But I would say there is an
16 equity part of courts too. And with what we saw on
17 that video got house arrest and community service, you
18 can't justify incarcerating her for two months.

19 We'd ask that you put her on probation. If you
20 want to put her house arrest, that's fine. There were
21 some -- they are talking about the foster thing, that's
22 got be dealt out of the DCFS matter.

23 But the issue is this: She will obey what you
24 tell her to do, but taking this girl out of that drama

1 program and out of school activities isn't going to be
2 good for her. It isn't good for any child.

3 And it certainly isn't good for somebody who is
4 as successful in that as she is. She's not your D and
5 F student, she's a good student. And she is not your
6 burnout over -- smoking-pot-on-the-weekends burnout
7 either. She is in the drama program, she is successful
8 in the drama program. There is no reason to take her
9 out of that environment.

10 Put her on probation, make her do some
11 community service. Nobody likes to pick up trash.
12 Nobody likes to go out on the weekends when they should
13 be having fun and doing community service, but that's
14 the result of some of these cases. But incarcerating
15 her for two months will not help anybody.

16 And the fact of matter is this is her first
17 offense. And, you know, it'll be a deal. We'll see
18 what happens. The issue being with his argument -- I
19 know you want to take arguments of remorse, but I will
20 tell you, Judge, that part of that she believes she not
21 guilty and I believe she's not guilty. And she can
22 maintain that. That's from the Nevada Supreme Court,
23 the U.S. Supreme Court.

24 And I am a little worried about even having her

1 addressing you because we've switched hats now, but the
2 appeal's coming.

3 And the issue being simple: This is her first
4 offense. She's not even the heaviest perpetrator on
5 video, and they are asking for a big punishment.

6 It doesn't match. It's not equatable, it's not
7 Constitutional. It needs to be proportional.

8 We'd ask that at the very most you put her on
9 probation.

10 Thank you.

11 THE COURT: Ms. Johnson, have you talked with
12 your attorney about whether you want to address me or
13 not?

14 THE JUVENILE: Your Honor, I'm -- this is
15 really hard for me. I have a lot going for me in my
16 school activities. I'm in high-level choir that you
17 have to audition to get into, and that takes up a lot
18 of my time. And I do that and a lot of different
19 things.

20 And my theater class, I -- I'm lead in all the
21 plays, and that's something that I want to pursue in
22 my -- when I get older and really try to succeed in
23 school. And I got caught up with some, like, friends
24 that were in a lot of drama. And I didn't do anything

1 to hurt her. And I just want to say that I am not the
2 type of person and the type of kid that would need to
3 be put away. But I really tried to do my best, and I
4 really am a good person and a good student in
5 everything that I do. So that would be all.

6 THE COURT: Thank you.

7 Okay. So, Mr. Otuaifi, if I put her in the FIT
8 program, what would you do as far as transferring her
9 classes?

10 MR. OTUAFI: Your Honor, like we had with Tru,
11 the issue is that theater class and choir. Those are
12 things we just can't --

13 THE COURT: But the rest of them you could?

14 MR. OTUAFI: As far as her English class, her
15 algebra class, and her science class, I think those are
16 things we would probably be able to work with. It's
17 the hands-on live classes that we just couldn't
18 transfer.

19 THE COURT: Tell me about the -- when's the
20 next Wilderness class?

21 MR. OTUAFI: They start that actually next
22 month, April. We do that April and go all the way
23 until the end of July, 1st of August.

24 MR. JORDAN: Your Honor, can I make an argument

1 one second? I hate to interrupt the Court, but the
2 initial recommendation from JPO that hasn't been put on
3 the record yet was probation.

4 THE COURT: What do you mean negotiation --

5 MR. JORDAN: It's a letter. I believe it's in
6 your file --

7 THE COURT: I'm okay. Here's what I'm going to
8 do. I'm going to adjudicate you as a delinquent child,
9 Ms. Johnson. It does sound like you have a lot of
10 things going for you.

11 I don't think it's ridiculous to consider the
12 program, but I'm not going to order it at this time.
13 And that mostly has to do with what you've done in
14 school, what you've done in difficult circumstances.

15 I recognize that your grades are good. But I
16 think -- I didn't want you to walk away from this
17 thinking that I didn't seriously consider it, because I
18 did. And I think those things are important, but
19 they're not as important as getting control of your
20 life.

21 And so don't misread what I'm doing right now.
22 I want you to understand how lose you came to -- it's
23 not incarcerated in the sense that -- I mean, you're
24 detained so you can do a program, it's not meant to

1 punish, and it's meant to address issues. And right
2 now I don't see the need for that, based on what you're
3 doing. You come back before me for a different
4 violation, and that could change.

5 And I think extracurricular are important, but
6 are not determinative.

7 Is that crystal clear?

8 THE JUVENILE: Yes.

9 THE COURT: You'll be placed on probation for
10 an indeterminate period of time.

11 What is a reasonable grade point average to
12 maintain?

13 THE JUVENILE: 2.7 is my GPA right now.

14 THE COURT: That doesn't sound like all A and B
15 except one C.

16 THE JUVENILE: (Inaudible.)

17 THE COURT: Okay. I'll order that you'd
18 maintain nothing less than a C. Okay?

19 I'll order 100 hours of community service.
20 Right now I'm not going to place you on house arrest,
21 but if there are any violations -- well, here's what
22 I'm going to do, I'm going to give JPO the discretion.
23 I don't want it right now, but if there are any -- if
24 the need arises, I'm give you that discretion.

1 I hope this incident -- I understand you don't
2 believe you did it. I'm convinced beyond a reasonable
3 doubt that you did it. Okay? And today that's all
4 that matters.

5 You may appeal it and some other court may say
6 I was wrong, but today I'm right.

7 And -- but I'm also convinced that you have the
8 ability to move on. And I don't think you completely
9 have, but I think you've shown good signs, to me.
10 Okay?

11 If those things are truly important, you choir
12 and drama, you'll avoid "drama." Does that make sense?
13 And you won't put yourself in a situation where someone
14 up here can believe that you committed the crimes of
15 battery and the crime of harassment.

16 I'm convinced that you did it, and I'm
17 convinced beyond a reasonable doubt. I'm convinced you
18 committed another battery that they didn't charge
19 additionally, and but I don't think that's important.

20 I think right now the idea is to move forward,
21 at least from the Court's perspective. I hope that you
22 do.

23 No less than ten hours a month of community
24 service. And if she misses any community service in

1 the month, unless it's because of the 432 -- I don't
2 want her at all to be prejudiced that she's -- if DCFS
3 certifies that she couldn't do it that month because of
4 something that happened outside of her control, she can
5 be excused, but if not, I want no less than ten hours
6 every month, beginning this month.

7 And we can go from the 15th to the 15th of
8 every month. We just -- that way -- anything else JPO
9 is requesting?

10 MR. OTUAFI: Your Honor, just the no contact
11 with the parties in this.

12 THE COURT: No contact with any of the parties
13 that are involved.

14 So who are they? Who are we asking for?

15 MR. OTUAFI: Tru Hanley.

16 THE COURT: No contact with Tru Hanley.

17 MR. OTUAFI: Tiara McQueen.

18 THE COURT: No contact with Tiara McQueen.

19 And no contact with Gillian Norman.

20 Then there's Raymond Wilkes and Ruben
21 Gutierrez. I don't know what -- how old is Ruben
22 Gutierrez?

23 MR. SANFORD: Well over 20. I'm not certain.

24 THE COURT: No contact with Ruben Gutierrez.

1 And I just don't know about Raymond Wilkes.

2 MR. OTUAFI: He's also an adult, Your Honor.

3 THE COURT: Okay.

4 What's your position on that?

5 MR. JORDAN: I don't think she hangs out with
6 him regularly.

7 THE COURT: I'll just order no contact with
8 Raymond Wilkes.

9 Anything else?

10 MR. JORDAN: No, Your Honor.

11 THE COURT: Ms. Johnson, I wish you the best of
12 luck in this case. And I hope that the things you're
13 involved in in school that you continue to excel in
14 them, and you don't put yourself in a situation where
15 you put them at risk. Okay?

16 Good luck.

17 THE JUVENILE: Thank you, Your Honor.

18 We'll be in recess.

19

20 (End of Proceedings.)

21

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CERTIFICATE

STATE OF NEVADA)
) SS.
CARSON CITY)

I, Kathy Terhune, do attest as follows:

That the foregoing transcript of a DVD taped proceeding, consisting of 128 pages, including this page, recorded before the Hon. Thomas Stockard, is a full, true, and accurate transcript of said DVD proceedings, except as to those parts in the transcript which were referenced as "inaudible", to the best of my knowledge, skill, and ability.

Dated at Carson City, Nevada,
this ____ day of _____, 2016.

Kathy Terhune

FILED

2016 MAR 21 AM 9:34

SUE SEVON
COURT CLERK

BY Sue Sevon DEPUTY

Case No.: 15-10DC-1243

Dept. No.: 1

The undersigned hereby affirms that
this document does not contain the
social security number of any person.

IN THE JUVENILE DIVISION OF THE
TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CHURCHILL

IN THE MATTER OF:

NARA MIKHAL JOHNSON
DOB: 02/01/2000

JUVENILE DISPOSITION ORDER

MINOR CHILD UNDER THE AGE OF
EIGHTEEN (18) YEARS.

This matter regularly came on for Evidentiary Hearing on March 16, 2016. The minor child, **NARA MIKHAL JOHNSON**, was present in Court and was represented by TROY C. JORDAN ESQ.; the Churchill County Juvenile Probation Department was present in Court represented by TAMI D. RICHARDSON, Chief Juvenile Probation Officer, or her duly appointed representative; and the State of Nevada was present in Court and was represented by ARTHUR E. MALLORY, District Attorney of Churchill County, or the duly appointed representative.

After considering the representations made during the hearing, and the pleadings and papers on file herein, and **GOOD CAUSE APPEARING:**

IT IS HEREBY FOUND that **NARA MIKHAL JOHNSON** committed the act of Battery as alleged in Count 1 of the Petition.

IT IS HEREBY FURTHER FOUND that **NARA MIKHAL JOHNSON** committed the act of Harassment as alleged in Count 2 of the Petition.

///

IT IS HEREBY FURTHER FOUND that NARA MIKHAL JOHNSON is a delinquent child within the purview of NRS 62B.330.

THEREFORE, IT IS HEREBY ORDERED that **NARA MIKHAL JOHNSON** is placed on formal probation for an indefinite period of time under all the usual terms and conditions of probation, and under the following special terms and conditions:

1. That the said minor child shall complete one hundred (100) hours of community service through the Juvenile Probation Department at a rate of no less than 10 hours a month with the first month beginning March 15, 2016 through April 15, 2016.
2. That the Juvenile Probation Department shall have the discretion to place the said minor child on house arrest.
3. That the said minor child shall maintain "C's" or better in all her classes.
4. That the said minor child shall have no contact with True Hanley, Tierra McQueen, Gillian Norman, Ruben Gutierrez, and/or Raymond Wilkes.

Pursuant to NRS 62H.120, and for the benefit of the minor child, an explanation of the contents of NRS 62H.100 to 62H.170, inclusive, and 62F.260 is attached hereto and incorporated herein.

DATED: This 21 day of March, 2016.

2 S. Sud
DISTRICT COURT JUDGE

SEALING AND UNSEALING OF RECORDS
Provided in Accordance with NRS 62H.120

NRS 62H.100 "Records" defined.

1. As used in NRS 62H.100 to 62H.170, inclusive, unless the context otherwise requires, "records" means any records relating to a child who is within the purview of this title and who:
 - (a) Is taken into custody by a peace officer or a probation officer or is otherwise taken before a probation officer; or
 - (b) Appears before the juvenile court or any other court pursuant to the provisions of this title.
2. The term includes records of arrest.

NRS 62H.110 Applicability of provisions. The provisions of NRS 62H.100 to 62H.170, inclusive, do not apply to:

1. Information maintained in the standardized system established pursuant to NRS 62H.200;
2. Information that must be collected by the Division of Child and Family Services pursuant to NRS 62H.220;
3. Records that are subject to the provisions of NRS 62F.260; or
4. Records relating to a traffic offense that would have been a misdemeanor if committed by an adult.

NRS 62H.120 Explanation of certain information concerning sealing of records to be included in court order.

Any decree or order entered concerning a child within the purview of this title must contain, for the benefit of the child, an explanation of the contents of NRS 62H.100 to 62H.170, inclusive, and, if applicable, NRS 62F.260.

NRS 62H.130 Procedure for sealing records of child who is less than 21 years of age.

1. If a child is less than 21 years of age, the child or a probation officer on behalf of the child may petition the juvenile court for an order sealing all records relating to the child. The petition may be filed not earlier than 3 years after the child:
 - (a) Was last adjudicated in need of supervision or adjudicated delinquent; or
 - (b) Was last referred to the juvenile court,whichever is later.
2. If a petition is filed pursuant to this section, the juvenile court shall notify the district attorney and, if a probation officer is not the petitioner, the chief probation officer.
3. The district attorney and the chief probation officer, or any of their deputies, or any other person who has evidence that is relevant to consideration of the petition may testify at the hearing on the petition.
4. After the hearing on the petition, the juvenile court shall enter an order sealing all records relating to the child if the juvenile court finds that:
 - (a) During the applicable 3-year period, the child has not been convicted of a felony or of any misdemeanor involving moral turpitude; and
 - (b) The child has been rehabilitated to the satisfaction of the juvenile court.

NRS 62H.140 Automatic sealing of records when child reaches 21 years of age; exception. Except as otherwise provided in NRS 62H.150, when a child reaches 21 years of age, all records relating to the child must be sealed automatically.

NRS 62H.150 Limitations on sealing records related to certain delinquent acts.

1. If a child is adjudicated delinquent for an unlawful act listed in subsection 6 and the records relating to that unlawful act have not been sealed by the juvenile court pursuant to NRS 62H.130 before the child reaches 21 years of age, those records must not be sealed before the child reaches 30 years of age.
2. After the child reaches 30 years of age, the child may petition the juvenile court for an order sealing those records.
3. If a petition is filed pursuant to this section, the juvenile court shall notify the district attorney and the chief probation officer.
4. The district attorney and the chief probation officer, or any of their deputies, or any other person who has evidence that is relevant to consideration of the petition may testify at the hearing on the petition.
5. After the hearing on the petition, the juvenile court may enter an order sealing the records relating to the child if the juvenile court finds that, during the period since the child reached 21 years of age, the child has not been convicted of any offense, except for minor moving or standing traffic offenses.
6. The provisions of this section apply to any of the following unlawful acts:
 - (a) An unlawful act which, if committed by an adult, would have constituted:
 - (1) Sexual assault pursuant to NRS 200.366;

(2) Battery with intent to commit sexual assault pursuant to NRS 200.400; or

(3) Lewdness with a child pursuant to NRS 201.230.

(b) An unlawful act which would have been a felony if committed by an adult and which involved the use or threatened use of force or violence.

NRS 62H.160 Procedure for sealing records of child: Duties of juvenile court and other public officers and agencies.

1. If the juvenile court enters an order sealing the records relating to a child or the records are sealed automatically, all records relating to the child must be sealed that are in the custody of:

- (a) The juvenile court or any other court;
- (b) A probation officer, probation department or law enforcement agency; or
- (c) Any other public officer or agency.

2. If the juvenile court enters an order sealing the records relating to a child, the juvenile court shall send a copy of the order to each public officer or agency named in the order. Not later than 5 days after receipt of the order, each public officer or agency shall:

- (a) Seal the records in the custody of the public officer or agency, as directed by the order;
- (b) Advise the juvenile court of compliance with the order; and
- (c) Seal the copy of the order received by the public officer or agency.

NRS 62H.170 Effect of sealing records; inspection of sealed records in certain circumstances.

1. Except as otherwise provided in this section, if the records of a person are sealed:

- (a) All proceedings recounted in the records are deemed never to have occurred; and
- (b) The person may reply accordingly to any inquiry concerning the proceedings and the acts which brought about the proceedings.

2. The juvenile court may order the inspection of records that are sealed if:

- (a) The person who is the subject of the records petitions the juvenile court to permit the inspection of the records by the persons named in the petition;
- (b) An agency charged with the medical or psychiatric care of the person who is the subject of the records petitions the juvenile court to permit the inspection of the records by the agency; or
- (c) A district attorney or an attorney representing a defendant in a criminal action petitions the juvenile court to permit the inspection of the records to obtain information relating to the persons who were involved in the acts detailed in the records.

3. Upon its own order, any court of this State may inspect records that are sealed if the records relate to a person who is less than 21 years of age and who is to be sentenced by the court in a criminal proceeding.

NRS 62F.260 Records not sealed during period of community notification; delinquent act of child who has been deemed adult sex offender deemed criminal for certain purposes and records relating to such child must not be sealed.

1. The records relating to a child must not be sealed pursuant to the provisions of NRS 62H.100 to 62H.170, inclusive, while the child is subject to community notification as a juvenile sex offender.

2. If a child is deemed to be an adult sex offender pursuant to NRS 62F.250, is convicted of a sexual offense, as defined in NRS 179D.410, before reaching 21 years of age or is otherwise subject to registration and community notification pursuant to NRS 179D.350 to 179D.800, inclusive, before reaching 21 years of age:

(a) The records relating to the child must not be sealed pursuant to the provisions of NRS 62H.100 to 62H.170, inclusive; and

(b) Each delinquent act committed by the child that would have been a sexual offense, as defined in NRS 179D.410 if committed by an adult, shall be deemed to be a criminal conviction for the purposes of:

- (1) Registration and community notification pursuant to NRS 179D.350 to 179D.800, inclusive; and
- (2) The statewide registry established within the Central Repository pursuant to chapter 179B of NRS.

Churchill County District Attorney
165 North Ada Street
Fallon, Nevada 89406
(775) 423-6561 Fax (775) 423-6528

1 Case No. 15-10DC-1243

2 Dept. No. 1

3

4 The undersigned hereby affirms that
5 this document does not contain the
6 social security number of any person.

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IN THE JUVENILE DIVISION OF THE
TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CHURCHILL

IN THE MATTER OF

NARA MIKHAL JOHNSON,
DOB: 02/01/2000

MINOR CHILD(REN) UNDER THE AGE OF
EIGHTEEN (18) YEARS.


NOTICE OF ENTRY OF ORDER

Troy C. Jordan Esq.
Attorney at Law
555 South Center Street
Reno, NV 89501

Juvenile Probation Department
335 North Broadway Street
Fallon, NV 89406

NOTICE IS HEREBY GIVEN that the Juvenile Disposition Order, a copy of which is
attached hereto, was duly entered in the above-entitled matter on the 21st day of March, 2016.

DATED: This 23 day of March, 2016.


Joseph Sanford
Deputy District Attorney

FILED
2016 MAR 23 AM 10:39
SUE SIVOLA
COUNTY CLERK
BY Julie Benning
DEPUTY

FILED

2016 MAR 21 AM 9:34

SUE SEVON
COURT CLERK
Sue Sevon
DEPUTY

Case No.: 15-10DC-1243

Dept. No.: 1

The undersigned hereby affirms that
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social security number of any person.

IN THE JUVENILE DIVISION OF THE
TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CHURCHILL

IN THE MATTER OF:

NARA MIKHAL JOHNSON
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EIGHTEEN (18) YEARS.

This matter regularly came on for Evidentiary Hearing on March 16, 2016. The minor child, NARA MIKHAL JOHNSON, was present in Court and was represented by TROY C. JORDAN ESQ.; the Churchill County Juvenile Probation Department was present in Court represented by TAMI D. RICHARDSON, Chief Juvenile Probation Officer, or her duly appointed representative; and the State of Nevada was present in Court and was represented by ARTHUR E. MALLORY, District Attorney of Churchill County, or the duly appointed representative.

After considering the representations made during the hearing, and the pleadings and papers on file herein, and **GOOD CAUSE APPEARING:**

IT IS HEREBY FOUND that NARA MIKHAL JOHNSON committed the act of Battery as alleged in Count 1 of the Petition.

IT IS HEREBY FURTHER FOUND that NARA MIKHAL JOHNSON committed the act of Harassment as alleged in Count 2 of the Petition.

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IT IS HEREBY FURTHER FOUND that NARA MIKHAL JOHNSON is a delinquent child within the purview of NRS 62B.330.

THEREFORE, IT IS HEREBY ORDERED that NARA MIKHAL JOHNSON is placed on formal probation for an indefinite period of time under all the usual terms and conditions of probation, and under the following special terms and conditions:

1. That the said minor child shall complete one hundred (100) hours of community service through the Juvenile Probation Department at a rate of no less than 10 hours a month with the first month beginning March 15, 2016 through April 15, 2016.
2. That the Juvenile Probation Department shall have the discretion to place the said minor child on house arrest.
3. That the said minor child shall maintain "C's" or better in all her classes.
4. That the said minor child shall have no contact with True Hanley, Tierra McQueen, Gillian Norman, Ruben Gutierrez, and/or Raymond Wilkes.

Pursuant to NRS 62H.120, and for the benefit of the minor child, an explanation of the contents of NRS 62H.100 to 62H.170, inclusive, and 62F.260 is attached hereto and incorporated herein.

DATED: This 21 day of March, 2016.

2 S. [Signature]
DISTRICT COURT JUDGE

SEALING AND UNSEALING OF RECORDS
Provided in Accordance with NRS 62H.120

NRS 62H.100 "Records" defined.

1. As used in NRS 62H.100 to 62H.170, inclusive, unless the context otherwise requires, "records" means any records relating to a child who is within the purview of this title and who:
 - (a) Is taken into custody by a peace officer or a probation officer or is otherwise taken before a probation officer; or
 - (b) Appears before the juvenile court or any other court pursuant to the provisions of this title.
2. The term includes records of arrest.

NRS 62H.110 Applicability of provisions. The provisions of NRS 62H.100 to 62H.170, inclusive, do not apply to:

1. Information maintained in the standardized system established pursuant to NRS 62H.200;
2. Information that must be collected by the Division of Child and Family Services pursuant to NRS 62H.220;
3. Records that are subject to the provisions of NRS 62F.260; or
4. Records relating to a traffic offense that would have been a misdemeanor if committed by an adult.

NRS 62H.120 Explanation of certain information concerning sealing of records to be included in court order. Any decree or order entered concerning a child within the purview of this title must contain, for the benefit of the child, an explanation of the contents of NRS 62H.100 to 62H.170, inclusive, and, if applicable, NRS 62F.260.

NRS 62H.130 Procedure for sealing records of child who is less than 21 years of age.

1. If a child is less than 21 years of age, the child or a probation officer on behalf of the child may petition the juvenile court for an order sealing all records relating to the child. The petition may be filed not earlier than 3 years after the child:
 - (a) Was last adjudicated in need of supervision or adjudicated delinquent; or
 - (b) Was last referred to the juvenile court,whichever is later.
2. If a petition is filed pursuant to this section, the juvenile court shall notify the district attorney and, if a probation officer is not the petitioner, the chief probation officer.
3. The district attorney and the chief probation officer, or any of their deputies, or any other person who has evidence that is relevant to consideration of the petition may testify at the hearing on the petition.
4. After the hearing on the petition, the juvenile court shall enter an order sealing all records relating to the child if the juvenile court finds that:
 - (a) During the applicable 3-year period, the child has not been convicted of a felony or of any misdemeanor involving moral turpitude; and
 - (b) The child has been rehabilitated to the satisfaction of the juvenile court.

NRS 62H.140 Automatic sealing of records when child reaches 21 years of age; exception. Except as otherwise provided in NRS 62H.150, when a child reaches 21 years of age, all records relating to the child must be sealed automatically.

NRS 62H.150 Limitations on sealing records related to certain delinquent acts.

1. If a child is adjudicated delinquent for an unlawful act listed in subsection 6 and the records relating to that unlawful act have not been sealed by the juvenile court pursuant to NRS 62H.130 before the child reaches 21 years of age, those records must not be sealed before the child reaches 30 years of age.
2. After the child reaches 30 years of age, the child may petition the juvenile court for an order sealing those records.
3. If a petition is filed pursuant to this section, the juvenile court shall notify the district attorney and the chief probation officer.
4. The district attorney and the chief probation officer, or any of their deputies, or any other person who has evidence that is relevant to consideration of the petition may testify at the hearing on the petition.
5. After the hearing on the petition, the juvenile court may enter an order sealing the records relating to the child if the juvenile court finds that, during the period since the child reached 21 years of age, the child has not been convicted of any offense, except for minor moving or standing traffic offenses.
6. The provisions of this section apply to any of the following unlawful acts:
 - (a) An unlawful act which, if committed by an adult, would have constituted:
 - (1) Sexual assault pursuant to NRS 200.366;

(2) Battery with intent to commit sexual assault pursuant to NRS 200.400; or

(3) Lewdness with a child pursuant to NRS 201.230.

(b) An unlawful act which would have been a felony if committed by an adult and which involved the use or threatened use of force or violence.

NRS 62H.160 Procedure for sealing records of child: Duties of juvenile court and other public officers and agencies.

1. If the juvenile court enters an order sealing the records relating to a child or the records are sealed automatically, all records relating to the child must be sealed that are in the custody of:

- (a) The juvenile court or any other court;
- (b) A probation officer, probation department or law enforcement agency; or
- (c) Any other public officer or agency.

2. If the juvenile court enters an order sealing the records relating to a child, the juvenile court shall send a copy of the order to each public officer or agency named in the order. Not later than 5 days after receipt of the order, each public officer or agency shall:

- (a) Seal the records in the custody of the public officer or agency, as directed by the order;
- (b) Advise the juvenile court of compliance with the order; and
- (c) Seal the copy of the order received by the public officer or agency.

NRS 62H.170 Effect of sealing records; inspection of sealed records in certain circumstances.

1. Except as otherwise provided in this section, if the records of a person are sealed:

- (a) All proceedings recounted in the records are deemed never to have occurred; and
- (b) The person may reply accordingly to any inquiry concerning the proceedings and the acts which brought about the proceedings.

2. The juvenile court may order the inspection of records that are sealed if:

- (a) The person who is the subject of the records petitions the juvenile court to permit the inspection of the records by the persons named in the petition;
- (b) An agency charged with the medical or psychiatric care of the person who is the subject of the records petitions the juvenile court to permit the inspection of the records by the agency; or
- (c) A district attorney or an attorney representing a defendant in a criminal action petitions the juvenile court to permit the inspection of the records to obtain information relating to the persons who were involved in the acts detailed in the records.

3. Upon its own order, any court of this State may inspect records that are sealed if the records relate to a person who is less than 21 years of age and who is to be sentenced by the court in a criminal proceeding.

NRS 62F.260 Records not sealed during period of community notification; delinquent act of child who has been deemed adult sex offender deemed criminal for certain purposes and records relating to such child must not be sealed.

1. The records relating to a child must not be sealed pursuant to the provisions of NRS 62H.100 to 62H.170, inclusive, while the child is subject to community notification as a juvenile sex offender.

2. If a child is deemed to be an adult sex offender pursuant to NRS 62F.250, is convicted of a sexual offense, as defined in NRS 179D.410, before reaching 21 years of age or is otherwise subject to registration and community notification pursuant to NRS 179D.350 to 179D.800, inclusive, before reaching 21 years of age:

(a) The records relating to the child must not be sealed pursuant to the provisions of NRS 62H.100 to 62H.170, inclusive; and

(b) Each delinquent act committed by the child that would have been a sexual offense, as defined in NRS 179D.410 if committed by an adult, shall be deemed to be a criminal conviction for the purposes of:

(1) Registration and community notification pursuant to NRS 179D.350 to 179D.800, inclusive; and

(2) The statewide registry established within the Central Repository pursuant to chapter 179B of NRS.

Churchill County District Attorney
165 North Ada Street
Fallon, Nevada 89406
(775) 423-6561 Fax (775) 423-6528

CERTIFICATE OF SERVICE

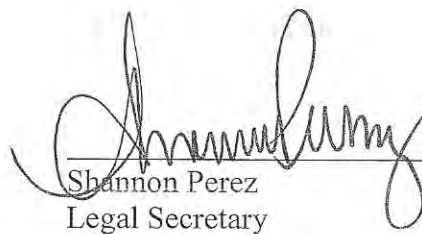
On the 23rd day of March, 2016, I was an employee of the District Attorney's Office and that the foregoing **NOTICE OF ENTRY OF ORDER**, was served to the following address(s):

Troy C. Jordan Esq.
Attorney at Law
555 South Center Street
Reno, NV 89501

Juvenile Probation Department
335 North Broadway Street
Fallon, NV 89406

By:

☒ U.S. Mail
☐ Certified Mail
☐ Return Receipt Requested
☐ Hand Delivered


Shannon Perez
Legal Secretary

FILED

2016 APR 20 AM 8:49

SUSAN M. HOOTEN
COURT CLERK
BY: Shellee Hooten DEPUTY

1 CASE NO. 15-10DC-1243

2 DEPT: I

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5 IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE
6 OF NEVADA IN AND FOR THE COUNTY OF CHURCHILL
7

8 In the Matter of:)


NOTICE OF APPEAL

9 N. M. J.)
10 DOB: 2/1/2000)

11 A Child Under the Age of Eighteen (18))
12 years)

13 COMES NOW, the Minor Child N. M. J. by and through
14 her court appointed counsel, Troy C. Jordan, and respectfully appeals the juvenile
15 disposition order, filed on March 21, 2016.

16
17 DATED this 20th day of April 2016.

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20 TROY C. JORDAN, ESQ.
21 Attorney for the Minor Child
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Dated the 20th day of April, 2016.


Troy C. Jordan
Attorney at Law

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Churchill County District Attorney
165 N. Ada Street
Fallon, NV 89406


TROY C. JORDAN
ATTORNEY AT LAW

FILED

2016 APR 20 AM 8:49

SUSAN
COURT CLERK

Shelley Hooper DEPUTY

CASE NO. 15-10DC-1243

DEPT: I

IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE
OF NEVADA IN AND FOR THE COUNTY OF CHURCHILL

In the Matter of:

N.M.J. JOHNSON
DOB: 2/1/2000

A Child Under the Age of Eighteen (18)
years

CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement: N.M.J.

Minor Child

2. Identify the judge issuing the decision, judgment, or order appealed from:

The Honorable Thomas Stockard, District Judge

3. Identify each appellant and the name and address of counsel for each
appellant: **Nara Mikhal Johnson is the only Appellant. The name and address of
counsel for appellant is:**

**Troy Jordan
555 S. Center St
Reno, NV 89501**

4. Identify each respondent and the name and address of appellate counsel, if
known, for each respondent (if the name of a respondent's appellate counsel is
unknown, indicate as much and provide the name and address of that respondent's trial
counsel): **The State of Nevada is the Respondent. The State of Nevada is
represented by the Churchill County District Attorney, whose address is:**

1 **Arthur Mallory**
2 **Churchill County District Attorney**
3 **165 North Ada Street**
4 **Fallon, NV 89406**

5 5. Indicate whether any attorney identified above in response to question 3 or 4
6 is not licensed to practice law in Nevada and, if so, whether the district court granted
7 that attorney permission to appear under SCR 42 (attach a copy of any district court
8 order granting such permission): **All attorneys are licensed to practice law in the**
9 **State of Nevada.**

10 6. Indicate whether appellant was represented by appointed or retained
11 counsel in the district court: **Counsel for the Appellant was appointed in the District**
12 **Court.**

13 7. Indicate whether appellant is represented by appointed or retained counsel
14 on appeal: **Counsel for the Appellant is represented by appointed counsel on**
15 **appeal.**

16 8. Indicate whether appellant was granted leave to proceed in forma pauperis,
17 and the date of entry of the district court order granting such leave: **Not applicable**
18 **since this is a juvenile delinquency case and the Minor Child was appointed**
19 **counsel for all stages of these proceedings.**

20 9. Indicate the date the proceedings commenced in the district court (e.g., date
21 complaint, indictment, information, or petition was filed): **A Petition under the juvenile**
22 **court act was filed on October 28, 2015.**


23 10. Provide a brief description of the nature of the action and result in the
24 district court, including the type of judgment or order being appealed and the relief
25 granted by the district court: **This is an appeal from an Order finding the minor child**
26 **delinquent in a juvenile delinquency matter in District Court.**
27
28

1 11. Indicate whether the case has previously been the subject of an appeal to
2 or original writ proceeding in the Supreme Court and, if so, the caption and Supreme
3 Court docket number of the prior proceeding: **N/A**

4 12. Indicate whether this appeal involves child custody or visitation: **N/A**

5 13. If this is a civil case, indicate whether this appeal involves the possibility of
6 settlement: **No, because it is a juvenile delinquency matter**

7
8 Dated this 20th of April, 2016.


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12 TROY C. JORDAN
13 Counsel for Appellant
14 Nevada Bar # 9073
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AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document, filed in the above captioned case does not contain a social security number.


Dated the 20th day of April, 2016.


TROY C. JORDAN
ATTORNEY AT LAW

CERTIFICATE OF SERVICE

I hereby certify, pursuant to the provisions of NRCP 5(b), that I, Troy Jordan, on April 20, 2016 served the forgoing document, hand delivery to:

Churchill County District Attorney
165 N. Ada Street
Fallon, NV 89406


TROY C. JORDAN
ATTORNEY AT LAW

IN THE SUPREME COURT OF THE STATE OF NEVADA

IN THE MATTER OF N.J., A MINOR
CHILD

Case No. 70220

NARA MIKHAL JOHNSON
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on August 31, 2016. Electronic service of the foregoing document was made in accordance with the Master Service List to:

Churchill County District Attorney's
Office

Adam Laxalt
Attorney General of the State of
Nevada

Attorneys for Respondents

By: /S/ TROY C. JORDAN
TROY C. JORDAN
NV Bar Number: 9073
555 S. Center Street
Reno, NV 89501