

1 Code: 2515
2 KARLA K. BUTKO, ESQ.
3 State Bar No. 3307
4 P. O. Box 1249
5 Verdi, NV 89439
6 (775) 786-7118
7 Attorney for Petitioner

Electronically Filed
May 04 2016 11:39 a.m.
Tracie K. Lindeman
Clerk of Supreme Court

8 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
9
10 IN AND FOR THE COUNTY OF WASHOE

11 STATE OF NEVADA,

12 Plaintiff,

13 vs.

Case No. CR14-0357

14 JERICHO JAMES BRIOADY,


Dept. No. 9

15 Defendant.
16 _____/

17 NOTICE OF APPEAL

18 NOTICE IS HEREBY GIVEN that JERICHO JAMES BRIOADY, the
19 Defendant/Appellant above-named, by and through his counsel,
20 KARLA K. BUTKO, ESQ., hereby appeals to the Supreme Court of
21 Nevada, from the verdict of guilty and judgment of conviction
22 dated April 11, 2016, or thereabouts.

23 DATED this 27th day of April, 2016.

24 
25 KARLA K. BUTKO
26 P. O. Box 1249
27 Verdi, NV 89439
(775) 786-7118
Attorney for Appellant
State Bar No. 3307

CERTIFICATE OF SERVICE

I, KARLA K. BUTKO, hereby certify that I am an employee of KARLA K. BUTKO, LTD., and that on this date I deposited for mailing, the foregoing document, addressed to the following:

JERICO BRIOADY
Inmate 1157575
NNCC
P. O. Box 7000
Carson City, NV 89702

and that on this date I personally served the foregoing document on the parties listed below by delivering a true and correct copy, in a sealed envelope, via Reno Carson Messenger Service, addressed to the following, and by e-flex:

Chris Hicks, Esq.
Washoe County District Attorney
1 South Sierra St., Fourth Floor
P. O. Box 30083
Reno, NV 89501
ATTN: Terrence P. McCarthy, Esq.
Appellate Division

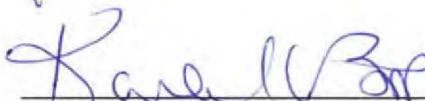
DATED this 27 day of April, 2016.


KARLA K. BUTKO

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document DOES NOT CONTAIN the Social Security Number of any person.

DATED this 27 day of April, 2016.


KARLA K. BUTKO

1 Code: 1310
2 KARLA K. BUTKO, ESQ.
3 State Bar No. 3307
4 P. O. Box 1249
5 Verdi, NV 89439
6 (775) 786-7118
7 Attorney for Appellant

8 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
9
10 IN AND FOR THE COUNTY OF WASHOE

11 STATE OF NEVADA,

12 Plaintiff,

13
14 vs.

Case No. CR14-0357

15 JERICHO JAMES BRIOADY,

Dept. No. 9

16 Defendant.
17 _____/

18 CASE APPEAL STATEMENT

19 1. Name of appellant filing this case appeal statement:

20 JERICHO JAMES BRIOADY
21

22 2. Identify the judge issuing the decision, judgment, or
23 order appealed from: The Honorable SCOTT FREEMAN.

24 3. Identify all parties to the proceedings in the district
25 court (the use of et al. to denote parties is prohibited): Chris
26 Hicks, Washoe County District Attorney for the State of Nevada,
27
28

1 Nicole Hicks, Deputy District Attorney; John Ohlson, Esq.,
2 privately retained counsel represented Mr. Brioady at all stages
3 of the jury trial and sentencing stage of the case; Terrence P.
4 McCarthy, Esq., Chief Appellate Deputy for Washoe County District
5 Attorney's Office represents the State on this direct appeal;
6 KARLA K. BUTKO, Esq., privately retained counsel, represents
7 JERICHO JAMES BRIOADY on this direct appeal from the judgment of
8 conviction.
9
10

11 4. Identify all parties involved in this appeal (the use of
12 et al. to denote parties is prohibited): Chris Hicks, Washoe
13 County District Attorney by Terrence P. McCarthy, Esq., for the
14 State of Nevada; Karla K. Butko, Esq., for Appellant Jericho
15 James Brioady.
16
17

18 5. Set forth the name, law firm, address, and telephone
19 number of all counsel on appeal and identify the party or parties
20 whom they represent: Chris Hicks, Washoe County District Attorney
21 for the State of Nevada, P.O. Box 11130, Reno, Nevada 89520 (775)
22 337-5750, by Terrence P. McCarthy, Esq.; Karla K. Butko, Esq.,
23 for Appellant Jericho James Brioady, P. O. Box 1249, Verdi, NV
24 89439 (775) 786-7118.
25
26

27 6. Indicate whether appellant was represented by appointed
28 or retained counsel in the district court: Appellant has been

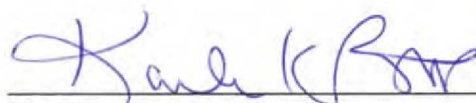
1 represented by privately retained counsel at all stages of the
2 case.

3
4 7. Indicate whether appellant is represented by appointed or
5 retained counsel on appeal: Appellant is represented by
6 privately retained counsel on direct appeal from the verdict of
7 guilt and the judgment of conviction.

8
9 8. Indicate whether appellant was granted leave to proceed
10 in forma pauperis, and the date of entry of the district court
11 order granting such leave: In forma pauperis motion pending so
12 that transcripts will be made available at taxpayers expense.

13
14 9. Indicate the date the proceedings commenced in the
15 district court (e.g., date complaint, indictment, information, or
16 petition was filed): The Information was filed on March 13, 2014.

17
18 DATED this 27th day of April, 2016.

19
20 

21 KARLA K. BUTKO
22 P. O. Box 1249
23 Verdi, NV 89439
24 (775) 786-7118
25 Attorney for Defendant/Appellant
26 State Bar No. 3307
27
28

1
2 CERTIFICATE OF SERVICE

3 Pursuant to NRAP 25, I certify that I am an employee of
4 Karla K. Butko, Ltd., P. O. Box 1249, Verdi, NV 89439, and
5 that on this date I caused the foregoing document to be delivered
6 to all parties to this action by

7 _____ placing a true copy thereof in a sealed, stamped
8 envelope with the United States Postal Service at
9 Reno, Nevada.

10 ☒ Reno/Carson Messenger Service (DA's Office)

11 ☒ E-flex system through 2nd JD/ electronic delivery

12 addressed as follows:

13 Chris Hicks, Esq.
14 Washoe County District Attorney's Office
15 One South Sierra St., Fourth Floor
16 P. O. Box 30083
17 Reno, NV 89501
18 ATTN: Terrence P. McCarthy, Esq.

19 DATED this 27 day of April, 2016.

20 Karla K Butko
21 KARLA K. BUTKO

22 **AFFIRMATION PURSUANT TO NRS 239B.030**

23 The undersigned does hereby affirm that the preceding
24 document does not contain the Social Security Number of any
25 person.

26 DATED this 27 day of April, 2016.

27 Karla K Butko
28 KARLA K. BUTKO, ESQ.

**SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE**

Case History - CR14-0357

DEPT. D9

HON. SCOTT N. FREEMAN

Report Date & Time

4/29/2016

3:17:51PM

Case Description: STATE VS. JERICHO JAMES BRIOADY (TN) (D9)			
Case ID:	CR14-0357	Case Type:	CRIMINAL
		Initial Filing Date:	3/4/2014

Parties

PLTF	STATE OF NEVADA - STATE
DA	Nicole Hicks, Esq. - 7834
DA	Terrence P. McCarthy, Esq. - 2745
DEFT	JERICHO JAMES BRIOADY (TN) - @1252673
DATY	Karla Butko, Esq. - 3307
PNP	Div. of Parole & Probation - DPNP

Charges

Charge No.	Charge Code	Charge Date		Charge Description
1	50105	6/13/2014	2INF	SEXUAL ASSAULT ON A CHILD
2	50105	6/13/2014	2INF	SEXUAL ASSAULT ON A CHILD
3	50975	6/13/2014	2INF	LEWDNESS WITH A CHILD UNDER THE AGE OF FOURTEEN YEARS
4	50975	6/13/2014	2INF	LEWDNESS WITH A CHILD UNDER THE AGE OF FOURTEEN YEARS
5	50975	6/13/2014	2INF	LEWDNESS WITH A CHILD UNDER THE AGE OF FOURTEEN YEARS

Plea Information

Charge No.	Plea Code	Plea Date	Plea Description
1	50105	6/18/2014	PLED NOT GUILTY
2	50105	6/18/2014	PLED NOT GUILTY
3	50975	6/18/2014	PLED NOT GUILTY
4	50975	6/18/2014	PLED NOT GUILTY
5	50975	6/18/2014	PLED NOT GUILTY

Sentences

Date	Charge No.	Charge Desc	Time Served	Sentence Text
4/11/2016	3	Life With Poss of Parole		NDOC FOR THE TERM OF LIFE WITH POSSIBILITY OF PAROLE, WITH PAROLE ELIGIBILITY BEGINNING AFTER A MINIMUM OF TEN YEARS HAS BEEN SERVED + RESTITUTION + FEES. A SPECIAL SENTENCE OF LIFETIME SUPERVISION SHALL COMMENCE AFTER ANY PERIOD OF PROBATION, ANY TERM OF IMPRISONMENT OR AFTER ANY PERIOD OF RELEASE ON PAROLE.
4/11/2016	4	Life With Poss of Parole		NDOC FOR THE TERM OF LIFE WITH POSSIBILITY OF PAROLE, WITH PAROLE ELIGIBILITY BEGINNING AFTER A MINIMUM OF TEN YEARS HAS BEEN SERVED. COUNT IV SHALL RUN CONCURRENTLY WITH COUNT III.

Release Information

Custody Status

3/19/2014	BAIL - BOND	DEFT ON SUPERVISED BAIL
1/6/2016	BAIL - CASH	DEFT ON SUPERVISED BAIL
1/22/2016	BAIL - BOND	DEFT. ON SUPERVISED BAIL

Case Description: STATE VS. JERICHO JAMES BRIOADY (TN) (D9)

Case ID: CR14-0357

Case Type: CRIMINAL

Initial Filing Date: 3/4/2014

Hearings

	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
1	D9	ARRAIGNMENT	3/19/2014	09:00:00	3/19/2014
	Event Extra Text:		Disposition: D435 3/19/2014 DEFENSE COUNSEL MOVED TO REMAND TO JUSTICE COURT COURT ORDERED BRIEFING FROM COUNSEL AND SET HRG ON MOTION 4/9/14 - STATE TO FILE OPPOSITION 4/16/14 - DEFENSE TO FILE REPLY HEARING SET FOR 4/21/14 @ 10:00 A.M.		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
2	D9	MOTION ...	4/21/2014	10:00:00	4/18/2014
	Event Extra Text: HEARING ON MOTION FOR REMAND TO JUSTICE COURT		Disposition: D845 4/18/2014 STIP & ORDER TO REMAND TO JUSTICE COURT FILED 4/18/14		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
3	D9	ARRAIGNMENT - 2ND INF.	6/18/2014	09:00:00	6/18/2014
	Event Extra Text:		Disposition: D725 6/18/2014 SECOND INFORMATION		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
4	D9	STATUS HEARING	12/17/2014	09:00:00	12/17/2014
	Event Extra Text:		Disposition: D435 12/17/2014 STATE'S MOTION TO CONTINUE TRIAL GRANTED		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
5	D9	MOTION TO CONFIRM TRIAL	1/14/2015	09:00:00	12/17/2014
	Event Extra Text:		Disposition: D844 12/17/2014 MTC RESET TO 7/8/15		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
6	D9	TRIAL - JURY	1/26/2015	09:00:00	12/17/2014
	Event Extra Text: (3-4 DAYS)		Disposition: D844 12/17/2014 JURY TRIAL RESET TO 7/20/15		
	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
7	D9	MOTION TO CONFIRM TRIAL	7/8/2015	09:00:00	6/30/2015
	Event Extra Text:		Disposition: D844 6/30/2015		

Case Description: STATE VS. JERICHO JAMES BRIOADY (TN) (D9)

Case ID: CR14-0357 Case Type: CRIMINAL Initial Filing Date: 3/4/2014

Department		Event Description	Sched. Date & Time		Disposed Date
8	D9	TRIAL - JURY	7/20/2015	09:00:00	3/27/2015
Event Extra Text: (5-6 DAYS)			Disposition: D843 3/27/2015		
Department		Event Description	Sched. Date & Time		Disposed Date
9	D9	MOTION TO CONFIRM TRIAL	1/6/2016	09:00:00	1/6/2016
Event Extra Text:			Disposition: D425 1/6/2016		
Department		Event Description	Sched. Date & Time		Disposed Date
10	D9	PRE-TRIAL MOTIONS	1/11/2016	10:00:00	1/11/2016
Event Extra Text: DEFENSE COUNSEL TO ADVISE COURT IF MORE TIME IS NEEDED TO REVIEW MOTIONS.			Disposition: D430 1/11/2016		
Department		Event Description	Sched. Date & Time		Disposed Date
11	D9	TRIAL - JURY	1/19/2016	09:00:00	1/19/2016
Event Extra Text: 4 DAYS			Disposition: D832 1/19/2016		
Department		Event Description	Sched. Date & Time		Disposed Date
12	D9	TRIAL ONGOING	1/20/2016	09:00:00	1/20/2016
Event Extra Text:			Disposition: D832 1/20/2016		
Department		Event Description	Sched. Date & Time		Disposed Date
13	D9	TRIAL ONGOING	1/21/2016	09:30:00	1/21/2016
Event Extra Text:			Disposition: D832 1/21/2016		
Department		Event Description	Sched. Date & Time		Disposed Date
14	D9	TRIAL ONGOING	1/22/2016	09:00:00	1/22/2016
Event Extra Text:			Disposition: D895 1/22/2016 GUILTY COUNTS III AND IV NOT GUILTY COUNTS I, II AND V		
Department		Event Description	Sched. Date & Time		Disposed Date
15	D9	Request for Submission	2/17/2016	13:39:00	3/18/2016
Event Extra Text: MOTION FOR HEARING REGARDING JURY MISCONDUCT; TO VACATE GUILTY VERDICTS; FOR A NEW TRIAL, THE OPPOSITION THERETO AND THE REPLY IN SUPPORT (NO PAPER ORDER PROVIDED)			Disposition: S200 3/18/2016		

Case Description: STATE VS. JERICHO JAMES BRIOADY (TN) (D9)

Case ID:	CR14-0357	Case Type:	CRIMINAL	Initial Filing Date:	3/4/2014
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	Department	Event Description	Sched. Date & Time		Disposed Date
16	D9	Request for Submission	2/22/2016	16:11:00	3/18/2016
		Event Extra Text: STATE'S MOTION TO STRIKE DEFENDANT'S MOTION FOR A HEARING REGARDING JURY MISCONDUCT, TO VACATE GUILTY VERDICTS AND FOR A NEW TRIAL	Disposition: S200 3/18/2016		
	Department	Event Description	Sched. Date & Time		Disposed Date
17	D9	ORAL ARGUMENTS	3/16/2016	10:30:00	3/16/2016
		Event Extra Text:	Disposition: D445 3/16/2016 CONT'D FOR ADDITIONAL TESTIMONY TO BE PRESENTED		
	Department	Event Description	Sched. Date & Time		Disposed Date
18	D9	SENTENCING	3/23/2016	09:01:00	3/16/2016
		Event Extra Text: END OF CALENDAR. SET FOR 1 HR SENTENCING AFTER JURY VERDICT	Disposition: D844 3/16/2016 VACATED TO ACCOMMODATE CONT'D ORAL ARGUMENTS RE-SET TO 4/11/16		
	Department	Event Description	Sched. Date & Time		Disposed Date
19	D9	ORAL ARGUMENTS	4/11/2016	10:30:00	4/11/2016
		Event Extra Text: CONT'D HEARING - ADDITIONAL TESTIMONY TO BE PRESENTED	Disposition: D435 4/11/2016 DEFT'S MOTION TO VACATE GUILTY VERDICTS AND FOR NEW TRIAL - DENIED		
	Department	Event Description	Sched. Date & Time		Disposed Date
20	D9	SENTENCING	4/11/2016	11:00:00	4/11/2016
		Event Extra Text: SENTENCING TO FOLLOW ORAL ARGUMENTS	Disposition: D766 4/11/2016		

Agency Cross Reference

Code	Agency Description	Case Reference I.D.
DA	District Attorney's Office	DA14263
PC	PCN number	PCNSPPD0003797C
SJ	Sparks Justice's Court	SJC14SCR00078
SP	Sparks Police Department	SPD139955

Actions

Action Entry Date	Code	Code Description	Text
3/4/2014	NEF	Proof of Electronic Service	Transaction 4327147 - Approved By: NOREVIEW : 03-04-2014:08:25:03
3/4/2014	1250E	Application for Setting eFile	ARRAIGNMENT 3-19-14 AT 9:00 - Transaction 4327143 - Approved By: NOREVIEW : 03-04-2014:08:23:57
3/5/2014	1491	Pretrl Srves Assessment Report	Transaction 4329669 - Approved By: JYOST : 03-05-2014:11:14:17
3/5/2014	NEF	Proof of Electronic Service	Transaction 4330053 - Approved By: NOREVIEW : 03-05-2014:11:16:49
3/12/2014	CASH	Cash Bail Posted/Receipt	
3/12/2014	1775	General Receipt	
3/13/2014	1800	Information	Transaction 4342488 - Approved By: SHAMBRIG : 03-13-2014:15:48:00

Case Description: STATE VS. JERICHO JAMES BRIOADY (TN) (D9)				
Case ID:	CR14-0357	Case Type:	CRIMINAL	Initial Filing Date: 3/4/2014
3/13/2014	4265	Waiver of Preliminary Exam	Transaction 4342488 - Approved By: SHAMBRIG : 03-13-2014:15:48:00	
3/13/2014	NEF	Proof of Electronic Service	Transaction 4342879 - Approved By: NOREVIEW : 03-13-2014:15:51:36	
3/18/2014	4075	Substitution of Counsel	JOHN OHLSON, ESQ. / JERICHO BRIOADY - Transaction 4348667 - Approved By: MCHOLICO : 03-18-2014:15:48:00	
3/18/2014	NEF	Proof of Electronic Service	Transaction 4348887 - Approved By: NOREVIEW : 03-18-2014:16:06:58	
3/25/2014	MIN	***Minutes	3/19/14 - ARRAIGNMENT - Transaction 4357627 - Approved By: NOREVIEW : 03-25-2014:09:03:42	
3/25/2014	NEF	Proof of Electronic Service	Transaction 4357663 - Approved By: NOREVIEW : 03-25-2014:09:09:07	
4/2/2014	2520	Notice of Appearance	JOHN OHLSON, ESQ. - Transaction 4370369 - Approved By: JYOST : 04-02-2014:14:36:06	
4/2/2014	NEF	Proof of Electronic Service	Transaction 4370405 - Approved By: NOREVIEW : 04-02-2014:14:37:07	
4/16/2014	1030	Affidavit in Support...	AFFIDAVITS IN SUPPORT OF MOTION FOR REMAND - Transaction 4388616 - Approved By: SHAMBRIG : 04-16-2014:09:23:49	
4/16/2014	NEF	Proof of Electronic Service	Transaction 4388679 - Approved By: NOREVIEW : 04-16-2014:09:23:49	
4/18/2014	3980	Stip and Order...	STIP AND ORDER TO REMAND TO JUSTICE COURT - Transaction 4392761 - Approved By: NOREVIEW : 04-18-2014:10:26:07	
4/18/2014	NEF	Proof of Electronic Service	Transaction 4392768 - Approved By: NOREVIEW : 04-18-2014:10:26:07	
4/29/2014	CHECK	**Trust Disbursement	A Disbursement of \$50,000.00 on Check Number 28184	
5/9/2014	1775	General Receipt		
5/11/2014	4185	Transcript	3-19-14 ARRAIGNMENT - Transaction 4426530 - Approved By: NOREVIEW : 05-11-2014:14:00:43	
5/11/2014	NEF	Proof of Electronic Service	Transaction 4426531 - Approved By: NOREVIEW : 05-11-2014:14:01:35	
6/5/2014	1250E	Application for Setting eFile	ARRAIGNMENT 6-18-14 AT 9:00 - Transaction 4462662 - Approved By: NOREVIEW : 06-05-2014:08:25:33	
6/5/2014	NEF	Proof of Electronic Service	Transaction 4462668 - Approved By: NOREVIEW : 06-05-2014:08:26:29	
6/9/2014	CASH	Cash Bail Posted/Receipt		
6/9/2014	3700	Proceedings	JUSTICE COURT PROCEEDINGS	
6/9/2014	1775	General Receipt		
6/13/2014	3930	Second Information	Transaction 4475474 - Approved By: SHAMBRIG : 06-13-2014:09:41:21	
6/13/2014	NEF	Proof of Electronic Service	Transaction 4475626 - Approved By: NOREVIEW : 06-13-2014:09:42:08	
6/16/2014	4105	Supplemental ...	SUPPLEMENTAL JUSTICE COURT PROCEEDINGS	
6/18/2014	1280	** 60 Day Rule - Waived		
7/29/2014	MIN	***Minutes	6/18/14 - ARRAIGNMENT - 2ND INFO - Transaction 4537102 - Approved By: NOREVIEW : 07-29-2014:10:30:11	
7/29/2014	NEF	Proof of Electronic Service	Transaction 4537106 - Approved By: NOREVIEW : 07-29-2014:10:31:11	
12/12/2014	1250	Application for Setting	DECEMBER 17, 2014 @ 9:00AM STATUS HEARING - Transaction 4733590 - Approved By: MCHOLICO : 12-12-2014:12:50:19	
12/12/2014	NEF	Proof of Electronic Service	Transaction 4733781 - Approved By: NOREVIEW : 12-12-2014:12:50:19	
1/6/2015	MIN	***Minutes	12/17/14 - STATUS HEARING - Transaction 4760598 - Approved By: NOREVIEW : 01-06-2015:10:56:13	
1/6/2015	NEF	Proof of Electronic Service	Transaction 4760602 - Approved By: NOREVIEW : 01-06-2015:10:57:18	
3/2/2015	3839	Request Agree Ord Recp Discv	REQUEST, STIPULATION AND ORDER RE: PRE-PRELIMINARY HEARING AND PRE-TRIAL RECIPROCAL INFO	
3/2/2015	NEF	Proof of Electronic Service	Transaction 4840217 - Approved By: NOREVIEW : 03-02-2015:14:20:22	
3/10/2015	4185	Transcript	12-17-14 STATUS HEARING - Transaction 4852626 - Approved By: NOREVIEW : 03-10-2015:09:00:10	
3/10/2015	NEF	Proof of Electronic Service	Transaction 4852629 - Approved By: NOREVIEW : 03-10-2015:09:01:10	
3/20/2015	4045	Stipulation to Continuance	REQUEST FOR CONTINUANCE, STIPULATION AND ORDER - Transaction 4870447 - Approved By: MELWOL	
3/20/2015	NEF	Proof of Electronic Service	Transaction 4870786 - Approved By: NOREVIEW : 03-20-2015:11:38:54	
3/27/2015	3020	Ord Granting Continuance	Transaction 4881174 - Approved By: NOREVIEW : 03-27-2015:11:42:49	
3/27/2015	NEF	Proof of Electronic Service	Transaction 4881200 - Approved By: NOREVIEW : 03-27-2015:11:44:41	

Case Description: STATE VS. JERICHO JAMES BRIOADY (TN) (D9)				
Case ID:	CR14-0357	Case Type:	CRIMINAL	Initial Filing Date: 3/4/2014
4/28/2015	2525	Notice of Change of Address	JOHN OHLOSN ESQ - Transaction 4927144 - Approved By: YLLOYD : 04-28-2015:15:24:47	
4/28/2015	NEF	Proof of Electronic Service	Transaction 4927637 - Approved By: NOREVIEW : 04-28-2015:15:25:49	
6/12/2015	2490	Motion ...	DEFENDANT'S MOTION TO SUPPRESS	
6/12/2015	COC	Evidence Chain of Custody Form		
6/22/2015	2645	Opposition to Mtn ...	STATE'S OPPOSITION TO DEFENDANT'S MOTION TO SUPPRESS - Transaction 5011814 - Approved By: J/	
6/23/2015	NEF	Proof of Electronic Service	Transaction 5012418 - Approved By: NOREVIEW : 06-23-2015:09:31:36	
12/7/2015	3790	Reply to/in Opposition	REPLY POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO SUPPRESS - Transaction 5267529 - Appi	
12/8/2015	NEF	Proof of Electronic Service	Transaction 5267751 - Approved By: NOREVIEW : 12-08-2015:08:51:21	
12/29/2015	2592	Notice of Witnesses	DEFENDANT'S NOTICE OF EXPERT WITNESSES - Transaction 5296676 - Approved By: YVILORIA : 12-29-2	
12/29/2015	NEF	Proof of Electronic Service	Transaction 5296680 - Approved By: NOREVIEW : 12-29-2015:10:55:54	
12/29/2015	2592	Notice of Witnesses	NOTICE OF EXPERT WITNESSES AND NOTICE OF WITNESSES PURSUANT TO NRS 174.234 - Transactio	
12/29/2015	NEF	Proof of Electronic Service	Transaction 5296700 - Approved By: NOREVIEW : 12-29-2015:11:07:04	
1/6/2016	2490	Motion ...	STATE'S MOTION TO EXCLUDE DEFENDANT'S EXPERT WITNESS' TESTIMONY - Transaction 5307547 - A	
1/6/2016	2490	Motion ...	STATE'S MOTION TO STRIKE DEFENDANT'S NOTICE OF EXPERT WITNESS OR, IN THE ALTERNATIVE, I	
1/6/2016	NEF	Proof of Electronic Service	Transaction 5307693 - Approved By: NOREVIEW : 01-06-2016:13:39:58	
1/6/2016	NEF	Proof of Electronic Service	Transaction 5307694 - Approved By: NOREVIEW : 01-06-2016:13:39:58	
1/10/2016	2645	Opposition to Mtn ...	OPPOSITION TO STATE'S MOTION TO EXCLUDE OR LIMIT THE TESTIMONY OF DR. DEBORAH DAVIS - 1	
1/10/2016	2645	Opposition to Mtn ...	OPPOSITION TO THE STATE'S MOTION TO STRIKE DEFENDANT'S NOTICE OF EXPERT WITNESS OR, IN	
1/11/2016	NEF	Proof of Electronic Service	Transaction 5312953 - Approved By: NOREVIEW : 01-11-2016:08:50:34	
1/11/2016	NEF	Proof of Electronic Service	Transaction 5312950 - Approved By: NOREVIEW : 01-11-2016:08:50:34	
1/11/2016	1695	** Exhibit(s) ...	DEFT'S EXHIBIT 1 - ADMITTED FOR 1/11/16 PRE-TRIAL MOTIONS HRG	
1/12/2016	2592	Notice of Witnesses	DEFENDANT'S NOTICE OF WITNESSES - Transaction 5317004 - Approved By: YVILORIA : 01-12-2016:15:15	
1/12/2016	NEF	Proof of Electronic Service	Transaction 5317075 - Approved By: NOREVIEW : 01-12-2016:15:16:25	
1/14/2016	2175	Mtn for Reconsideration	Transaction 5320440 - Approved By: YVILORIA : 01-14-2016:11:12:56	
1/14/2016	NEF	Proof of Electronic Service	Transaction 5320609 - Approved By: NOREVIEW : 01-14-2016:11:14:03	
1/15/2016	NEF	Proof of Electronic Service	Transaction 5323460 - Approved By: NOREVIEW : 01-15-2016:14:38:48	
1/15/2016	2245	Mtn in Limine	OPPOSITION TO DEFENDANT'S MOTION TO RECONSIDER QUESTIONING AS TO THE VICTIM'S PRIOR A	
1/21/2016	NEF	Proof of Electronic Service	Transaction 5329026 - Approved By: NOREVIEW : 01-21-2016:08:38:44	
1/21/2016	MIN	***Minutes	1/06/16 MOTION TO CONFIRM - Transaction 5329018 - Approved By: NOREVIEW : 01-21-2016:08:37:45	
1/21/2016	3755	Refused Instructions-Deft	REFUSED INSTRUCTIONS A THROUGH D - Transaction 5331306 - Approved By: NOREVIEW : 01-21-2016:1	
1/21/2016	NEF	Proof of Electronic Service	Transaction 5331311 - Approved By: NOREVIEW : 01-21-2016:16:31:45	
1/22/2016	1885	Jury Instructions	1-46 - Transaction 5332064 - Approved By: NOREVIEW : 01-22-2016:10:30:38	
1/22/2016	NEF	Proof of Electronic Service	Transaction 5332066 - Approved By: NOREVIEW : 01-22-2016:10:31:37	
1/22/2016	MIN	***Minutes	1/11/16 - PRE-TRIAL MOTIONS W/ EXHIBIT LIST - Transaction 5333398 - Approved By: NOREVIEW : 01-22-2	
1/22/2016	NEF	Proof of Electronic Service	Transaction 5333400 - Approved By: NOREVIEW : 01-22-2016:17:17:16	
1/25/2016	1890	Jury Question, Court Response	#1 - Transaction 5334079 - Approved By: NOREVIEW : 01-25-2016:10:14:37	
1/25/2016	1890	Jury Question, Court Response	#2 - Transaction 5334081 - Approved By: NOREVIEW : 01-25-2016:10:15:22	
1/25/2016	NEF	Proof of Electronic Service	Transaction 5334082 - Approved By: NOREVIEW : 01-25-2016:10:15:32	
1/25/2016	NEF	Proof of Electronic Service	Transaction 5334084 - Approved By: NOREVIEW : 01-25-2016:10:16:13	

Case Description: STATE VS. JERICHO JAMES BRIOADY (TN) (D9)				
Case ID:	CR14-0357	Case Type:	CRIMINAL	Initial Filing Date: 3/4/2014
1/25/2016	1890	Jury Question, Court Response	#3 - Transaction 5334085 - Approved By: NOREVIEW : 01-25-2016:10:16:22	
1/25/2016	NEF	Proof of Electronic Service	Transaction 5334087 - Approved By: NOREVIEW : 01-25-2016:10:17:24	
1/25/2016	1890	Jury Question, Court Response	#4 - Transaction 5334088 - Approved By: NOREVIEW : 01-25-2016:10:17:24	
1/25/2016	NEF	Proof of Electronic Service	Transaction 5334090 - Approved By: NOREVIEW : 01-25-2016:10:18:24	
1/25/2016	1890	Jury Question, Court Response	#5 - Transaction 5334093 - Approved By: NOREVIEW : 01-25-2016:10:18:34	
1/25/2016	NEF	Proof of Electronic Service	Transaction 5334097 - Approved By: NOREVIEW : 01-25-2016:10:19:32	
1/25/2016	4245	Verdict(s)...	NOT GUILTY COUNT I: SEXUAL ASSAULT ON A CHILD - Transaction 5334142 - Approved By: NOREVIEW :	
1/25/2016	4245	Verdict(s)...	GUILTY COUNT III: LEWDNESS WITH A CHILD UNDER THE AGE OF FOURTEEN YEARS - Transaction 533	
1/25/2016	4245	Verdict(s)...	NOT GUILTY COUNT II: SEXUAL ASSAULT ON A CHILD - Transaction 5334143 - Approved By: NOREVIEW :	
1/25/2016	NEF	Proof of Electronic Service	Transaction 5334150 - Approved By: NOREVIEW : 01-25-2016:10:35:15	
1/25/2016	NEF	Proof of Electronic Service	Transaction 5334152 - Approved By: NOREVIEW : 01-25-2016:10:35:28	
1/25/2016	4245	Verdict(s)...	GUILTY COUNT IV: LEWDNESS WITH A CHILD UNDER THE AGE OF FOURTEEN YEARS - Transaction 533	
1/25/2016	NEF	Proof of Electronic Service	Transaction 5334151 - Approved By: NOREVIEW : 01-25-2016:10:35:28	
1/25/2016	NEF	Proof of Electronic Service	Transaction 5334155 - Approved By: NOREVIEW : 01-25-2016:10:36:26	
1/25/2016	4245	Verdict(s)...	NOT GUILTY COUNT V: LEWDNESS WITH A CHILD UNDER THE AGE OF FOURTEEN YEARS - Transactio	
1/25/2016	NEF	Proof of Electronic Service	Transaction 5334158 - Approved By: NOREVIEW : 01-25-2016:10:37:34	
1/25/2016	4235	Unused Verdict Form(s)...	5 - Transaction 5334166 - Approved By: NOREVIEW : 01-25-2016:10:41:36	
1/25/2016	NEF	Proof of Electronic Service	Transaction 5334170 - Approved By: NOREVIEW : 01-25-2016:10:44:33	
1/25/2016	1695	** Exhibit(s) ...	STATE'S TRIAL EXHIBITS 1 THROUGH 24	
1/25/2016	MIN	***Minutes	1/19/16 THROUGH 1/22/16 TRIAL MINUTES AND EXHIBIT LIST - Transaction 5335063 - Approved By: NORE	
1/25/2016	NEF	Proof of Electronic Service	Transaction 5335067 - Approved By: NOREVIEW : 01-25-2016:14:39:10	
2/10/2016	2490	Motion ...	MOTION FOR HEARING REGARDING JURY MISCONDUCT; TO VACATE GUILTY VERDICTS; FOR A NEW	
2/10/2016	NEF	Proof of Electronic Service	Transaction 5363581 - Approved By: NOREVIEW : 02-10-2016:14:58:30	
2/16/2016	2645	Opposition to Mtn ...	OPPOSITION TO DEFENDANT'S MOTION FOR A HEARING REGARDING JURY MISCONDUCT; TO VACAT	
2/16/2016	NEF	Proof of Electronic Service	Transaction 5370244 - Approved By: NOREVIEW : 02-16-2016:13:57:11	
2/17/2016	3795	Reply...	REPLY POINTS AND AUTHORITIES IN SUPPORT OF MOTION FOR NEW TRIAL - Transaction 5371855 - Ap	
2/17/2016	NEF	Proof of Electronic Service	Transaction 5371985 - Approved By: NOREVIEW : 02-17-2016:10:39:11	
2/17/2016	NEF	Proof of Electronic Service	Transaction 5372437 - Approved By: NOREVIEW : 02-17-2016:12:13:57	
2/17/2016	3860	Request for Submission	MOTION FOR HEARING REGARDING JURY MISCONDUCT; TO VACATE GUILTY VERDICTS; FOR A NEW	
2/18/2016	2475	Mtn to Strike...	MOTION TO STRIKE DEFENDANT'S MOTION FOR A HEARING REGARDING JURY MISCONDUCT; TO VAC	
2/18/2016	NEF	Proof of Electronic Service	Transaction 5375770 - Approved By: NOREVIEW : 02-18-2016:15:51:11	
2/19/2016	2645	Opposition to Mtn ...	OPPOSITION TO MOTION TO STRIKE - Transaction 5376671 - Approved By: TBRITTON : 02-19-2016:10:52:1	
2/19/2016	NEF	Proof of Electronic Service	Transaction 5376931 - Approved By: NOREVIEW : 02-19-2016:10:53:20	
2/22/2016	3795	Reply...	REPLY IN SUPPORT OF STATE'S MOTION TO STRIKE DEFENDANT'S MOTION FOR A HEARING REGARE	
2/22/2016	NEF	Proof of Electronic Service	Transaction 5380529 - Approved By: NOREVIEW : 02-22-2016:15:58:53	
2/22/2016	NEF	Proof of Electronic Service	Transaction 5380624 - Approved By: NOREVIEW : 02-22-2016:16:12:04	
2/22/2016	3860	Request for Submission	STATE'S MOTION TO STRIKE DEFENDANT'S MOTION FOR A HEARING REGARDING JURY MISCONDUCT	
3/3/2016	3347	Ord to Set	Transaction 5398867 - Approved By: NOREVIEW : 03-03-2016:13:08:26	
3/3/2016	NEF	Proof of Electronic Service	Transaction 5398883 - Approved By: NOREVIEW : 03-03-2016:13:09:33	

Case Description: STATE VS. JERICHO JAMES BRIOADY (TN) (D9)				
Case ID:	CR14-0357	Case Type:	CRIMINAL	Initial Filing Date: 3/4/2014
3/8/2016	1250	Application for Setting	HEARING - MARCH 16, 2016 @ 10:30 AM - Transaction 5404919 - Approved By: TBRITTON : 03-08-2016:10:1	
3/8/2016	NEF	Proof of Electronic Service	Transaction 5405088 - Approved By: NOREVIEW : 03-08-2016:10:15:32	
3/9/2016	4500	PSI - Confidential	Transaction 5408416 - Approved By: CSULEZIC : 03-09-2016:15:29:40	
3/9/2016	NEF	Proof of Electronic Service	Transaction 5408477 - Approved By: NOREVIEW : 03-09-2016:15:32:16	
3/18/2016	S200	Request for Submission Complet		
3/18/2016	S200	Request for Submission Complet		
3/28/2016	4190	Transcript - Partial	1-19-16 Jury Selction - Transaction 5437323 - Approved By: NOREVIEW : 03-28-2016:10:15:55	
3/28/2016	NEF	Proof of Electronic Service	Transaction 5437326 - Approved By: NOREVIEW : 03-28-2016:10:16:45	
3/30/2016	MIN	***Minutes	3/16/16 - ORAL ARGUMENTS - Transaction 5440991 - Approved By: NOREVIEW : 03-30-2016:08:43:19	
3/30/2016	NEF	Proof of Electronic Service	Transaction 5440993 - Approved By: NOREVIEW : 03-30-2016:08:44:09	
4/4/2016	4105	Supplemental ...	SUPPLEMENT TO MOTION - Transaction 5448223 - Approved By: MCHOLICO : 04-04-2016:14:15:42	
4/4/2016	NEF	Proof of Electronic Service	Transaction 5448341 - Approved By: NOREVIEW : 04-04-2016:14:16:43	
4/5/2016	4055	Subpoena	Transaction 5451463 - Approved By: MCHOLICO : 04-05-2016:16:47:58	
4/5/2016	4055	Subpoena	Transaction 5451463 - Approved By: MCHOLICO : 04-05-2016:16:47:58	
4/5/2016	NEF	Proof of Electronic Service	Transaction 5451499 - Approved By: NOREVIEW : 04-05-2016:16:49:25	
4/8/2016	NEF	Proof of Electronic Service	Transaction 5457433 - Approved By: NOREVIEW : 04-08-2016:12:24:36	
4/8/2016	4105	Supplemental ...	SUPPLEMENT TO OPPOSITION TO VACATE GUILTY VERDICTS AND FOR A NEW TRIAL - Transaction 545	
4/11/2016	1875	Judgment of Acquittal	COUNTS I, II & V - Transaction 5460409 - Approved By: NOREVIEW : 04-11-2016:15:52:53	
4/11/2016	NEF	Proof of Electronic Service	Transaction 5460424 - Approved By: NOREVIEW : 04-11-2016:15:53:57	
4/11/2016	1850	Judgment of Conviction	Transaction 5460405 - Approved By: NOREVIEW : 04-11-2016:15:50:36	
4/11/2016	NEF	Proof of Electronic Service	Transaction 5460384 - Approved By: NOREVIEW : 04-11-2016:15:46:22	
4/11/2016	2528	Not/Doc/Rc'd/Not/Cons/by Crt	VICTIM IMPACT LETTER - Transaction 5460376 - Approved By: NOREVIEW : 04-11-2016:15:45:23	
4/11/2016	NEF	Proof of Electronic Service	Transaction 5460437 - Approved By: NOREVIEW : 04-11-2016:15:55:12	
4/11/2016	COLL	Sent to Collections	11-APR-2016	
4/11/2016	EXON	**Cash Bail/Bond Exonerated		
4/12/2016	CHECK	**Trust Disbursement	A Disbursement of \$49,822.00 on Check Number 31756	
4/12/2016	4185	Transcript	1-6-16 Motion to Confirm Trial Date - Transaction 5462822 - Approved By: NOREVIEW : 04-12-2016:16:47:11	
4/12/2016	NEF	Proof of Electronic Service	Transaction 5462829 - Approved By: NOREVIEW : 04-12-2016:16:48:07	
4/15/2016	MIN	***Minutes	4/11/16 - ORAL ARGUMENTS - Transaction 5469796 - Approved By: NOREVIEW : 04-15-2016:16:44:25	
4/15/2016	MIN	***Minutes	4/11/16 - SENTENCING - Transaction 5469792 - Approved By: NOREVIEW : 04-15-2016:16:44:14	
4/15/2016	NEF	Proof of Electronic Service	Transaction 5469827 - Approved By: NOREVIEW : 04-15-2016:16:48:08	
4/15/2016	NEF	Proof of Electronic Service	Transaction 5469831 - Approved By: NOREVIEW : 04-15-2016:16:48:13	
4/18/2016	2700	Ord After Hearing...	Transaction 5470663 - Approved By: NOREVIEW : 04-18-2016:10:43:08	
4/18/2016	NEF	Proof of Electronic Service	Transaction 5470672 - Approved By: NOREVIEW : 04-18-2016:10:44:09	
4/21/2016	4075	Substitution of Counsel	JERICHO BRIOADY - JOHN OHLSON ESQ - Transaction 5478111 - Approved By: CSULEZIC : 04-21-2016:13	
4/21/2016	NEF	Proof of Electronic Service	Transaction 5478379 - Approved By: NOREVIEW : 04-21-2016:13:38:42	
4/28/2016	2520	Notice of Appearance	KARLA K. BUTKO ESQ / DEFT JERICHO JAMES BRIOADY - Transaction 5488682 - Approved By: YVILORIA	
4/28/2016	2515	Notice of Appeal Supreme Court	Transaction 5488682 - Approved By: YVILORIA : 04-28-2016:09:49:12	
4/28/2016	1310	Case Appeal Statement	Transaction 5488682 - Approved By: YVILORIA : 04-28-2016:09:49:12	

Case Description: STATE VS. JERICHO JAMES BRIOADY (TN) (D9)			
Case ID:	CR14-0357	Case Type:	CRIMINAL
		Initial Filing Date:	3/4/2014
4/28/2016	NEF	Proof of Electronic Service	Transaction 5488865 - Approved By: NOREVIEW : 04-28-2016:09:50:11
4/29/2016	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 5492095 - Approved By: I
4/29/2016	NEF	Proof of Electronic Service	Transaction 5492098 - Approved By: NOREVIEW : 04-29-2016:15:14:32

1 CODE NO. 1850

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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE

8 * * *

9 THE STATE OF NEVADA,

10 Plaintiff,

Case No. CR14-0357

11 vs.

Dept. No. 9

12 JERICO JAMES BRIOADY,

13 Defendant.

14 /

15 JUDGMENT OF CONVICTION

16 The Defendant having been found guilty by a jury, and no sufficient cause
17 being shown by Defendant as to why judgment should not be pronounced against him, the
18 Court rendered judgment as follows:

19 That Jericho James Brioady is guilty of the crime of Lewdness With a Child
20 Under the Age of Fourteen Years, a violation of NRS 201.230, a category A felony, as
21 charged in Counts III and IV of the Second Information, and that he be punished by
22 imprisonment in the Nevada Department of Corrections for the term of Life With the
23 Possibility of Parole, with parole eligibility beginning after a minimum of ten (10) years has
24 been served as to Count III. As to Count IV, the Defendant is punished by imprisonment in
25 the Nevada Department of Corrections for the term of Life With the Possibility of Parole, with
26 parole eligibility beginning after a minimum of ten (10) years has been served. Count IV
27 shall run concurrently with Count III.

28 The Defendant is further ordered to pay the statutory Twenty-Five Dollar

1 (\$25.00) administrative assessment fee, a One Hundred Fifty Dollar (\$150.00) DNA testing
2 fee, and submit to a DNA analysis to determine the presence of genetic markers, the Three
3 Dollar (\$3.00) DNA administrative assessment for obtaining a biological specimen and
4 conducting a genetic marker analysis and restitution in the amount of Five Hundred Sixteen
5 Dollars and Sixty-Two Cents (\$516.62). The Defendant is given nineteen (19) days credit
6 for time served.

7 A special sentence of Lifetime Supervision shall commence after any period of
8 probation, or any term of imprisonment or after any period of release on parole.

9 DATED this 11th day of April, 2016.

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11 
12 _____
13 DISTRICT JUDGE
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1 CODE NO. 1875
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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE
8

* * *

9 THE STATE OF NEVADA,

10 Plaintiff,

Case No. CR14-0357

11 vs.

Dept. No. 9

12 JERICO JAMES BRIOADY,

13 Defendant.
14

15 JUDGMENT OF ACQUITTAL
16

17 The jury having returned a verdict of Not Guilty on Counts I, II and V, it is
18 hereby ordered that the verdicts be recorded and the Court enters judgment of Not Guilty on
19 Counts I, II and V.

20 Any bail which may have been posted in this case shall be exonerated.

21 DATED this 11th day of April, 2016.

22
23 
DISTRICT JUDGE
24
25
26
27
28

CASE NO. CR14-0357

STATE OF NEVADA VS. JERICO JAMES BRIOADY

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

3/19/14
HON. SCOTT N.
FREEMAN
DEPT. NO. 9
L. Lopez
(Clerk)
S. Kiger
(Reporter)

ARRAIGNMENT

Deputy D.A. Darcy Cameron, on behalf of Deputy D.A. Nicole Hicks, represented the State.
Defendant was present with counsel, John Ohlson.
Probation Officer, Jennifer Iveson, was present.
Court Services Officer, Tom Bradshaw, was also present.
Counsel for Defendant addressed the Court and moved to remand this matter back to Sparks Justice Court in order to proceed with a preliminary examination hearing; defense counsel stated that he had just substituted in to represent the Defendant in this matter and that Defendant's prior counsel had directed Defendant to waive a preliminary examination with no negotiations; further defense counsel stated that Defendant is maintaining his innocence of this charge and argued that this matter should proceed with a preliminary examination at the Justice Court level.
Counsel for State objected to a remand, arguing that there was a signed Waiver on file and suggested that this Court retain jurisdiction and set this matter for trial.
In response to the Court, defense counsel provided an explanation of the limited proceedings in Sparks Justice Court and stated that the Defendant was unclear on why his prior counsel proceeded in that fashion.
Counsel for State informed the Court that the D.A. assigned to this matter, Nicole Hicks, had given directions that she would not agree to a remand and, if the Court was inclined to grant defense counsel's request, that the Court allow respective counsel to brief the issue.
The Court and respective counsel discussed a briefing schedule.
COURT ORDERED: State's response to Defendant's Motion for Remand is due by April 9, 2014; Defendant's reply is due on April 16, 2014.
This matter is hereby continued for a hearing on the Motion for Remand.
Defendant remained on supervised bail.

4/21/14
9:00 a.m.
Mtn Hrg

CASE NO. CR14-0357

STATE OF NEVADA VS. JERICHO JAMES BRIOADY

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

6/18/14
HON. SCOTT N.
FREEMAN
DEPT. NO. 9
L. Lopez
(Clerk)
S. Kiger
(Reporter)

ARRAIGNMENT – SECOND INFORMATION

Deputy D.A. Nicole Hicks represented the State.
Defendant was present with counsel, John Ohlson.
Probation Officer, Deborah Brown, was also present.
TRUE NAME: JERICHO JAMES BRIOADY. Defendant handed
copy of the Second Information, waived formal reading, waived
time in which to enter a plea and pled Not Guilty to the Second
Information.
Defendant waived his right to trial within sixty (60) days.
COURT ORDERED: Matter continued for trial by jury.
Defendant remained on bail.

1/14/15
9:00 a.m.
Mot. Conf.

1/26/15
9:00 a.m.
Jury Trial
(3-4 Days)

CASE NO. CR14-0357

STATE OF NEVADA VS. JERICHO JAMES BRIOADY

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

12/17/14
HON. SCOTT N.
FREEMAN
DEPT. NO. 9
L. Lopez
(Clerk)
S. Kiger
(Reporter)

STATUS HEARING

Deputy D.A. Kelly Kossow represented the State.
Defendant was present with counsel, John Ohlson.
Probation Officer, Thomas Wilson, was present.
Counsel for State addressed the Court and moved to continue the
trial date of January 26, 2015 and discussed the reasons for said
request; further, the State requested trial be re-set in July 2015.
Counsel for Defendant agreed to the continuance as requested by
the State.
COURT ORDERED: Motion to continue is hereby granted. The
trial date of January 26, 2015 is hereby vacated, to be re-set as
requested by counsel.
Defendant remained on bail.

7/8/15
9:00 a.m.
Mot. Conf.

7/20/15
9:00 a.m.
Jury Trial

CASE NO. CR14-0357

STATE OF NEVADA VS. JERICHO JAMES BRIOADY

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

1/06/16
HON. SCOTT N.
FREEMAN
DEPT. NO. 9
T. Travers
L. Sabo
(Clerk)
S. Kiger
(Reporter)
P. Sewell
(Bailiff)

MOTION TO CONFIRM

Deputy D.A. Nicole Hicks represented the State.
Defendant was present with counsel, John Ohlson, Esq.
Probation Officer, Deborah Brown, was present.
Court Service Officer, Mary Morris, was present.

1/11/16
10:00 a.m.
Pre-Trial
Motions Hrg.

Defense counsel confirmed a four (4) day trial on January 19, 2016,
with Pre-Trial Motions to be set and advised exhibits will be marked
following Pretrial Motions Hearing.

1/19/16
9:00 a.m.
Jury Trial

Counsel for State stated was in receipt of Defendant's Notice of
Witnesses and advised that she will be filing a Motion based on that
Notice.

Defense counsel requested State's Motion be filed timely to allow
counsel time to prepare a response to that Motion.

The Court addressed defense counsel regarding his request and
stated that counsel will be allowed to supplement his response with
oral arguments.

The State informed the Court that the experts need to be present
for the Motions hearing and was concerned with such a short
notice.

Further discussion was held regarding available dates for Motions
hearing before the commencement of trial.

Following sidebar the Court noted that the transcripts of
Defendant's Police Interview will be reviewed by the Court, as well
as the video in relation to Defendant's Motion to Suppress.

COURT ORDERED: Matter continued for Motions Hearing.
Defendant was remanded to the custody of the Sheriff.

CASE NO. CR14-0357

STATE OF NEVADA VS. JERICO JAMES BRIOADY

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

1/11/16
HON. SCOTT N.
FREEMAN
DEPT. NO. 9
L. Sabo
(Clerk)
S. Kiger
(Reporter)
P. Sewell
(Bailiff)

PRE-TRIAL MOTIONS

Deputy D.A. Nicole Hicks represented the State.
Defendant was present with counsel, John Ohlson, Esq.
No Probation Officer or Court Services Officer was present.
The Court noted receipt and review of all the documents on file and further informed respective counsel that he had watched Defendant's interview by law enforcement related to Defendant's Motion to Suppress.
Counsel for Defendant informed the Court that he had filed oppositions to the State's Motions to Strike over the weekend and just received a notice that said Oppositions had been accepted and filed.
The Court stated that the Court had no opportunity to review defense counsel's written Oppositions but will allow the defense to present oral argument on the State's Motions.
The Court directed that Defendant's Motion to Suppress be addressed first.
Counsel for Defendant discussed Defendant's interview conducted by law enforcement and Defendant's invocation of the right to counsel.
The Court and defense counsel discussed issues related to Defendant's statement that he wanted counsel, the fact that he got up to leave and, subsequently, returned to the interview room and made additional statements.
Counsel for State addressed the Court regarding Defendant's interview and the specific time frame on which the Court should focus.
The Court expressed the inability to hear the entire discussion which occurred in the hallway and the necessity of obtaining this information. The State noted that the transcript does not have the entire conversation and determined it best to proceed with testimony.

Clint Bellamy, called by the State, was sworn, testified and cross-examined.

During the testimony of the witness, the State moved to invoke the

1/19/16
9:00 a.m.
Jury Trial

rule of exclusion; objection by defense who argued that the rule of exclusion should have been invoked prior to the beginning of testimony; CO: State's motion denied.

Continued cross-examination of the State's witness.

Defense counsel had no additional evidence/testimony to provide and had no further argument to present as to this Motion.

Counsel for State presented additional argument in opposition to Defendant's Motion to Suppress.

COURT ORDERED: Defendant's Motion to Suppress is hereby denied. The Court determined that the entire encounter between Defendant and law enforcement was voluntary.

Regarding the State's Motions to Exclude Defendant's Expert Witnesses, both Dr. Davis and Dr. O'Donahue, defense counsel requested that the Motion regarding Dr. Davis be addressed first, as she was present to testify at this time.

Dr. Deborah Davis, called by defense counsel, was sworn, testified and cross-examined.

Defendant's **Exhibit 1** was marked and offered; no objection for purposes of these proceedings only; CO: Admitted for these proceedings only.

Following defense counsel's direct examination of Dr. Davis, the State informed the Court that she did not receive the report upon which Dr. Davis is testifying and expressed concern with the State's ability to properly cross-examine Dr. Davis without reading her report.

Defense counsel responded and discussed the Motion filed by the State and the timing of the preparation of said report by Dr. Davis.

In response to the Court, Dr. Davis stated that she had prepared the report discussed during her testimony the previous day.

The Court will allow a brief recess so that the State may review the report prepared by Dr. Davis.

Upon this matter being recalled, the State conducted cross-examination of Dr. Davis. Additionally, the witness was questioned by the Court.

Further discussion was held between the Court and defense counsel regarding the timing of the continued trial date and the witness's notification of the new trial date.

Dr. Davis testified further on re-direct by defense counsel.

Counsel for State presented argument in support of the State's Motion to Exclude Dr. Davis' testimony regarding false confessions; the State responded to the Court's questions and comments.

Defense counsel presented argument in opposition to the State's Motion and, further, responded to the Court's questions.

COURT ORDERED: Dr. Davis will be allowed to testify as to her education and the fact that there is a science of false confessions. However, Dr. Davis cannot testify as to any specific facts of this

case and cannot make any conclusions as to this case in any manner, including by hypothetical means.

Defense counsel requested clarification of the Court's ruling.

The Court clarified said ruling.

Regarding the State's Motion to Exclude Defendant's Expert Witness – Dr. O'Donahue, the State submitted the same upon the written Motion.

Defense counsel submitted the matter to the Court and discussed his understanding of how the Court will rule.

The Court stated that the Court's ruling is similar to that on the Motion regarding Dr. Davis.

COURT ORDERED: Dr. O'Donahue can testify as to his expertise in the subject matter of interrogating juvenile victims of crime in general but cannot make any conclusions as to this specific case. Counsel Ohlson addressed the Court regarding opening statements and his desire to inform the Jury of the victim's prior false accusations.

The State argued that Defendant should be required to file a written motion on this issue in order to allow the State to properly respond. The State discussed the victim's mother's misunderstanding of defense counsel's questions related to the victim's prior accusations and provided an explanation of said misunderstanding. Defense counsel stated that, based upon the representation of the State, the defense will not use the information related to a prior false accusation. However, defense counsel discussed his desire to provide the jury with information as to the victim's credibility and inclination to make false accusations in general and stated that the victim had injured herself and accused her stepfather of said injuries.

Counsel for State argued that information was highly prejudicial and not relevant to this case and objected to the defense bringing that information before the jury.

COURT ORDERED: Defense counsel's request to address the victim's credibility and inclination to make false accusations is hereby denied.

Defendant remained on bail.

EXHIBITS

PLTF: STATE OF NEVADA

PATY: Nicole Hicks, D.D.A.

DEFT: JERICHO JAMES BRIOADY

DATY: John Ohlson, Esq.

Case No: CR14-0357

Dept. No: 9

Clerk: L. Sabo

Date: 1/11/16

Exhibit No.	Party	Description	Marked	Offered	Admitted
1	Deft	Printed powerpoint of Dr. Deborah Davis' CV	1/11/16	No Obj	1/11/16

CASE NO. CR14-0357

STATE OF NEVADA VS. JERICHO JAMES BROADY

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

01/19/16
HON. SCOTT N.
FREEMAN
DEPT. NO. 9
G. Bartlett
(Clerk)
S. Kiger
(Reporter)

JURY TRIAL

Deputy D.A. Nicole Hicks represented the State.
Defendant was present with counsel, John Ohlson, Esq. and Alex Morey, Esq.,
appearing for voir dire only.
Prior to prospective jurors arrived, the Court canvassed the Defendant pursuant
to Laffler/Fry Supreme Court decision.
Counsel Hicks discussed the negotiations and the offer made to the Defendant.
The Court made inquiries of the Defendant; Defendant responded thereto.
Counsel Ohlson informed the Court that the offer is off the table at this time.
The Court discussed the Defendant's motion to reconsider.
Respective counsel submitted the matter on the pleadings.
COURT ORDERED: Motion to reconsider is denied.
Counsel Ohlson moved to use a mug shot of actor Nick Nolte during voir dire; no
objection State; SO ORDERED.
The Jury panel entered the courtroom.
Introductions of Court, counsel, Court personnel and respective parties were
made to the prospective jurors.
All prospective jurors were sworn to answer questions touching upon their
qualifications to serve as jurors in this case.
General and specific examination was had of the prospective jurors in the box.
Following peremptory challenges, the following twelve (12) jurors and two (2)
alternate(s) were sworn to try this case:

Yung German	Laurie Gold
Paulette Bischopink	Christopher Welch
Shandy Bercier	Reginald Palm
Cindy Kirchoff	Branden Lotz
Kimberly Emery	Mark Reimers
Karen Smith	Daniel Chew
Alternate(s): Jason Makoutz Darrin Hamm	

Upon direction of the Court, the Clerk read the Second Information which was
filed in this case and stated the Defendant's plea thereto.
The Court admonished the jury prior to all recesses.
Lunch recess 2:00 pm to 3:00 pm.
Outside the presence of the jury, respective counsel moved to admit the prior
marked and stipulated exhibits 1 through 18 and 20 through 25; SO ORDERED.
The jury returned to the courtroom.

CASE NO. CR14-0357

STATE OF NEVADA VS. JERICHO JAMES BRIOADY

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

01/19/16
HON. SCOTT N.
FREEMAN
DEPT. NO. 9
G. Bartlett
(Clerk)
S. Kiger
(Reporter)

JURY TRIAL (CONT'D)

Matthew Marquez was called by counsel Hicks, sworn, testified and cross-examined by counsel Ohlson.

Leslie Peterson was called by counsel Hicks, sworn, testified and cross-examined by counsel Ohlson.

COURT ORDERED: Trial is hereby continued to Wednesday, January 20, 2016 at 9:00 a.m.

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

01/20/16
HON. SCOTT N.
FREEMAN
DEPT. NO. 9
G. Bartlett
(Clerk)
S. Kiger
(Reporter)

JURY TRIAL

Deputy D.A. Nicole Hicks represented the State.

Defendant was present with counsel, John Ohlson, Esq.

Respective counsel stipulated to the presence of the jury.

Leslie Peterson, heretofore sworn, resumed the stand and continued on direct and cross-examination.

Ashley (minor) was called by counsel Hicks, sworn and testified.

Cherish (minor) was called by counsel Hicks, sworn and testified and cross-examined.

Outside the presence of the jury, counsel Ohlson requested the court reporter to read back a question and answer portion of Cherish's testimony; SO ORDERED. Court reporter read portion of testimony aloud.

Counsel Ohlson requested to make inquiries of the witness regarding her answer to the question; SO ORDERED.

Counsel Ohlson made inquiries of witness Cherish; Cherish responded thereto.

Counsel Ohlson stated that the witness opened the door as to her prior statements made to her step-father as being untruthful. Counsel informed the Court that the step-father can testify as to her untruthfulness and moved to use him in rebuttal.

Counsel Hicks stated that there is no proof that any of the incidents ever took place and objected to any of the incidents and testimony be let in to the jury and stated that the prejudice value greatly outweighs the prohibitive value.

COURT ORDERED: The prior incidents shall not be elicited from witness Cherish.

The jury returned the courtroom.

Cherish (minor) resumed the stand and continued on cross-examination.

Kindra Baum was called by counsel Hicks, sworn, testified and cross-examined.

Detective Jace Thelin was called by counsel Hicks, sworn, testified and cross-examined.

During the testimony of witness Thelin, the following exhibit was ordered admitted by the Court:

State's exhibit 19

COURT ORDERED: Trial is hereby continued to January 21, 2016 at 9:30 a.m.

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

01/21/16
HON. SCOTT N.
FREEMAN
DEPT. NO. 9
G. Bartlett
(Clerk)
S. Kiger
(Reporter)

JURY TRIAL (Cont'd)

Deputy D.A. Nicole Hicks represented the State.

Defendant was present with counsel, John Ohlson, Esq.

Detective Jace Thelin, heretofore sworn, resumed the stand and continued on direct and cross-examination.

Sergeant Clint Bellamy was called by counsel Hicks, sworn, testified and cross-examined.

Outside the presence of the jury, the Court canvassed the Defendant as to his right to testify pursuant to the Carter v. Kentucky admonishment; Defendant responded and stated that he understands his rights.

The jury returned to the Court room.

State rested.

Helen Brioady was called by counsel Ohlson, sworn, testified and cross-examined.

During the testimony of witness Brioady, counsel Ohlson marked and moved to admit Exhibit 27; no objection by counsel Hicks.

COURT ORDERED: Exhibit 27 is hereby admitted.

Outside the presence of the jury, Court and respective counsel discussed the trial schedule going forward.

Counsel Ohlson moved to call Dr. William O'Donohue to provide an offer of proof; SO ORDERED.

Dr. William O'Donohue was called by counsel Ohlson, sworn and testified.

Counsel Ohlson informed the Court that the offer of proof was to supplement the Defendant's motion to questioning as to the victim's prior alleged false allegations (black eye incident) and moved to allow Michael Voight to testify and presented argument thereto.

Counsel Hicks stated that the Court has denied the original motion and the motion for reconsideration and even with the Dr's testimony, the Defense has still not met the three prongs for the motion to be granted.

COURT ORDERED: Motion to allow Michael Voight to testify as to the "black eye" incident is denied.

The jury returned to the courtroom.

Dr. William O'Donohue, heretofore sworn, was called by counsel Ohlson, sworn, testified and cross-examined.

Defense rested.

COURT ORDERED: The trial is hereby continued to Friday, January 22, 2016 at 9:00 a.m.

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

01/21/16
HON. SCOTT N.
FREEMAN
DEPT. NO. 9
G. Bartlett
(Clerk)
S. Kiger
(Reporter)

JURY TRIAL

Court and respective counsel remained in the courtroom for the purpose of selling jury instructions as noted in the stenographic record.

Instructions #1 through #46 and ten (10) verdict forms were offered.

Counsel Hicks discussed her objection during a sidebar conference with Dr. O'Donohue's testimony and requested the Court place the objection and ruling on the record.

The Court articulated the sidebar conference and ruling on the record.

Counsel Ohlson further supplemented the record regarding the Court's ruling.

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

01/22/16
HON. SCOTT N.
FREEMAN
DEPT. NO. 9
G. Bartlett
(Clerk)
S. Kiger
(Reporter)

JURY TRIAL

Deputy D.A. Nicole Hicks represented the State.
Defendant was present with counsel, John Ohlson, Esq.
The Court read jury instructions #1 through #46 aloud to the jury.
Closing arguments were presented by respective counsel.
The Court proposed the alternate jurors be excused, subject to recall; no objection by respective counsel; SO ORDERED.
At 11:55 a.m. the bailiff was sworn by the clerk to take charge of the jury during their deliberations.
The Court stood in recess, subject to the call of the jury.
At 3:35 p.m. respective counsel and the Court met outside the presence of the jury to discuss and respond to jury question #1 as noted in the stenographic record.
At 4:55 p.m. respective counsel and the Court met outside the presence of the jury to discuss and respond to jury question #2 as noted in the stenographic record.
At 6:15 p.m. respective counsel, the defendant, and the Court met outside the presence of the jury to discuss and respond to jury question #3 as noted in the stenographic record.
At 6:35 p.m. the jury returned to the courtroom and the judge read aloud the Wilkins instruction to the jury to answer the jury question #3.
At 7:20 p.m. respective counsel and the Court met outside the presence of the jury to discuss and respond to jury questions #3 and #4 as noted in the stenographic record.
At 10:00 p.m. the jury returned to the courtroom and the clerk read the following verdicts: (see attached)

Respective counsel did not wish the jury to be polled.
The jurors were thanked and excused.
The jury left the courtroom.
COURT ORDERED: Sentencing shall be March 23, 2016 immediately following the morning criminal calendar. Matter set for 1 hour.
Counsel for Defendant moved for the Defendant to be remanded into the custody of the Sheriff and presented argument thereto; objection and response by counsel Ohlson.
COURT ORDERED: Motion to remand denied. Defendant shall remain on cash bail with Court Services supervision pending sentencing.

1 CODE 4245

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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
7 IN AND FOR THE COUNTY OF WASHOE

8 * * *

9 THE STATE OF NEVADA,

10 Plaintiff,

Case No.: CR14-0357

11 v.

Dept. No.: D09

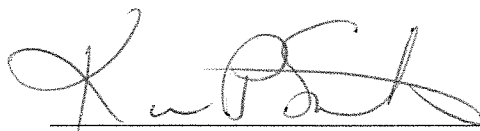
12 JERICHO JAMES BRIOADY,

13 Defendant.

14
15 VERDICT

16 We, the jury in the above-entitled matter, find the
17 defendant, JERICHO JAMES BRIOADY, NOT GUILTY of COUNT I. SEXUAL
18 ASSAULT ON A CHILD.

19 DATED this 22 day of Jan, 2016.

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22 FOREPERSON

1 CODE 4245

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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
7 IN AND FOR THE COUNTY OF WASHOE

8 * * *

9 THE STATE OF NEVADA,

10 Plaintiff,

Case No.: CR14-0357

11 v.

Dept. No.: D09


12 JERICHO JAMES BRIOADY,

13 Defendant.

14
15 VERDICT

16 We, the jury in the above-entitled matter, find the
17 defendant, JERICHO JAMES BRIOADY, NOT GUILTY of COUNT II. SEXUAL
18 ASSAULT ON A CHILD.

19 DATED this 22 day of Jan, 2016.

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FOREPERSON
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1 CODE 4245

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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
7 IN AND FOR THE COUNTY OF WASHOE

8 * * *

9 THE STATE OF NEVADA,

10 Plaintiff,

Case No.: CR14-0357

11 v.

Dept. No.: D09

12 JERICHO JAMES BRIOADY, Defendant.

13 Defendant.

14
15 VERDICT

16 We, the jury in the above-entitled matter, find the
17 defendant, JERICHO JAMES BRIOADY, GUILTY of COUNT III: LEWDNESS WITH
18 A CHILD UNDER THE AGE OF FOURTEEN YEARS.

19 DATED this 22 day of Jan, 2016.

20
21 
22 FOREPERSON

1 CODE 4245

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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
7 IN AND FOR THE COUNTY OF WASHOE

8 * * *

9 THE STATE OF NEVADA,

10 Plaintiff,

Case No.: CR14-0357

11 v.

Dept. No.: D09

12 JERICHO JAMES BRIOADY,

13 Defendant.

14
15 VERDICT

16 We, the jury in the above-entitled matter, find the
17 defendant, JERICHO JAMES BRIOADY, GUILTY of COUNT IV. LEWDNESS WITH A
18 CHILD UNDER THE AGE OF FOURTEEN YEARS.

19 DATED this 22 day of Jan, 2016.

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22 FOREPERSON

1 CODE 4245

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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
7 IN AND FOR THE COUNTY OF WASHOE

8 * * *

9 THE STATE OF NEVADA,

10 Plaintiff,

Case No.: CR14-0357

11 v.

Dept. No.: D09

12 JERICO JAMES BRIOADY, Defendant.

13 Defendant.

14
15 VERDICT

16 We, the jury in the above-entitled matter, find the
17 defendant, JERICO JAMES BRIOADY, NOT GUILTY of COUNT V. LEWDNESS
18 WITH A CHILD UNDER THE AGE OF FOURTEEN YEARS.

19 DATED this 22 day of Jan, 2016.

20
21 
22 FOREPERSON

TRIAL EXHIBITS**PLTF: STATE OF NEVADA****PATY: Nicole Hicks, D.D.A.****DEFT: JERICHO JAMES BRIOADY****DATY: John Ohlson, Esq.****Case No: CR14-0357****Dept. No: 9****Clerk: L. Sabo****Date: 1/19/16**

Exhibit No.	Party	Description	Marked	Offered	Admitted
1	State	Envelope w/ Movie Ticket – Pacific Rim	1/14/16	Stip	1/19/16
2	State	Aerial front view of 139 E. Gault	1/14/16	Stip	1/19/16
3	State	Aerial top view of 139 E. Gault	1/14/16	Stip	1/19/16
4	State	Aerial back view of 129 E. Gault	1/14/16	Stip	1/19/16
5	State	Photo – TV	1/14/16	Stip	1/19/16
6	State	Photo – side of TV console	1/14/16	Stip	1/19/16
7	State	Photo – living room overview	1/14/16	Stip	1/19/16
8	State	Photo – living room close up	1/14/16	Stip	1/19/16
9	State	Photo – loveseat with table	1/14/16	Stip	1/19/16
10	State	Photo – table & hallway close up	1/14/16	Stip	1/19/16
11	State	Photo – overview of large couch	1/14/16	Stip	1/19/16
12	State	Photo – large couch close up	1/14/16	Stip	1/19/16
13	State	Photo – table, chair & large count	1/14/16	Stip	1/19/16
14	State	Photo – chair close up	1/14/16	Stip	1/19/16
15	State	Photo – chair & outside door	1/14/16	Stip	1/19/16
16	State	Photo – hallway	1/14/16	Stip	1/19/16
17	State	Photo – bathroom	1/14/16	Stip	1/19/16

TRIAL EXHIBITS**PLTF: STATE OF NEVADA****PATY: Nicole Hicks, D.D.A.****DEFT: JERICHO JAMES BRIOADY****DATY: John Ohlson, Esq.**Case No: **CR14-0357**Dept. No: **9**Clerk: **L. Sabo**Date: **1/19/16**

Exhibit No.	Party	Description	Marked	Offered	Admitted
18	State	Photo – son’s room	1/14/16	Stip	1/19/16
19	State	CD – Brioady’s interview	1/14/16	Obj.	1/20/16
20	State	CD – Brioady telephone call	1/14/16	Stip.	1/19/16
21	State	Floor plan	1/14/16	Stip	1/19/16
22	State	Evidence bag containing Cherish’s shirt	1/14/16	Stip	1/19/16
23	State	DNA results	1/14/16	Stip	1/19/16
24	State	Weather report	1/14/16	Stip	1/19/16
25	Deft	CV of Dr. William O’Donohue	1/14/16	Stip	1/19/16
26	Deft	CV of Dr. Deborah Davis	1/14/16		
27	Deft.	Photograph of Helen Briody’s dog	1/21/16	No obj.	1/21/16

CASE NO. CR14-0357

STATE OF NEVADA VS. JERICHO JAMES BRIOADY

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

3/16/16
HON. SCOTT N.
FREEMAN
DEPT. NO. 9
L. Sabo
(Clerk)
S. Kiger
(Reporter)
P. Sewell
(Bailiff)

ORAL ARGUMENTS

Deputy D.A. Nicole Hicks represented the State.
Defendant was present with counsel, John Ohlson, Esq.
No Probation Officer or Court Services Officer were present.
The Court noted that this matter was set for a hearing on possible juror misconduct and a request by defense counsel to vacate the guilty verdicts, and directed counsel to proceed.
Counsel for Defendant invoked the rule of exclusion; SO ORDERED.

Karen Smith, called by defense counsel, was sworn and testified on direct examination. No cross-examination was conducted by the State.

Laurie Gold, called by defense counsel, was sworn and testified on direct examination. No cross-examination was conducted by the State.

Defense counsel requested a continuance in order to locate an additional juror, Juror No. 3, to testify herein and discussed the information received by defense counsel from members of the D.A.'s Office regarding improper non-disclosure by a juror. Defense counsel presented argument to the Court regarding the necessity of a continuance.

The State argued that the defense is barred from proceeding and discussed the State's Motion to Strike and argued that defense counsel must show juror misconduct at this time and has failed to do so. Further, upon a showing of misconduct, the defense must show that prejudice existed against the Defendant as a result of said misconduct.

The State argued that the defense has failed to show any prejudice against the Defendant and stated that the prejudice exists against the State's case herein. Further, the State argued that counsel is not allowed to question a juror regarding their state of mind during deliberations.

The Court discussed the voir dire process and the necessity to hear from the correct witnesses.

The State urged the Court to reconsider its ruling denying the

4/11/16
10:30 a.m.
Cont'd Hrg.
11:00 a.m.
Sentencing

State's Motion to Strike and presented further argument.

Defense counsel responded to the State's arguments both as to any prejudice which may exist and the necessity of presenting all necessary evidence/testimony to the Court on this issue.

The Court addressed counsel for Defendant regarding an email received by the Court from defense counsel requesting the Court's assistance with obtaining juror names or requiring juror appearances.

Defense counsel responded and provided an explanation of what counsel was seeking through the email sent to the Court.

The Court addressed the State and queried as to the juror contact and how the State became aware of the non-disclosure issue.

The State responded to the Court and provided an explanation of what occurred and presented further argument in support of the State's position.

Defense counsel responded and presented additional argument on behalf of the defense.

The Court directed defense counsel to provide the correct witnesses and review the transcript of the related voir dire and provide references to the same to the Court prior to the next hearing.

The State discussed the law related to a juror's state of mind during deliberations and the limitations set out therein.

COURT ORDERED: Matter continued for oral arguments with sentencing to follow.

The Court informed respective counsel that the Court was given information that Defendant had contact with a juror after the trial was over.

Defendant clarified the contact made.

The Court stated that the juror was contacted by Court staff and indicated that she did not feel intimidated in any manner and the Court determined that said contact was not willful but directed that the Defendant have no contact with anyone involved in this case, whether it be a juror or a witness; SO ORDERED.

Defendant remained on supervised bail.

CASE NO. CR14-0357

STATE OF NEVADA VS. JERICHO JAMES BRIOADY

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

4/11/16
HON. SCOTT N.
FREEMAN
DEPT. NO. 9
L. Sabo
(Clerk)
S. Kiger
(Reporter)
P. Sewell
(Bailiff)

ORAL ARGUMENTS (CONT'D.)

Deputy D.A. Nicole Hicks represented the State.
Defendant was present with counsel, John Ohlson, Esq.
Probation Officer, Tomasa Kizer, was present.
No Court Services Officer was present.
The Court noted that this was a continued hearing from March 16, 2016 on Defendant's Motion to Vacate Guilty Verdicts and For a New Trial and directed defense counsel to proceed with continued presentation of evidence.

Paulette Bischopink, called by defense counsel, was sworn, testified and cross-examined. The witness was further questioned by the Court.

During the testimony of the witness, the State played a CD of the recorded conversation between Ms. Bischopink and the State's investigator; said CD was attached to the State's Supplement to Opposition filed April 8, 2016.

Counsel for Defendant addressed the Court and argued that as a juror, Ms. Bischopink withheld information that she was required to divulge and argued that said information was intentionally concealed.

Counsel for State presented argument in opposition to Defendant's Motion.

The Court read into the record the applicable instruction given to all potential jurors during the voir dire process.

The State responded to the Court and presented additional argument in opposition to defense counsel's Motion and requested that the State be allowed to re-call the witness.

Defense counsel objected and expressed concern with examination regarding discussions which occurred during deliberations.

The State confirmed that no questions regarding any discussion held during deliberations would be posed to the witness.

Paulette Bischopink, heretofore sworn, was called by the State and testified on direct and cross-examination.

The State argued that no juror misconduct exists; however, if the Court does find that there was juror misconduct, the State argued

that the defense has failed to prove that the Defendant was prejudiced by the same.

The Court discussed the trial herein and stated that it is clear that juror Bischopink did not disclose information that Defendant could have analyzed. However, the Court does not find that prejudice was shown by the defense.

The Court does not believe that the information was withheld by juror Bischopink intentionally and that she had determined that she could remain fair and impartial.

COURT ORDERED: Defendant's Motion to Vacate Guilty Verdicts and For New Trial is hereby denied. Matter to immediately proceed to sentencing.

Defendant remained on bail.

CASE NO. CR14-0357

STATE OF NEVADA VS. JERICO JAMES BRIOADY

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

4/11/16
HON. SCOTT N.
FREEMAN
DEPT. NO. 9
L. Sabo
(Clerk)
S. Kiger
(Reporter)
P. Sewell
(Bailiff)

ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE

Deputy D.A. Nicole Hicks represented the State.
Defendant was present with counsel, John Ohlson, Esq.
Probation Officer, Tomasa Kizer, was present.
No Court Services Officer was present.
Counsel for Defendant informed the Court that there were no
factual corrections to be made to the PSI Report.
Helen Brioady, called by defense counsel, was sworn and testified
on direct examination.
No cross-examination was conducted.
Hector Brioady, called by defense counsel, was sworn and testified
on direct examination.
No cross-examination was conducted.
Counsel for Defendant discussed the legislatively mandated
sentences and presented argument in support of concurrent
sentences on Counts III and IV.
Defendant addressed the Court and requested leniency from the
Court due to his compliance throughout this case.
Counsel for State presented argument in support of consecutive
sentences.
Cherish P., called by the State, was sworn and presented a victim
impact statement to the Court.
The State presented additional arguments for consecutive terms.
The Court made statements to the Defendant.
COURT ORDERED: Judgment entered. Defendant is punished by
imprisonment in the Nevada Department of Corrections for the term
of Life With the Possibility of Parole, with parole eligibility beginning
after a minimum of ten (10) years has been served as to Count III.
As to Count IV, the Defendant is punished by imprisonment in the
Nevada Department of Corrections for the term of Life With the
Possibility of Parole, with parole eligibility beginning after a
minimum of ten (10) years has been served. Count IV shall run
concurrently with Count III.
The Defendant is further ordered to pay the statutory Twenty-Five
Dollar (\$25.00) administrative assessment fee, a One Hundred Fifty

Dollar (\$150.00) DNA testing fee, and submit to a DNA analysis to determine the presence of genetic markers, the Three Dollar (\$3.00) DNA administrative assessment for obtaining a biological specimen and conducting a genetic marker analysis and restitution in the amount of Five Hundred Sixteen Dollars and Sixty-Two Cents (\$516.62). The Defendant is given nineteen (19) days credit for time served.

A special sentence of Lifetime Supervision shall commence after any period of probation, or any term of imprisonment or after any period of release on parole.

Defendant's bond is hereby exonerated and Defendant is remanded to the custody of the Sheriff.

1 **Code 1350**

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4 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
5 **IN AND FOR THE COUNTY OF WASHOE**

6 **THE STATE OF NEVADA,**

Case No. CR14-0357

7
8 **Plaintiff,**

Dept. No. 9

9 **vs.**

10 **JERICHO JAMES BRIOADY,**

11 **Defendant.**
12 _____/

13 **CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL**

14 I certify that I am an employee of the Second Judicial District Court of the State of Nevada,
15 County of Washoe; that on the 29th day of April, 2016, I electronically filed the Notice of Appeal in
16 the above entitled matter to the Nevada Supreme Court.

17 I further certify that the transmitted record is a true and correct copy of the original
18 pleadings on file with the Second Judicial District Court.

19 Dated this 29th day of April, 2016

20 Jacqueline Bryant
21 Clerk of the Court

22 By /s/ Yvonne Vilorio
23 Yvonne Vilorio
24 Deputy Clerk
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