

IN THE SUPREME COURT OF THE STATE OF NEVADA

THE STATE OF NEVADA,

Petitioners,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA, IN
AND FOR THE COUNTY OF CLARK,
AND THE HONORABLE JENNIFER
TOGLIATTI, DISTRICT JUDGE

Respondents,

And

JEFFREY LYNN BAKER,

Real Party in Interest.

Electronically Filed
Nov 02 2016 01:52 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

CASE NO:

D.C. NO: C-14-303315-1

PETITIONER'S APPENDIX

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Counsel for Respondent

INDEX

<u>Document</u>	<u>Page No.</u>
Amended Information, filed 03/05/15	48-51
Commitment and Order, filed 12/26/14.....	1-14
Defendant's Opposition to State's Motion to Admit the Preliminary Hearing Testimony of C.J. at Trial, filed 05/18/16.....	64-68
District Court Minutes of 02/20/15 & 03/05/15 (Arraignment Continued)	71-72
District Court Minutes of 05/14/15 (All Pending Motions)	73-74
Finding of Competency, filed 04/01/16	52-53
Information, filed 02/13/15	46-47
Notice of Motion and Motion to Admit the Preliminary Hearing Testimony of C.J. at Trial, filed 05/11/15	54-63
Order Denying State's Motion to Admit Preliminary Hearing Testimony of C.J., filed 08/15/16	69-70
Order of Competency (Remand), filed 01/30/15	17
Recorder's Transcripts of 12/17/14 (Conditional Bindover), filed 12/30/14	15-16
Recorder's Transcripts of 02/06/15 (Preliminary Hearing/Unconditional Waiver), filed 03/02/15	18-45

CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on November 2, 2016. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

ADAM PAUL LAXALT
Nevada Attorney General

MIKE FELICIANO
Deputy Public Defender

RYAN J. MACDONALD
Deputy District Attorney

I further certify that service of the above and foregoing was made this 2nd day of November, 2016, by depositing a copy in the U.S. Mail, postage pre-paid, addressed to:

JUDGE JENNIFER TOGLIATTI
Eighth Judicial District Court, Dept. IX
Regional Justice Center, 10th Floor
200 Lewis Avenue
Las Vegas, Nevada 89101

BY /s/ j. garcia
Employee, District Attorney's Office

EIGHTH JUDICIAL DISTRICT COURT

Clark County, Nevada

STATE OF NEVADA,

Plaintiff,

-v-

BAKER, JEFFREY, ID#1969433,

Defendant,

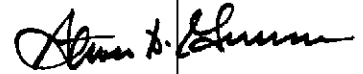
District Court Case:

Justice Court Case: 14FN2049X NLV 1

C-14-303315-1

Dept. XXIV

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12/26/2014 01:41:15 PM



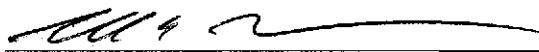
CLERK OF THE COURT

COMMITMENT and ORDER

An Order having been made by Justice of the Peace, Las Vegas Township this date that JEFFREY BAKER, to be held to answer before the Eighth Judicial District Court for the purpose of a finding of competency.

IT IS HEREBY ORDERED that said defendant is commanded to appear in the Eighth Judicial District Court, **Department VII at 9:00 AM on January 9th, 2015** for a competency hearing.

DATED this 19th day of December, 2014



for Judge Linda Bell

STATE OF NEVADA -v-

CLARK COUNTY
COURTS

JUSTICE COURT CASE NO.:

Jeffrey Baker14FN2049X DEPT. NLV1ID NO.: 1969433

DISTRICT COURT CASE NO.:

☐ Interpreter Required

TRACK DEPT

REQUEST FOR EVALUATION(S) FOR COMPETENCY

I, Mike Feliciano, on behalf of Jeffrey Baker do hereby request that the above named defendant be evaluated for competency based on the following:

The defendant DOES NOT:

- ☐ appear to understand the charges or allegation
☒ understand the adversarial nature of the legal process
☒ appear to disclose to defense attorney pertinent facts

- ☐ understand the range and nature of the penalties
☐ display appropriate courtroom behavior
☒ demonstrate ability to provide relevant testimony

12-17-14
Date

[Signature]
Signature of Person Requesting Evaluation

702-455-3225
Contact Number

ORDER FOR COMPETENCY EVALUATION(S)

THIS MATTER having come before the Court at a hearing where the Defendant was
☒ PRESENT ☐ NOT PRESENT

THE COURT FINDS AND ORDERS that doubt has arisen as to the competence of the Defendant and that the proceedings are suspended until the question of competence is determined.

IT IS FURTHER ORDERED that pursuant to N.R.S. 178.415 the appropriate evaluation(s) will be conducted; the defendant having been charged with a

☐ MISDEMEANOR ☒ GROSS MISDEMEANOR / FELONY competency hearing to be set at 9:00 A.M. in District Court Department 7 on the 9 day of January, 2015.

FURTHERMORE, IT IS ORDERED the following records be made available to the Specialty Court Division of the Clark County Courts: 1) Any and all jail records to include, but not limited to, custody records, psychiatric records, medical records and incident reports. 2) Any and all criminal records, including but not limited to, criminal complaint, police records and discovery.

ADDITIONALLY, it is ordered that the Clark County Detention Center and/or NaphCare shall provide the referring attorney and/or attorney's staff with any and all medical/psychiatric records of the defendant upon request and NaphCare staff including but not limited to physician and nursing records. Lastly, they shall speak with the referring attorney and/or their staff about the defendant's condition including but not limited to prognosis, diagnosis and treatment.

IT IS FINALLY ORDERED that the report(s) of said examination be submitted to the Specialty Courts Division no later than 5:00 PM on the third judicial day preceding the scheduled hearing.

DATED this 17 day of December, 2014

[Signature]
JUDGE

PA000002

JUSTICE COURT, NORTH LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JEFFREY LYNN BAKER, JR. #1969433,

Defendant.

Date

CASE NO: 14FN2049X

DEPT NO:

CRIMINAL COMPLAINT

The Defendant above named having committed the crimes of LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category A Felony - NRS 201.230 - NOC 50975) and COERCION SEXUALLY MOTIVATED (Category B Felony - NRS 207.190, 175.547, 207.193 - NOC 55532), in the manner following, to-wit: That the said Defendant, on or between September 1, 2011 and August 11, 2014, at and within the County of Clark, State of Nevada,

COUNT 1 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

did on or between September 1, 2011 and September 30, 2011 then and there wilfully, lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, a child, to-wit: C.J., said child being under the age of fourteen years, by pulling down the said C.J.'s shirt and placing his head between her breasts and/or by licking her chest, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said Defendant, or said child.

COUNT 2 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

did on or between September 1, 2011 and September 30, 2011 then and there wilfully, lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, a child, to-wit: C.J., said child being under the age of fourteen years, by touching/rubbing/fondling the said C.J.'s inner thighs with his hand(s), with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said Defendant, or said child.

1 COUNT 3 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

2 did on or between September 1, 2011 and September 30, 2011 then and there wilfully,
3 lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or
4 any part or member thereof, a child, to-wit: C.J., said child being under the age of fourteen
5 years, by placing the said C.J.'s hand on his genitals and/or by having her touch and/or rub his
6 penis, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual
7 desires of said Defendant, or said child.

8 COUNT 4 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

9 did on or between September 1, 2011 and September 30, 2011 then and there wilfully,
10 lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or
11 any part or member thereof, a child, to-wit: C.J., said child being under the age of fourteen
12 years, by touching/rubbing and/or squeezing the said C.J.'s buttocks with his hand(s) and/or
13 by attempting to pull her pants down, with the intent of arousing, appealing to, or gratifying
14 the lust, passions, or sexual desires of said Defendant, or said child.

15 COUNT 5 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

16 did on or about March 17, 2013 then and there wilfully, lewdly, unlawfully, and
17 feloniously commit a lewd or lascivious act upon or with the body, or any part or member
18 thereof, a child, to-wit: C.P., said child being under the age of fourteen years, by touching
19 and/or rubbing and/or squeezing the said C.P.'s buttocks with his hand(s), with the intent of
20 arousing, appealing to, or gratifying the lust, passions, or sexual desires of said Defendant, or
21 said child.

22 COUNT 6 - COERCION SEXUALLY MOTIVATED

23 did on or about August 11, 2014 then and there, wilfully, unlawfully and feloniously
24 use physical force, or the immediate threat of such force, against C.J., with intent to compel
25 her to do, or abstain from doing, an act which she had a right to do, or abstain from doing, by
26 grabbing the said C.J. by the arms and pinning her against a filing cabinet, preventing her from
27 moving, one of the purposes for which the Defendant committed the offense was Defendant's
28 sexual gratification.

1 COUNT 7 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

2 did on or about August 11, 2014 then and there wilfully, lewdly, unlawfully, and
3 feloniously commit a lewd or lascivious act upon or with the body, or any part or member
4 thereof, a child, to-wit: C.J., said child being under the age of fourteen years, by licking the
5 said C.J. on the cheek and/or by attempting to place his tongue in her mouth, with the intent
6 of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said Defendant,
7 or said child.

8 COUNT 8 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

9 did on or about August 11, 2014 then and there wilfully, lewdly, unlawfully, and
10 feloniously commit a lewd or lascivious act upon or with the body, or any part or member
11 thereof, a child, to-wit: C.J., said child being under the age of fourteen years, by
12 grabbing/touching her buttocks with his hand and/or by attempting to pull down her pants,
13 with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of
14 said Defendant, or said child.

15 COUNT 9 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

16 did on or about August 11, 2014 then and there wilfully, lewdly, unlawfully, and
17 feloniously commit a lewd or lascivious act upon or with the body, or any part or member
18 thereof, a child, to-wit: C.J., said child being under the age of fourteen years, by grinding his
19 hips/pelvis against the said C.J.'s body, with the intent of arousing, appealing to, or gratifying
20 the lust, passions, or sexual desires of said Defendant, or said child.

21 All of which is contrary to the form, force and effect of Statutes in such cases made and
22 provided and against the peace and dignity of the State of Nevada. Said Complainant makes
23 this declaration subject to the penalty of perjury.

24
25
26 11/12/14

27 14FN2049X/mah
28 NLVPD EV# 1413953
(TK)

Clark County Justice Court

NORTH LAS VEGAS TOWNSHIP

FIRST APPEARANCE BEFORE MAGISTRATE

NAME: BAKER JR/ JEFFREY LYNN

DATE: 11-06-14

ID #: 1969433

NLVPD MP #: _____

NLVJC CASE #: 14PCN 2093

NLVPD CASE #: 140812013953

YOU HAVE BEEN CHARGED WITH THE FOLLOWING OFFENSE(S):

Bail Amount

1. CHILD ABUSE OR NEGLECT, (1ST)
2. COERC W/FORCE OR THREAT OF FORCE
3. LEWDNESS W/CHILD <14, (1ST)=9 COUNTS
4. _____
5. _____
6. _____

15
10
225

DATE OF ARREST: 11/4/2014 3:14 PM

THE COURT FURTHER INFORMS YOU:

- That you have the right to have an attorney present during any questioning and to represent you concerning such charge(s).
- That if you cannot afford to hire an attorney, one will be appointed for you at the expense of the County;
- That you have the right to remain silent and that any statement you make may be used against you;
- That a formal complaint will be presented to you when you appear in North Las Vegas Justice Court, on or before 11-13-14 at 8:00 a.m. The Court is located at 2428 N. Martin Luther King Boulevard, North Las Vegas, Nevada 89032.
- That the Court has examined the Affidavit of Arrest which has been filed and finds that there is probable cause shown for your incarceration;
- That you have the right, in most cases, to have bail set to secure your release from custody. Bail is hereby set in the total sum of \$ 250K.

IT IS FURTHER ORDERED THAT IF BAIL IS SET; YOU ARE HEREBY REMANDED TO THE CUSTODY OF THE SHERIFF OF CLARK COUNTY AND THE COMMANDER, CLARK COUNTY DETENTION CENTER OR DESIGNEE UNTIL BAIL IS POSTED.

CONDUCTED BY JUDGE: _____

INTERPRETER: _____

PD OFFICER: GB 0834

DEPUTY DISTRICT ATTORNEY

Initial: BBZ

Days Requested: 7

Clark County Justice Court

NORTH LAS VEGAS TOWNSHIP

PROBABLE CAUSE DETERMINATION

DEFENDENT'S NAME: BAKER JR, JEFFREY LYNN

MF:

ID: 1969433

NLVJC CASE #:

14PCN2093

NLVPD CASE #:

140812013953

CHARGES:

CHILD ABUSE OR NEGLECT, (1ST)
COERC W/FORCE OR THREAT OF FORCE
LEWDNESS W/CHILD < 14, (1ST) = 9 COUNTS

20
20
 $9 \times 20 = 180$

DATE OF ARREST:

November 4, 2014

TIME:

3:14 PM

FINDING:

☒ I find there is sufficient probable cause, to believe that charged crime(s) have been committed and that said defendant has committed such crime(s). THEREFORE, IT IS ORDERED that the defendant be:

BAIL:

☐ Standard☒ Other

\$

220K

☐ O/R - Return Date:

at 08:30 A.M.

If the Defendant remains in custody, the First Appearance before the Justice Court will be:

11.06.14

at 08:30 A.M.

☐ I find there is NOT sufficient probable cause shown to allow the defendant to be held in custody. THEREFORE, IT IS ORDERED that the defendant be immediately released from custody as to the charge(s). This order is without prejudice to the City or State to proceed with the charge(s) based upon additional evidence sufficient to establish probable cause.

Defendant to appear in Justice Court on:

at 8:30 A.M.

REMARKS:

Signature of Magistrate

Date: Nov 4, 2014

Time: 5:14 PM

11/5/14

0950

PA000007



NORTH LAS VEGAS POLICE DEPARTMENT **PRE-BOOKING/DECLARATION OF ARREST**

PREBOOK NUMBER: 115022

☐ REVISED

1969433

NAME OF ARRESTEE: Baker JR, Jeffrey Lynn			ARRESTEE ALIAS:			PD CASE NUMBER: 140812013953		
SOCIAL SECURITY: 550898921		RACE: B	SEX: M	ETHNICITY:	DATE OF BIRTH: 06/16/1985	BIRTH LOCATION: USA		
HEIGHT: 505	WEIGHT: 210	HAIR: BLK	EYES: BRO	HOME PHONE:	WORK PHONE:	EMPLOYER:		
HOME ADDRESS LINE 1: 3024 VAN DER MEER					HOME ADDRESS LINE 2: NORTH LAS VEGAS, NV 89030			
PLACE OF ARREST: 3024 Van Der Meer NLV NV					DATE AND TIME OF ARREST: 11/04/2014 15:14		VEHICLE N	IMPOUND N
ARRESTING OFFICER'S NAME (P#): McCloud, Carey (1271)				TRANSPORTING OFFICER'S NAME (P#): McCloud, Carey (1271)				
INTAKE OFFICER'S NAME (P#):			IRS INTAKE NAME (P#):			MEDICAL ACCEPT (NURSE NAME AND DATE):		
SUBJECT INJURED N	SUBJECT COMBATTITIVE N		CONTRACT/FEDERAL AGENCY: N/A			CONTRACT/FEDERAL ID#:		
JUVENILE TREATED AS ADULT N		OFFENDER ID						
MUNICIPAL COURT WARRANT NUMBERS:								
#	ARREST ORIGIN	CHARGE	COUNTS	STATUTE / BAIL	ARREST TYPE	POLICE CASE # / MIAMI WARR #		
1	PC	CHILD ABUSE OR NEGLECT, (1ST) NOC: 55226	1	200.508.1B1 \$20,000.00	F	140812013953		
2	PC	COERC W/FORCE OR THREAT OF FORCE NOC: 53159	1	207.190.2A \$20,000.00	F	140812013953		
3	PC	LEWDNESS W/CHILD < 14, (1ST) NOC: 50975	1	201.230.2 NOT BAILABLE	F	140812013953		
ARREST ORIGIN DESCRIPTIONS: RMD - REMAND		CA - CITIZENS ARREST WA - WARRANT OF ARREST MPD - METRO REMAND OVERFLOW	PCOJ - PROBABLE CAUSE - OTHER JURISDICTION WFOJ - WANTED FUGITIVE - OTHER JURISDICTION NVOJ - NV WARRANT - OTHER JURISDICTION			PC - PROBABLE CAUSE BW - BENCH WARRANT BS - BOND SURRENDER		

Narrative:

On 8/13/14, I received this report for follow up investigation. Upon reading the original report, I found the following: On 8/13/14, NLVPD Officer Becky Rooks P1698 was sent to the lobby of the North Las Vegas Police Department, 1301 E Lake Mead. She spoke to Natika Bird, regarding a report of lewdness that occurred to her 13 year old daughter Carla Jamerson. Natika said that she is the mother of Carla and 9 year old Crista Poulos. On 8/11/14, she took her daughters to see her grandmother, Bettie Baker, who lives at 3024 Van Der Meer in North Las Vegas. Bettie's 29 year old grandson Jeffrey Baker Jr, also lives there. Jeffrey is the 1st cousin of Natika and the 2nd cousin of Carla and Crista. Natika said that her cousin Tracee Walton and her daughter Cianne Walton were also present on 8/11/14. Natika said that Carla asked Tracee to talk to her in the garage, and looked very upset. At the same time, Crista told her mom that she needed to tell her something. Jeffrey followed Carla and Tracee into the garage and said "Are they trying to tell lies on me?". Crista and Cianne then told Natika that Jeffrey had pinned Carla against a filing cabinet and had tried to make out with her. Crista told Natika that Jeffrey was trying to have S-E-X with Carla. Both Crista and Cianne make thrusting motions with their hips to show Natika what was going on. Natika went into the garage to talk to Carla and Carla started crying hysterically. Carla told her mom that Jeffrey had tried to pull off her shirt and kiss her. Jeffrey came into the garage as if to listen to the story, and everyone went into the house to get away from him. Carla said that Jeffrey had cornered her against a filing cabinet, and asked her what she would do if he asked her to get on her hands and knees. He then asked Carla what she would do if he had a gun to her head. Carla told Natika that Jeffrey started feeling her shirt and commented that she did not have a bra on. Carla said that Jeffrey tried to kiss her, touched her breasts and was grinding on her. She told him to stop, and Crista and Cianne started kicking and hitting Jeffrey to get him off of Carla. Jeffrey took Carla to the ground and tried to pin her, but Carla kicked him and ran out of the room. Natika said that she started yelling at Jeffrey and left because she wanted to hit him. She filed a report the next day.

I ran a records check on Jeffrey. I found that he is flagged for mental health concerns. I also confirmed that he is a registered

tier 2 sex offender for sexually motivated Larceny in 2007. He was arrested in 2005 and 2007 for sexual assault.

I called Natika and told her that I would like to have both Carla and Crista forensically interviewed at the Southern Nevada Children's Assessment Center (CAC). We made an appointment for 8/19/14.

On 8/19/14, I responded to the CAC and watched as Michelle Fisher forensically interviewed Carla and Crista. Fisher first spoke to 13 year Carla, and Carla told her that she would only tell her things that were the truth. Fisher asked her why she had come to talk to her today, and Carla said that her cousin Jeff had been inappropriate with her while she was over at her grandmother's house. Carla said that she, Jeff and other children (to include Crista and Cianne) had been in the computer room of grandma's house. Jeffrey started saying "crazy random stuff" that didn't make any sense to her. He told her to accept Satan as her true father. He then told her to get down on her knees and asked her what she would do if she had a gun to her head. Jeffrey then pinned back against a filing cabinet and licked her cheek. Jeffrey was holding Carla's hands over her shoulders against the filing cabinet and tried to put his tongue in her mouth. He grabbed her butt over her clothes and also tried to pull down her pants at the sides of her waistband. Jeff was also pumping and grinding his hips against her. Carla said that Crista tried to pull him off of Carla, and Jeffrey grabbed Crista's hair and tried to force Crista to the ground. Carla and Cianne jumped on Jeffrey, and he yelled that he was the Antichrist. Carla then ran to her cousin Tracee (the mother of Cianne) and started crying.

Fisher asked Carla if this had ever happened before. Carla told her that in 2011 when she was about 11 years old, she was over at her grandma's house on Van Der Meer. She said her mom and grandma went to go get lunch and she was alone in the house with Jeffrey. She said that while she was sitting at the computer in the same computer room, Jeffrey pulled down her shirt, tried to bury his head between her breasts and licked her chest area. He tried to unbutton her shorts, touched her inner thigh instead. He also grabbed her hand and put it on his penis and tried to get her to make a stroking motion on his penis. She said saw a bulge and actually touched the skin of his penis. She said she got up and went to the living room to get away from him and he followed her. He gave her a hug and squeezed her butt, and tried to pull her shorts down. She said she did not tell her mom about the first time Jeffrey accosted her. She also said that she had heard from her grandmother previously that Jeffrey had been charged as a sex offender, but she wasn't sure.

Fisher next forensically interviewed 9 year old Crista. Fisher asked Crista why she was speaking to Fisher that day, and Crista said it was because of something that happened to her sister. She said the Jeffrey was humping and trying to have sex with Carla. Crista said that at first, Jeffrey kept trying to close the door to keep Crista and Cianne out of the computer room. She saw Jeffrey trying to "trap" her sister in the corner of the computer room. She said Jeffrey was trying to hump Carla and that his bottom half was going in and out. He was also kissing Carla, sticking his tongue in her mouth and grabbing her face, and Carla looked scared. Crista said that she and Cianne tried to hit Jeffrey, and that Jeffrey took her and threw her on the ground. Fisher asked if anything had ever happened to her. Crista said that in March 2013, while in her grandma's room, Jeff hugged her, and touched and squeezed her booty over her clothing. She said no one else has ever tried to touch her.

The interviews with Carla and Crista were recorded onto DVD, and were recorded on my digital recorder. The DVD's were booked into evidence, and the audio recordings were downloaded at the North Las Vegas Detective Bureau.

On 10/29/14, I tried to call Natika's cousin, 35 year old Tracee Walton (the mother of Cianne). Her phone number was disconnected, so I responded to her address at 4044 Laurel Canyon and spoke to her. The interview was recorded on my digital recorder. I asked her if she remembered what happened on 8/11/14, and she said she did. She told me that her grandmother lives on Van Der Meer with Jeffrey. On that day, they were having a celebration at grandma's house because relatives were in town (to include 6 year old Sabrina Yates). She said the children (Carla, Crista, Cianne and Sabrina) were playing in the computer room. She saw Carla come out of the computer room quickly and she looked frightened. Tracee asked Carla to go into the garage to speak in private, but Jeffrey kept trying to hear what was being said. Carla saw Jeffrey and looked scared. Tracee was never able to find out from Carla what had happened to her. Her daughter Cianne told her that Jeffrey had been trying to do bad things to Carla in the computer room, and said Carla had been pushed against a wall. She told me that Selena had gone back home to another state. Tracee said that she thought Jeffrey was mentally unstable and a sex offender but was not certain.

On 10/30/14, I went to Carson Elementary and spoke to 8 year old Cianne Walton. I asked her if she remembered what happened in the computer room and grandma's house during the summer and she said she did. She told me that shee, Carla, Crista, Selena and Jeff had been watching TV and playing on the computer in the computer room. She said that her cousin Jeff tried to close the door to the computer room, had grabbed Carla and had kissed her. Cianne said that she and Crista had tried to hit Jeff to get him off of Carla and so that Carla could get out of the room. She said that Carla ran out of the room crying and ran to the garage where Tracee tried to talk to her.

On 11/4/14, I went to 3024 Van Der Meer to speak to Jeffrey. He read him his Miranda rights. He said he understood his rights and signed a form. I asked him about an incident in the computer room involving Carla, Crista and Cianne and he said he remembered. He told me that he had given Carla a hug and a kiss, but nothing else. When I asked him why the girls said he had pushed his pelvis against her, he said he had given her a "bump". He denied that anything else had happened with any of the girls.

I told Jeffrey that he was under arrest for 1 count of coercion (for forcing Carla into a filing cabinet and forcing her hands above her head), one count of child abuse (for grabbing Crista by the hair and throwing her to the floor), 8 counts of lewdness with a minor against Carla (for kissing and putting his tongue in her mouth, grabbing her butt, pulling down her pants, humping her in 2014 and for burying his head in her chest to lick her chest, unbuttoning her pants and touching her inner thigh, putting her hand on his penis, and hugging/grabbing her butt in 2011) and for 1 count of lewdness with a minor against Crista (for hugging and grabbing her butt in 2013). I transported him to the Las Vegas City Jail where he was booked for the charges.

The undersigned makes the following declarations subject to the penalty of perjury and says: That I am a peace officer with the CITY OF NORTH LAS VEGAS POLICE DEPARTMENT Clark County, Nevada. Being so employed for a period of 16 (1) years (months), that I learned the following facts and circumstances which lead me to believe that the above named subject committed (or was committing) the offense of SEE ABOVE CHARGES at the location of 3024 VAN DER MEER NLV NV and the offense occurred at approximately _____ hours on the _____ date of _____ 20 _____

Wherefore declarant prays that a finding be made by magistrate that probable cause exists to hold said person for preliminary hearing (If charges are a felony or gross misdemeanor) or for trial (If misdemeanor).

CAREY MCCLOUD

DECLARANT NAME (PLEASE PRINT)

DECLARANT SIGNATURE AND SERIAL NO.

JUSTICE COURT. NORTH LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA
DOCKET SHEET...CRIMINAL

CASE # 14CRN002026-0000 14FN2049X

State BAKER, JEFFREY L

1969433 (SCOPE)

**DATE, JUDGE, OFFICERS
OF COURT PRESENT**

**PROCEEDINGS
APPEARANCES - HEARING**

EVENTS

<p>December 17, 2014 K. HOO, JP C. PANDELIS, DDA K. ZICHA, CLK (RECORDED ON JAVS) M. FELICANO, DPD</p>	<p>HEARING HELD The following event: PRELIMINARY HEARING NLV scheduled for 12/17/2014 at 9:30 am has been resulted as follows: Result: CRIMINAL HEARING HELD Judge: HOO, KALANI Location: DEPARTMENT 1 SET FOR COURT APPEARANCE Event: DISTRICT COURT ARRAIGNMENT NLV Date: 01/09/2015 Time: 9:00 am Judge: Location: DISTRICT COURT DEPARTMENT 7 Request and Order for Competency Evaluation signed in Open Court - DEFENDANT CONDITIONALLY BOUND OVER TO DISTRICT COURT FOR FURTHER PROCEEDINGS RE: COMPETENCY. THIS MATTER IS ASSIGNED TO DISTRICT COURT DEPT XXIV DEFENDANT TO APPEAR IN DISTRICT COURT V FOR COMPETENCY HEARING. CCDC/20,000</p>	<p>DISTRICT COURT ARRAIGNMENT NLV Date: January 09, 2015 Time: 9:00 am Location: DISTRICT COURT DEPARTMENT 7</p>
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JUSTICE COURT. NORTH LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

DOCKET SHEET...CRIMINAL

CASE # 14CRN002026-0000 14FN2049X

State BAKER, JEFFREY L

1969433 (SCOPE)

DATE, JUDGE, OFFICERS
OF COURT PRESENT

PROCEEDINGS
APPEARANCES - HEARING

EVENTS

November 08, 2014	FIRST APPEARANCE HELD-PRE-ARRAIGNMENT 11/13/14 TOTAL BAIL: \$250,000(15K;10K;225K) The following event: 72 HOUR HEARING (VIDEO) NLV scheduled for 11/08/2014 at 8:15 am has been resulted as follows: Result: FIRST APPEARANCE HELD Judge: LEE, CHRIS Location: DEPARTMENT 3	
November 13, 2014	SET FOR COURT APPEARANCE Event: FELONY ARRAIGNMENT NLV Date: 11/14/2014 Time: 8:30 am Judge: HOO, KALANI Location: DEPARTMENT 1 Result: ARRAIGNMENT HEARING HELD	
November 14, 2014 K. HOO, JP B. PALAL, DDA R. DAMI, CLK (RECORDED ON JAVS) S. HAWKINS, DPD	COMPLAINT SWORN TO AND FILED: INDIGENT DEFENSE FEE WAIVED ARRAIGNMENT HEARING HELD INITIAL ARRAIGNMENT DEFENDANT PRESENT IN CCDC CUSTODY COMPLAINT PRESENTED, ADVISED, WAIVES PUBLIC DEFENDER APPOINTED, PRELIMINARY HEARING SET DEFENDANT WAIVES RIGHT OT PRELIM WITHIN 15 DAYS INDIGENT DEFENSE FEE WAIVED DEFENSE MOTION TO REDUCE BAIL TO 50,000 TOTAL OBJECTION BY DEP DA, DEFENDANT IS ALREADY REGISTERED SEX OFFENDER MOTION TO REDUCE BAIL DENIED CCDC/210,000 (25,000 X 5, 10,000; 25,000 X 3/RESET BY COURT) SET FOR COURT APPEARANCE Event: PRELIMINARY HEARING NLV Date: 12/17/2014 Time: 9:30 am Judge: HOO, KALANI Location: DEPARTMENT 1	

JUSTICE COURT. NORTH LAS VEGAS TOWNSHIP

CLARK COUNTY, NEVADA

DOCKET SHEET...CRIMINAL

CASE # 14CRN002026-0000 14FN2049X

State BAKER, JEFFREY L 1969433 (SCOPE)

**DATE, JUDGE, OFFICERS
OF COURT PRESENT**

**PROCEEDINGS
APPEARANCES - HEARING**

EVENTS

November 04, 2014	<p>BAIL AMOUNT Charge #1: CHILD ABUSE OR NEGLECT, 1ST</p> <hr/> <p>BAIL AMOUNT Charge #2: COERCION W/PHYSICAL FORCE OR IMMEDIATE THREAT OF PHYSICAL FORCE</p> <hr/> <p>BAIL AMOUNT Charge #3: LEWDNESS W/CHILD UNDER AGE 14, 1ST</p> <hr/> <p>BAIL AMOUNT Charge #4: LEWDNESS W/CHILD UNDER AGE 14, 1ST</p> <hr/> <p>BAIL AMOUNT Charge #5: LEWDNESS W/CHILD UNDER AGE 14, 1ST</p> <hr/> <p>BAIL AMOUNT Charge #6: LEWDNESS W/CHILD UNDER AGE 14, 1ST</p> <hr/> <p>BAIL AMOUNT Charge #7: LEWDNESS W/CHILD UNDER AGE 14, 1ST</p> <hr/> <p>BAIL AMOUNT Charge #11: LEWDNESS W/CHILD UNDER AGE 14, 1ST</p> <hr/> <p>BAIL AMOUNT Charge #10: LEWDNESS W/CHILD UNDER AGE 14, 1ST</p> <hr/> <p>BAIL AMOUNT Charge #8: LEWDNESS W/CHILD UNDER AGE 14, 1ST</p> <hr/> <p>BAIL AMOUNT Charge #9: LEWDNESS W/CHILD UNDER AGE 14, 1ST</p> <hr/> <p>SET FOR FIRST APPEARANCE Event: 72 HOUR HEARING (VIDEO) NLV Date: 11/06/2014 Time: 8:15 am Judge: LEE, CHRIS Location: DEPARTMENT 3</p> <hr/> <p>Result: FIRST APPEARANCE HELD</p>	
November 05, 2014	PROBABLE CAUSE DETERMINATION	

JUSTICE COURT. NORTH LAS VEGAS TOWNSHIP

CLARK COUNTY, NEVADA

DOCKET SHEET...CRIMINAL

CASE # 14CRN002026-0000 14FN2049X
State BAKER, JEFFREY L 1969433 (SCOPE)
Charge(s) LEWDNESS W/CHILD UNDER AGE 14, 1ST (8 counts)
COERCION W/PHYSICAL FORCE OR IMMEDIATE
THREAT OF PHYSICAL FORCE - SEX MOTIVATED

Conditions

Description	Required Amount	Bal Due	Due Dt	Notes
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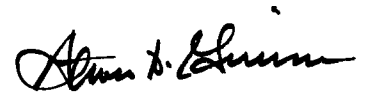
LINKED CASES FOR: 14CRN002026-0000

CASE #	STATUS	EVENT DATE	EVENT DESCRIPTION
14PCN002093-0000	CRIMINAL COMPLAINT FIL	NO FUTURE EVENTS	72 HOUR HEARING (VIDEO) NLV

DATE, JUDGE, OFFICERS
OF COURT PRESENT

PROCEEDINGS
APPEARANCES - HEARING

EVENTS



DISTRICT COURT NO. C-14-303315-1

IN THE JUSTICE COURT OF NORTH LAS VEGAS TOWNSHIP
COUNTY OF CLARK, STATE OF NEVADA

* * * * *

THE STATE OF NEVADA,

Plaintiff,

vs.

JEFFREY BAKER,

Defendant.

DEPARTMENT 1

CASE NO. 14CRN002026-0000

14FN2049X

**RECORDED TRANSCRIPT
OF
CONDITIONAL BIDOVER**

BEFORE THE HONORABLE KALANI HOO
JUSTICE OF THE PEACE
DECEMBER 17, 2014, 9:30 A.M.

APPEARANCES:

For the Plaintiff:

CHRISTOPHER PANDELIS, ESQ.
Deputy District Attorney

For the Defendant:

MIKE FELICANO, ESQ.
Deputy Public Defender

TRANSCRIBED BY: SHARON EULIANO, COURT RECORDER-TRANSCRIBER

1 NORTH LAS VEGAS, CLARK COUNTY, NEVADA

2 DECEMBER 17, 2014, 9:30 A.M.

3 P R O C E E D I N G S

4
5 THE COURT: Jeffrey Lynn Baker, Jr., 14FN2049X.

6 Present in custody. This is the time set for preliminary hearing.

7 MR. FELICANO: Yes, your Honor, this was called off. This is going
8 to be a waiver to competency court.

9 THE COURT: Okay. And I've received a copy of that request for
10 evaluation and I have signed your order.

11 THE CLERK: January 9th at 9 a.m., District Court Department 7 to
12 be tracked to Department Number 24.

13 MR. FELICANO: Thank you, your Honor.

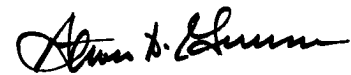
14 THE COURT: All right. Have a good day.

15 MR. FELICANO: You, too.

16
17
18
19 * * * * *

20 ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-
21 video recording of this proceeding in the above-entitled case to the best of my
22 ability.

23 
SHARON EULIANO
24 Court Recorder/Transcriber
25



CLERK OF THE COURT

ORDR
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
BARTER G. PACE
Chief Deputy District Attorney
Nevada Bar #004353
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JEFFREY LYNN BAKER JR.,
#1969433

Defendant.

CASE NO: C-14-303315-1

DEPT NO: VII

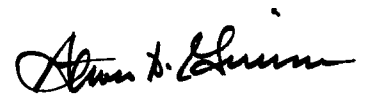
ORDER OF COMPETENCY
(Remand)

DATE OF HEARING: 01/09/2015
TIME OF HEARING: 9:00 A.M.

THIS MATTER having come on for hearing before the above entitled Court on the 9th day of January, 2015, the Defendant being represented by BELINDA HARRIS and CLAUDIA ROMNEY, Deputy Public Defenders, the Plaintiff being represented by STEVEN B. WOLFSON, Clark County District Attorney, through BARTER G. PACE, Chief Deputy District Attorney, and Defendant, having been evaluated by DANIEL SUSSMAN, Ph.D. and JOHN D. PAGLINI, Psy.D. and deemed competent to proceed, and upon hearing arguments of counsel, the Court makes the following findings:

COURT FINDS Defendant is of sufficient mental ability to be able to understand the nature of the criminal charges against him and the nature of the court proceedings, and is able to assist counsel in his defense;

COURT FURTHER FINDS Defendant is Competent to proceed and shall be remanded to his originating department for further proceedings;



DISTRICT COURT NO. C-14-303315-1

IN THE JUSTICE COURT OF NORTH LAS VEGAS TOWNSHIP
COUNTY OF CLARK, STATE OF NEVADA

* * * * *

THE STATE OF NEVADA,

Plaintiff,

vs.

JEFFREY L. BAKER,

Defendant.

DEPARTMENT 1

CASE NO. 14CRN002026-0000
14FN2049X

**RECORDED TRANSCRIPT
OF
PRELIMINARY HEARING/UNCONDITIONAL WAIVER**

BEFORE THE HONORABLE KALANI HOO
JUSTICE OF THE PEACE
FEBRUARY 6, 2015, 9:30 A.M.

APPEARANCES:

For the Plaintiff:

CRAIG HENDRICKS, ESQ.
Deputy District Attorney

For the Defendant:

MIKE FELICIANO, ESQ.
Deputy Public Defender

TRANSCRIBED BY: SHARON EULIANO, COURT RECORDER-TRANSCRIBER

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I N D E X

<u>WITNESSES FOR THE STATE:</u>	<u>PAGE</u>
CARLA MICHELLE JAMERSON	
Direct Examination by Mr. Hendricks	4
Cross-Examination by Mr. Feliciano	---

WITNESSES FOR THE DEFENDANT:

None

1 NORTH LAS VEGAS, CLARK COUNTY, NEVADA

2 FEBRUARY 6, 2015, 9:30 A.M.

3 P R O C E E D I N G S

4
5 THE COURT: Jeffrey Lynn Baker, Jr., 14FN2049X.

6 This is the time set for preliminary hearing.

7 MR. FELICIANO: Good morning, your Honor.

8 THE COURT: Are we ready to proceed?

9 MR. HENDRICKS: We are, your Honor.

10 THE COURT: All right.

11 MR. HENDRICKS: I'm sure Defense counsel wants to invoke the
12 exclusionary rule because I've got three witnesses.

13 MR. FELICIANO: We do and we have some -- we have staff from
14 our office here, so we'd ask that they be allowed to remain.

15 MR. HENDRICKS: Oh, I don't have -- I certainly don't have a
16 problem with that. I don't know if his father --

17 MR. FELICIANO: His father is here.

18 MR. HENDRICKS: -- is gonna be a witness. I'm sure he probably
19 will be.

20 MR. FELICIANO: He could at some point be a witness.

21 THE COURT: All right, well, I mean, in the abundance of caution,
22 then we'll ask him to step out.

23 These are your witnesses here, Mr. Hendricks?

24 MR. HENDRICKS: Yeah. My first witness is gonna be Carla, so if
25 she wants to step up and then her other family members can wait outside.

1 **CARLA MICHELLE JAMERSON,**

2 having been first duly sworn
3 was examined and testified as follows:
4

5 THE BAILIFF: Okay. Please be seated.

6 And if you can, state your name and spell it out for the court
7 record, please.

8 THE WITNESS: Hi, my name is Carla Michelle Jamerson. Do I need
9 to spell --

10 MR. HENDRICKS: Spell your name, please.

11 THE WITNESS: Okay. C-a-r-l-a, M-i-c-h-e-l-l-e, J-a-m-e-r-s-o-n.

12 MR. HENDRICKS: Thank you.
13

14 **DIRECT-EXAMINATION**

15 BY MR. HENDRICKS:

16 Q. Carla, how old are you?

17 A. I'm 14.

18 Q. What is your date of birth?

19 A. September 24th, 2000.

20 Q. What grade are you in?

21 A. I'm currently in the eighth grade.

22 Q. And what school do you attend?

23 A. Canarelli Middle School.

24 Q. What's your mom's name?

25 A. Nitika Adenine Burr (phonetic). I don't know how to spell Adenine,

1 but I do know how to spell the rest of her name.

2 Q. Okay. Do you have a sister with you here today?

3 A. Yes.

4 Q. What's her name?

5 A. Christa (Indiscernible).

6 Q. And how old is she?

7 A. She's nine years old.

8 Q. And do you know her birthday?

9 A. Yes. July 19, 2005.

10 Q. Okay. Do you know someone by the name of Jeffrey Baker, Jr.?

11 A. Yes.

12 Q. Is that person in the courtroom here today?

13 A. Yes.

14 Q. Would you please point to an article of clothing or what the person
15 is wearing in the courtroom here this morning.

16 A. Um, blue, a blue shirt.

17 MR. HENDRICKS: May the record reflect she's pointing in the
18 direction of the defendant and also identified a blue shirt that he's wearing at
19 this point, so I'd ask that the record reflect the identification of the defendant.

20 THE COURT: It will.

21 MR. HENDRICKS: Thank you.

22 BY MR. HENDRICKS:

23 Q. How do you know Jeffrey Baker, Jr.?

24 A. He's my cousin.

25 Q. Do you call him Jeffrey or is there a nickname that you call him?

1 A. Little Jeff.

2 Q. Little Jeff? Why do you call him Little Jeff?

3 A. Because his dad's named the same thing, so that's Uncle Jeff and
4 then he's Little Jeff.

5 Q. Do you know your grandma's name?

6 A. Betty Baker.

7 Q. Do you know where she lives?

8 A. I do not know the address.

9 Q. Okay. Can you describe her house?

10 A. The house is rather big. When you arrive there, you'll notice there's
11 a window and through that window there's like an opening. And when you go
12 there, there's a door right there, and there's a doorbell, so when you ring it,
13 immediately you're brought into the living room. But the outside of the house is
14 yellow, kind of white on the garage side, and I remember the roof being like a
15 really tan color. I remember it's always kind of been like that.

16 Q. Okay.

17 THE COURT: Mr. Hendricks, before you continue, there's a
18 technical thing.

19 It says "locked." Is it going to -- I just want to make sure that
20 everyone's being recorded. So I have this thing flashing on this monitor that
21 says that it's locked, this camera is locked on. I want to make sure the audio is
22 not affected by that.

23 Do you see that? I've never seen this before.

24 THE BAILIFF: There you go. So now when you speak, the camera
25 will . . .

1 Go ahead and say something, Mr. Hendricks.

2 MR. HENDRICKS: Hello.

3 THE BAILIFF: It goes to him.

4 THE COURT: Mr. Feliciano, could you just test it on yours.

5 MR. FELICIANO: Sure.

6 THE COURT: Okay.

7 THE BAILIFF: There you go.

8 THE COURT: All right, I just want to make sure that the record is
9 preserved for later.

10 All right, sorry, Miss. You can continue.

11 THE WITNESS: I don't know . . . What was I saying?

12 BY MR. HENDRICKS:

13 Q. Okay. You were describing the house. Is that house here in North
14 Las Vegas, Clark County, Nevada?

15 A. Yes.

16 Q. Do you remember the street name or no?

17 A. Uh, no, I don't. I haven't memorized any other address besides my
18 own.

19 Q. Okay. Have there -- has there ever been a time when you went
20 over to Betty's house?

21 A. Yeah, I used to go over there all the time when I was little. Not
22 recently, though.

23 Q. Okay. Was there ever a time when you went over to Betty's house
24 when Little Jeff was there?

25 A. About two times.

1 Q. Can you tell us about that first time?

2 A. The first time I remember there being problems.

3 Q. Okay. How old were you when you remember that time where
4 there were problems?

5 A. Eleven. I had just recently turned eleven. It was like a few months
6 after.

7 Q. And what grade were you in?

8 A. At the time I was just starting sixth grade.

9 Q. At what school?

10 A. That was at Miller.

11 Q. So who else was at the house, at Betty's house with you and Little
12 Jeff?

13 A. I believe my uncle was there. I didn't see much of him. My mom
14 was there and then my grandma, me, and my sister. That was pretty much it.

15 Q. You said that there was something that came up or a problem.
16 What did you mean by that?

17 A. He was acting perverted.

18 Q. And when you say he, are you talking about Little Jeff?

19 A. Yes.

20 Q. What do you mean he was acting perverted? What does that mean
21 to you?

22 A. Making gestures, sexual gestures, acting sexual.

23 Q. Okay. Tell me about what he did.

24 A. Well, I was sitting on the computer and he asked me a few
25 questions mostly about coding. I like to do coding. I actually work on

1 (indiscernible) and stuff like that. So he just asked me if I could code some
2 things, and at the time, I wasn't really good at it. So I said I could do a few
3 things, but while I was sitting here logging onto the computer, I noticed he was
4 tugging at my pants.

5 Q. Tugging at your pants, okay.

6 Did he touch your body in any way at that time?

7 A. No, not at that time but it happened later that night.

8 Q. Okay. What -- what else did he do if anything?

9 A. He made me touch his private area.

10 Q. Okay. How did that take place?

11 A. He at first had grabbed my hand and it was above his shirt.

12 Q. Now you said he grabbed your hand?

13 A. Mm-hmm.

14 Q. What did he do with your hand?

15 A. He placed it there.

16 Q. Placed it -- when you say, "there," what do you mean by "there"?

17 A. On his private area.

18 Q. Is there any other word that you used for a male's private area?

19 A. Yes.

20 Q. Okay. Is that what you called it back then or is that -- that's what
21 you know it is now?

22 A. I know (indiscernible) now. Back then I didn't know what it was
23 called, so I kind of feel uncomfortable with the term.

24 Q. Okay. So did he touch you in any other way at that point?

25 A. Not at that point, not until he lifted up his shirt and then proceeded

1 to have me put my hand actually on his penis.

2 Q. Could you see his penis?

3 A. No.

4 Q. But you felt his penis?

5 A. Yes.

6 Q. Did he say anything to you when he was doing that?

7 A. No.

8 Q. Did you say anything to him?

9 A. I didn't know what to say. I just kind of sat there stunned.

10 Q. Did he do anything with your hand when it was touching his penis?

11 A. He made it move up and down.

12 Q. How long did he have your hand touching his penis?

13 A. About a few minutes and then after that he had gotten up and
14 asked me if I wanted to go back to the computer room with him, to which I,
15 obviously, replied no.

16 Q. What did you do at that point?

17 A. I immediately left into the living room because my mom and
18 grandmother and sister had stepped out to go get food, so it was me, him, and
19 Uncle Jeff there. So as soon as that happened, I immediately went to the living
20 room and sat near the door waiting for my mom to get home.

21 Q. Okay. What were you thinking after that happened?

22 A. I was freaking out. I wasn't gonna say anything 'cause, like I said,
23 at the time I was just learning about sex and I didn't exactly know what it was,
24 so I was very confused. I didn't know if I should tell somebody. I didn't know
25 if I shouldn't (indiscernible).

1 Q. Well, what do you think would have happened if you told somebody
2 right then?

3 A. I think the situation would have gotten -- well, knowing my
4 grandmother, it probably wouldn't have been resolved immediately and we
5 would have had to taken it to court, but, you know, it would have gotten
6 resolved.

7 Q. Okay.

8 A. So when I did tell my grandmother, I didn't really tell her necessarily
9 the whole story because I was still uncomfortable about it.

10 Q. Now you said some other things happened later that day? We're
11 talking about the same day that you were over there at Betty's house, right?

12 A. Mm-hmm.

13 Q. Is that a yes or no?

14 A. Yes.

15 Q. Okay. Tell me about what else happened.

16 A. Well, I was going back to the computer room. It was about time for
17 us to get going and I needed to get Krista. Krista had been hanging out with
18 him for a little while. And I was wondering what they were doing. I mean,
19 they were just running around the house. They went outside at one point, you
20 know, just kind of everywhere at once.

21 And so I went back to the computer room and my sister was
22 playing games. She wasn't really paying attention to anything. And when I
23 had walked in, I told her it was time to go. Well, as I had walked in and I'm
24 standing there waiting for her to get her stuff on so that we could leave, her
25 shoes and her stuff back in her pockets, (indiscernible) her jacket back on, all

1 that; but when I was waiting for her to get ready to go, he grabbed my butt.

2 Q. When you say grabbed your butt, what did he do with his hand?

3 A. He was like stroking it. It was really awkward.

4 Q. How long did that last?

5 A. About a few minutes. In between in the few minutes he tried to
6 bury his face in my chest and I told him no.

7 Q. Did he try and put his face in between your -- your chest at the
8 same time he was touching your butt?

9 A. Yes.

10 Q. Was he saying anything to you at that time?

11 A. Not really. There was nothing he was saying. He was just kind of
12 doing that and staring at my sister, probably making sure she didn't see
13 anything. And then after that we left the room because I was getting
14 uncomfortable. I immediately broke away. I said I had to go and I grabbed
15 Krista's hand and pulled her out into the living room.

16 Q. When he placed his head in between your chest or your breast, did
17 he touch your shirt at all?

18 A. He tried to pull my shirt down but, I guess, it was too tight so he
19 wasn't exactly able to.

20 Q. Did he -- When you were sitting at the computer or later on, did
21 his hands ever touch any other part of your body other than what you've
22 described? You said his head was in between your chest or your breast and his
23 hand was on your butt also, correct?

24 A. (No audible response).

25 Q. Did he touch any other part of your body with his hand?

1 A. No, not at that time.

2 Q. Now in regards to your little sister, have you ever seen the
3 defendant touch your little sister?

4 A. No, but there is possibly a time that it happened and she was too
5 young to say anything or know what was going on.

6 Q. Okay. Let me stop you right there. Did you actually see it?

7 A. No.

8 Q. Okay. Let's move on then.

9 Now going forward to August 11th of 2014, do you remember if
10 you were at your Grandma Betty's house again?

11 A. Yes.

12 Q. And who else was there?

13 A. My Uncle Terry -- or -- my cousin Terry, my -- his wife and his
14 three kids, and then Tracey, my Aunt Janette, and then Tracey's three kids,
15 me, my sister, and my grandma, and Uncle Jeff and him. That was pretty
16 much it.

17 Q. Okay. So a lot of people were there, right?

18 A. Yeah.

19 Q. Was there anything in particular going on that day?

20 A. Not starting off. Starting off I was pretty much with the family,
21 you know. And then I kind of wandered back in the computer room to see
22 what the kids were doing because we had about six, seven kids just running
23 around and Krista eventually would just sit down 'cause she was tired. But all
24 the other kids were still young, like we had kids who were two, three, four,
25 five; then we had two kids who were ten and one who was eight and then a

1 nine-year-old, all hyper, running around the house.

2 So eventually I was just like, well, if you guys, you know, don't
3 mind, I'm just gonna keep an eye on them. So I went back to the computer
4 room to see what they were doing.

5 Q. Were you the oldest kid that was there that day?

6 A. Yeah.

7 Q. So were you kind of in charge of them?

8 A. Pretty much.

9 Q. So on August 11th, 2014 how old were you?

10 A. I was 13.

11 Q. Now you said you were in the computer room and there were other
12 kids in there, correct?

13 A. Yeah.

14 Q. Was Little Jeff in there also?

15 A. Yeah.

16 Q. What were you guys doing?

17 A. Well, at first he had asked me if I had the computer password. I
18 was like, no, she's probably changed it from the last time I've been here.
19 Because I remember having it a really, really long time ago, but after that she
20 changed it. So I was like, "No, I don't," and we started talking. But I could not
21 tell you half of what happened because I have no idea.

22 Q. What happened on the computer?

23 A. No. What he was talking about. It was just crazy out there. I
24 mean, he was saying stuff that made sense but at the same time didn't make
25 sense. He was almost acting like he was crazy, which he does -- I noticed he

1 did both times. At some point in both times he was acting like he didn't
2 understand what was going on. But then outside of that from like when I first
3 arrived there, he wasn't acting like that until he decided to do that kind of stuff.

4 So he was acting crazy, he was acting really out there. I mean,
5 he --

6 Q. Did that cause you any concern?

7 A. Well, yeah.

8 Q. Why?

9 A. Because of the first time how he was acting like it was fine at first
10 and then he started asking weird questions and then, you know, it led to that.
11 So immediately I was kind of cautious, I kept myself at a distance. I didn't
12 want to actually enter the computer room. So after a little while of just talking,
13 I kind of got really fed up because I didn't understand anything that was
14 happening and I left back to the front room for a little while and I told my
15 cousin, "He's acting weird."

16 And my cousin Terry was like, "Well, that's Little Jeff. He's always
17 acting weird."

18 And I was like, "Well, you do have a point there." So I stayed up
19 there for a little while and then ended up going back to check on the kids again
20 and that's the time when (indiscernible) stuff started happening.

21 Q. So who was in the computer room with you and Little Jeff?

22 A. At that point it's just me and him.

23 Q. So are you sitting down? Is he sitting down? Or where are you
24 guys located within the room?

25 A. So he's sitting down -- say the room was this big, the desk would

1 be right there, the door is here. I was standing in the doorway because I did
2 not want to enter the room, not alone, not with him. So I was standing by the
3 doorway, you know, I sat down there at some point. But he was sitting at the
4 desk, so at some point he gets up and he makes like this V sign with his hands
5 and he says, "Are you still a V?" And out of all the crazy stuff he said, that
6 caught my attention 'cause I'm like, "What is he talking about?" And he starts
7 making all these other hand gestures.

8 Q. Like what?

9 A. Like a circle with his hands and doing that, and I was like I don't --

10 Q. For the record, you had a circle with one hand and with the other
11 hand you put your index finger through that circle --

12 A. Yeah.

13 Q. -- right?

14 What else did he do?

15 A. He was also sitting here and saying weird things like, "Give your life
16 to Satan and everything will be okay." Like just almost all of it sounded like a
17 religious rant for the most part, so I didn't pay attention to a lot of it because
18 I'm not really a religious person. I have my own religion but I don't force it
19 upon people. So when people talk to me about religion, I don't really care --

20 Q. Okay.

21 A. -- which is probably why it sounded so crazy to me. But after that
22 he had sat there and he had asked me -- he was talking about something; I
23 don't really know what, something about will. It was weird. He said it was a
24 test of will or something like that.

25 And he had asked me if would I get on my knees and I said, "No."

1 And he said, "Well, what if I had a gun to your head?"

2 And I said, "I don't know."

3 "Well, why wouldn't" --

4 Q. That's what he asked you?

5 A. Yeah.

6 Q. And how did you respond to that?

7 A. I said, "No." The first time, of course, I said, "No." The second
8 time I didn't know how to respond to him. I was just like I don't know.

9 Q. What did he do after he said that to you?

10 A. Well, he asked me, "Well, why wouldn't you do that?"
11 I'm like, "Because I don't want to."

12 And he was like, "Exactly." And I'm extremely confused now
13 because I don't know his intentions. I don't know what he's talking about, and
14 now he's starting to scare me.

15 Q. Okay.

16 A. So immediately I back up into like -- so there's the doorway, so I
17 back up here. So I'm here at this point and he's standing up. So eventually I
18 walk into the computer room because Brie's in there and I pull her out and I'm
19 just like, "Stay out of here." So I kind of pushed her out of the room not
20 wanting her to be around him at this point in time. And before I could leave, I
21 ended up against the wall near the door.

22 Q. Well, how did you end up against the wall?

23 A. Well, he was already standing up, and when I had sat there and I
24 told Brie to leave, when I turned around, he was here and he had put his hands
25 in front of me like that. So I'm up against the wall --

1 Q. So for --

2 A. -- pretty much like this.

3 Q. Hold on one sec. For the record, you have both of your hands
4 extended out in front of you. Is that how he had his hands?

5 A. Yeah.

6 Q. Okay. Did he touch you?

7 A. Not then, not with his hands, not then.

8 Q. Now were you trying to leave the room?

9 A. Yes.

10 Q. Okay. Did he do anything to prevent you from doing that?

11 A. Besides that, no.

12 Q. Okay. Were you able to leave?

13 A. Not at that time, no.

14 Q. Why not?

15 A. Because as soon as I sat there and I went to go leave, I was like,
16 "Hey, what are you doing?" He started trying to make out with me. I don't
17 know exactly what he was doing, He was like making gestures to do such by
18 like licking the wall and licking my cheek.

19 Q. Licking the wall?

20 A. Yeah. He went up and would like beside my face, he would lick the
21 wall. And then he would come back and lick my cheek and it had made me
22 really uncomfortable 'cause now I was believing something was gonna happen
23 to me.

24 Q. What did you think was gonna happen?

25 A. I thought he (indiscernible) to just rape me.

1 Q. Did he ever try and put his tongue in your mouth?

2 A. He tried but not necessarily. Like he was making gestures to do
3 such by licking near here, but he wouldn't actually do it. Like he'd lick me on
4 my face and stuff like that. He wouldn't actually push further for whatever
5 reason.

6 Q. Okay. Now, where are you at when he's -- he's doing this?

7 A. So on the wall near the door and then a little bit further into the
8 room there's a filing cabinet there. So about a few feet away from the filing
9 cabinet like directly next to the door.

10 Q. Are you up against the filing cabinet?

11 A. Not at this point in time. That'll happen a few seconds later.

12 Q. Okay. Does he touch you in any other way?

13 A. Not then. So as soon as he's done with that, he lets go and I back
14 up against the filing cabinet and that's when he decides to touch me.

15 Q. When you say let go, was he holding you?

16 A. Not holding me. I mean let go of the wall. So he was kind of
17 holding onto the wall, so he lets go of the wall.

18 Q. So you were pressed against the wall and he was standing over
19 you?

20 A. Yeah, pretty much.

21 Q. Okay. And at some point he backed up?

22 A. Yeah. And that's when I ended up against the filing cabinet.

23 Q. How did that happen?

24 A. Well, I started backing away because I was afraid, and I ended up
25 against the filing cabinet.

1 Q. Well, how did you end up against --

2 A. Well, after he let go, I turned that way so I'm facing this way now
3 and I started backing up and I hit the filing cabinet.

4 Q. Okay. Then what happened after that?

5 A. Then I got cornered there again. That's when he actually --

6 Q. When you say cornered, you were against the filing cabinet?

7 A. Mm-hmm.

8 Q. Where -- Is that a yes or no?

9 A. Yeah.

10 Q. Okay. Where was he?

11 A. Above me again.

12 Q. When you say above you, how --

13 A. Same pose he was on the wall.

14 Q. And for the record, you have both of your hands extended up over
15 your head?

16 A. Yeah.

17 Q. And that's where he had his hands placed over your head above the
18 wall?

19 A. Kind of next to my head on the filing cabinet. On the wall, they
20 were above. So it was like here and my head would have been like here
21 opposed to --

22 Q. His hands are on the side of your head?

23 A. Pretty much.

24 Q. Against the wall?

25 A. Mm-hmm.

1 Q. Is that a yes or no?

2 A. Yeah.

3 Q. Okay. What did he do at that point?

4 A. Again he tries to make out with me. This time he tries to grab my
5 shoulder, which I'm kind of wiggling away from him. So after that, he backs
6 away again and I end up trying to walk out now and before I could, he grabs
7 me. Like actually for the first time that night he uses force and grabs me.

8 Q. Where did he grab you?

9 A. Like by my waist.

10 Q. Were you trying to leave?

11 A. Yes.

12 Q. And did he prevent you from doing that?

13 A. Yeah.

14 Q. Did he say anything to you at that point?

15 A. He was asking a lot of stuff. He just kind of repeated some of his
16 questions from earlier and, you know, that was pretty much it on the talking. I
17 couldn't remember anything specific at this point in time now, but I do
18 remember the actions that happened, so I'm trying my best to tell you
19 everything that was said.

20 Q. Okay.

21 A. So after that, I felt something rub up against my butt, but I couldn't
22 tell you what it was because I was not facing him.

23 Q. What do you think it was?

24 A. His penis.

25 Q. Did he ever touch you with anything else on your butt other than

1 what you thought was his penis?

2 A. He was also grabbing my butt before he started rubbing on it and he
3 had sat there and tried to pull my pants down very discretely like almost as if he
4 were trying to feel my butt but trying to pull my pants down at the same time.

5 Q. Where were you at when he was next to you and you felt his
6 penis? Were you standing up or were you laying down?

7 A. I was kind of bent over. It wasn't necessarily standing up but it
8 also wasn't necessarily laying down. I was in a very awkward position. Um --

9 Q. And where was he standing?

10 A. Behind me.

11 Q. Could you tell if he was doing anything with his body?

12 A. Not besides what I felt.

13 Q. And you said that you felt -- he was standing behind you and you
14 felt what you thought was his penis?

15 A. (No audible response).

16 Q. Is that a yes or no?

17 A. Yes.

18 Q. Okay. Did anything else happen?

19 A. My sister walked in and then he said, well, you don't belong in here
20 or you guys need to get out. And he tried to close the door and my sister
21 freaked out and pushed the door open. And so me and my sister and him,
22 they're trying to get him off. And they're again saying he's trying to make out
23 with her because at this point he has now had me in his grasp for a little while
24 trying to close the door.

25 And then he tries to make out with me again in front of my sister.

1 So my sister and my cousin Sianne, start freaking out. That's the youngest of
2 Tracy's kids, Sianne. She's eight, that's the eight-year-old. And then the two
3 ten-year-olds are her older brothers. But he at that point had freaked out on
4 them because they --

5 Q. So the other kids are in there and you said that Little Jeff is trying
6 to make out with you again in front of them?

7 A. Yeah.

8 Q. Does he do anything else in front of the other kids?

9 A. Well, he sits here and he grabs my sister and pushes her into the
10 floor kind of like slams her down and is holding her like that and starts yelling
11 something about I'm the antichrist.

12 Q. Does he do anything else to you while the other kids were in there?

13 A. No. I pulled my sister off the floor. I grabbed Sianne and we
14 immediately left back into the front room where I told my mom everything that
15 happened basically by having a panic attack.

16 Q. What was that last statement?

17 A. Uh --

18 Q. You told your mom everything that happened . . .

19 A. While having a panic attack. I freaked out.

20 Q. Okay. Why did you freak out?

21 A. Because when I was in the first grade, there was a girl who was --
22 I don't know if you know about this guy, his name was Will Smith. William
23 Smith, he was a music teacher at Matt Kelly, and when I was in school, he
24 raped a girl, one of the fifth graders. So I was in his class every morning, I
25 witnessed him pull the girl's pants down and me and a few other girls had went

1 to tell the principal what happened. And because the other two girls had seen
2 more of it, I guess they took them on. But that's always been in my head that
3 people could do stuff like that. I didn't quite know what was going on, but I did
4 know what happened.

5 Q. So that caused you some anxiety or panic?

6 A. Yeah.

7 Q. Okay. Now, when you were telling your mom what happened, that
8 was all in regards to what Little Jeff did, correct?

9 A. Yes.

10 Q. Okay.

11 A. And then my grandmother and her were talking and I heard them --

12 MR. FELICIANO: Your Honor. I object. There's --

13 MR. HENDRICKS: Yeah. Hold on. Hold on --

14 MR. FELICIANO: -- no question pending.

15 MR. HENDRICKS: -- one sec.

16 THE COURT: Sustained.

17 BY MR. HENDRICKS:

18 Q. Right after this happened you went and you told your mom, right?

19 A. At first no, I just kind of sat there. I was trying to say something
20 but the words wouldn't exactly come out, obviously because I was traumatized
21 and I wasn't going to necessarily say anything. But eventually they noticed
22 something was wrong, and I just burst into tears. I couldn't really breathe right.
23 And they pulled me into the garage; well, my cousin Tracey did at first and then
24 my mom stepped out. And I just started telling them everything that happened.

25 Q. Okay. Who else was there when you were telling them?

1 A. Uh, my cousin Terry walked in at some point.

2 Q. Anyone else?

3 A. Um, not at that point in time, not in the garage.

4 Q. Okay. Did you have the opportunity to speak with a police officer,
5 a detective about this stuff?

6 A. Yes, later.

7 Q. Do you remember when that was?

8 A. The next day my mom, she asked me did I want to go to the police
9 'cause my grandmother was telling them not to tell anybody. The first time it
10 happened she said I'll talk to him. She talked to him and it happened again.
11 Now my mom -- the detective said we should have went to her the first time it
12 happened, but my mom didn't necessarily --

13 Q. Okay. Do you remember going to speak with the detective?

14 A. Yes.

15 Q. Was that the next day?

16 A. Uh, we spoke with an officer that day. The detective was
17 somewhere around a week or two later.

18 Q. Okay. Was it a male or a female detective?

19 A. She was female. I don't remember -- I think her name was
20 McCloud? I'm not quite sure.

21 Q. All right. Did you give an interview?

22 A. Yes.

23 Q. Now did I give you a copy of your interview this morning?

24 A. Yes.

25 Q. And did you get a chance to read through at least some of it?

1 A. Mm-hmm.

2 Q. Is that a yes or a no?

3 A. Yes.

4 Q. And is that -- did that talk about some of the things that you've
5 talked about this morning?

6 A. Yes.

7 Q. And is it the same -- same set of facts that you've given here
8 today?

9 A. Yes.

10 MR. HENDRICKS: I don't have any additional questions at this
11 point, your Honor.

12 THE COURT: All right. Cross.

13 MR. FELICIANO: The court's indulgence for a moment.

14 THE COURT: Sure. Should I take a --

15 MR. HENDRICKS: Could we have a second? Yeah.

16 THE COURT: Yeah.

17 (Discussion off the record)

18 THE COURT: If it's easier, I can leave.

19 MR. FELICIANO: Oh, no. We just have resolved the case.

20 THE COURT: Okay.

21 MR. HENDRICKS: Okay. Go ahead, come on. Step down for a
22 minute.

23 THE COURT: All right, thank you for coming today. (Indiscernible)
24 and have you wait outside, okay?

25 MR. HENDRICKS: Talk with you in a minute, okay?

1 THE COURT: All right, she's outside.

2 MR. FELICIANO: Today pursuant to negotiations, Mr. Baker will
3 unconditionally waive his preliminary hearing. In district court he'll plead guilty
4 to one count of attempt lewdness with a minor. The State will retain the right
5 to argue and the other charges will be dismissed.

6 THE COURT: All right. Sir, do you understand the negotiation as
7 explained by your attorney?

8 THE DEFENDANT: Yes.

9 THE COURT: Obviously we started the preliminary hearing today,
10 but it's your understanding that you are waiving the remainder of the
11 preliminary hearing in order to take your matter to district court? Stand up, sir.

12 THE DEFENDANT: Yes.

13 THE COURT: All right. You, obviously, know what happens during
14 the preliminary hearing. That's when the State would have presented
15 witnesses or evidence. And you're knowingly and voluntarily waiving the
16 continuation of this hearing?

17 THE DEFENDANT: Yes.

18 THE COURT: All right. I'll accept your unconditional waiver as
19 knowingly and voluntarily agreed to and I will hold you to answer the charges
20 found in the criminal complaint in the Eighth Judicial District Court on this next
21 date and time.

22 THE CLERK: February 12th at 9:30 a.m., lower-level arraignment to
23 be tracked to Department 21.

24 MR. HENDRICKS: Thank you, your Honor.

25 MR. FELICIANO: Thank you.

1 THE COURT: All right.

2
3 *****

4 ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-
5 video recording of this proceeding in the above-entitled case to the best of my
6 ability.

7 
8 _____
9 SHARON EULIANO
10 Court Recorder/Transcriber
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CLERK OF THE COURT

INFM
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
DENA RINETTI
Chief Deputy District Attorney
Nevada Bar #9897
200 Lewis Avenue
Las Vegas, Nevada 89155-2212
(702) 671-2500
Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

I.A. 2/20/15
9:30 AM
PF

THE STATE OF NEVADA,

Plaintiff,

-vs-

JEFFREY LYNN BAKER, JR.,
#1969433

Defendant.

CASE NO: C-14-303315-1

DEPT NO: IX

INFORMATION

STATE OF NEVADA }
COUNTY OF CLARK } ss.


STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That JEFFREY LYNN BAKER, JR., the Defendant(s) above named, having committed the crime of **ATTEMPT LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category B Felony - NRS 201.230, 193.330 - NOC 50983)**, on or between September 1, 2011 and August 11, 2014, within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada, did then and there wilfully, lewdly, unlawfully, and feloniously attempt to commit a lewd or lascivious act upon or with the body, or any part or member thereof, a child, to-wit: C.J., said child being under the age of fourteen years, by attempting to pull down the said C.J.'s shirt and placing his head between her breasts and/or by attempting to lick her chest and/or by attempting to touch/rub/fondle the said C.J.'s inner thighs with his hand(s)

1 and/or by attempting to place the said C.J.'s hand on his genitals and/or by attempting to have
2 her touch and/or rub his penis and/or by attempting to touch/rub and/or squeeze the said C.J.'s
3 buttocks with his hand(s) and/or by attempting to pull her pants down and/or by attempting to
4 lick the said C.J. on the cheek and/or by attempting to place his tongue in her mouth and/or by
5 attempting to grab/touch her buttocks with his hand and/or by attempting to pull down her
6 pants and/or by attempting to grind his hips/pelvis against the said C.J.'s body, with the intent
7 of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said Defendant,
8 or said child.

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

11
12 BY


13 DENA RINETTI
14 Chief Deputy District Attorney
Nevada Bar #9897

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27 DA#14FN2049X/jm/SVU
28 NLVPD EV#1413953
(TK1)

AINF
STEVEN B. WOLFSON
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Attorney for Plaintiff

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

MAR 05 2015

BY Kristen Brown
KRISTEN BROWN, DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

CASE NO: C-14-303315-1

DEPT NO: IX

-vs-
Jeffery
JEFFREY LYNN BAKER, JR.,
#1969433

Defendant.

AMENDED
INFORMATION

STATE OF NEVADA }
COUNTY OF CLARK } ss.

STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That JEFFREY LYNN BAKER, JR., the Defendant(s) above named, having committed the crimes of **LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category A Felony - NRS 201.230 - NOC 50975) and COERCION SEXUALLY MOTIVATED (Category B Felony - NRS 207.190, 175.547, 207.193 - NOC 55532)**, on or between September 1, 2011 and August 11, 2014, within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada,

COUNT 1 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

did on or between September 1, 2011 and September 30, 2011 then and there wilfully, lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or



any part or member thereof, a child, to-wit: C.J., said child being under the age of fourteen years, by pulling down the said C.J.'s shirt and placing his head between her breasts and/or by licking her chest, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said Defendant, or said child.

COUNT 2 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

did on or between September 1, 2011 and September 30, 2011 then and there wilfully, lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, a child, to-wit: C.J., said child being under the age of fourteen years, by touching/rubbing/fondling the said C.J.'s inner thighs with his hand(s), with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said Defendant, or said child.

COUNT 3 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

did on or between September 1, 2011 and September 30, 2011 then and there wilfully, lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, a child, to-wit: C.J., said child being under the age of fourteen years, by placing the said C.J.'s hand on his genitals and/or by having her touch and/or rub his penis, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said Defendant, or said child.

COUNT 4 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

did on or between September 1, 2011 and September 30, 2011 then and there wilfully, lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, a child, to-wit: C.J., said child being under the age of fourteen years, by touching/rubbing and/or squeezing the said C.J.'s buttocks with his hand(s) and/or by attempting to pull her pants down, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said Defendant, or said child.

COUNT 5 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

did on or about March 17, 2013 then and there wilfully, lewdly, unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part or member

1 thereof, a child, to-wit: C.P., said child being under the age of fourteen years, by touching
2 and/or rubbing and/or squeezing the said C.P.'s buttocks with his hand(s), with the intent of
3 arousing, appealing to, or gratifying the lust, passions, or sexual desires of said Defendant, or
4 said child.

5 COUNT 6 - COERCION SEXUALLY MOTIVATED

6 did on or about August 11, 2014 then and there, wilfully, unlawfully and feloniously
7 use physical force, or the immediate threat of such force, against C.J., with intent to compel
8 her to do, or abstain from doing, an act which she had a right to do, or abstain from doing, by
9 grabbing the said C.J. by the arms and pinning her against a filing cabinet, preventing her from
10 moving, one of the purposes for which the Defendant committed the offense was Defendant's
11 sexual gratification.

12 COUNT 7 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

13 did on or about August 11, 2014 then and there wilfully, lewdly, unlawfully, and
14 feloniously commit a lewd or lascivious act upon or with the body, or any part or member
15 thereof, a child, to-wit: C.J., said child being under the age of fourteen years, by licking the
16 said C.J. on the cheek and/or by attempting to place his tongue in her mouth, with the intent
17 of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said Defendant,
18 or said child.

19 COUNT 8 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

20 did on or about August 11, 2014 then and there wilfully, lewdly, unlawfully, and
21 feloniously commit a lewd or lascivious act upon or with the body, or any part or member
22 thereof, a child, to-wit: C.J., said child being under the age of fourteen years, by
23 grabbing/touching her buttocks with his hand and/or by attempting to pull down her pants,
24 with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of
25 said Defendant, or said child.


26 COUNT 9 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

27 did on or about August 11, 2014 then and there wilfully, lewdly, unlawfully, and
28 feloniously commit a lewd or lascivious act upon or with the body, or any part or member

thereof, a child, to-wit: C.J., said child being under the age of fourteen years, by grinding his hips/pelvis against the said C.J.'s body, with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of said Defendant, or said child.

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

BY


DENA RINETTI
Chief Deputy District Attorney
Nevada Bar #9897

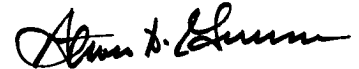
Names of witnesses known to the District Attorney's Office at the time of filing this Information are as follows:

<u>NAME</u>	<u>ADDRESS</u>
BIRD, NATIKA	10045 Tenerife St LVN 89178
CUSTODIAN OF RECORDS	CCDC
CUSTODIAN OF RECORDS	LVMPD RECORDS
CUSTODIAN OF RECORDS	LVMPD COMMUNICATIONS
FISHER, MICHELLE	CAC
J. C.	C/O CCDA
MCCLOUD, CAREY	NLVPD #1271
P. C.	C/O CCDA
ROOKS, BECKY	NLVPD #1698
WALTON, CYANNE	4044 Laurell Hill Dr NLV 89032
WALTON, TRACEE	4044 Laurell Hill Dr NLV 89032

DA#14FN2049X/jm/SVU
NLVPD EV#1413953
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CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JEFFERY LYNN BAKER, JR.,
#1969433

Defendant.

CASE NO: C-14-303315-1

DEPT NO: IX

FINDINGS OF COMPETENCY

THIS MATTER having come on for hearing before the above-entitled Court on the 26th day of June, 2015, and it appearing to the Court that, pursuant to NRS 178.425(1), the Sheriff was ordered to convey the Defendant forthwith, together with a copy of the complaint, the commitment and the physicians' certificate, if any, into the custody of the Administrator of the Division of Public and Behavioral Health of the Department of Health and Human Services or his or her designee for detention or treatment at a secure facility operated by that Division or his designee; and, it appearing that, upon medical consultation, the Administrator or his or her designee has reported to the Court in writing his specific findings and opinion that the Defendant is of sufficient mentality to be able to understand the nature of the criminal charge against him and, by reason thereof, is able to assist his counsel in the defense interposed upon the trial or against the pronouncement of the judgment thereafter; now, therefore,

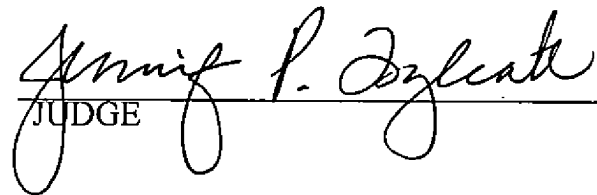
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1 THE COURT FINDS, pursuant to NRS 178.460, that the said Defendant is competent
2 to stand trial in the above-entitled matter; and,

3 IT IS HEREBY ORDERED that you, the Administrator of the Division of Public and
4 Behavioral Health of the Department of Health and Human Services or his or her designee,
5 shall provide forthwith to the Director of Mental Health of the Clark County Detention Center,
6 true and complete copies of the Defendant's psychological evaluations, hospital course of
7 treatment and discharge summary; and,


8 IT IS FURTHER ORDERED that you, the Sheriff of Clark County, Nevada, shall
9 accept and retain custody of said Defendant in the Clark County Detention Center pending
10 completion of proceedings in the above-captioned matter, or until the further Order of this
11 Court.

12 DATED this 15th ^{April 8th} day of March, 2016.

13
14 
15 JUDGE

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

19 BY


20 CHRISTOPHER J. LALLI
21 Assistant District Attorney
22 Nevada Bar #005398
23
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ORIGINAL

Electronically Filed
05/11/2015 09:30:05 AM

MTN
STEVEN B. WOLFSON
Clark County District Attorney
Nevada Bar #001565
DENA RINETTI
Chief Deputy District Attorney
Nevada Bar #009897
200 South Third Street
Las Vegas, Nevada 89155-2211
(702) 455-4711
Attorney for Plaintiff


CLERK OF THE COURT

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JEFFERY LYNN BAKER, JR.,
#1969433

Defendant.

Case No. C-14-303315-1

Dept No. IX

**NOTICE OF MOTION AND MOTION TO ADMIT THE PRELIMINARY
HEARING TESTIMONY OF C.J. AT TRIAL**

DATE OF HEARING: MAY 14, 2015
TIME OF HEARING: 9:00 A.M.



COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, District Attorney, through DENA RINETTI, Chief Deputy District Attorney, and files this Notice of Motion and Motion to Admit Preliminary Hearing Transcript of C.J. at Trial.

This Motion 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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1 was still a virgin. PHT, p. 16. Defendant made a circle with his one hand and put his index
2 finger from the other hand through the circle. Id. Defendant asked C.J. to get on her knees
3 but she told him no. PHT, p. 16. Defendant asked her "Well what if I had a gun to your head?"
4 and C.J. told him "no." PHT, p. 17. Defendant then asked her, "Well why wouldn't you do
5 that?" Id. C.J. did not know what to say and was scared. Id. Defendant pushed C.J. against
6 the wall and began licking the wall and her face. PHT, pp. 18-19.

7 C.J. backed away from Defendant and stood against a filing cabinet. Id. at 19. At this
8 point, Defendant placed his hands on the side of C.J.'s head and tried to "make out" with her.
9 Id. at 20-21. As she was trying to wiggle away from him, Defendant grabbed C.J. by the waist,
10 preventing her from leaving. Id. at 21. From behind her, C.J. could feel Defendant grabbing
11 her butt and his penis against her butt. PHT, p. 21-22. Defendant also tried to pull her pants
12 down. PHT, p. 22.

13 LEGAL ARGUMENT

14 **I. THE VICTIM'S PRELIMINARY HEARING TRANSCRIPT SHOULD BE** 15 **ADMITTED AT TRIAL BECAUSE IT IS PERMISSIBLE UNDER NEVADA** 16 **LAW AND DOES NOT VIOLATE DEFENDANT'S CONFRONTATION**

17 The State should be permitted to use the victim's preliminary hearing transcript at trial
18 because it is permissible under Nevada law and does not violate Defendant's Sixth
19 Amendment right to confront his accuser. NRS 171.198 regulates the reporting and filing of
20 testimony at a preliminary hearing. Specifically, that statute reads:

21 7. The testimony so taken may be used:

22 (a) By the defendant; or

23 (b) By the state if the defendant was represented by counsel or
24 affirmatively waived his right to counsel, upon the trial of the
25 cause, and in all proceedings therein, when the witness is sick, out
of state or dead or when his personal attendance cannot be had in
court.

26 Moreover, NRS 51.325 concerns former testimony as it relates to the hearsay rule and its
27 exceptions. NRS 51.325 permits the admission of former testimony and states:

28 //

1 Testimony given as a witness at another hearing of the same or a
2 different proceeding, or in a deposition taken in compliance with
3 law in the course of another proceeding, is not inadmissible under
4 the hearsay rule if:

1. The declarant is unavailable as a witness; and
2. If the proceeding was different, the party against whom the former testimony is offered was a party or is in privity with one of the former parties and the issues are substantially the same.

7 NRS 51.055 defines unavailability as follows:

8 1. A declarant is "unavailable as a witness" if he is:

9 (a) Exempted by ruling of the judge on the ground of privilege
10 from testifying concerning the subject matter of his statement;

11 (b) Persistent in refusing to testify despite an order of the judge to
12 do so;

13 (c) *Unable to be present or to testify at the hearing because of
14 death* or then existing physical or mental illness or infirmity; or

15 (d) Absent from the hearing and beyond the jurisdiction of the
16 court to compel appearance and the proponent of his statement has
17 exercised reasonable diligence but has been unable to procure his
18 attendance or to take his deposition.

19 2. A declarant is not "unavailable as a witness" if his exemption,
20 refusal, inability or absence is due to the procurement or
21 wrongdoing of the proponent of his statement for the purpose of
22 preventing the witness from attending or testifying. (Emphasis
23 added).

24 In the instant case, the State is seeking permission to admit victim's prior testimony
25 from the preliminary hearing. On February 6, 2015, there was a preliminary hearing conducted
26 in the instant case. Defendant was present for that hearing along with his counsel. At the
27 conclusion of direct examination, Judge Hoo asked defense to begin cross examination and
28 what happens is as follows:

Mr. Hendricks: I don't have any additional questions at this point,
your Honor.

Court: All right. Cross.

Mr. Feliciano: The court's indulgence for a moment.

Court: Sure. Should I take a—

1 Mr. Hendricks: Could we have a second? Yeah.
2 Court: Yeah
3 Court: If it's easier, I can leave.
4 Mr. Feliciano: Oh, no. We just have resolved the case.
5 Court: Okay.
6 Mr. Hendricks: Okay. Go ahead, come on. Step down for a minute
7 [directed at witness]
8 Court: All right, thank you for coming today. [Indiscernible] and
9 have you wait outside, okay?
10 Mr. Hendricks: Talk with you in a minute, okay? [directed at
11 witness]
12 Court: All right, she's outside.
13 Mr. Feliciano: Today pursuant to negotiations, Mr. Baker will
14 unconditionally waive his preliminary hearing. In district court
15 he'll plead guilty to one count of attempt lewdness with a minor.
16 The State will retain the right to argue and the other charges will
17 be dismissed.
18 Court: All right, Sir, do you understand the negotiation as
19 explained by your attorney?
20 Defendant: Yes.
21 Court: Obviously we started the preliminary hearing today, but it's
22 your understanding that you are waiving the remainder of the
23 preliminary hearing in order to take your matter to district court?
24 Stand up, Sir.
25 Defendant: Yes.
26 Court: All right. You, obviously, know what happens during the
27 preliminary hearing. That's when the State would have presented
28 witnesses or evidence. And you're knowingly and voluntarily
waiving the continuation of this hearing?
Defendant: Yes.
Court: All right. I'll accept your unconditional waiver as
knowingly and voluntarily agreed to and I will hold you to answer
the charges found in the criminal complaint in the Eighth Judicial
District Court on this next date and time.
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1 Thus, Defendant had an opportunity to cross-examine the victim in the instant case but elected
2 to waive the rest of the preliminary hearing. On February 27, 2015, victim C.J., Defendant's
3 fourteen (14) year old cousin, committed suicide. The State is in possession of her death
4 certificate issued by the State of Nevada. On March 5, 2015, Defendant entered a not guilty
5 plea and trial was set for May 26, 2015.

6 The State is permitted under Nevada law to use the victim's preliminary hearing in
7 connection to the instant case as Defendant was present and represented by counsel at the
8 hearing. Moreover, the victim is unavailable as defined by statute as she is deceased. The
9 State anticipates that Defendant will argue that use of the victim's preliminary hearing
10 transcript at trial would violate his Sixth Amendment right under the Confrontation Clause as
11 his counsel did not cross examine the victim. However, the constitutional standard is not
12 whether Defendant actually cross examined the victim but rather was he afforded an adequate
13 **opportunity** to cross-examine the victim.

14 The Confrontation Clause of the Sixth Amendment provides that "[i]n all criminal
15 prosecutions, the accused shall enjoy the right...to be confronted with the witnesses against
16 him." U.S. Const. amend. VI. In the seminal case of Crawford v. Washington, 541 U.S. 36,
17 43-57, 124 S.Ct. 1354, 1359-1367 (2004), Justice Scalia discussed at length the historical
18 background of the Confrontation Clause. "The principle evil at which the Confrontation
19 Clause was directed was the civil-law mode of criminal procedure, and particularly its use of
20 ex parte examinations as evidence against the accused." Id. at 50. The historical record also
21 supported a second proposition that "the Framers would not have allowed admission of
22 testimonial statements of a witness who did not appear at trial unless he was unavailable to
23 testify, and the defendant had had a prior **opportunity** for cross-examination." Id. at 53-54.
24 Thus, "the Clause's ultimate goal is to ensure reliability of evidence, but it is a **procedural**
25 rather than a substantive guarantee. It commands, not that evidence be reliable, but that
26 reliability be assessed in a particular manner: by testing in the crucible of cross-examination."
27 Id. at 61. Given that historical context, the United States Supreme Court held that the
28 Confrontation Clause bars "admission of testimonial statements of a witness who did not

1 appear at trial unless he was unavailable to testify, and the defendant had had a prior
2 **opportunity** for cross-examination.” Id. at 53-54.

3 In deciding the retroactivity of Crawford, the Nevada Supreme Court specifically held
4 that the decision in Crawford announced a new rule of constitutional law whereby the United
5 States Supreme Court “set a higher bar, holding that testimonial hearsay was admissible only
6 if there had been a prior **opportunity** to cross-examine the unavailable witness.” Ennis v.
7 State, 122 Nev. 694, 137 P.3d 1095 (2006). Since 2004, the Nevada Supreme Court has
8 continually applied Crawford to cases before it. See City of Reno v. Howard, 130 Nev. Adv.
9 Rep. 12, 318 P.3d 1063 (2014); Chavez v. State, 125 Nev. 328, 213 P.3d 476 (2009), Nolan
10 v. State, 122 Nev. 363, 132 P.3d 564 (2006); Summers v. State, 122 Nev. 1326 (2006); Medina
11 v. State, 122 Nev. 346, 143 P.3d 471 (2006); Patano v. State, 122 Nev. 782, 138 P.3d 477
12 (2006); Flores v. State, 121 Nev. 706, 120 P.3d 1170 (2005).

13 In Chavez v. State, 125 Nev. 328, 213 P.3d 476 (2009), the Nevada Supreme Court
14 affirmed Appellant’s conviction on four (4) counts of sexual assault holding that the trial court
15 properly admitted victim’s preliminary hearing transcript because she was unavailable (as a
16 result of her death) and Appellant had an opportunity for an effective cross examination. The
17 Court held that Crawford “is grounded in the principle that the **opportunity** to cross-examine
18 is the focal point of the right to confront.” Id. at 338. However, the Confrontation Clause
19 guarantees an **opportunity** for effective cross-examination, not cross-examination that is
20 effective in whatever way, and to whatever extent, the defense might wish.” Pantano v. State,
21 122 Nev. 782, 790, 138 P.3d 477, 482 (2006) quoting Delaware v. Van Arsdall, 475 U.S. 673,
22 679, 106 S.Ct. 1431 (1986). In Chavez, 125 Nev. at 338-339, the Nevada Supreme Court
23 stated:

24 Today, we further clarify our post-Crawford decisions by holding
25 that a preliminary hearing can afford a defendant an **opportunity**
26 for effective cross-examination. We will determine the adequacy
27 of the **opportunity** on a case-by-case basis, taking into
28 consideration such factors as the extent of discovery that was
available to the defendant at the time of cross-examination and
whether the magistrate judge allowed the defendant a thorough
opportunity to cross-examine the witness.

1 In the instant case, there is no dispute that the victim's preliminary hearing testimony
2 is testimonial in nature and that she is unavailable due to her untimely death. The inquiry is
3 whether Defendant had a prior **opportunity** to cross-examine C.J. Here, Defendant absolutely
4 had an adequate opportunity to cross examine the witness. At the time of the preliminary
5 hearing, Defendant had the transcripts of C.J., C.P. (another victim who was also a percipient
6 witness to the sexual acts that occurred on August 1, 2014 (original counts 6-9)), his own
7 statement, Tracee Walton (an adult present at the time), and C.W. (a percipient witness to the
8 sexual acts that occurred on August 1, 2014 (original counts 6-9)). Defendant also had a copy
9 of the Declaration of Arrest, Detective Rooks' crime report (4 pages), the victims' mother's
10 handwritten voluntary statements (3 pages), and Detective McCloud's case report (6 pages).
11 Armed with all of the aforementioned discovery, Defendant and his counsel listened as victim
12 was questioned by the State. At the conclusion of direct examination, the Justice Court asked
13 defense counsel to proceed to cross examine the victim. While the victim was still on the
14 witness stand, defense counsel indicated to the Court that the case was resolved and Defendant
15 would be waiving his right to continue with the preliminary hearing. There is no indication
16 whatsoever that Defendant was prohibited from cross examining the victim while she
17 remained on the witness stand. Clearly, Defendant was afforded the opportunity but elected
18 not to take it. Actual cross examination is not necessary as the right to confront is a procedural,
19 rather than a substantive guarantee. See Crawford v. Washington, 541 U.S. at 61.

20 Finally, Defendant conveniently backed out of negotiations in District Court after his
21 cousin, the fourteen (14) year old victim, committed suicide twenty-one (21) days after
22 testifying at the preliminary hearing. This Court should not allow Defendant to capitalize on
23 a tragic event like the death of this minor victim. Defendant waived his preliminary hearing
24 after listening to the victim testify on direct examination and elected to not cross examine her
25 in order to take the benefit of negotiations. This Court should not allow Defendant to turn a
26 procedural guarantee into a substantive guarantee.

27 //

28 //

1 CONCLUSION

2 Based upon the above and foregoing Points and Authorities, the State respectfully
3 requests this Honorable Court grant the State's instant motion.

4 DATED this 11th day of May, 2015.

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

8 BY

9 
10 DENA RINETTI
11 Chief Deputy District Attorney
12 Nevada Bar #001565
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CERTIFICATE OF SERVICE

I hereby certify that service of the above and foregoing, was made this 11th day of MAY, 2015, by Electronic Filing to:

MIKE FELICIANO, DPD
harrolah@ClarkCountyNV.gov

/s/ HOWARD CONRAD
Secretary for the District Attorney's Office

hjc/SVU


CLERK OF THE COURT

PHILIP J. KOHN, PUBLIC DEFENDER
NEVADA BAR NO. 0556
MIKE FELICIANO, DEPUTY PUBLIC DEFENDER
NEVADA BAR NO. 9312
PUBLIC DEFENDERS OFFICE
309 South Third Street, Suite 226
Las Vegas, Nevada 89155
Telephone: (702) 455-4685
Facsimile: (702) 455-5112
feliciam@co.clark.nv.us
Attorneys for Defendant

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)	
)	
Plaintiff,)	CASE NO. C-14-303315-1
)	
v.)	DEPT. NO. IX
)	
JEFFREY LYNN BAKER,)	
)	
Defendant,)	
)	

DEFENDANT'S OPPOSITION TO STATE'S MOTION TO ADMIT THE PRELIMINARY
HEARING TESTIMONY OF C. J. AT TRIAL

COMES NOW, the Defendant, JEFFREY LYNN BAKER, by and through MIKE FELICIANO, Deputy Public Defender and hereby files this Defendant's Opposition to State's Motion to Admit the Preliminary Hearing Testimony of C.J. at trial.

This Motion is made and based upon all the papers and pleadings on file herein, the attached Declaration of Counsel, and oral argument at the time set for hearing this Motion.

DATED this 18th day of May, 2016.

PHILIP J. KOHN
CLARK COUNTY PUBLIC DEFENDER

By: /s/ Mike Feliciano
MIKE FELICIANO, #9312
Deputy Public Defender

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FACTUAL BACKGROUND

Defendant Jeffrey Baker (“Baker”) is currently charged with nine counts of Lewdness with a Child Under the Age of 14 and one count of Coercion – Sexually Motivated. The charges are based on allegations of sexual abuse made by C.J. and C.P. On February 6, 2015, a preliminary hearing was held in this case. At the hearing, C.J. testified about alleged sexual misconduct by Baker. C.P. did not testify at the hearing.

After the direct examination of C.J., but before she was subject to cross-examination, Baker agreed to plead guilty to a lesser charge. Preliminary Hearing Transcript (“PHT”), p. 26. In doing so, Baker, through counsel, “waive[d] his preliminary hearing.” PHT, p. 27. After counsel stated that Baker was waiving the preliminary hearing, the court asked Baker if he understood he “was waiving the remainder” of the preliminary hearing. PHT, p. 27. The court then accepted Baker’s waiver. C.J. was never subjected to cross-examination because the preliminary hearing was over. C.J. committed suicide on February 27, 2015. The State now seeks to admit the preliminary hearing testimony of C.J. at trial.

LEGAL ARGUMENT

C.J.’S TESTIMONY AT PRELIMINARY HEARING SHOULD NOT BE ADMITTED BECAUSE IT WOULD VIOLATE BAKER’S SIXTH AMENDMENT RIGHT TO CONFRONT WITNESSES AGAINST HIM

Witness statements are barred under the Confrontation Clause if a defendant is not given the opportunity for cross-examination. Crawford v. Washington, 541 U.S. 36 (2004). In this case, there was never an opportunity for cross-examination. In this case, the preliminary hearing started, but came to a conclusion after the case was negotiated. There was never an opportunity to cross-examine the witness.

The State argues that Baker had an opportunity to cross-examine the witness but elected not to. A review of the preliminary hearing transcripts shows that this argument is without merit. Specifically, Baker waived this preliminary hearing, and the court accepted the waiver. It would have made absolutely no sense to cross-examine the witness when the case was resolved.

1 However, the State repeatedly makes the assertion that Baker had the opportunity to cross-examine
2 C.J. This is simply not the case. C.J.'s preliminary hearing testimony should not be allowed at
3 trial.

4 DATED this 18th day of May, 2016.

5 PHILIP J. KOHN
6 CLARK COUNTY PUBLIC DEFENDER

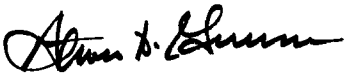
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8 By: /s/ Mike Feliciano
9 MIKE FELICIANO, #9312
10 Deputy Public Defender
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CERTIFICATE OF ELECTRONIC FILING

I hereby certify that service of the above and foregoing was made this 18th day of
May, 2016 by Electronic Filing to:

District Attorneys Office
E-Mail Address:
Jaclyn.Motl@clarkcountydade.com

/s/ Anita H Harrold
Secretary for the Public Defender's Office


CLERK OF THE COURT

1 ORDR
2 PHILIP J. KOHN, PUBLIC DEFENDER
3 NEVADA BAR NO. 0556
4 MIKE FELICIANO, DEPUTY PUBLIC DEFENDER
5 NEVADA BAR NO. 9312
6 **PUBLIC DEFENDERS OFFICE**
7 309 South Third Street, Suite 226
8 Las Vegas, Nevada 89155
9 Telephone: (702) 455-4685
10 Facsimile: (702) 455-5112
11 feliciam@co.clark.nv.us
12 *Attorneys for Defendant*

DISTRICT COURT
CLARK COUNTY, NEVADA

13	THE STATE OF NEVADA,)	
14)	
15	Plaintiff,)	CASE NO. C-14-303315-1
16)	
17	v.)	DEPT. NO. IX
18)	
19	JEFFREY LYNN BAKER,)	
20)	
21	Defendant,)	

**ORDER DENYING STATE'S MOTION TO ADMIT PRELIMINARY
HEARING TESTIMONY OF C.J.**

THIS MATTER having come before the Court on June 16, 2016, and good cause appearing therefor,

This Court having considered the pleadings and arguments of counsel FINDS that there was no authority cited by counsel where the opportunity to cross-examine has been defined by an appellate court where the facts are similar to those here. Further, some of the cases cited by the State discuss the opportunity to cross-examine in the context of the quality or adequacy of the opportunity. See Chavez v. State, 125 Nev. 328, at 338-339 (2009). Our Supreme Court intends that this determination be made on a case-by-case basis and will consider such factors as discovery available at the time of cross-examination and whether a magistrate gave counsel a thorough opportunity to cross-examine the witness.

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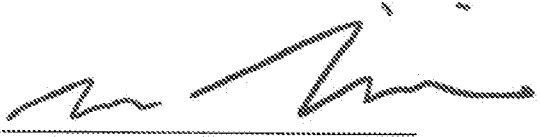
1 This Court believes our Supreme Court will not find an adequate opportunity to cross-examine exists
2 when a waiver of preliminary hearing immediately after the State's direct examination of the witness
3 occurs strictly for the purpose of negotiations. This is true even though the opportunity is a
4 procedural, not substantive guarantee. Therefore, the Court ORDERS the State's Motion to Admit
5 Preliminary Hearing Testimony of C.J. at trial DENIED.

6 DATED 9th day of August, 2016.

7
8 
9 DISTRICT COURT JUDGE 

10 Submitted by:

11 PHILIP J. KOHN
12 CLARK COUNTY PUBLIC DEFENDER

13
14 By 
15 MIKE FELICIANO, #9312
16 Deputy Public Defender
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REGISTER OF ACTIONS

[CASE NO. C-14-303315-1](#)

State of Nevada vs Jeffrey Baker, Jr.

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Case Type: **Felony/Gross Misdemeanor**
Date Filed: **12/26/2014**
Location: **Department 9**
Cross-Reference Case Number: **C303315**
Defendant's Scope ID #: **1969433**
ITAG Case ID: **1763069**
Lower Court Case # Root: **14FN2049**
Lower Court Case Number: **14FN2049X**

PARTY INFORMATION

Defendant **Baker, Jeffrey Lynn, Jr.**

Lead Attorneys
Public Defender
Public Defender
702-455-4685(W)

Plaintiff **State of Nevada**

Steven B Wolfson
702-671-2700(W)

CHARGE INFORMATION

Charges: Baker, Jeffrey Lynn, Jr.	Statute	Level	Date
1. COMPETENCY DETERMINATION	COMPETENCY	Other	12/26/2014
1. LEWDNESS WITH CHILD UNDER AGE 14	201.230.2	Felony	09/01/2011
2. LEWDNESS WITH CHILD UNDER AGE 14	201.230.2	Felony	09/01/2011
3. LEWDNESS WITH CHILD UNDER AGE 14	201.230.2	Felony	09/01/2011
4. LEWDNESS WITH CHILD UNDER AGE 14	201.230.2	Felony	09/01/2011
5. LEWDNESS WITH CHILD UNDER AGE 14	201.230.2	Felony	03/17/2013
6. COERCION SEXUALLY MOTIVATED	207.190.2a	Felony	08/11/2014
7. LEWDNESS WITH CHILD UNDER AGE 14	201.230.2	Felony	08/11/2014
8. LEWDNESS WITH CHILD UNDER AGE 14	201.230.2	Felony	08/11/2014
9. LEWDNESS WITH CHILD UNDER AGE 14	201.230.2	Felony	08/11/2014

EVENTS & ORDERS OF THE COURT

02/20/2015 [Arraignment Continued](#) (9:30 AM) (Judicial Officer De La Garza, Melisa)
02/20/2015, 03/05/2015

Minutes

02/20/2015 9:30 AM

- Upon canvassing Deft., Court not able to accept plea and ORDERED, matter CONTINUED to the assigned department. Court directed the State to have an amended information prepared for next hearing. CUSTODY 3/5/15 9:00 A.M. ARRAIGNMENT CONTINUED (DEPT 9)

03/05/2015 9:00 AM

- Amended Information FILED IN OPEN COURT. DEFT. BAKER ARRAIGNED, PLED NOT GUILTY, and INVOKED the 60-DAY RULE. Colloquy between Court and counsel regarding a trial date. Upon Court's inquiry, Deft. WAIVED his right to a speedy trial by 25 days only. COURT ORDERED, matter set for trial.

PA000071

CUSTODY 5/14/15 9:00 AM CALENDAR CALL 5/26/15 10:30
AM JURY TRIAL

[Parties Present](#)

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PA000072

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REGISTER OF ACTIONS

[CASE NO. C-14-303315-1](#)

State of Nevada vs Jeffrey Baker, Jr.

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Case Type: **Felony/Gross Misdemeanor**
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PARTY INFORMATION

Defendant **Baker, Jeffrey Lynn, Jr.**

Lead Attorneys
Public Defender
Public Defender
702-455-4685(W)

Plaintiff **State of Nevada**

Steven B Wolfson
702-671-2700(W)

CHARGE INFORMATION

Charges: Baker, Jeffrey Lynn, Jr.	Statute	Level	Date
1. COMPETENCY DETERMINATION	COMPETENCY	Other	12/26/2014
1. LEWDNESS WITH CHILD UNDER AGE 14	201.230.2	Felony	09/01/2011
2. LEWDNESS WITH CHILD UNDER AGE 14	201.230.2	Felony	09/01/2011
3. LEWDNESS WITH CHILD UNDER AGE 14	201.230.2	Felony	09/01/2011
4. LEWDNESS WITH CHILD UNDER AGE 14	201.230.2	Felony	09/01/2011
5. LEWDNESS WITH CHILD UNDER AGE 14	201.230.2	Felony	03/17/2013
6. COERCION SEXUALLY MOTIVATED	207.190.2a	Felony	08/11/2014
7. LEWDNESS WITH CHILD UNDER AGE 14	201.230.2	Felony	08/11/2014
8. LEWDNESS WITH CHILD UNDER AGE 14	201.230.2	Felony	08/11/2014
9. LEWDNESS WITH CHILD UNDER AGE 14	201.230.2	Felony	08/11/2014

EVENTS & ORDERS OF THE COURT

05/14/2015 [All Pending Motions](#) (9:00 AM) (Judicial Officer Togliatti, Jennifer)

Minutes

05/14/2015 9:00 AM

- Dena Rinetti, Deputy District Attorney, present for the State of Nevada. Defendant Baker, present in custody, with Mike Feliciano, Deputy Public Defender. CALENDAR CALL ... STATE'S MOTION TO ADMIT PRELIMINARY HEARING TRANSCRIPT OF C. J. AT TRIAL CONFERENCE AT THE BENCH. Court noted the District Attorney filed the Motion to Admit Testimony of a witness that is now deceased. Upon Court's inquiry, counsel advised the Defendant was previously found competent and is supposed to be on medication at the Clark County Detention Center. Court further noted the Defendant would not communicate with Mr. Feliciano last week and is continually speaking while the Court is speaking. COURT ORDERED, Defendant REFERRED to Competency

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Court. CUSTODY 06/12/15 9:00 AM FURTHER
PROCEEDINGS: COMPETENCY

[Return to Register of Actions](#)

PA000074