

IN THE SUPREME COURT OF THE STATE OF NEVADA

DR. SHERA D. BRADLEY, *Petitioner*,

vs.

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Tracie K. Lindeman
Clerk of Supreme Court

THE EIGHT JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA in
and for the County of Clark, and THE HONORABLE DOUGLAS W.
HERNDON, District Court Judge, *Respondents*,

vs.

DONTAE HUDSON, an individual; and THE STATE OF NEVADA, by and
through STEVEN B. WOLFSON in his official capacity as District Attorney for
the County of Clark, Nevada, *Real Parties in Interest*.

**PETITIONER'S APPENDIX TO HER PETITION FOR WRIT OF
PROHIBITION OR MANDAMUS**

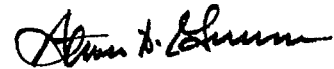
Supreme Court Case No.:

District Court Case No.: C-15-307301-1
The Honorable Douglas W. Herndon
District Court, Clark County

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CLERK OF THE COURT

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6
7 EIGHTH JUDICIAL DISTRICT COURT
CRIMINAL DIVISION
8 CLARK COUNTY, NEVADA

9 STATE OF NEVADA,

10 Plaintiff,

11 vs.

12 DONTAE HUDSON,

13 Defendant.

CASE NO.: C-15-307301-1
DEPT. NO.: III

Hearing Date: 12 / 15 / 15
Hearing Time: 9 : 00 AM

14 MOTION FOR DISCOVERY

15 COMES NOW the Defendant, DONTAE HUDSON, by and through his attorney of record,
16 KAREN A. CONNOLLY, of the law offices of KAREN A. CONNOLLY, LTD., and respectfully
17 requests, pursuant to NRS 174.235 et seq., Article I of the Nevada Constitution, the Fifth, Sixth,
18 and Fourteenth Amendments to the United States Constitution, and relevant case law, that this
19 Court order the production of the materials, including potentially exculpatory evidence, as specified
20 below. Defendant requests that this Court order the individuals named below to produce for
21 inspection and copying the documents specified herein, wherever such documents may be located.
22 To the extent any evidence is not ordered to be produced, the accused requests an order that it be
23 preserved.

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1 This Motion is made and based upon the pleadings and papers on file herein, the following
2 Points and Authorities, and any arguments made at the time of hearing, if any.

3 DATED this 3 day of December, 2015.

4 Respectfully submitted by:

5 KAREN A. CONNOLLY, LTD.

6
7
8
9
10 KAREN A. CONNOLLY
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13 NOTICE OF MOTION

14 To: STEVEN B. WOLFSON, Clark County District Attorney, and
15 SAMUEL S. MARTINEZ, Chief Deputy District Attorney-Criminal of the Clark County
District Attorneys, Attorneys for Plaintiff.

16 YOU WILL PLEASE TAKE NOTICE that the Defendant will bring the above and foregoing
17 Motion on for hearing before the Court on the 15 day of Dec. 2015, at 9:00 a.m.,
18 in Department 3 of the District Court.

19 DATED this 3 day of December 2015.

20 KAREN A. CONNOLLY, LTD.

21
22 /s/ Karen A. Connolly
KAREN A. CONNOLLY
23 NV Bar No. 4240
24 6600 W. Charleston Blvd., Suite 124
Las Vegas, NV 89146
Attorney for Defendant

25 ///

26 ///

27 ///

28

POINTS AND AUTHORITIES IN SUPPORT OF

Defendant Dontae Hudson has been charged by way of Information with **First Degree Kidnapping (Category A Felony - NRS 200.310, 200.320 - NOC 50053); Sex Trafficking of a Child Under 16 Years of Age (Category A Felony - NRS 201.300.2a1 - NOC 58003); Child Abuse, Neglect or Endangerment (Category B Felony - NRS 200.508(1) - NOC 55226) and Living from the Earnings of a Prostitute (Category D Felony - NRS 201.320 - NOC 51006).** Trial in this matter is set for February 16, 2015.

NRS 174.235 states as follows, in pertinent part:

1. Except as otherwise provided in NRS 174.233 to 174.295, inclusive, at the request of a defendant, the prosecuting attorney shall permit the defendant to inspect and to copy or photograph any:

(a) Written or recorded statements or confessions made by the defendant, or any written or recorded statements made by a witness the prosecuting attorney intends to call during the case in chief of the State, or copies thereof, within the possession, custody or control of the State, the existence of which is known, or by the exercise of due diligence may become known, to the prosecuting attorney;

(b) Results or reports of physical or mental examinations, scientific tests or scientific experiments made in connection with the particular case, or copies thereof, within the possession, custody or control of the State, the existence of which is known, or by the exercise of due diligence may become known, to the prosecuting attorney; and

© Books, papers, documents, tangible objects, or copies thereof, which the prosecuting attorney intends to introduce during the case in chief of the State and which are within the possession, custody or control of the State, the existence of which is known, or by the exercise of due diligence may become known, to the prosecuting attorney.

2. The defendant is not entitled, pursuant to the provisions of this section, to the discovery or inspection of:

(a) An internal report, document or memorandum that is prepared by or on behalf of the prosecuting attorney in connection with the investigation or prosecution of the case.

(b) A statement, report, book, paper, document, tangible object or any other type of item or information that is privileged or protected from disclosure or inspection pursuant to the Constitution or laws of this state or the Constitution of the United States.

3. The provisions of this section are not intended to affect any obligation placed upon the prosecuting attorney by the Constitution of this state or the Constitution of the United States to disclose exculpatory evidence to the defendant.
(Emphasis added.)

1 A. Statutory Requirements.

2 While NRS 171.235 reads as set forth above, NRS 171.1965(1)(a), providing for discovery
3 prior to the preliminary hearing, specifically provides for the provision to the defense of "any
4 reports of statements or confessions" of witnesses, in addition to written or recorded statements.
5 NRS 171.1965 also does not limit the statements to be provided to those the State intends to call
6 at trial. Surely, it cannot be the intent of the legislature to allow those accused greater access to
7 discovery prior to the preliminary hearing than that provided for trial. The difference in these
8 statutory provisions may well be explained by the fact that NRS 174.235 was first enacted in 1967,
9 and NRS 171.1965, not until 1997. It is therefore Hudson's position that if witnesses interviewed
10 told the officers or any investigator working on behalf of the prosecution anything about the alleged
11 incident, whether their statements were recorded or not, or formal or not, the substance of these
12 statements should be preserved and provided to the defense. Clearly, if any of this information tends
13 to discredit any potential State's witness, it is exculpatory evidence which must be provided,
14 whether the prosecution is aware of it or not at this time. The defense additionally requests
15 preservation and production of any testing or information concerning physical evidence, including
16 any rough or bench notes related to the same. The same rationale applies to these items as applies
17 to notes or reports of witness statements.

18 B. Constitutional Considerations Mandate the Requested Discovery.

19 NRS 174.235 provides in part that "[t]he provisions of this section are not intended to affect
20 any obligation placed upon the prosecuting attorney by the Constitution of this state or the
21 Constitution of the United States to disclose exculpatory evidence to the defendant." It is clear that
22 the State must provide to the defense all exculpatory evidence in its actual or *constructive*
23 possession prior to trial. Failure to do so results in a violation of the Due Process Clauses of the
24 Fifth and Fourteenth Amendments of the United States Constitution. The rule applies regardless of
25 how the State has chosen to structure its overall discovery process. *Brady v. Maryland*, 373 U.S.
26 83, 83 S.Ct. 1194, 10 L.Ed.2d 215 (1963); *Kyle v. Whitley*, 514 U.S. 419, 115 S.Ct. 1555, 131
27 L.Ed.2d 490 (1995); *Strickler v. Greene*, 527 U.S. 263, 119 S.Ct. 1936, 144 L.Ed.2d 286 (1999).
28 Hereinafter this type of exculpatory evidence will be referred to as "*Brady* material."

1 *Brady* material is that evidence which is: 1) material, 2) relevant to guilt or punishment 3)
2 favorable to the accused, 4) and within the actual or constructive possession of anyone acting on
3 behalf of the State.

4 When the defense makes a specific request for *Brady* material and the State does not provide such
5 material, the Nevada Supreme Court has held that there are grounds for reversal of a conviction "if
6 there exists a reasonable possibility that the claimed evidence would have affected the judgment of
7 the trier of fact." *Roberts v. State*, 110 Nev. 1121, 881 P.2d 1, 5 (1994) (overruled on other
8 grounds). See, also, *Jimenez v. State*, 112 Nev. 610, 619, 918 P.2d 687, 692 (1996), and *State v.*
9 *Bennett*, 119 Nev. 589, 81 P.3d 1, 8 (2003).

10 Even if a specific request has not been made, reversal is still warranted "if there is a
11 reasonable probability that, had the evidence been disclosed to the defense, the result of the
12 proceeding would have been different." *Bagley*, 473 U.S. 667 at 682, 685; *Pennsylvania v. Ritchie*,
13 480 U.S. 39, 57 (1986). "A 'reasonable probability' is a probability sufficient to undermine
14 confidence in the outcome." (*Bagley*, 473 U.S. at 682, 685; *Ritchie*, 480 U.S. at 57. *Roberts*, *supra*,
15 110 Nev. at 1128.)

16 Therefore, absent a specific request for *Brady* material, anything that might have created a
17 probability that the confidence of the verdict was undermined is considered material. Where a
18 specific request is made, however, anything that creates a reasonable possibility that the evidence
19 might have affected the fact-finder's judgment is material. This motion is such a specific request.

20 *Brady* material applies not only to evidence which might affect an accused's guilt, but also
21 includes evidence which could serve to mitigate an accused's sentence if convicted. *Jimenez v.*
22 *State*, 112 Nev. 610, 918 P.2d 687 (1996).

23 The Nevada Supreme Court has spoken directly to what is considered "favorable to the
24 accused" and therefore proper *Brady* material. In *Mazzan v. Warden*, 116 Nev. 48, 67, 993 P.2d
25 25, 37 (2000) the court stated:

26 Due process does not require simply the disclosure of "exculpatory" evidence.
27 Evidence also must be disclosed if it provides grounds for the defense to
28 attack the reliability, thoroughness, and good faith of the police investigation,
to impeach the credibility of the state's witnesses, or to bolster the defense case
against prosecutorial attacks. Furthermore, "[d]iscovery in a criminal case is

1 not limited to investigative leads or reports that are admissible in evidence."
2 Evidence "need not have been independently admissible to have been
3 material." (citations omitted)

4 Therefore, *Brady* material under this standard, would include, but not be limited to, the
5 following examples: forensic testing which was ordered, but not done, or which was completed
6 but did not inculcate the accused; criminal records or other evidence concerning State's witnesses
7 which might show their bias (e.g., civil litigation), or otherwise impeach their credibility; evidence
8 that the alleged victim has been the alleged victim of an unusual number of crimes; investigative
9 leads or ordinarily appropriate investigation which were not followed-up on or completed by law
10 enforcement; and, of course, anything which is inconsistent with any prior or present statements
11 of a State's witness, including the failure to previously make a statement which is later made or
12 testified to. Of course, traditionally exculpatory evidence such as that which could show that the
13 defendant did not commit, or that someone else committed the charged crime, or that no crime
14 occurred, would also be included as *Brady* material.

15 Based on prior experience, it is anticipated that the prosecution may assert that it has an
16 "open file" policy and that the requested material is not available in its file, especially because NRS
17 171.1965 speaks to materials "within the possession or custody of the prosecuting attorney." This
18 argument is unavailing. In *Strickler v. Green, supra*, 527 U.S. at 283, 119 S.Ct. 1949, the United
19 States Supreme Court explicitly held that a prosecutor's open file policy does not in any way
20 substitute for or diminish the State's obligation to turn over *Brady* material. The Nevada Supreme
21 Court is in accord. "It is a violation of due process for the prosecutor to withhold exculpatory
22 evidence, and his motive for doing so is immaterial (citations omitted)." *Jimenez v. State*, 112 Nev.
23 610, 618, 918 P.2d 687, 692 (1996). Furthermore, "even if the detectives withheld their reports
24 without the prosecutor's knowledge, 'the state attorney is charged with constructive knowledge and
25 possession of evidence withheld by other state agents, such as law enforcement officers.'" *Id.*, 112
26 Nev. at 620 (citation omitted). Hudson submits that other state agents such as probation and parole
27 officers, welfare workers, jail personnel, and similar agents of the State are also included in those
28 from whom the prosecution must seek out *Brady* material.

1 In *Kyle v. Whitley*, *supra*, the United States Supreme Court made it clear that the prosecutor
2 has an affirmative obligation to obtain *Brady* material and provide it to the defense, even if the
3 prosecutor is initially unaware of its existence. In so finding, the Supreme Court noted that "[t]he
4 prosecution's affirmative duty to disclose evidence favorable to a defendant can trace its origins
5 to early 20th century strictures against misrepresentation and is of course most prominently
6 associated with this Court's decision in *Brady v. Maryland*..." *Id.* 514 U.S. at 432. The *Kyle* Court
7 also made it clear that this obligation exists even where the defense does not make a request for
8 such evidence. *Id.*

9 The *Kyle* Court additionally made the following observations when finding the State had
10 breached its duty to *Kyle* and when discussing the prosecutor's obligations:

11 This in turn means that the individual prosecutor has a duty to learn of any
12 favorable evidence known to the others acting on the government's behalf in
13 the case, including the police. But whether the prosecutor succeeds or fails in
14 meeting this obligation (whether, that is, a failure to disclose is in good faith
15 or bad faith), the prosecution's responsibility for failing to disclose known,
16 favorable evidence rising to a material level of importance is inescapable.

17 The State of Louisiana would prefer an even more lenient rule. It pleads that
18 some of the favorable evidence in issue here was not disclosed even to the
19 prosecutor until after trial, and it suggested below that it should not be held
20 accountable under *Bagley* and *Brady* for evidence known only to police
21 investigators and not to the prosecutor. To accommodate the State in this
22 manner would, however, amount to a serious change of course from the *Brady*
line of cases. In the State's favor it may be said that no one doubts that police
investigators sometimes fail to inform a prosecutor of all they know. *But*
neither is there any serious doubt that "procedures and regulations can be
established to carry [the prosecutor's] burden and to insure communication
of all relevant information on each case to every lawyer who deals with it."
Since then, the prosecutor has the means to discharge the government's Brady
responsibility if he will, any argument for excusing a prosecutor from
disclosing what he does not happen to know about boils down to a plea to
substitute the police for the prosecutor, and even for the courts themselves,
as the final arbiters of the government's obligation to ensure fair trials.

23 *Kyle*, *supra*, 514 U.S. at 437, 438 (citations and footnotes omitted, emphasis added).

24 There can be little question, therefore, that despite its "open file policy," the prosecution has
25 an affirmative duty to seek out the previously discussed *Brady* material, regardless of whether such
26 material is in the hands of the prosecutor or in the hands of some other entity acting on behalf of
27 the State.

28 In the instant case, the defense should be entitled to any of the requested discovery which:

1 [P]rovides grounds for the defense to attack the reliability, thoroughness, and good
2 faith of the police investigation, to impeach the credibility of the state's witnesses,
3 or to bolster the defense case against prosecutorial attacks. Furthermore,
4 "[d]iscovery in a criminal case is not limited to investigative leads or reports that
5 are admissible in evidence." Evidence "need not have been independently
6 admissible to have been material."

7 *Mazzan, supra*, 116 Nev. 48, 67, 993 P.2d 25, 37. Therefore, any indications of attempts to
8 influence, intimidate, or reward prospective witnesses by law enforcement or any agents of this
9 State or another jurisdiction during unrecorded conversations would be *Brady* material.
10 Additionally, any comments by prospective witnesses which could be used to impeach their
11 testimony, or which would be favorable to the defense, are required *Brady* material. Any leads
12 which were not followed-up on by police, any information from potential witnesses which the State
13 has not elected to use but which might provide grounds for the defense to attack the State's case,
14 whether admissible in evidence or not, must also be considered *Brady* material. Lastly, any criminal
15 histories of prospective witnesses, the alleged victim, and co-defendants are considered exculpatory,
16 as they might provide information which could be used to impeach said witnesses or contribute to
17 a potential defense or mitigation. As noted *supra*, this discovery is constitutionally mandated
18 whether the prosecuting attorney has it in his or her file or not, or is even aware of it. Therefore, the
19 provisions of NRS 174.235 attempting to limit the discovery to items under the custody or
20 possession of the district attorney must yield to constitutional considerations. There are sufficient
21 indications from the discovery provided thus far that such materials may exist. *See, Facts, supra*.

22 Hudson anticipates that the State may attempt to assert a work-product privilege concerning
23 his request for notes. However, he submits that the work-product privilege is intended to protect
24 mental impressions and thoughts in anticipation of litigation, *Wardleigh v. Second Judicial District*
25 *Court*, 111 Nev. 345, 357; 891 P.2d 1180, 1188 (1995) (the privilege "protects an attorney's mental
26 impressions, conclusions, or legal theories concerning the litigation, as reflected in memoranda,
27 correspondence, interviews, briefs, or in other tangible and intangible ways. *See, Hickman v. Taylor*,
28 329 U.S. 495, 510-11, 91 L. Ed. 451, 67 S. Ct. 385 (1947); NRCP 26 (b) (3).") The privilege does
not encompass statements of those with information about a crime. *See, Whitehead v. Nevada*

1 *Com'n on Judicial Discipline*, 111 Nev. 70, 96; 893 P.2d 866, 881 (1995) (overruled on other
2 grounds), where the court noted that:

3 [T]he work product privilege, however, may not be asserted as a basis for refusing
4 to disclose the identity and statements or the substance of the statements of
5 witnesses, which must be made available to the respondent judge to enable the judge
6 to prepare for a probable cause hearing irrespective of whether signed statements
7 from such witnesses have been secured.

8 Other jurisdictions have specifically recognized the propriety of exempting essentially verbatim
9 witness statements from the work-product privilege. *See, e.g., State ex rel. Crawford v. Lake*
10 *County*, 549 N.E.2d 374 (Ind. 1990); *Hicks v. State*, 544 N.E.2d 500 (Ind. 1989) (overruled on
11 other grounds).

12 Due process guarantees of fundamental fairness give an accused the right to documents that
13 could be favorable to his defense even if those documents are confidential or privileged in nature.
14 *See, Pennsylvania v. Ritchie*, 480 U.S. 39, 107 S.Ct. 989 (1987) (holding a defendant was entitled
15 to confidential Child Protective Services records under the Fourteenth Amendment's guarantee
16 of a fair trial.)

17 For all of the foregoing reasons, both statutory authority and Defendant's rights to due
18 process and a fair trial, to present a defense, to confront and cross-examine the witnesses against
19 him, and to effective assistance of counsel, as guaranteed by the Fifth, Sixth, and Fourteenth
20 Amendments to the Constitution of the United States and Article 1, Sec. 8 of the Nevada
21 Constitution mandate that his request for preservation and production of evidence, as set forth
22 below, be granted.

23 III. DOCUMENTS TO BE PRODUCED

24 Donta Hudson respectfully requests that this Honorable Court order the State of Nevada
25 to preserve and produce the following enumerated items and documents. In the case of any items
26 and documents the Court does not order produced, he requests that the State be ordered to preserve
27 said items and documents, should they be necessary for any trial or appeal of this matter. To the
28 extent that such materials have already been produced in full to the defense, he considers the
request honored.

1 1) Contact information: The names and addresses and contact information of any and
2 all state lay witnesses, including updated information for such witnesses.

3 2) All written or recorded statements, memoranda, and summaries of oral statements
4 of any persons, contacted by law enforcement or any other agents of this State or other
5 jurisdictions, including the FBI, who may have knowledge pertinent to this prosecution, whether
6 or not the State intends to call such persons as witnesses in this matter. This request includes notes
7 which contain essentially verbatim information provided by these persons, as well as original audio
8 and/or video tape recordings of any interviews.

9 3) Criminal History Records: Any information, including NCIC records, and juvenile
10 or adult criminal history information, including arrests or charges for offenses involving violence,
11 prostitution, alcohol use, theft, obstruction, false reporting, or other offenses related to
12 truthfulness/veracity, and any information related to credibility or bias, whether or not the
13 information is admissible by the rules of evidence, of any alleged victim or material all lay witness
14 in the case. In addition to the mandate of NRS 174.235, the Court may allow inspection of juvenile
15 offenses and arrest or adjudication records of DJJS pursuant to NRS Chapter 62H. For instance,
16 NRS 62H.030(1), allows for inspection of "records of any case brought before the juvenile court
17 . . . by court order to persons who have a legitimate interest in the records." Further, NRS
18 62H.170(2) © provides that, even if the juvenile records are sealed, "The juvenile court may order
19 the inspection of records . . . if: . . . an attorney representing a defendant in a criminal action
20 petitions the juvenile court to permit the inspection of the records to obtain information relating
21 to the persons who were involved in the acts detailed in the records."

22 Here, the records sought are clearly relevant. The state alleges that Hudson got the alleged
23 victim involved in prostitution. Her juvenile and any DCFS records should be reviewed in camera
24 for relevant information. These records are relevant for a number of reasons including ability to
25 recall, veracity of the alleged victims, and motivation to fabricate. Questions of a witness's
26 competence and credibility are always at issue in a criminal case. See *Lobato v. State*, 120 Nev.
27 512, 96 P.3d 765 (2004) (holding that impeachment by extrinsic evidence is appropriate where
28

1 attacking a witness's competence to testify, i.e., attacking defects in perception, memory,
2 communication and ability to understand).

3 4) Any statements, formal or not, and recorded or not, alleged to have been made by
4 Hudson. This request includes any notes of law enforcement related to the same.

5 5) Any and all records, documents, notes, test results, reports of any forensic
6 examination, evaluation or testing of any evidence, and requests for testing of evidence in this case
7 not already provided in discovery. This includes any preliminary reports or notes, not included in
8 a final report.

9 NRS 174.234(2)(a) requires the State to disclose the substance of expert testimony 21 days
10 before trial. In addition, pursuant to NRS 50.305, this Court has discretion to order the state to
11 make such disclosure in order to allow Defendant to effectively prepare for trial.

12 6) A listing of all forensic evidence gathered concerning this event, whether submitted
13 for testing or not. Defendant also requests any reports produced related to this evidence, including
14 any rough or "bench" notes and testing protocols concerning this testing.

15 7) Field Notes or Case Monitoring forms (or time lines) for any event numbers related
16 to the charged incident. These items go directly to the nature and thoroughness of the police
17 investigation. As noted in *Mazzan, supra*, evidence "must be disclosed if it provides grounds for
18 the defense to attack the reliability, thoroughness, and good faith of the police investigation."
19 Therefore these field notes are crucial to providing the accused with the information necessary to
20 such a defense.

21 8) Disclosure in writing of any promises, favors, deals, bargains, special treatments,
22 leniency, immunity, housing or consideration of any kind, or expectation of the same paid, given,
23 offered, or held out by the prosecution and/or law enforcement agency in exchange for testimony,
24 evidence, and/or information, whether or not it is intended to be used by the prosecution,
25 specifically also including any and all records and notes from the victim witness office of the
26 District Attorney, records of any monetary assistance given to the alleged victim, relatives or other
27 family members or guardians, and any benefits received in the way of services or favors or
28 favorable treatment. This request includes information on any and all cases in which witnesses to

1 be used against Hudson, which have been provided information or testimony for the prosecution
2 in other cases, so that the Defense can independently investigate the existence of any benefit to
3 such witnesses. This request also includes any information on cases against or arrests of any State
4 witness which were ongoing at the time of the incident or occurred after the incident in question,
5 so that the defense can independently investigate whether the promise of any benefit might be
6 perceived by such witness in exchange for his cooperation here. Evidence showing that the State
7 or any law enforcement agency has made promises of leniency, immunity, or other preferential
8 treatment in exchange for witness information or testimony is discoverable under the *Brady* rule.
9 *Giglio v. United States*, 405 U.S. 150, 92 S. Ct. 763 (1972). In *Giglio*, the Court stated that
10 evidence of any understanding or agreement attached to future or present prosecution would also
11 be relevant to the witnesses' credibility. *Id.* at 154, 92 S. Ct. at 766. The Court reaffirmed this
12 principle in *United States v. Bagley*, 473 U.S. 667, 105 S. Ct. 3375 (1985). In *Bagley*, the Court
13 indicated that the failure to disclose such evidence might affect trial strategy and result in
14 ineffective assistance of counsel. *Id.* at 682-83, 105 S. Ct. at 3383-84. The Ninth Circuit, in
15 reconsidering *Bagley* on remand, found that non-disclosure of evidence that would have been used
16 to impeach the government's key witness in an effective manner undermined confidence in the
17 outcome of *Bagley*'s trial, and was therefore material. See *Bagley v. Lumpkin*, 798 F.2d 1297,
18 1302 (9th Cir. 1986).

19 Here, any information that the witnesses in this case have received any benefit or promise
20 of benefit is valuable to the defense as possible impeachment evidence. Similarly, it is necessary
21 to the defense investigation of the State's witnesses for the State to disclose any cooperation by a
22 witness in any other case by the government.

23 Even if the State does not characterize certain treatment of its witnesses as a "benefit" in
24 this case, i.e., as where a witness "happens" to be released from custody after giving helpful
25 testimony, the defense must be allowed to pursue their own investigation of the issue. Pursuant to
26 the above authorities, the evidence need not itself be independently inadmissible for its disclosure
27 to be required. In sum, due process under the state and federal constitutions requires that the
28

1 information requested here be furnished to the defendant, whether formal or not, or completed or
2 not.

3 9) All written reports, notes, memoranda, maps, drawings or diagrams written, drawn
4 or otherwise prepared by the Las Vegas Metropolitan Police Department, or any other law
5 enforcement agency or individual or agent of this State or any other jurisdiction, including federal
6 authorities, in connection with or pertaining to the investigation of the crimes charged against
7 Hudson,

8 10) True copies of all photographs, videotapes, or audiotapes which the State intends
9 to offer into evidence at the trial of this cause of action, and all other photographs, videotapes, or
10 audiotapes relevant to the subject matter of this cause of action, and not covered under another
11 specific request or provided previously. Hudson also requests the same items in any way related
12 to the incidents involved be produced whether the State intends to use them at trial or not. Should
13 any of the items in this request have been lost or destroyed, those items should be specifically
14 listed, and an explanation for their loss or destruction should be furnished.

15 11) All tangible or demonstrative objects, books, papers or documents which the State
16 will rely on for trial, or which were seized at the time of the apprehension of the accused or his co-
17 defendants or the execution of any search warrants, not already provided to the defense.

18 12) All search warrants sought or obtained related to these charges, including the
19 warrants, affidavits to obtain the same, and returns on the same.

20 13) Information as to whether any digital imaging or enhancement techniques were used
21 in connection with the analysis of any evidence related to this cause, whether the results of such
22 techniques or analyses are intended to be used by the State at trial or not.

23 14) Any criminal history information or acts concerning Defendant which the State
24 intends to use at the trial of this matter, including use for impeachment if he should testify, and/or
25 for proof of knowledge, intent, common scheme or plan, or other purposes, pursuant to NRS
26 48.045.

27 15) Information as to whether there has been any surveillance of Defendant during the
28 pendency of the investigation in this case, including electronic surveillance of any conversation to

1 which the accused was a party. This request includes any monitoring of calls or contacts involving
2 the accused at the Clark County Detention Center. If such electronic surveillance exists, provide
3 a copy of any such tape/CD and any transcripts which exist.

4 16) All 911 calls and CAD records related to any of the alleged incident/events involved
5 in the instant charges against Hudson.

6 17) Copies of any photo arrays or photos containing Defendant shown to any potential
7 witnesses or co-defendants in this case.

8 18) Any information obtained during the investigation of this matter which could in any
9 way be considered favorable to the defense, whether discounted by the State or not. Such
10 information includes, but is not limited to, information furnished by those interviewed during the
11 investigation, the results of any searches performed, any leads which were furnished to law
12 enforcement, whether such leads were followed-up on or not, and any forensic evidence.

13 19) All relevant reports of chain of custody or destruction of evidence.

14 20) Copies of any and all internal vice narrative reports/notes related to contacts
15 between the alleged victim and LVMPD officers

16 21) Copies of all records subpoenaed by LVMPD or the state.

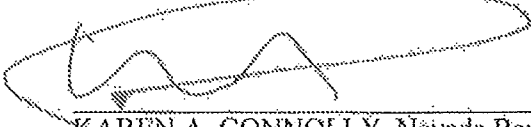
17 22) Counseling records of the alleged victim for services she received following the
18 incident in question.

19 CONCLUSION

20 WHEREFORE, it is respectfully requested that this Honorable Court to grant his Motion
21 for Discovery.

22 DATED this 3 day of December 2015.

23 KAREN A. CONNOLLY, LTD.

24 
25 KAREN A. CONNOLLY, Nevada Bar No. 4240
26 6600 W. Charleston Blvd., Ste. 124
27 Las Vegas, NV 89146
28 Attorney for Defendant, DONTAE HUDSON

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of KAREN A. CONNOLLY, LTD., and on the 3 day of December, 2015, I served a true and correct copy of the above and foregoing Petition for Writ of Habeas Corpus pursuant to NRCP 5 by the method or methods indicated below:

☒ by depositing the same in the U.S. Mail, First Class Mail, with postage fully prepaid, at Las Vegas, Nevada, addressed as follows:

Steven B. Wolfson, District Attorney
Samuel S. Martinez, Chief Deputy District Attorney
OFFICE OF THE DISTRICT ATTORNEY
200 E. Lewis Avenue
Las Vegas, NV 89010

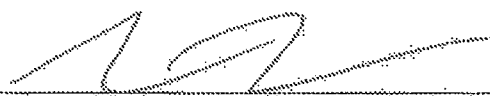
☐ by facsimile to the below-listed number:

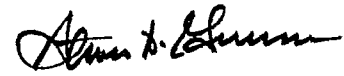
Steven B. Wolfson, District Attorney
Facsimile No.: (702) 868-2415

Samuel S. Martinez, Chief Deputy District Attorney
Facsimile No.: (702) 868-2423

☒ by electronic service via WIZNET to the below-listed email address:

Steven B. Wolfson, District Attorney
Samuel S. Martinez, Chief Deputy District Attorney
Email: motions@clarkcountynyda.com


An Employee of KAREN A. CONNOLLY, LTD.


CLERK OF THE COURT

OPPS
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
SAMUEL S. MARTINEZ
Chief Deputy District Attorney
Nevada Bar #010671
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
State of Nevada

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

DONTAE HUDSON,
#2778981

Defendant.

CASE NO: C-15-307301-1

DEPT NO: III

STATE'S OPPOSITION TO DEFENDANT'S MOTION FOR DISCOVERY

DATE OF HEARING: December 15, 2015
TIME OF HEARING: 9:00 A.M.

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through SAMUEL S. MARTINEZ, Chief Deputy District Attorney, and hereby submits the attached Points and Authorities in State's Opposition to Defendant's Motion for Discovery.

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

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STATEMENT OF FACTS

Between February 1, 2015 and February 13, 2015 J.A. ("victim") was fifteen (15) years old and living with her mother. Preliminary Hearing Transcript, page 8, 22 ("PHT"). The victim met Defendant through a friend a few months prior to the above referenced time-frame. PHT 8-9. Defendant and victim began spending time together. PHT 10. Defendant and victim talked about making money. PHT 10. Defendant also talked to the victim about the "Blade." PHT 12. At first, victim did not understand what the term "Blade" meant. PHT 12. Defendant then taught her what the "Blade" was and the victim learned that it was a location on Tropicana in Las Vegas, Clark County, Nevada. PHT 13. Defendant wanted the victim to walk up and down the "Blade" until she caught a date. PHT 15. Defendant drove the victim to the "Blade." PHT 27. When she caught a date the victim was supposed to give the date oral sex in exchange for money, more specifically, \$80.00. PHT 17-19. The victim was also supposed to charge dates \$200.00 for sexual intercourse and \$60.00 for "jacking off" dates. PHT 19-20. The Defendant also told the victim that when she caught a date she was supposed to tell the date to go to the closest gas station to get condoms. PHT 27. The victim gave the money she made from these sexual encounters to the Defendant. PHT 21. The victim did not have permission from her mother to engage in these acts and she never saw Defendant talk to her mom. PHT 23.

ARGUMENT

It is the position of the Clark County District Attorney's Office to permit discovery and inspection of any relevant material pursuant to the appropriate discovery statutes (NRS 174.235) and any exculpatory material as defined by the United States Supreme Court in Brady v. Maryland, 373 U.S. 83 (1963). However, the District Attorney's Office will not permit discovery rules to be used as a vehicle wherein the State of Nevada is required to investigate and prepare the defendant's case.

All statements and reports submitted by the Las Vegas Metropolitan Police Department, which includes witness statements and transcripts of interviews, as well as scientific reports and analysis have been or will be provided to the defense in this case.

1 Under Brady v. Maryland, 373 U.S. 83 (1963), and its progeny, the defense cannot
2 require that the prosecution conduct further investigation to uncover purported exculpatory
3 evidence that it does not possess. The defendant is not entitled to all evidence known or
4 believed to exist which is or may be favorable to the accused, or which pertains to the
5 credibility of the prosecution's case. In United States v. Gardner, 611 F.2d 770, 774-775 (9th
6 Cir. 1980), the court stated that the prosecution:

7 . . . does not have a constitutional duty to disclose every bit of information that
8 might affect the jury's decision; it need only disclose information favorable to
the defense that meets the appropriate standard of materiality.

9 See also, United States v. Sukumolachan, 610 F.2d 685, 687 (9th Cir. 1980) (prosecution not
10 required to create exculpatory material).

11 Under federal law, Brady does not create any pretrial discovery privileges not contained
12 in the Federal Rules of Criminal Procedure (which served as the model for Nevada law).
13 United States v. Flores, 540 F.2d 432, 438 (9th Cir. 1980).

14 In short, citation to Brady does not relieve a defendant of the obligation of doing his
15 own investigation. The Defendant is free to seek the material he claims to want; he is not,
16 however free to seek it from the prosecution.

17 The prosecution holds an indispensable legal duty to not only disclose to the defendant
18 all inculpatory evidence in its possession pursuant to statute, *see e.g.* NRS 174.233 et seq., but
19 also to disclose to the defendant all material evidence in its possession that is favorable to an
20 accused because it is either exculpatory or has impeachment value (hereinafter, such favorable
21 evidence shall be referred to as "*Brady* material"). *Brady v. Maryland*, 373 U.S. 83 (1963);
22 *U.S. v. Bagley*, 473 U.S. 667, 676 (1985). While the former requirement derives explicitly
23 from statute, the latter requirement is of constitutional dimension. *Brady*, 373 U.S. at 87. This
24 duty to disclose applies to the prosecution without regard to whether a defendant makes a
25 request for discovery. *U.S. v. Agurs*, 427 U.S. 97, 107 (1976). A prosecutor's obligation to
26 provide discovery to a defendant, however, is limited to only that information required by
27 statute or *Brady*. *See Weatherford v. Busey*, 429 U.S. 545, 559 (1977) ("There is no general
28 constitutional right to discovery in a criminal case, and *Brady* did not create one... 'the Due

1 Process Clause has little to say regarding the amount of discovery which the parties must be
2 afforded..." [citation omitted]); *Kyles v. Whitley*, 514 U.S. 419, 436-37 (1995) ("We have
3 never held that the Constitution demands an open file policy..."). In Nevada, NRS 174.235
4 outlines specifically the affirmative pretrial discovery obligations of the State:

5 1. Except as otherwise provided in NRS 174.233 to 174.295, inclusive, at the
6 request of a defendant, the prosecuting attorney shall permit the defendant to
7 inspect and to copy or photograph any: (a) Written or recorded statements or
8 confessions made by the defendant, or any written or recorded statements made
9 by a witness the prosecuting attorney intends to call during the case in chief of
10 the State, or copies thereof, within the possession, custody or control of the State,
11 the existence of which is known, or by the exercise of due diligence may become
12 known, to the prosecuting attorney; (b) Results or reports of physical or mental
13 examinations, scientific tests or scientific experiments made in connection with
14 the particular case, or copies thereof, within the possession, custody or control
15 of the State, the existence of which is known, or by the exercise of due diligence
16 may become known, to the prosecuting attorney; and (c) Books, papers,
17 documents, tangible objects, or copies thereof, which the prosecuting attorney
18 intends to introduce during the case in chief of the State and which are within
19 the possession, custody or control of the State, the existence of which is known,
20 or by the exercise of due diligence may become known, to the prosecuting
21 attorney.

22 2. The defendant is not entitled, pursuant to the provisions of this section, to the
23 discovery or inspection of: (a) An internal report, document or memorandum
24 that is prepared by or on behalf of the prosecuting attorney in connection with
25 the investigation or prosecution of the case. (b) A statement, report, book, paper,
26 document, tangible object or any other type of item or information that is
27 privileged or protected from disclosure or inspection pursuant to the Constitution
28 or laws of this state or the Constitution of the United States.

3. The provisions of this section are not intended to affect any obligation placed
upon the prosecuting attorney by the Constitution of this state or the Constitution
of the United States to disclose exculpatory evidence to the defendant.

Beyond state statute, *Brady v. Maryland* also requires disclosure by the prosecution of
only that "evidence favorable to an accused... where the evidence is material either to guilt or
to punishment..." 373 U.S. at 87.

In interpreting the prosecution's discovery obligations under *Brady* and discovery
statutes, this Court has recognized the limited nature of the prosecution's duty to disclose.

1 First, this Court has held in no uncertain terms that the prosecution need not disclose
2 information immaterial to the defense, writing that “*the State is under no obligation to*
3 *accommodate a defendant's desire to flail about in a fishing expedition...*” *Sonner v. State*, 112
4 Nev. 1328, 1340-41 (1996) (emphasis added). In other words, the prosecution need not
5 “compile information or pursue an investigative lead simply because it could conceivably
6 develop evidence helpful to the defense.” *Evans v. State*, 117 Nev. 609, 627 (2001). In *Sonner*,
7 citing Nevada’s criminal discovery statute and *Brady*, the defendant sought disclosure of
8 personnel records of the victim, a Nevada Highway Patrolman, “to rebut State evidence of [the
9 victim’s] value as a law enforcement officer and an individual.” *Id* at 1340. In affirming the
10 district court’s denial of the defendant’s discovery request, this Court held that

11 [a] defendant must advance some factual predicate which makes it reasonably
12 likely the requested file will bear information material to his or her defense. A
13 bare assertion that a document “might” bear such fruit is insufficient.

14 *Id* at 1340-41 (quotations and citations omitted). Because *Sonner*’s discovery request “was
15 based on nothing more than the assertion of a general right to search for whatever mitigating
16 evidence might be found in [the victim’s] records,” it was in excess of the prosecution’s
17 discovery obligations. *Id*; see also *Evans*, 117 Nev. 609 at 627.

18 Second, this Court has held that the prosecution does not violate its discovery
19 obligations when it does not disclose information that is not “favorable” to the defense or
20 “material either to guilt or to punishment.” *Lay v. State*, 116 Nev. 1185, 14 P.3d 1256 (2000).
21 Under *Brady*, evidence is “favorable” to an accused when it is information that is exculpatory
22 or has impeachment value, *Brady*, 373 U.S. at 87; *Bagley*, 473 U.S. at 676, and is “material”
23 if its nondisclosure would undermine confidence in the outcome of the trial. *Lay*, 116 Nev. at
24 1194. The determination of the “character of a piece of evidence” as material and favorable to
25 the defendant “will often turn on the context of the existing or potential evidentiary record,”
26 and it initially falls to the prosecutor to determine whether evidence should be disclosed. *Lay*
27 *v. State*, 116 Nev. 1185, 1194 (2000).

28 ///

1 Third, although a prosecutor must "learn of any favorable evidence known to the others
2 acting on the government's behalf in [the] case, including the police," a prosecutor is under no
3 duty to investigate potential *Brady* material not known to the prosecution and which exists
4 outside the possession of investigative agents acting on the government's behalf in the case.
5 *Kyles v. Whitley*, 514 U.S. 419, 437 (1995). In interpreting *Kyles*' mandate to learn of favorable
6 evidence, the Supreme Court of California has noted that "[c]ourts have... consistently
7 declined to draw a distinction between different agencies under the same government, focusing
8 instead upon the 'prosecution team' which includes both investigative and prosecutorial
9 personnel." *In re Brown*, 17 Cal.4th 873, 879 (1998) quoting *United States v. Auten*, 632 F.2d
10 478, 481 (5th Cir.1980); see e.g. *Smith v. Secretary Dept. of Corrections*, 50 F.3d 801, 824
11 (10th Cir.1995) ("the prosecution" extends to law enforcement personnel and other arms of
12 the state involved in investigative aspects); *Moon v. Head*, 285 F.3d 1301, 1309 (11th Cir.
13 2002) (*Brady* applies only to favorable evidence possessed by the "prosecution team",
14 meaning "the prosecutor or anyone over whom he has authority" (citations omitted)). In other
15 words, only if a prosecutor is in the "unique position to obtain information known to other
16 agents of the government" should a district court order the State to obtain and disclose such
17 information. See *Carriger v. Stewart*, 132 F.3d 463 (9th Cir. 1997) (emphasis added). As this
18 Court has held, the State bears no burden "to disclose evidence which is available to the
19 defendant from other sources, including diligent investigation by the defense." *Steese v. State*,
20 114 Nev. 479, 495 (1998); *U.S. v. Davis*, F.2d 1501, 1505 (11th Cir. 1986). The State will
21 address each of Defendant's requests specifically below:

- 22
23 1. Contact information of lay witnesses: The names and addresses and contact
24 information of any and all state lay witnesses, including updated information for such
witnesses.

25 **State's Response:** The State is aware of its obligation to provide a notice of witnesses and
26 will comply with notice of witness requirements set forth in NRS 174.234.

- 27 2. All written or recorded statements, memoranda, and summaries of aoral statements of
28 any persons, contacted by law enforcement or any other agents of this Sate or other
jurisdictions, including the FBI, who may have knowledge pertinent to this prosecution.

1 whether or not the State intends to call such persons as witnesses in this matter. This
2 request includes notes which contain essentially verbatim information provided by
3 these persons, as well as original audio and/or video tape recordings of any interviews.

4 **State's Response:** The State will provide transcripts, audio, and/or video recordings of all
5 witness statements in this case that exist. As to Defendant's request for notes, due process
6 requires the prosecution to disclose materially exculpatory information in its possession to the
7 defense upon a proper request. See United States v. Bagley, 473 U.S. 667 (1985); United
8 States v. Agurs, 427 U.S. 97 (1976); Brady v. Maryland, 373 U.S. 83 (1963). Evidence is
9 material if there is a reasonable probability that the result would have been different if the
10 evidence had been disclosed. Jimenez v. State, 112 Nev. 610, 619 (1996).

11 NRS 174.235, subsection 2 provides:

12 2. Defendant is not entitled, pursuant to the provisions of this section, to the
13 discovery or inspection of:

14 (a) An internal report, document or memorandum that
15 is prepared by or on behalf of the prosecuting
16 attorney in connection with the investigation or
17 prosecution of the case.

18 Nevada's criminal discovery statute, NRS 174.245, specifically precludes discovery or
19 inspection of "reports, memoranda or other internal state documents made by state agents in
20 connection with the investigation or prosecution of the case..." The statute cited above
21 provides for criminal discovery of all reasonable and material requests, but also specifically
22 protects internal documents prepared by the prosecuting agency. Such investigative files as
23 sought by defense are clearly protected from production under the "law enforcement
24 evidentiary privilege", a common law privilege which is recognized even in absence of a
25 specific statute. In re Dept of Investigations of City of New York, 856 F.2d 481 (2d Cir. 1988).
26 The privilege is based primarily on the harm to law enforcement efforts which might arise
27 from public disclosure. Black v. Sheraton Corp., 564 F.2d 531 (D.C. Cir. 1977). The common
28 law privilege is partially codified in NRS 49.285, which provides: "A public officer shall not
be examined as a witness as to communications made to him in official confidence."

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1 An additional privilege is contained in NRS 49.335, which provides:

2 The state or political subdivision thereof have a privilege to refuse to
3 disclose the identity of a person who has furnished law enforcement
officer information purporting to reveal the commission of a crime.

4 The purpose of the law enforcement evidentiary privilege is to prevent disclosure of
5 law enforcement techniques and procedures, to preserve the confidentiality of sources, to
6 protect witnesses and law enforcement personnel, to safeguard the privacy of individuals
7 involved in an investigation and otherwise to prevent interference with an investigation. Dept
8 of Investigations, supra, 856 F.2d at 484. Additionally, Defendant's request for notes of State
9 actors covered by a single line of any discovery statute. If there is exculpatory information,
10 the State obviously must produce it. However, there is no requirement that the notes of all
11 officers be produced and the State requests that this Court not expand the statutory text to
12 include such a requirement.

13 Courts have held that officer notes are not subject to discovery statutes. In State v.
14 Bray, 569 P.2d 688 (Ore. App. 1977), an officer arrested a suspect on a DUI charge. He
15 recorded observations in a booklet. He later prepared a report from his penciled notes and
16 erased the notes. The final report was furnished to the defense. At trial, the court ruled that
17 because the officer had taken notes while speaking to a witness and those notes had been
18 destroyed, the State would be precluded from calling the witness at trial. The issue on appeal
19 was whether the fragmentary notes of the officer constituted a statement within the meaning
20 of the state discovery statutes. The Appellate Court reversed the trial court:

21 We construe the statute to require production of any "statement" which is
22 intended by its maker as an account of an event or a declaration of a fact. The
23 statutory purposes of providing witness statements are to minimize surprise,
24 avoid unnecessary trial, provide adequate information for informed pleas and
25 to promote truthful testimony by allowing examination based on prior
26 inconsistent statements. . . Requiring preservation and availability of
27 fragmentary notes intended only as a touchstone for memory would be more
28 likely to discourage police officers from taking notes, with a consequent
reduction in accuracy, than to promote the statutory goals. Furthermore, it
would be unfair and misleading to allow cross-examination of a witness based
upon fragmentary or cryptic notes which were never intended to express a

complete statement. For these reasons, we hold that fragmentary notes are not subject to production under discovery statutes.

Id. at 690; State v. Wrisley, 909 P.2d 877 (Ore. App. 1995) (noting that police notes are not discoverable when their substance is incorporated into a report disclosed to the defendant); see also State v. Jackson, 571 P.2d 523 (Ore. App. 1978) (holding that a rough draft of a report an officer dictated to a stenographer was not discoverable).

3. Criminal History Records:

State's Response: The State is not required under Brady or its progeny and/or NRS 174.235 to investigate its witnesses to the extent Defendant is requesting. It is the Defendant's obligation to seek such information, should he find it necessary and worthwhile. Furthermore, Defendant has not set forth a good faith basis to inquire of these specific witnesses or a factual predicate to show that such information is relevant¹ and/or proper impeachment material under NRS 50.085² and 50.095³ and Defendant's request certainly goes beyond that allowed under

¹ NRS 48.015 "Relevant evidence" defined. As used in this chapter, "relevant evidence" means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more or less probable than it would be without the evidence.

(Added to NRS by 1971, 780)

NRS 48.035 Exclusion of relevant evidence on grounds of prejudice, confusion or waste of time:

1. Although relevant, evidence is not admissible if its probative value is substantially outweighed by the danger of unfair prejudice, of confusion of the issues or of misleading the jury.

2. Although relevant, evidence may be excluded if its probative value is substantially outweighed by considerations of undue delay, waste of time or needless presentation of cumulative evidence.

3. Evidence of another act or crime which is so closely related to an act in controversy or a crime charged that an ordinary witness cannot describe the act in controversy or the crime charged without referring to the other act or crime shall not be excluded, but at the request of an interested party, a cautionary instruction shall be given explaining the reason for its admission.

(Added to NRS by 1971, 780; A 1979, 37)

² NRS 50.085 Evidence of character and conduct of witness.

1. Opinion evidence as to the character of a witness is admissible to attack or support the witness's credibility but subject to these limitations:

(a) Opinions are limited to truthfulness or untruthfulness; and

(b) Opinions of truthful character are admissible only after the introduction of opinion evidence of untruthfulness or other evidence impugning the witness's character for truthfulness.

2. Evidence of the reputation of a witness for truthfulness or untruthfulness is inadmissible.

3. Specific instances of the conduct of a witness, for the purpose of attacking or supporting the witness's credibility, other than conviction of crime, may not be proved by extrinsic evidence. They may, however, if relevant to truthfulness, be inquired into on cross-examination of the witness or on cross-examination of a witness who testifies to an opinion of his or her character for truthfulness or untruthfulness, subject to the general limitations upon relevant evidence and the limitations upon interrogation and subject to the provisions of NRS 50.090.

(Added to NRS by 1971, 789; A 1975, 1132)

³ NRS 50.095 Impeachment by evidence of conviction of crime.

1 NRS 50.085 and 50.095. Thus, the State will disclose, as required, all felony convictions
2 admissible under NRS 50.095 and misdemeanor convictions and specific instances of conduct
3 known to the State from commonly used methods such as pretrial interviews, running scope
4 and/or NCIC that bear on victim's truthfulness. All other requests are outside the discovery
5 requirements imposed upon the State. The State is legally prohibited from simply handing
6 over SCOPE/NCIC printouts of the witnesses to the defense in this or any case and cannot
7 simply obtain and distribute confidential juvenile histories of witnesses. Thus, the State
8 opposes the Defendant's request.

- 9 4. Any statements, formal or not, and recorded or not, alleged to have been made by
10 Hudson. This request includes any notes of law enforcement related to the same.

11 **State's Response:** To the State's knowledge any statements made by Defendant have been
12 provided. As to Defendant's request for notes, please see State's response to request number

- 13 5. Any and all records, documents, notes, test results, reports of any forensic examination,
14 evaluation or testing of any evidence, and requests for testing of evidence in this case
15 not already provided in discovery. This includes any preliminary reports or notes, not
16 included in a final report.

17 **State's Response:** The State does not object to this request.

- 18 6. A listing of all forensic evidence gathered concerning this event, whether submitted for
19 testing or not. Defendant also requests any reports produced related to this evidence,
20 including any rough or "bench notes" and testing protocols concerning this testing.

21 **State's Response:** The State does not object to this request.

- 22 7. Field notes or case monitoring forms

23
24 1. For the purpose of attacking the credibility of a witness, evidence that the witness has been convicted of a crime is
admissible but only if the crime was punishable by death or imprisonment for more than 1 year under the law under
which the witness was convicted.

25 2. Evidence of a conviction is inadmissible under this section if a period of more than 10 years has elapsed since:

26 (a) The date of the release of the witness from confinement; or

(b) The expiration of the period of the witness's parole, probation or sentence, whichever is the later date.

27 3. Evidence of a conviction is inadmissible under this section if the conviction has been the subject of a pardon.

28 4. Evidence of juvenile adjudications is inadmissible under this section.

5. The pendency of an appeal therefrom does not render evidence of a conviction inadmissible. Evidence of the
pendency of an appeal is admissible.

6. A certified copy of a conviction is prima facie evidence of the conviction.

(Added to NRS by 1971, 789; A 1981, 1646)

1 State's Response: See State's response to Defendant's request number 2.

2
3 8. Witness compensation and benefits.

4
5 State's Response: The State does not object to this request.

6 9. All written reports, notes, memoranda, maps, drawings or diagrams written, drawn or
7 otherwise prepared by LVMPD, or any other law enforcement agency or individual or
8 agent of this State or any other jurisdiction, including federal authorities, in connection
9 with or pertaining to the investigation of the crimes charged against Hudson.

10 State's Response: The State does not object to this request with exception to Defendant's
11 request for notes of law enforcement. See State's response to Defendant's request number 2.

12 10. Copies of all photographs, videotapes, or audiotapes the State intends to offer at trial.

13
14 State's Response: The State does not object to this request.

15
16 11. All tangible or demonstrative objects, books, papers or documents which the State will
17 rely on for trial.

18 State's Response: The State does not object to this request.

19
20 12. All search warrants sought or obtained related to these charges.

21 State's Response: The State does not object to this request.

22 13. Digital enhancement techniques

23 State's Response: The State does not object to this request.

24
25 14. Any criminal history information concerning Defendant which the State intends to use
26 at trial including bad acts.

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27 ///

1 **State's Response:** The State does not object to this request.

2
3 15. Information as to whether there has been any surveillance of Defendant during the
4 pendency of the investigation in this case, including electronic surveillance of any
5 conversation to which the accused was a party. This request includes any monitoring
6 of calls or contacts involving the accused at the Clark County Detention Center. If such
7 electronic surveillance exists, provide a copy of any such tape/CD and any transcripts
8 which exist.

9 **State's Response:** The State believes Defendant is requesting jail calls in this request. The
10 State is not required to acquire evidence for the Defendant regarding his jail calls at the
11 detention center unless the State intends to present them in its case in chief. The defense can
12 subpoena this information about their own client's telephone calls from jail. The Clark County
13 Detention Center routinely processes these types of requests when provided a subpoena. If
14 the State is in possession of jail calls that it intends to use in its case in chief, those will be
15 provided to the defense in a timely manner prior to trial.

16 16. All 911 calls and CAD records related to any of the alleged incident/events involved in
17 the instant charges against Hudson.

18 **State's Response:** The State does not object to this request.

19 17. Copies of any photo arrays or photos containing Defendant shown to any potential
20 witnesses or co-defendants in this case.

21 **State's Response:** The State does not object to this request.

22 18. Any information obtained during the investigation of this matter which could in any
23 way be considered favorable to the defense, whether discounted by the State or not.

24 **State's Response:** The State is aware of its obligation under Brady and its progeny and will
25 comply with this obligation to turn over such evidence to the defense as required by these
26 cases. To the extent Defendant's request exceeds what is required under Brady and its
27 progeny, the State objects.

28 ///

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1 19. All relevant reports of chain of custody or destruction of evidence.

2 **State's Response:** The State does not object to this request.

3 20. Copies of any and all internal vice narrative reports/notes related to contacts between
4 the alleged victim and LVMPD officers.

5 **State's Response:** Please see State's response to Defendant's request number 2 as to notes or
6 any internal documentation of the Las Vegas Metropolitan Police Department. The State has
7 turned over the police reports related to this case to the defense.
8

9 21. Copies of all records subpoenaed by LVMPD or the state.

10 **State's Response:** The State does not object to this request so long as the request is limited
11 to this case.
12

13 22. Counseling records of the alleged victim for services she received following the
14 incident in question.

15 **State's Response:** Defendant is not entitled to this information pursuant to NRS 174.235,
16 Brady or Giglio, and the State is certainly not required to seek it out on behalf of the Defendant.
17 In addition, Defendant has failed to meet his burden of establishing that the information being
18 sought is relevant, material, or exculpatory. Beyond the fact that such a request far exceeds
19 the statutory requirements under NRS 174.235, such a request also violates the privacy rights
20 of the victim and the relevant statutes that would protect against the release of said information
21 if it even exists. Defendant has not provided any legal authority to support such a broad
22 discovery request and therefore Defendant's request should be denied.

23 **CONCLUSION**

24 To the extent that Defendant's requests comply with the mandates of the Constitution
25 and applicable statutes, and the extent that the State has access to such materials, the State
26 intends to comply with such requests. However, as to those requests that exceed the scope of
27 the discovery statutes, the State objects. Furthermore, the State respectfully submits that *Brady*
28 and its interpretive progeny squarely place the burden of determining what evidence is

1 exculpatory and subject to disclosure pursuant to *Brady* on the shoulders of the State. See *Lay*
2 *v. State*, 116 Nev. at 1194. In light of the foregoing, the State requests that the Court DENY
3 Defendant's motion to the extent that the specific requests exceed the scope of the Nevada
4 Revised Statutes, discovery statutes, and *Brady*.

5 DATED this 14th day of December, 2015.

6 Respectfully submitted,

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

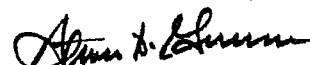
10 BY /s/ SAMUEL S. MARTINEZ

11 CERTIFICATE OF FACSIMILE TRANSMISSION

12
13 I hereby certify that service of State's Opposition to Defendant's Motion for Discovery,
14 was made this 14th day of December, 2015, by facsimile transmission to:

15 KAREN CONNOLLY, ESQ.
16 FAX #678-6767

17
18 BY: /s/ J. MOTL
19 Employee of the District Attorney's Office
20
21
22
23
24
25
26
27
28


CLERK OF THE COURT

1 KAREN A. CONNOLLY
Nevada Bar No. 4240
2 KAREN A. CONNOLLY, LTD.
6600 W. Charleston Blvd., Ste. 124
3 Las Vegas, NV 89146
Telephone: (702) 678-6700
4 Facsimile: (702) 678-6767
E-Mail: advocate@kconnollylawyers.com
5 Attorney for Defendant, DONTAE HUDSON

6
7 EIGHTH JUDICIAL DISTRICT COURT
CRIMINAL DIVISION
8 CLARK COUNTY, NEVADA

9 STATE OF NEVADA,

10 Plaintiff,

CASE NO.: C-15-307301-I
DEPT. NO.: III

11 vs.

Hearing Date:
Hearing Time:

12 DONTAE HUDSON,

13 Defendant.

14 ORDER REGARDING JUVENILE RECORDS

15 THIS MATTER having come on for hearing before the above entitled Court on the 15th day
16 of December, 2015, regarding Defendant's *Motion for Discovery*, the Defendant, DONTAE
17 HUDSON, present and represented by his attorney of record, KAREN A. CONNOLLY, of the law
18 firm KAREN A. CONNOLLY, LTD., the Plaintiff being represented by STEVEN B. WOLFSON,
19 District Attorney, through SAMUEL S. MARTINEZ, Chief Deputy District Attorney, and the Court
20 having reviewed all pleadings and papers on file herein,

21 ///

22 ///

23 ///

24

25

26

27


28

KAREN A. CONNOLLY, LTD.

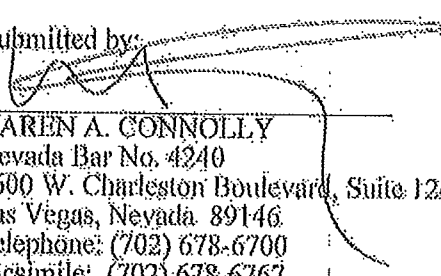
Karen A. Connolly
5600 W. Charleston Blvd., Ste. 124, Las Vegas, Nevada 89146
Telephone: (702) 678-6700 Facsimile: (702) 678-6767

1 IT IS HEREBY ORDERED that the complete juvenile and delinquency file related to
2 J [REDACTED] A [REDACTED], D.O.B. [REDACTED] including but not limited to all records from Child
3 Protective Services, the Department of Child and Family Services, and entire juvenile delinquency
4 file including detention records, be provided to Honorable Douglas Herndon for an in camera
5 review.

6 Dated this 28 day of December, 2015.

7
8 
DISTRICT COURT JUDGE

9 Submitted by:

10 
11 KAREN A. CONNOLLY
12 Nevada Bar No. 4240
13 6600 W. Charleston Boulevard, Suite 124
14 Las Vegas, Nevada 89146
Telephone: (702) 678-6700
Facsimile: (702) 678-6767
Email: advocate@kconnollylawyers.com
Attorney for Defendant, DONTAE HUDSON

KAREN A. CONNOLLY, LTD.

Karen A. Connolly
6800 W. Charleston Blvd., Ste. 124, Las Vegas, Nevada 89146
Telephone: (702) 678-8700 Facsimile: (702) 678-8767

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of KAREN A. CONNOLLY, LTD., and on the 5 day of ~~December~~ ^{January} 2016, I served a true and correct copy of the above and foregoing

Order pursuant to NRCP 5 by the method or methods indicated below:

☒ by depositing the same in the U.S. Mail, First Class Mail, with postage fully prepaid, at Las Vegas, Nevada, addressed as follows:

Steven B. Wolfson, District Attorney
Samuel S. Martinez, Chief Deputy District Attorney
OFFICE OF THE DISTRICT ATTORNEY
200 E. Lewis Avenue
Las Vegas, NV 89010


☐ by facsimile to the below-listed number:

Steven B. Wolfson, District Attorney
Facsimile No.: (702) 868-2415

Samuel S. Martinez, Chief Deputy District Attorney
Facsimile No.: (702) 868-2423

☒ by electronic service via WIZNET to the below-listed email address:

Steven B. Wolfson, District Attorney
Samuel S. Martinez, Chief Deputy District Attorney
Email: motions@clarkcountynvda.com


An Employee of KAREN A. CONNOLLY, LTD.

Electronically Filed
02/09/2016 12:15:02 PM

Adam D. Johnson

CLERK OF THE COURT

1 KAREN A. CONNOLLY
Nevada Bar No. 4240
2 KAREN A. CONNOLLY, LTD.
6600 W. Charleston Blvd., Ste. 124
3 Las Vegas, NV 89146
Telephone: (702) 678-6700
4 Facsimile: (702) 678-6767
E-Mail: advocate@kconnollylawyers.com
5 Attorney for Defendant, DONTAE HUDSON

6
7 EIGHTH JUDICIAL DISTRICT COURT
CRIMINAL DIVISION
8 CLARK COUNTY, NEVADA

9 STATE OF NEVADA,

10 Plaintiff,

CASE NO.: C-15-307301-1
DEPT. NO.: III

11 vs.

Hearing Date:
Hearing Time:

12 DONTAE HUDSON,

13 Defendant,

14 AMENDED ORDER REGARDING COUNSELING RECORDS

15 THIS MATTER having come on for hearing before the above entitled Court on the 15th day
16 of December, 2015, regarding Defendant's *Motion for Discovery*, the Defendant, DONTAE
17 HUDSON, present and represented by his attorney of record, KAREN A. CONNOLLY, of the law
18 firm KAREN A. CONNOLLY, LTD., the Plaintiff being represented by STEVEN B. WOLFSON,
19 District Attorney, through SAMUEL S. MARTINEZ, Chief Deputy District Attorney, and the Court
20 having reviewed all pleadings and papers on file herein,

21 ///

22 ///

23 ///

24

25

26

27

28

KAREN A. CONNOLLY, LTD.

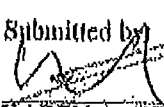
Karen A. Connolly
6600 W. Charleston Blvd., Ste. 124 Las Vegas, Nevada 89146
Telephone: (702) 678-6700 Facsimile: (702) 678-6767

1 IT IS HEREBY ORDERED that any and all records for any counseling services provided by
2 Dr. Sheri D. Bradley, to/received by [REDACTED] A [REDACTED], D.O.B. [REDACTED] after her arrest
3 in February, 2015, shall be provided to Honorable Douglas Herndon for an in camera review.

4 Dated this 9 day of February 2016.

5
6 
DISTRICT COURT JUDGE

7 Submitted by

8 
KAREN A. CONNOLLY

9 Nevada Bar No. 4240

10 6600 W. Charleston Boulevard, Suite 124

11 Las Vegas, Nevada 89146

12 Telephone: (702) 678-6700

13 Facsimile: (702) 678-6767

14 Email: advocate@kconnollylawyers.com

15 Attorney for Defendant, DONTAE HUDSON

KAREN A. CONNOLLY, LTD.

Karen A. Connolly
6600 W. Charleston Blvd., Ste. 124, Las Vegas, Nevada 89146
Telephone: (702) 678-6700 Facsimile: (702) 678-6767

KAREN A. CONNOLLY, LTD.

Karen A. Connolly
6800 W. Charleston Blvd., Ste. 124 Las Vegas, Nevada 89146
Telephone: (702) 578-6700 Facsimile: (702) 578-6767

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of KAREN A. CONNOLLY, LTD., and on the 9 day of February, 2016, I served a true and correct copy of the above and foregoing Order pursuant to NRCP 5 by the method or methods indicated below:

☒ by depositing the same in the U.S. Mail, First Class Mail, with postage fully prepaid, at Las Vegas, Nevada, addressed as follows:

Steven B. Wolfson, District Attorney
Samuel S. Martinez, Chief Deputy District Attorney
OFFICE OF THE DISTRICT ATTORNEY
200 E. Lewis Avenue
Las Vegas, NV 89010


☐ by facsimile to the below-listed number:

Steven B. Wolfson, District Attorney
Facsimile No.: (702) 868-2415

Samuel S. Martinez, Chief Deputy District Attorney
Facsimile No.: (702) 868-2423

☒ by electronic service via WIZNET to the below-listed email address:

Steven B. Wolfson, District Attorney
Samuel S. Martinez, Chief Deputy District Attorney
Email: motions@clerkcountydc.com


An Employee of KAREN A. CONNOLLY, LTD.

Sharon D. Bradley
CLERK OF THE COURT

1 **MOT**
Kathleen Bliss, Esq.
2 Nevada Bar No. 7606
E-mail: kb@kathleenblisslaw.com
3 Jason Hicks, Esq.
Nevada Bar No. 13149
4 E-mail: jh@kathleenblisslaw.com
Kathleen Bliss Law PLLC
5 400 S. 4th St., Suite 500
Las Vegas, NV 89101
6 Telephone: 702.793.4000
Facsimile: 702.793.4001
7
8 Attorneys for movant/real party
in interest Dr. Shera D. Bradley, Ph.D.

DISTRICT COURT
CLARK COUNTY, NEVADA

9
10
11
12 STATE OF NEVADA

13 Plaintiff,

14 vs.

15
16 DONTAE HUDSON,

17 Defendant.

CASE NO.: C-15-307301-1

DEPT NO.: III

**MOTION TO VACATE AMENDED
ORDER REQUIRING DISCLOSURE OF
CONFIDENTIAL TREATMENT
RECORDS TO COURT AND TO
FURTHER SEAL ALL PLEADINGS
RELATED TO CHILD VICTIM**

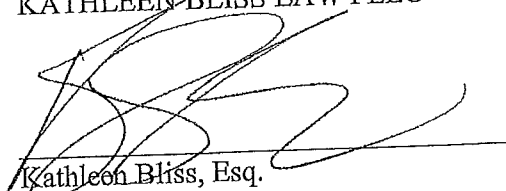
18
19
20 Movant Dr. Shera D. Bradley, by and through counsel Kathleen Bliss, Esq., and Jason
21 Hicks, Esq., of the law firm Kathleen Bliss Law PLLC, hereby moves the Court to vacate its
22 amended order of February 9, 2016, ordering disclosure to the Court of confidential, psychological
23 treatment records of a child victim in this case.

24 Dr. Bradley further requests that this Court seal all documents filed herein in which the
25 child's full name, birthdate, and any other personal identifiers have been filed publically due to the
26 personal nature of said information and the fact that the victim is a minor and such disclosure may
27 cause this child irreparable damage.
28

1 This motion is made and based upon the following memorandum of points and authorities,
2 the pleadings and papers on file, any exhibits attached hereto, the affidavit of Dr. Shera D.
3 Bradley, Ph.D., and any argument that the Court may entertain at the time of hearing.

4 Dated this 22 day of May 2016.

KATHLEEN BLISS LAW PLLC


Kathleen Bliss, Esq.

Nevada Bar No. 7606

Jason Hicks, Esq.

Nevada Bar No. 13149

400 S. 4th St., Suite 500

Las Vegas, NV 89101

Telephone: 702.793.4000

Facsimile: 702.793.4001

Attorneys for movant,

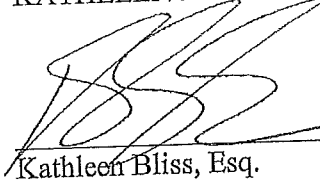
Dr. Shera D. Bradley, Ph.D.

NOTICE OF MOTION

YOU, AND EACH OF YOU, will please take notice that the undersigned will bring the
above and foregoing motion on for hearing before this Court on the 17 day of
May, 2017, at the hour of 9:00 a.m. of said day, or as soon thereafter as
counsel can be heard in Department No. _____.

Dated this _____ day of May 2016.

KATHLEEN BLISS LAW PLLC



Kathleen Bliss, Esq.

Nevada Bar No. 7606

Jason Hicks, Esq.

Nevada Bar No. 13149

400 S. 4th St., Suite 500

Las Vegas, NV 89101

Telephone: 702.793.4000

Facsimile: 702.793.4001

Attorneys for movant/real party in interest,

Dr. Shera D. Bradley, Ph.D.

1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 This Motion is made pursuant to NRS 49.209, NRS 49.211, and the Affidavit of treating
3 psychologist Dr. Bradley. Movant further shows the Court that this privilege is not only
4 recognized by Nevada, but was discussed and upheld as a federally recognized privilege in *Jaffee*
5 *v. Redmond*, 548 U.S. 1 (1996). Furthermore, there are serious public policy reasons for
6 upholding the privilege, there is no waiver of it, and defendant, who sought in camera review of
7 the records, failed to show that his interest in the records outweighs the privilege.

8 **I. BACKGROUND**

9 On December 4, 2015, defendant Dontae Hudson filed a motion for discovery, which
10 included a demand for records, including those protected by privilege. Defendant cited to
11 *Pennsylvania v. Ritchie*, 480 U.S. 39 (1987), as authority. See Motion at 5. Defendant did not cite
12 Nevada's privilege statute, NRS 49.209, or provide any information that Dr. Bradley or her child
13 client had waived this privilege protecting the confidential communications of the child made in
14 the course of psychotherapy or psychological treatment. Defendant failed to show why his demand
15 for records outweighs the child's psychological treatment privilege. Defendant provided no
16 evidence that his request for in camera review of the records falls within an exception to NRS
17 49.209 outlined in NRS 49.213.

18 The State filed an opposition on December 14, 2015, arguing that the disclosure of
19 counseling records exceeds the general discovery requirements under NRS 174.235, and that
20 disclosure would violate the privacy rights of the child victim.

21 Following a hearing, the Court ordered production of the records for in camera review. Dr.
22 Bradley opposes such review – even in camera – as it is not authorized under NRS 49.209; there
23 has been no waiver of the privilege; there is no statutory exception to protection of the privilege;
24 and disclosure would impair the relationship between patient and psychologist, interfere with
25 treatment, and possibly prevent or impede the healing process for this child victim.

26 **II. ARGUMENT AND AUTHORITY**

27 NRS 49.209 provides:

28 A patient has a privilege to refuse to disclose and to prevent any

1 other person from disclosing confidential communications between
2 the patient and the patient's psychologist or any other person who is
3 participating in the diagnosis or treatment under the direction of the
4 psychologist, including a member of the patient's family.

5 There should be no dispute that Dr. Bradley is providing psychological treatment. *See*
6 Attachment 1. As the minor's treating psychologist, Dr. Bradley is entitled by statute to claim the
7 privilege on behalf of her patient. *See* NRS 49.211(2). The records are solely based upon
8 treatment and have not been created for law enforcement purposes. It is Dr. Bradley's professional
9 opinion that disclosure – even in camera – would have a deleterious effect on her patient and
10 create harmful precedence to all children who are alleged victims of human trafficking. *Id.*
11 Accordingly she hereby invokes her right to claim privilege on behalf of the child victim.

12 *Pennsylvania v. Ritchie* does not apply here. First, *Ritchie* involved social services records,
13 not psychological treatment records. Second, there was a provision under Pennsylvania law that
14 allowed disclosure under certain circumstances. *Ritchie*, 480 U.S. at 43-44. As the *Jaffee* court
15 noted, in carving out a federal privilege under Fed. R. Evid. 501,

16 Like the spousal and attorney-client privileges, the psychotherapist-
17 patient privilege is 'rooted in the imperative need for confidence and
18 trust'. . . Treatment by a physician for physical ailments can often
19 proceed successfully on the basis of a physical examination,
20 objective information supplied by the patient, and the results of
21 diagnostic tests. Effective psychotherapy, by contrast, depends upon
22 an atmosphere of confidence and trust in which the patient is willing
23 to make a frank and complete disclosure of facts, emotions,
24 memories, and fears. Because of the sensitive nature of the problems
25 for which individuals consult psychotherapists, disclosure of
26 confidential communications made during counseling sessions may
27 cause embarrassment or disgrace. For this reason, the mere
28 possibility of disclosure may impede development of the confidential
relationship necessary for successful treatment. . . .

Jaffee, 548 U.S. at 10-11.

24 The Supreme Court also observed that protecting the privilege serves public policy. *Id.*
25 (citing *Upjohn Co. v. United States*, 449 U.S. 383, 389 (1981) (attorney-client), and *Trammel v.*
26 *United States*, 445 U.S. 40, 47 (1980) (spousal)).

27 Most importantly, Dr. Bradley, who has treated child victims for years, has the expertise
28

1 and training to recognize the harmful effects that disclosure could cause to her client. Defendant
2 has failed to show why this privilege should be abrogated in favor of his rights.

3 Finally, it appears as though certain filings containing the name of the child with personal
4 identifiers are public. Counsel below brought this to the attention of the parties; however, this
5 Court should enter an order immediately to seal the Court's Order and Amended Order filed on
6 January 5, 2016, and on February 9, 2016, respectively, to protect the minor's identity.

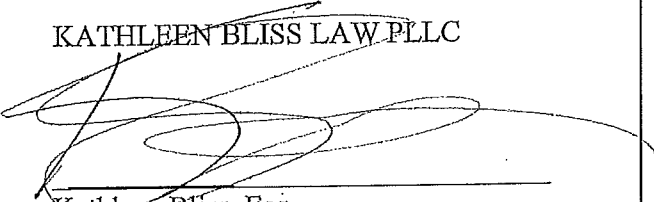
7 **III. CONCLUSION**

8 Based upon the foregoing, movant Dr. Bradley respectfully requests that the Court vacate
9 its Order of February 9, 2016, and seal its Orders containing personal identifiers of the minor
10 victim.

11 Dated this 6 day of May 2016.

12 Respectfully submitted,

13
14 KATHLEEN BLISS LAW PLLC

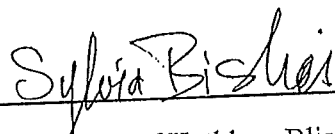
15
16 
17 Kathleen Bliss, Esq.
18 Nevada Bar No. 7606
19 Jason Hicks, Esq.
20 Nevada bar No. 13149
21 400 S. 4th St., Suite 500
22 Las Vegas, NV 89101
23 Telephone: 702.793.4000
24 Facsimile: 702.793.4001
25 *Attorneys for movant Dr. Shera D. Bradley,*
26 *Ph.D.*
27
28

CERTIFICATE OF SERVICE

The undersigned, an employee of Kathleen Bliss Law PLLC, hereby certifies that on this
6 day of May 2016, I did cause a true and correct copy of the **MOTION TO VACATE**
AMENDED ORDER to be served via electronic service through the Court's Wiz Net system to:

Samuel Martinez
Deputy District Attorney, Criminal
District Attorney's Office
200 Lewis Avenue
Las Vegas, NV 89155

Karen Connolly
6600 West Charleston Blvd., Suite 124
Las Vegas, NV 89146


An employee of Kathleen Bliss Law PLLC

ATTACHMENT 1

DISTRICT COURT
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

DONTAE HUDSON,

Defendant.

CASE NO.: C-15-307301-1

DEPT NO.: III

AFFIDAVIT OF DR. SHERA D.
BRADLEY, PH.D.

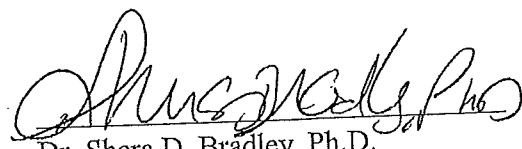
STATE OF NEVADA)
)
COUNTY OF CLARK) :ss

I, DR. SHERA D. BRADLEY, PH.D., do affirm and state, under penalty of perjury, the following relevant facts are true and correct to the best of my knowledge:

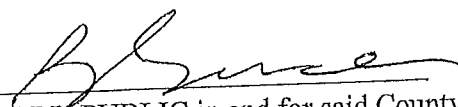
1. I am a treating psychologist and have been so since 2007. Prior to that, beginning in 2000, I was a practicing clinician. I am currently the Director of Forensic Psychology for the Division of Public & Behavioral Health for the State of Nevada, Southern Nevada Adult Mental Health Services and Site Director for the Nevada Psychology Internship Consortium. I am a Licensed Psychologist II. My curriculum vitae is attached as Exhibit 1 for the Court's reference.
2. I have particularized expertise in the treatment of human trafficking victims. A summary of my expertise is attached as Exhibit 2 for the Court's reference.
3. On or about February 9, 2016, this Court entered an amended order directing me to provide "any and all records for any counseling services" provided by me to J.A. I have used initials here because I am discussing a child victim and disclosure should be prohibited as it furthers trauma and poses significant danger to this child.

- 1 4. I assert that the records sought are confidential, privileged, treatment documents that fall
2 within the privilege set forth by N.R.S. 49.209.
3 5. As J.A.'s treating psychologist, I jointly hold the privilege on J.A.'s behalf under NRS
4 49.211(2). I am asserting that privilege now.
5 6. Disclosure, even to the Court, would have the effect of compromising my relationship with
6 this child, causing her further abuse and trauma, and preventing her return to society as a
7 healthy and functioning individual.
8 7. I further swear and affirm that my interaction with the child, J.A., has been solely limited
9 to treatment and has had nothing to do with investigative work on behalf of or in
10 conjunction with Clark County Department of Family Services, the Clark County District
11 Attorney's Office or the Las Vegas Metropolitan Police Department. The treatment records
12 that I have prepared are mine and I have not shared them with any other person.

13 DATED this 6 day of May 2016.

14
15 
16 Dr. Shera D. Bradley, Ph.D.

17
18 SUBSCRIBED and SWORN to before me
19 this 6 day of May 2016.

20
21 
22 NOTARY PUBLIC in and for said County and State
23 My Commission Expires: 8-15-2017

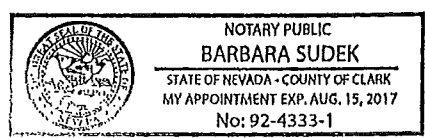


EXHIBIT 1

SHERA DEANNE BRADLEY, PH.D.

1820 E. Warm Springs Road, Suite 115
Las Vegas, NV 89119
702-263-0094
702-361-5080 (fax)
drsherabradley@gmail.com

LICENSED PSYCHOLOGIST

Nevada License PY0564

ADJUNCT ASSISTANT PROFESSOR

University of Nevada, Las Vegas

EDUCATION:

Ph.D., Clinical Psychology, August 2007
University of Nevada, Las Vegas

M.A., Clinical Psychology, May 2000
University of Nevada, Las Vegas

B.S., Psychology, Cum Laude, May 1997
James Madison University, Harrisonburg, VA

CLINICAL EXPERIENCE:

November 2015-current

Director of Forensic Psychology
Licensed Psychologist II
Division of Public & Behavioral Health – State of NV
Southern NV Adult Mental Health Services

Site Director – NV Psychology Internship Consortium

Hired to start the Department of Forensic Psychology for forensic services for Southern Nevada Adult Mental Health Services (SNAMHS) at Rawson Neal & Stein Hospital. Provide direct forensic clinical services, including psychological testing and adjudicative competence evaluations. Manage a team of Psychologists. Serve as Site Director for the Nevada Psychology Internship Consortium (NV-PIC). Supervise doctoral students and predoctoral psychology interns.

December 2015-current

Private Practice

Small private practice for forensic evaluations and psychotherapy cases.

October 2008-December 2015

Private Practice
Las Vegas, Nevada

Conduct psychological and forensic evaluations, including parenting capacity, competency to stand trial, juvenile certification, substance abuse, adult and juvenile sex offender risk assessment, death penalty mitigation, child custody evaluations, and violence risk assessment. Program Founder and Director for New Inspirations and Empower programs for teenage girls who have been abused and/or sexually exploited. Provide individual, family, and group psychotherapy for children, adolescents, and adults. Provide parent coordination services to divorced parents. Provide reunification therapy services. Provide expert testimony for criminal and family courts in Clark County, Nevada.

Received grant contract through Clark County Juvenile Probation to provide treatment services.

July 2007-October 2008

**Psychological Assistant
Private Practice
Las Vegas, Nevada**

Conducted psychological and forensic evaluations, including parenting capacity, competency to stand trial, juvenile certification, substance abuse, adult and juvenile sex offender risk assessment, and violence risk assessment. Completed record reviews, collateral interviews, and home visits for child custody evaluations. Assisted with death penalty mitigation case preparation. Provided individual psychotherapy for children, adolescents, and adults. Founded New Inspirations and Empower programs for teenage girls who have been abused and/or sexually exploited. Supervisors: Gary Lenkeit, Ph.D. and John Paglini, Psy.D.

July 2006 – June 2007

**Psychology Intern
Ohio Psychology Internship
Summit Psychological Associates, Inc.
Akron, Ohio**

Facilitated treatment groups for domestic violence, juvenile and adult sex offenders. Provided individual, weekly psychotherapy for clients referred from a variety of sources, including drug court and mental health court. Completed criminal and civil psychological evaluations. Supervisors: Lynn Luna Jones, Ph.D. and Arcangela Wood, Psy.D.

August 2005-May 2006

**Practicum Student
University of Nevada, Las Vegas
School of Law
Juvenile Justice Clinic**

Provided consultation, education, and referrals to a multidisciplinary law team comprised of law students, social work students, school and educational psychology students, and their supervisors in the Juvenile Justice Clinic. Provided individual therapy, as needed, for clients in the juvenile justice system. Supervisor: Michelle Carro, Ph.D.

May 2005-August 2005

**Practicum Student
University of Nevada, Las Vegas**

**School of Law
Education & Child Welfare Clinics**

Provided consultation, education, and referrals to a multidisciplinary law team comprised of law students, social work students, school and educational psychology students, and their supervisors. Performed cognitive assessments. Worked on cases in the Education and Child Welfare Clinic. Clients were diverse and included children and adolescents in the foster care system and educational settings.

Supervisor: Michelle Paul (formerly Carro), Ph.D.

August 2003-August 2004

**Practicum Student
Community Counseling Center
Las Vegas, NV**

Provided individual, couples, and group therapy to diverse, underserved clients. Therapeutic issues included: anger management, substance abuse, problems with the law, relationship problems, depression, bipolar disorder, and family problems. Individual clients included children, adolescents, and adults. Therapeutic groups focused on: living with HIV, substance abuse, and criminal offense issues. Provided services to approximately 6 clients each week, in addition to 1 to 2 weekly group sessions. Received weekly supervision.

Supervisor: Lillian Norton, MD, MFT

January 2003-May 2003

**Practicum Student
Southern Desert Correctional Center &
High Desert Correctional Center
Indian Springs, NV**

Provided weekly individual therapy to inmates. Administered psychological test battery to an inmate for his parole hearing. Interacted with prison staff, participated in prison employment training, received continuous consultation and supervision. Approximately 8 hours weekly.

On Site Supervisor: Randy Klein, Psy.D.

Faculty Supervisor: Rosalyn Caldwell, Ph.D.

January 2003-May 2003

**Practicum Student
State of Nevada Youth Parole
Las Vegas, NV**

Conducted placement assessment for male and female juveniles committed to state facilities. Assessments included: clinical interviews with parent and child, record review, and risk assessment. Provided individual therapy. Conduct psychological evaluations for certification hearings for juveniles. Consulted with parole officers, received continuous supervision and consultation. Approximately 8 hours weekly.

On Site Supervisor: Ann Feher, LCSW Unit Manager

Faculty Supervisor: Rosalyn Caldwell, Ph.D.

August 2002-December 2002

Practicum Student

**Juvenile Justice Services
Spring Mountain Youth Camp, Clark County Juvenile
Detention Center, & Spring Mountain Treatment Center
Las Vegas, NV**

Provided individual and group therapy for incarcerated juvenile offenders. Developed and conducted 2 weekly anger management groups. Administered psychological batteries to offenders to assist with treatment and supervision. Approximately 15 hours weekly.

On Site Supervisor: Timothy Boylan, Ph.D.
Faculty Supervisor: Rosalyn Caldwell, Ph.D.

August 1999-May 2000

**Practicum Student
Student Counseling & Psychological Services Center
University of Nevada, Las Vegas**

Provided individual, weekly therapy for UNLV students. Utilized brief therapy model to treat depression, anxiety, relationship, and adjustment problems. Received weekly individual and group supervision. Approximately 10 hours weekly.
Supervisors: Ken Swartz, Psy.D. & Ann Allen, Ed.D.

August 1998-May 1999

**Practicum Student
FACT (Family & Child Treatment)
Las Vegas, NV**

Provided group therapy for adolescent and adult sexual offenders, including process groups and psychoeducational groups. Facilitated parenting classes for parents of victimized children and adolescents. Approximately 10 hours weekly.
Supervisor: Melissa McCafferty, M.A., MFT Intern

PROVISION OF SUPERVISION

June 2008-current

Supervise University of Nevada, Las Vegas doctoral practicum student in forensic psychology private practice. Provide 1-2 hours of live, weekly individual supervision regarding provision of therapy, report writing, and conducting evaluations.

May-August 2005

Provided 1-2 hours of live, weekly individual supervision to a Master's level Doctoral candidate in a clinical psychology doctoral program. Also received 1-2 hours of live, weekly individual supervision from a licensed psychologist concurrent to providing supervision.
Supervisor: Michelle Carro, Ph.D.

2000-2001

As Senior Home-Based I Counselor at Family Trauma Services, provided weekly, live supervision to Bachelor's level counselors/mentors. Also provided training to new employees. Supervised approximately 6 counselors.

PROVISION OF PROFESSIONAL TRAINING / INVITED PRESENTATIONS

- Sept 12 Provided training entitled *Human Trafficking Workshop* facilitated by Substance Abuse and Prevention Agency
- Sept 12 Guest lecturer for Dr. Gary Lenkeit's Psychology & the Legal System class at Nevada State College
- June 12 Provided training at the *Human Trafficking and Sexual Exploitation Forum* hosted by the Dream Center Las Vegas, NV
- Mar 12 Guest lecturer for Dr. Kathleen Bergquist's Human Trafficking Class at UNLV
- Feb 12 Provided training for Department of Family Services staff, foster parents, and community providers entitled: *Human Trafficking 101: Understanding the Prostitution Subculture*
- Dec 11 Provided trainings for multiple class periods at Valley High School entitled *Preventing Bullying, Abuse, and Exploitation*
- Nov 11 Guest lecturer for Dr. Sharon Hughes's Women Studies class at UNLV
- Nov 11 Guest lecturer for Dr. Gary Lenkeit's Psychology & the Legal System class at Nevada State College
- May 11 Provided training at the *Hear Their Cry Summit* hosted by the Dream Center Las Vegas, NV
- Apr 11 Guest lecturer for Dr. Kathleen Bergquist's Human Trafficking Class at UNLV
- Apr 11 Provided 1 ½ days of training for staff of Southern Peaks Regional Treatment Center entitled: *Domestic Minor Sex Trafficking*.
- June 10 Provided training for the Child Support Enforcement Division of the Clark County District Attorney's office: *Burnout, Compassion Fatigue and You: A Guide to Staying Healthy*
- May 10 Facilitated training for probation officers, community mental health providers, social workers, and other juvenile justice staff, entitled: *Working Effectively with Trauma Exposed Youth*. Provided training on secondary trauma.

INVITED MEDIA
March 2012

Tricked Documentary on Human Trafficking

Released on DVD & Netflix 2015

July 2011

KLAV 1230 AM Shrinking Las Vegas
Interviewed by Dr. Norton Roitman
Teen Homelessness with Monique Harris, LCSW and Shera Bradley, Ph.D.

July 2011

KLAS-Las Vegas Channel 8
Interview by I-Team Report Jonathan Humbert

June 16, 2010

KNPR's State of Nevada
Child Prostitution in Nevada

January 10, 2011

KNPR's State of Nevada
Somebody's Daughter: The Hidden Stories of Child Prostitutes

TEACHING EXPERIENCE

University of Nevada, Las Vegas
2007-current
2001-2006

Adjunct Assistant Professor-Psychology Department
Graduate Courses Taught:
History and Foundations of Clinical Psychology

Undergraduate Courses Taught:
Introductory Psychology
Introductory Psychology-Distance Education via WebCT
Abnormal Psychology
Child Behavior Disorders
Introduction to Psychotherapy
Psychology and the Legal System

1998-2000

Graduate Assistant
Courses:
Research Methods, Abnormal Psychology
University of Nevada, Las Vegas

SERVICE

2011-2015
Serve on Executive Committee for the Domestic Minor Sex Trafficking committee
Participation in the Domestic Minor Sex Trafficking committee

2010-2015
Participation in the Southern Nevada Human Trafficking Task Force meetings

2010-2011

Co-Chair, Clark County Department of Juvenile Justice Services, Girls Initiative Committee

May 2009-Jan 2013

Executive Board Member- Treasurer, Nevada Psychological Association Training Consortium (NPATC)

Training Committee Member

June 1, 2008-2012

Executive Board Member-Treasurer, Nevada Psychological Association (NPA)

September 2007-2012

Committee Member-NPA Continuing Education Committee

Assist in planning and organizing continuing education events.

February 2005-May 2006

Student Representative on Clinical Faculty Committee

Serve as the student representative to clinical faculty meetings. Facilitate communication between clinical faculty and clinical students.

April 2004-May 2006

Chairperson

Clinical Graduate Student Committee

Helped to develop clinical student committee, chaired bi-weekly meetings with committee, met with Director of Clinical Training (DCT) and Associate Director of Clinical Training as needed, heard concerns from students and served as liaison with DCT and clinical faculty.

August 2004- May 2006

Clinical Graduate Student Representative

Was elected by students and served as the clinical graduate student representative to faculty meetings. Attend all faculty meetings and retreats. Facilitate communication between students and faculty.

August 1999-May 2000

Graduate Student Representative

Was elected by students and served as the graduate student representative to faculty meetings. Attended all faculty meetings. Facilitated communication between students and faculty.

OTHER CLINICAL EXPERIENCE

August 2005-June 2006

COPE Parenting Seminar Co-Facilitator

Las Vegas, NV

Co-facilitated four-hour county-mandated co-parenting seminar for parents who are divorcing.

June 2000-July 2001

**Senior Home-Based I Counselor
Family Trauma Services
Alexandria, VA**

Provided intensive home-based counseling and case management for adolescents and their families to treat depression, anxiety, sexual abuse, conduct disorder, antisocial personality disorder, psychotic disorders, and relationship problems. Provided 24-hour crisis intervention. Adolescents were referred from juvenile parole, juvenile probation, and city and county mental health providers. Completed monthly evaluation reports, assessments, and treatment plan updates. On average, spent 5 hours per week with the adolescent and his/her family and maintained a case load of 4 to 6 clients. Supervised bachelor's level mentors weekly. Participated in team supervision meetings and a supervisor's meeting. Trained new Bachelor's and Master's level counselors.
Supervisor: Jackie Droddy, LCSW

February 1999-May 2000

**Mental Health Worker
Briarwood Group Home
Las Vegas, NV**

Provided behavioral management, milieu management, and implemented programmatic aspects of a group home for approximately 10 adolescent sexual offenders. Approximately 16 hours weekly; 40 hours weekly during the summer months.

1994-1997

**Chairperson & Counselor
CARE (Campus Assault Response)
James Madison University-Harrisonburg, VA**

Provided crisis intervention via a helpline for students who have been sexually assaulted. Planned meetings, arranged speakers, and maintained communication with the Sexual Assault Education Coordinator. Selected and trained new helpline workers each semester. Gave educational campus-wide and small group presentations.

RESEARCH

June 2006

Doctoral Dissertation

Title: *Date Rape Prevention in Women: A Controlled Outcome Study*

Dissertation chairperson: Jeffrey Kern, Ph.D.

Committee members: Brad Donohue, Ph.D., Murray Millar, Ph.D., Kate Hausbeck, Ph.D.

Trained and supervised a research team of six undergraduate students to collect literature, facilitated treatment groups, conduct follow-ups, and enter data.

March 2006

American-Psychology & Law Society Annual Conference

Presented a poster of doctoral dissertation research in Florida at AP-LS conference.

May 2000

Master's Thesis

Title: *Date Rape Attitudes Intervention: A Controlled Outcome Study*

Thesis chairperson: Brad Donohue, Ph.D.

Committee members: Christopher Kearney, Ph.D., Marta Meana, Ph.D.

As part of my thesis project, maintained and trained a research team of undergraduate students to collect literature, run treatment groups, and enter data.

August 1995-May 1996

Rape Research Team

James Madison University, Harrisonburg, VA

Supervisors: Arnie Kahn, Ph.D., Virginia Andreoli Mathie, Ph.D.

Collected, analyzed data, coauthored, and presented two poster presentations at Southeastern Psychological Association conference.

Titles: *Unacknowledged Versus Acknowledged Rape Victims: Do Counterfactual Thoughts Differ in Content? & Effects of Counterfactual Thinking: Perceptions of and Feelings Surrounding Rape.*

HONORS AND AWARDS

- 2011 Recipient of Nevada Psychological Association's award: *Psychologist of the Year For Outstanding Contribution to NPA*
- 2010 Selected as an Early Career Psychologist Delegate to attend the American Psychological Association Practice Organization's State Leadership Conference in Washington DC.
- 2007 & 2008 Dissertation selected as Department of Psychology Nominee for University-wide competition.
- 2005 Recipient of Graduate & Professional Student Association travel grant for \$350.
- 2005 Recipient of AP-LS (American Psychology-Law Society) Grant-in-aid for dissertation research in the amount of \$200.
- 2005 & 2002 Recipient of the GREAT (Graduate Research Training) Assistantship (summer research scholarship)
- 1999 Outstanding Graduate Student at Achievement Center (Research Facility)
- 1999 Graduate Research Award, UNLV Psychology Department
- 1997 Nominated as one of 8 finalists of 250 for Outstanding Senior in Psychology at James Madison University
- 1997 Psi Chi Regional Research Award: *Unacknowledged Versus Acknowledged Rape Victims: Do Counterfactual Thoughts Differ in Content?*
- 1995-1996 Deans' List
- 1994 English 102 Award: Best Writer in Class
- 1994 President's List

AFFILIATIONS

- 2003 Nevada Psychological Association (current membership)

- 2001 American Psychology-Law Society-Division 41
- 1998 American Psychological Association
- 1998 American Psychological Association of Graduate Students (APAGS)
- 1994 Member, Golden Key Honor Society
- 1994 Psi Chi Psychology Honor Society

PROFESSIONAL TRAINING COMPLETED

- Feb 15 American Academy of Forensic Psychology trainings- 3 days: *Improving Testimony in Depositions & Trials* by Phillip Resnick, M.D.; *Developmental Pathways to Conduct Disorder & the DSM-5 Specifier "with Limited Prosocial Emotions:"* Implications for Understanding, Assessing, and Treating Severely Aggressive and Antisocial Youth by Paul Frick, Ph.D.; *Improving Clinical Judgment and Decision Making in Forensic Psychological Evaluation* by Randy Otto, Ph.D., ABPP
- Nov 14 *Hot Topics in Ethics & Risk Management in Psychological Practice* by Eric Harris, J.D., Ed.D.
- Sept 14 *Partnership in Action: Building Competency to Fight Human Trafficking* hosted by Nevada Psychological Association & the Southern Nevada Human Trafficking Task Force
- Mar 14 *Timely Topics in Practicum Training: The Internship Match & Training Students to Serve a Diverse Clientele* by Michelle Paul, Ph.D.
- Nov 13 Frontline Summit: Where is the Frontline in the War Against Child Sexual Exploitation? Hosted by Vanguard University and Orange County Department of Education.
- Oct 13 Southern Nevada Human Trafficking Task Force, Partnership in Action: Providing Tools to Enhance Responses to Human Trafficking.
- Sept 13 Completed 2 day training *Stage 2 Treatment in Dialectical Behavior Therapy* by Alan Fruzzetti, Ph.D.
- Sept 13 Completed 1 day training *Adventures on the Electronic Frontier: Ethics and Risk Management in the Digital Era* by Jeffrey Younggren, Ph.D., ABPP
- May 13 Completed 1 day training *Navigating the Changing Landscape of Psychology* facilitated by Katherine Nordal, Ph.D., David Antonuccio, Ph.D., and Stacey Tovino, J.D., Ph.D.
- Feb 13 Completed 1 day training *Sexually Exploited Youth 101* facilitated by the 8th Judicial District Court Sexually Exploited Youth Administrator
- Jan 13 Completed training *Sex Trafficking Summit with Attorney General Catherine Cortez Masto*

- Nov 12 Completed training *Human Trafficking Forum for Parents and Teens* facilitated by the Dream Center Las Vegas, NV
- Oct 12 Completed training *Assessing and Managing Risk in Psychological Practice* sponsored by the American Psychological Association Insurance Trust
- Oct 12 Completed training *Legal Parameters and Child Interviewing Skills Training for Forensic Services Providers* given by the Family Mediation Center
- May 12 Completed training *Autism: A Changing Landscape* presented by Phil Strain, Ph.D., Erika Ryst, M.D., and Patrick Ghezzi, Ph.D.
- Apr 12 Completed training *Beyond the Neon Signs: Human Trafficking Symposium* hosted by the UNLV School of Social Work
- Apr 12 Completed training *Victim Rights Week Seminar: Victim Information Notification Everyday and Sexual Exploitation is Human Trafficking.*
- Mar 12 Completed two-day training *Treating Adolescent Substance Abuse Using Family Behavioral Therapy* presented by Bradley Donohue, Ph.D.
- Mar 12 Completed training *Practicum Training: A Sampler of Supervision Techniques and UNLV Training Updates* presented by Michelle Carro, Ph.D.
- Mar 12 Completed 1-day training *Prolonged Exposure Therapy for Post-Traumatic Stress Disorder (PTSD)* presented by Kirsten DeLambo, Ph.D.
- Oct 11 Completed 3-day training facilitated by the American Academy of Forensic Psychology: *Custody Evaluations: The Essentials & Child Custody Evaluations: Advanced Issues* given by David Martindale, Ph.D., ABPP & Jonathan Gould, Ph.D., ABPP; *Comprehensive Assessment of Feigning in Forensic Settings* given by Richard Frederick, Ph.D.
- Oct 11 Completed 1-day training: *Human Trafficking Family Forum* facilitated by the Dream Center Las Vegas, NV
- June 11 Completed 2-day training: *Therapist and Case Consultation in DBT* given by Alan Fruzzetti, Ph.D.
- May 11 Completed 1-day training: *Providing Mental Health Services to Survivors of Human Trafficking.*
- Apr 11 Completed 1-day training: *Psychopharmacology Update: Integration of Medication and Psychological Treatments* given by Morgan Sammons, Ph.D., APBB & Steven Tulkkin, Ph.D., M.S.

- Mar 11 Completed training: *Practicum Training: Models of Supervision* given by Michelle Carro, Ph.D.
- Dec 10 Completed 2-day training: *Dialectical Behavior Therapy, Part IV: Intensive Training* given by Alan Fruzzetti, Ph.D.
- Nov 10 Completed training: *Malingering, Adaptive Embellishment or Poor Effort? Detecting and Documenting True Fakers in Forensic Settings.*
- Sept 10 Completed 1-day training: *Second Annual Human Trafficking Training.*
- Sept 10 Completed 2-day training: *Dialectical Behavior Therapy, Part III: Intensive Training* given by Alan Fruzzetti, Ph.D.
- Sept 10 Completed 1-day training: *Acceptance and Commitment Therapy for Trauma* given by Victoria Follette, Ph.D.
- June 10 Completed 3-day training: *Dialectical Behavior Therapy, Part II: DBT Skills Training* given by Alan Fruzzetti, Ph.D.
- Mar 10 Completed training: *Update in Practicum Training: Consideration of Behavioral Benchmarks in Competency Evaluation* given by Michelle Carro, Ph.D.
- Mar 10 Participated in 3-day American Psychological Association Practice Organization's State Leadership Conference.
- Mar 10 Completed training: *Business Issues in Psychology Practice* given by Gary Lenkeit, Ph.D.
- Feb 10 Completed 1-day training: *Legal and Ethical Risks and Risk Management in Professional Psychological Practice. Sequence II: Risk Management in Specific High Risk Areas* given by Eric Harris, Ed.D., J.D.
- Feb 10 Completed 3-day training: *Comprehensive Training in Dialectical Behavior Therapy* given by Alan E. Fruzzetti, Ph.D.
- Dec 09 Completed 1-day training: *Juveniles' Competence to Stand Trial: Legal and Clinical Issues* provided by Thomas Grisso, Ph.D., ABPP.
- Nov 09 Completed Evaluation of Competency to Stand Trial Recertification Seminar
- Nov 09 Completed 3-day training facilitated by Association of Family and Conciliation Courts: *Interventions for Family Conflicts: Stacking the Odds in Favor of Children.* Workshops included: Challenging the Culture of Conflict; Advanced Parenting Coordination Strategies and Interventions; Children, Courts, and Conflict; Research

and Application for Practice; Defining Standards of Practice in Child Custody Evaluations; Ethical Issues for Parenting Coordinators; Ethical Issues in Child Custody Evaluation Consultation; Therapeutic Reunification and its Application to High Conflict Divorce Cases.

- Oct 09 Completed 1-day training *Best Practices for Identification & Investigation of Human Trafficking Cases* facilitated by the Southern Nevada Human Trafficking Task Force
- July 09 Completed 1-day training; *Sexually Exploited Girls Symposium*.
- May 09 Completed 2-day training; *Dialectical Behavior Therapy: Clinical Applications*, provided by Dr. Alan Fruzzetti, Ph.D.
- Mar 09 Participated in 3-day American Psychological Association Practice Organization's State Leadership Conference.
- Mar 09 Completed training: *Updates in Practicum Training: Managing Trainees with Competence Problems & Resources for Training in Evidence-Based Practice* provided by Michelle Carro, Ph.D.
- Mar 09 Completed 1-day training *An Introduction to the MMPI-2-RF (Restructured Form)* given by Patrick J. Moran, Ph.D.
- Sept 08 Completed 5-day training presented by the American Academy of Forensic Psychology, including: *Forensic Applications of the MMPI-2*, provided by Roger Greene, Ph.D.; *Forensic & Correctional Applications of the PAI*, provided by John Edens, Ph.D.; *Child Custody Evaluations*, provided by Stephen Sparta, Ph.D., ABPP; *Ethical Issues in Forensic Practice*, provided by Donald Bersoff, J.D., Ph.D.; *Preserving the Accurate Testimony of Children*, provided by Jodi Quas, Ph.D.
- May 08 Completed 5-day training presented by the American Academy of Forensic Psychology, including: *Forensic Report Writing*, provided by Thomas Grisso, Ph.D., ABPP; *Introduction to Child Custody Evaluation*, provided by Marsha Hedrick, Ph.D., *Malingering and Forensic Practice*, provided by Richard Rogers, Ph.D., ABPP; *An Introduction to Police Psychology: Roles of the Forensic Psychologist*, provided by Mark Zelig, Ph.D., ABPP; *Adolescents as Adults in Court*, provided by Elizabeth Cauffman, Ph.D.
- Jan 08 Completed 2-day training in Parent Coordination, provided by Gary Lenkeit, Ph.D. and Stephanie Holland, Psy.D.
- Nov 07 Completed 1-day training: *An Introduction to Acceptance and Commitment Therapy (ACT)* given by Steven C. Hayes, Ph.D.
- Jan 07 Completed training presented by the American Academy of Forensic Psychology, including: *Advanced Topics in Criminal Forensic Psychology*, provided by Alan

- Goldstein, Ph.D., ABPP; *Assessing Psychopathy: An Overview of the Hare Scales*, provided by Stephen Hart, Ph.D.; *The Role of the Forensic Psychologist in Death Penalty Litigation*, provided by Mark D. Cunningham, Ph.D., ABPP; *Advanced Topics in Expert Testimony: The Evidence*, provided by Stuart Greenberg, Ph.D. & Randy Otto, Ph.D.
- Mar 06 Completed training: *Clinical Advances in Assessing Pretrial Competencies*, Richard Rogers, Ph.D.
- May 05 Completed 1-day training: *Understanding and Assessing Cultural Diversity in the Mexican-American Community* given by Richard Mendoza, Ph.D.
- Apr 05 Completed 1-day training: *Organization Competence in a Multicultural Context and Counseling Person of African Descent: Raising the Bar of What Passes for Competence* given by Thomas Parham, Ph.D.
- Apr 05 Completed training: *Legal, Ethical, Pragmatic Supervision* given by Emil Rodolfa, Ph.D.
- Jan 04 Completed 5 day training provided by the American Academy of Forensic Psychology; including: *Ethical Issues in Forensic Practice*, Alan Goldstein, Ph.D.; *Excusing and the New Excuses*, Stephen Morse, J.D., Ph.D.; *Comprehensive Child Custody Evaluations: Advancements in Practice*, Mary Connell, Ed.D.; *Sex Offender Commitment: Risk Assessment & Treatment*, Mary Alice Conroy, Ph.D.; *Assessing Malingering & Defensiveness*, Randy Otto, Ph.D.
- Aug 03 Completed 1 day training: *Risk Assessment of Children with the EARL* Leena Augimeri, M.E.d.
- July 03 Completed 2 day training: *Assessing Psychopathy in Youth with the PCL:YV*, Bob Hare, Ph.D. & Adelle Forth, Ph.D.
- July 03 Completed 1 day training: *Assessing Risk of Youth Violence with the SAVRY*, Randy Borum, Psy.D.
- Mar 01 Completed 3 day training: *Sex Offender Management and Treatment-A Multidisciplinary Continuum*
- Dec 00 Completed 3 day conference: Federation of Families for Children's Mental Health
- Mar 00 Completed 2 day seminar: *Practical Approaches with the Parent Who Abuses*, given by: College Park Youth & Family Services
- Mar 99 Completed 4 day seminar: *Risk Assessment of Sexual Offenders & Sexual Offender Profiling*, Anna Salter, Ph.D. & Roy Hazelwood, M.S., FBI, (Ret.)

Bradley 15

Dec 98

Completed 4 day seminar: *Assessment of Violence Potential & The Psychopathic Personality; The Sexually Violent Offender*, J. Reid Meloy, Ph.D., A.B.P.P. & Roy Hazelwood, M.S., FBI (Ret.)

EXHIBIT 2

SHERA D. BRADLEY, PH.D.

Expertise with Victims of Human Sex Trafficking

I created an outpatient treatment program for sexually exploited minors in April 2008 and have been working with the girls since then. I have been referred over 100 girls and have worked with close to that many since April 2008. I have been a contracted provider for the Department of Juvenile Justice with Probation since 2008 and my funding has been renewed every year since then. I work closely with the Salvation Army's Seeds of Hope program, Juvenile Probation, the Youth Advocate Program, and the Department of Family Services to provide comprehensive services to the girls.

Furthermore, there are a number of trainings I have attended, trainings I have provided, and I have been involved in a number of community outreach activities and committees. Please see below for a detail of those experiences.

Involvement in the community

- Appointed co-chair of Girls Initiative by Fritz Reese, the Director of Juvenile Justice, in February 2010
- Participate in the Human Trafficking Task Force since 2010
- Domestic Minor Sex Trafficking provider committee & executive committee since 2011

Invited Trainings Provided

2016	Training on Human Trafficking presented with Sgt. Donald Hoier (retired LVMPD Vice) for the Nevada Psychology Internship consortium
Sept 12	Facilitated training <i>Human Trafficking Workshop</i> facilitated by Substance Abuse and Prevention Agency
Sept 12	Guest lecturer for Dr. Gary Lenkeit's Psychology & the Legal System class at Nevada State College
June 12	Facilitated training at the <i>Human Trafficking and Sexual Exploitation Forum</i> hosted by the Dream Center Las Vegas, NV
Mar 12	Guest lecturer for Dr. Kathleen Bergquist's Human Trafficking Class at UNLV
Feb 12	Facilitated training for Department of Family Services staff, foster parents, and community providers entitled: <i>Human Trafficking 101: Understanding the Prostitution Subculture</i>
Dec 11	Provided trainings for multiple class periods at Valley High School entitled <i>Preventing Bullying, Abuse, and Exploitation</i>
Nov 11	Guest lecturer for Dr. Sharon Hughes's Women Studies class at UNLV
Nov 11	Guest lecturer for Dr. Gary Lenkeit's Psychology & the Legal System class at Nevada State College

- May 11 Facilitated training at the *Hear Their Cry Summit* hosted by the Dream Center Las Vegas, NV
- Apr 11 Guest lecturer for Dr. Kathleen Bergquist's Human Trafficking Class at UNLV
- Apr 11 Facilitated 1 ½ days of training for staff of Southern Peaks Regional Treatment Center entitled: *Domestic Minor Sex Trafficking*.
- May 10 Facilitated training for probation officers, community mental health providers, social workers, and other juvenile justice staff, entitled: *Working Effectively with Trauma Exposed Youth*. Provided training on secondary trauma.

Invited Media

March 9, 2012

Tricked Documentary on Human Trafficking
Released on DVD & Netflix 2015

July 2011

KLAV 1230 AM Shrinking Las Vegas
Interviewed by Dr. Norton Roitman
Teen Homelessness with Monique Harris, LCSW and Shera Bradley, Ph.D.

July 2011

KLAS-Las Vegas Channel 8
Interview by I-Team Report Jonathan Humbert

June 16, 2010

KNPR's State of Nevada
Child Prostitution in Nevada

January 10, 2011

KNPR's State of Nevada
Somebody's Daughter: The Hidden Stories of Child Prostitutes

Supervision/Consultation/Teaching

- Serve as outside committee member for Tatyana Menaker's Dissertation Sam Houston State University
- Supervise and train clinical psychology doctoral students from UNLV
- Lecture on Human Trafficking in my own courses at UNLV including Abnormal Psychology, Child Behavior Disorders, Psychology and the Legal System.

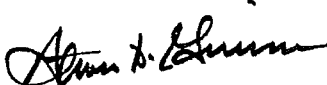
Training Received

Feb 13 *Sexually Exploited Youth 101* facilitated by the 8th Judicial District Court Sexually Exploited Youth Administrator

Jan 13 *Sex Trafficking Summit with Attorney General Catherine Cortez Masto*

Nov 12 *Human Trafficking Forum for Parents and Teens* facilitated by the Dream Center Las Vegas, NV

- Apr 12 *Beyond the Neon Signs: Human Trafficking Symposium* hosted by the UNLV School of Social Work
- Apr 12 *Victim Rights Week Seminar: Victim Information Notification Everyday and Sexual Exploitation is Human Trafficking.*
- Oct 11 *Human Trafficking Family Forum* facilitated by the Dream Center Las Vegas, NV
- May 11 *Providing Mental Health Services to Survivors of Human Trafficking.*
- Sept 10 *Second Annual Human Trafficking Training.*
- July 09 *Sexually Exploited Girls Symposium.*


CLERK OF THE COURT

1 KAREN A. CONNOLLY
Nevada Bar No. 4240
2 KAREN A. CONNOLLY, LTD.
6600 W. Charleston Blvd., Ste. 124
3 Las Vegas, NV 89146
Telephone: (702) 678-6700
4 Facsimile: (702) 678-6767
E-Mail: advocate@kconnollylawyers.com
5 Attorney for Defendant, DONTAE HUDSON

6
7 EIGHTH JUDICIAL DISTRICT COURT
CRIMINAL DIVISION
8 CLARK COUNTY, NEVADA

9 STATE OF NEVADA,

10 Plaintiff,

CASE NO.: C-15-307301-1
DEPT. NO.: III

11 vs.

Hearing Date: 05/19/16
Hearing Time: 9:00 AM

12 DONTAE HUDSON,

13 Defendant.

14 MOTION TO COMPEL AND FOR SHERA BRADLEY TO BE HELD IN CONTEMPT

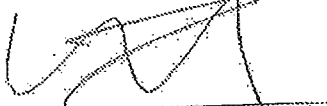
15 COMES NOW the Defendant, DONTAE HUDSON, by and through his attorney of record,
16 KAREN A. CONNOLLY, of the law offices of KAREN A. CONNOLLY, LTD., and respectfully
17 requests that the court grant defendant's motion.

18 This Motion is made and based upon the pleadings and papers on file herein, the following
19 Points and Authorities, and any arguments made at the time of hearing, if any.

20 DATED this 9 day of May 2016.

21 Respectfully submitted by:

22 KAREN A. CONNOLLY, LTD.

23 
24 KAREN A. CONNOLLY
25 Nevada Bar No. 4240
6600 W. Charleston Boulevard, Suite 124
26 Las Vegas, Nevada 89146
Telephone: (702) 678-6700
27 Facsimile: (702) 678-6767
Email: advocate@kconnollylawyers.com
28 Attorney for Defendant, DONTAE HUDSON

KAREN A. CONNOLLY, LTD.

Karen A. Connolly
6600 W. Charleston Blvd., Ste. 124, Las Vegas, Nevada 89146
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KAREN A. CONNOLLY, LTD.

Karen A. Connolly

6600 W. Charleston Blvd., Ste. 124, Las Vegas, Nevada 89146
Telephone: (702) 678-6700 Facsimile: (702) 678-6767

NOTICE OF MOTION

To: STEVEN B. WOLFSON, Clark County District Attorney, and
SAMUEL S. MARTINEZ, Chief Deputy District Attorney-Criminal of the Clark County
District Attorneys, Attorneys for Plaintiff, and
KATHLEEN BLISS, Attorney for Dr. Shera Bradley.

YOU WILL PLEASE TAKE NOTICE that the Defendant will bring the above and foregoing
Motion on for hearing before the Court on the 19 day of May 2016, at 9:00 a.m.,
in Department 3 of the District Court.

DATED this 19 day of May 2016.

KAREN A. CONNOLLY, LTD.

KAREN A. CONNOLLY
NV Bar No. 4240
6600 W. Charleston Blvd., Suite 124
Las Vegas, NV 89146
Attorney for Defendant

POINTS AND AUTHORITIES IN SUPPORT OF

Defendant Dontae Hudson has been charged by way of Information with First Degree Kidnapping (Category A Felony - NRS 200.310, 200.320 - NOC 50053); Sex Trafficking of a Child Under 16 Years of Age (Category A Felony - NRS 201.300.2a1 - NOC 58003); Child Abuse, Neglect or Endangerment (Category B Felony - NRS 200.508(1) - NOC 55226) and Living from the Earnings of a Prostitute (Category D Felony - NRS 201.320 - NOC 51006). Trial in this matter is set for June 27, 2016.

On February 9, 2016, this court signed an order for production of the alleged victim's counseling records to be produced to the court for an in camera review. The order was forwarded to Dr. Shera Bradley's office on February 10, 2016, Exhibit A. On April 5, 2016, undersigned sent a letter to Doctor Bradley stating that if she did not comply with the order court intervention would be sought. Exhibit B. Thereafter, attorney Kathleen Bliss has been retained by Dr. Bradley. Ms. Bliss has communicated to both the state and undersigned that her client will not produce the records as ordered. This motion follows.

Failure to comply with a court order is contemptuous.

NRS 1.210(3) states that:

Powers of court respecting conduct of proceedings.

Every court shall have power:

3. To compel obedience to its lawful judgments, orders and process, and to the lawful orders of its judge out of court in an action or proceeding pending therein.

This Court has the inherent power to compel obedience with its " . . . lawful judgments, orders and process . . ."

///

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///

The order is filed under seal and thus is not attached hereto.

1 NRS 22.010(3) states that:

2 Acts or omissions constituting contempts. The following acts or omissions shall be
3 deemed contempts:

4 3. Disobedience or resistance to any lawful writ, order, rule or process
5 issued by the court or judge at chambers.

6 NRS 22.100 states that:

7 Penalty for contempt.

8 1. Upon the answer and evidence taken, the court or judge or jury, as the
9 case may be, shall determine whether the person proceeded against is
10 guilty of the contempt charged.

11 2. Except as otherwise provided in NRS 22.110, if a person is found
12 guilty of contempt, a fine may be imposed on the person not exceeding
13 \$500 or the person may be imprisoned not exceeding 25 days, or both.

14 3. In addition to the penalties provided in subsection 2, if a person is
15 found guilty of contempt pursuant to subsection 3 of NRS 22.010, the
16 court may require the person to pay to the party seeking to enforce the
17 writ, order, rule or process the reasonable expenses, including, without
18 limitation, attorney's fees, incurred by the party as a result of the
19 contempt.

20 NRS 22.110(1) states that:

21 Imprisonment until performance if contempt is omission to perform an act; penalty for
22 failure or refusal to testify before grand jury.

23 1. Except as otherwise provided in subsection 2, when the contempt
24 consists in the omission to perform an act which is yet in the power of
25 the person to perform, the person may be imprisoned until the person
26 performs it. The required act must be specified in the warrant of
27 commitment.

KAREN A. CONNOLLY, LTD.

Karen A. Connolly
6600 W. Charleston Blvd., Ste. 124, Las Vegas, Nevada 89146
Telephone: (702) 678-6700. Facsimile: (702) 678-6767

1 Dr. Shera Bradley, has communicated via her counsel that she will not comply with this
2 court's order. Thus an order to show cause should issue. Also this may cause Hudson to be forced
3 to move to continue his trial.

4 DATED this 7 day of May 2016.

KAREN A. CONNOLLY, LTD.

KAREN A. CONNOLLY

Nevada Bar No. 4240

6600 W. Charleston Blvd., Ste. 124

Las Vegas, NV 89146

Attorney for Defendant, DONTAE HUDSON

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11 ///

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AFFIDAVIT OF COUNSEL

STATE OF NEVADA)
COUNTY OF CLARK) ss:

KAREN A. CONNOLLY, being first duly sworn deposes and states:

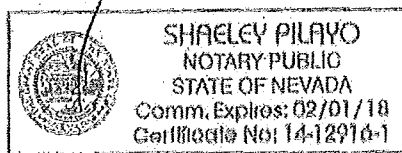
1. That Affiant is an attorney duly licensed to practice law in all courts in the State of Nevada;
2. That Affiant is the court appointed counsel for Dontae Hudson;
3. That Affiant has spoken with Kathleen Bliss, counsel for Dr. Shera Bradley, and she has indicated that her client will not comply with this court's order to produce record as set forth in the moving motion.

FURTHER YOUR AFFIANT SAYETH NAUGHT.

KAREN A. CONNOLLY

SUBSCRIBED AND SWORN to before me
on this 9 day of May 2016.

NOTARY PUBLIC in and for the
County of Clark, State of Nevada



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of KAREN A. CONNOLLY, LTD., and on the 9 day of May 2016, I served a true and correct copy of the above and foregoing *Motion to Compel and for Shera Bradley to be Held in Contempt* pursuant to NRCP 5 by the method or methods indicated below:

☒ by depositing the same in the U.S. Mail, First Class Mail, with postage fully prepaid, at Las Vegas, Nevada, addressed as follows:

Steven B. Wolfson, District Attorney
Samuel S. Martinez, Chief Deputy District Attorney
OFFICE OF THE DISTRICT ATTORNEY
200 E. Lewis Avenue
Las Vegas, NV 89010

Kathleen Bliss
4240 W. Flamingo Rd., #220
Las Vegas, NV 89103

☐ by facsimile to the below-listed number:

Steven B. Wolfson, District Attorney
Facsimile No.: (702) 868-2415

Samuel S. Martinez, Chief Deputy District Attorney
Facsimile No.: (702) 868-2423

Kathleen Bliss
Facsimile No.: (702) 366-1940

☒ by electronic service via WIZNET to the below-listed email address:

Steven B. Wolfson, District Attorney
Samuel S. Martinez, Chief Deputy District Attorney
Email: motions@clarkcountynvda.com

Kathleen Bliss
Email: kb@kathleenblisslaw.com

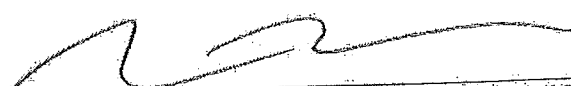

An Employee of KAREN A. CONNOLLY, LTD.

EXHIBIT "A"

x x x Communication Result Report (Feb. 10, 2015, 9:09AM) x x x
1) Karen A. Connolly LTD.

FIDE
No. 140 de

Destination

Pg. (s)

Result

Page
Not Sent

1009 Memory TX
ADMIN.

70236-15080

P. 4.

OK

Reason for error

E. 1)	Hang up or line fail	E. 2)	Busy
E. 3)	No answer	E. 4)	No facsimile connection
E. 5)	Exceeded max. E-mail size		

RAREN A. CONNOLLY, LTD.
Attorney at Law
6660 W. Chilton Blvd., #124
Las Vegas, NV 89110
Email: advent@kayvondhlaw.com
Phone 702-678-0100 & Fax 702-678-0757

FACSIMILE COVER PAGE

DATE: February 10, 2016
TO: Judge
OFF: District Director's Office
FAX NO.: (703) 344-3910
FROM: Stanley
RE: Connecting Records for

DOCUMENTS TRANSMITTED

Amended Order Regarding Counseling Records filed 07/23/16	3
Results:	1

For my phone call, please let me know if you will release the records per this court order.
Thank you:

Il y en a plusieurs autres et les des institutions plus ou moins chères (10) 678 (100).

[illegible]

KAREN A. CONNOLLY, LTD.
Attorney at Law
6600 W. Charleston Blvd., #124
Las Vegas, NV 89146
Email: advocate@kconnollylawyers.com
Phone: 702-678-6700 ☎ Fax: 702-678-6767

FACSIMILE COVER PAGE

DATE: February 10, 2016
TO: Jackie
OF: Dr. Shera Bradley's Office
FAX NO.: (702) 361-5080
FROM: Shaeley
RE: Counseling Records for [REDACTED]

DOCUMENTS TRANSMITTED:

DOCUMENT	NO. OF PAGES
<i>Amended Order Regarding Counseling Records</i> filed 02/09/16	3
TOTAL PAGES INCLUDING COVER	4

Comments:

Per my phone call, please let me know if you will release the records per this court order.
Thank you.

If you experience problems with this transmission please contact Shaeley at (702) 678-6700.

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EXHIBIT “B”

1) Kaiten K Genshōkyū LTD
2)

File No.	Mode	Destination	Pg (s)	Result	Page Not Sent
1092	Memory TX ADMIN	7023615080	P. 7	OK	

Reason for error

Reason	Count
1) Hang up on line fail	1
2) No answer	1
3) Exceeded max. E-mail size	1

E. 2) Boy
E. 4) No facsimile connection

KAREN A. CONNOLLY, LTD.
Attorney at Law
6100 W. Charleston Blvd., #1104
Las Vegas, NV 89130
Email: kay@kayconnolly.com
Phone: 702-478-6700 • Fax: 702-678-6701

FACSIMILE COVER PAGE

DATE: April 5, 2016.
TO: Jack
OFF: Dr. Susan Phillips (M16)
FAX NO.: (701) 761-5193
FROM: Shirley
RE: Counseling Records for

DOCUMENTS TRANSMITTED:

Letter regarding the ordered records	6
FOIA request regarding privacy	7

COPYRIGHT:

If you experience problems with this document, please contact Bob at (707) 678-6700.

This image has been taken from a photograph of the original manuscript. The text is written in a cursive script, likely from the 17th or 18th century. The ink is dark, and the paper appears aged. The text is arranged in a single line, with some words being difficult to decipher due to the cursive style.

KAREN A. CONNOLLY, LTD.
Attorney at Law
6600 W. Charleston Blvd., #124
Las Vegas, NV 89146
Email: advocate@kconnollylawyers.com
Phone: 702-678-6700 ☎ Fax: 702-678-6767

FACSIMILE COVER PAGE

DATE: April 5, 2016
TO: Jackie
OF: Dr. Sheri Bradley's Office
FAX NO.: (702) 361-5080
FROM: Shaeley
RE: Counseling Records for [REDACTED]

DOCUMENTS TRANSMITTED:

DOCUMENT	NO. OF PAGES
Letter regarding the ordered records	6
TOTAL PAGES INCLUDING COVER	7

Comments:

If you experience problems with this transmission please contact Shaeley at (702) 678-6700.

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KAREN A. CONNOLLY, LTD.
Attorney at Law
6600 W. Charleston Blvd., #124
Las Vegas, NV 89146
Email: advocate@kconnollylawyers.com
Phone: 702-678-6700 ☎ Fax: 702-678-6767

February 10, 2016

via facsimile only (702) 361-5080

Dr. Sheri Bradley's Office

Re: State v. Dontae Hudson
Case No. C-15-307301-1

Dear Dr. Bradley:

Regarding the court order faxed to your office on February 10, 2016, please be advised that if you do not comply, a motion to compel will be filed.

Please provide copies of the counseling records for [REDACTED] to Honorable Douglas Herndon per the court order. A copy of the court order is enclosed hereto for your reference.

Sincerely,


KAREN A. CONNOLLY

skp/KAC
Enclosures as stated.

State of Nevada vs Dontae Hudson

Case Type: Felony/Gross Misdemeanor
Date Filed: 06/13/2015
Location: Department 3
Cross-Reference Case Number: C307301
Defendant's Scope ID #: 2778981
ITAG Booking Number: 1500015671
ITAG Case ID: 1681551
Lower Court Case # Root: 15F05296
Lower Court Case Number: 15F05296X
Metro Event Number: 1502130159

Defendant **Hudson, Dontae**

Lead Attorneys
Karen Ann Connolly
Retained
702-678-6700(W)

Plaintiff State of Nevada

Steven B Wolfson
702-671-2700(W)

Charges: Hudson, Dontae

1. FIRST DEGREE KIDNAPPING
2. SEX TRAFFICKING OF CHILD UNDER 16 YEARS OF AGE
3. CHILD ABUSE , NEGLECT OR ENDANGERMENT
4. LIVING FROM THE EARNINGS OF A PROSTITUTE

Statute	Level	Date
200.310.1	Felony	02/01/2015
201.300.2	Felony	02/01/2015
200.508.1b1	Felony	02/01/2015
201.300.2b2	Felony	02/01/2015

OTHER EVENTS AND HEARINGS

06/14/2015 Criminal Bindover Packet Las Vegas Justice Court

06/14/2015	Criminal Bindover Packet Due Legal Services
06/16/2015	Initial Arraignment (10:00 AM) (Judicial Officer De La Garza, Melissa)

Parties Present

Minutes

Result: Plea Entered

06/16/2015	Information
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06/16/2015	Information
06/24/2015	Notice of Witnesses and/or Expert Witnesses

Notice of Witnesses and/or Expert Witnesses

07/23/2015 Calendar Call (9:00 AM) (Judicial Officer Herndon, Douglas W.)

Parties Present

Minutes

Result: Matter Heard

07/27/2015 **CANCELED** Jury Trial (10:00 AM) (Judicial Officer Herndon, Douglas W.)

Vacated - per Judge

07/28/2015 Transcript of Proceedings

Reporter's Transcript of Preliminary Hearing 06/12/15

08/18/2015 Petition

Petition for Writ of Habeas Corpus

09/01/2015 | Writ

State's Return to Writ of Habeas Corpus

09/03/2015 Petition for Writ of Habeas Corpus (9:00 AM) (Judicial Officer Herndon, Douglas W.)

Minutes

09/01/2015 Reset by Court to 09/03/2015

Result: Denied

09/28/2015	Motion
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Motion to Withdraw Counsel

09/28/2015 Notice of Motion

Notice of Motion

10/12/2015 Order for Production of Inmate

Order for Production of Inmate Dontae J. Hudson, BAC #1094041

10/13/2015	Order Denying
------------	---------------

Order Denying Defendant's Petition for Writ of Habeas Corpus

10/20/2015 **Motion to Withdraw as Counsel (9:00 AM)** (Judicial Officer Herndon, Douglas W.)

10/20/2015, 11/10/2015

Defendant's Pro Per Motion to Withdraw Counsel

Minutes

Result: Continued
12/04/2015 **Motion for Discovery**
Motion for Discovery
12/14/2015 **Opposition to Motion**
State's Opposition to Defendant's Motion for Discovery
12/15/2015 **Motion for Discovery** (9:00 AM) (Judicial Officer Herndon, Douglas W.)
Defendant's Motion for Discovery
Minutes
Result: Granted
01/05/2016 **Order**
Order Regarding Juvenile Records
01/05/2016 **Filed Under Seal**
SEALED per ORDER 04/18/16 Order Regarding Counseling Records
01/25/2016 **Notice of Witnesses and/or Expert Witnesses**
Defendant's Notice of Witnesses and/or Expert Witnesses
01/27/2016 **Motion to Suppress**
Motion to Suppress Statement
01/27/2016 **Motion to Compel**
Motion to Compel Production of Records
01/29/2016 **Recorders Transcript of Hearing**
Recorder's Transcript of Proceedings: Defendant's Motion for Discovery December 15, 2015
02/05/2016 **Opposition to Motion**
State's Opposition to Defendant's Motion to Suppress Statement
02/09/2016 **Motion to Suppress** (9:00 AM) (Judicial Officer Herndon, Douglas W.)
Defendant's Motion to Suppress Statement
Result: Off Calendar
02/09/2016 **Motion to Compel** (9:00 AM) (Judicial Officer Herndon, Douglas W.)
Defendant's Motion to Compel Production of Records
Result: Off Calendar
02/09/2016 **Filed Under Seal**
SEALED per ORDER 04/18/16 Amended Order Regarding Counseling Records
02/09/2016 **All Pending Motions** (9:00 AM) (Judicial Officer Herndon, Douglas W.)
Parties Present
Minutes
Result: Matter Continued
02/11/2016 **CANCELED Calendar Call** (9:00 AM) (Judicial Officer Herndon, Douglas W.)
Vacated - per Judge
02/16/2016 **CANCELED Jury Trial** (10:00 AM) (Judicial Officer Herndon, Douglas W.)
Vacated - per Judge
04/11/2016 **Ex Parte**
Ex Parte Request to Seal Order and Amended Order Regarding Counseling Records
04/18/2016 **Filed Under Seal**
Ex Parte Order to Seal Order and Amended Order Regarding Counseling Records
05/06/2016 **Motion to Vacate**
Motion to Vacate Amended Order Requiring Disclosure of Confidential Treatment Records to Court and to Further Seal All Pleadings Related to Child Victim
05/09/2016 **Motion to Compel**
Motion to Compel and for Shera Bradley to be Held in Contempt
05/09/2016 **Notice**
Notice of Attorney Appearance
05/16/2016 **Opposition to Motion**
Opposition to Defendant's Motion to Compel and for Contempt
05/17/2016 **Motion** (9:00 AM) (Judicial Officer Herndon, Douglas W.)
05/17/2016, 06/02/2016
Movant/Real Party In Interest Dr. Shera D. Bradley, Ph.D.'s Motion to Vacate Amended Order Requiring Disclosure of Confidential Treatment Records to Court and to Further Seal All Pleadings Related to Child Victim
Minutes
Result: Continued
06/02/2016 **Motion to Compel** (9:00 AM) (Judicial Officer Herndon, Douglas W.)
06/02/2016, 06/09/2016
Defendant's Motion to Compel and for Shera Bradley to be Held in Contempt
05/19/2016 Reset by Court to 06/02/2016
Result: Continued
06/02/2016 **All Pending Motions** (9:00 AM) (Judicial Officer Herndon, Douglas W.)
Minutes
Result: Matter Heard
06/09/2016 **Status Check** (9:00 AM) (Judicial Officer Herndon, Douglas W.)
STATUS CHECK: FILING OF WRIT
06/23/2016 **Calendar Call** (9:00 AM) (Judicial Officer Herndon, Douglas W.)
06/23/2016 **Jackson v Denno Hearing** (9:00 AM) (Judicial Officer Herndon, Douglas W.)
Defendant's Motion to Suppress Statement
06/27/2016 **Jury Trial** (10:00 AM) (Judicial Officer Herndon, Douglas W.)