

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

JAMES COOPER,

No. 72091

Appellant,

V.

THE STATE OF NEVADA,

Respondent.

Electronically Filed  
Feb 01 2018 08:20 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

**APPELLANT'S APPENDIX VOLUME I PAGES 001-242**

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**JAMES COOPER**  
**Case No. 72091**

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JUSTICE COURT, LAS VEGAS TOWNSHIP  
CLARK COUNTY, NEVADA

JAN 26 8 57 AM '16

THE STATE OF NEVADA,

Plaintiff,

-vs-

JAMES COOPER, aka,  
James Marlin Cooper #2634475,

Defendant.

JUSTICE COURT  
LAS VEGAS NEVADA  
BY \_\_\_\_\_ SG  
DEPUTY

CASE NO: 16F01139X

DEPT NO: 10

CRIMINAL COMPLAINT

The Defendant above named having committed the crimes of BATTERY  
CONSTITUTING DOMESTIC VIOLENCE (Category C Felony - NRS 200.481, 200.485.1C,  
33.018 - NOC 50239) and BATTERY CONSTITUTING DOMESTIC VIOLENCE -  
STRANGULATION (Category C Felony - NRS 200.481; 200.485; 33.018 - NOC 54740), in  
the manner following, to-wit: That the said Defendant, on or about the 22nd day of January,  
2016, at and within the County of Clark, State of Nevada,

COUNT 1 - BATTERY CONSTITUTING DOMESTIC VIOLENCE

did then and there willfully, unlawfully, and feloniously use force or violence upon  
the person of BRITTNEY JENSEN, a person with whom the Defendant is in a dating  
relationship and with whom he is co-habiting, by punching the said BRITTNEY JENSEN  
in the stomach and/or throwing her to the ground, said Defendant having committed the  
offense of Battery constituting domestic violence at least two times within seven (7) years  
immediately preceding the date of the principle offense or after the principle offense charged  
herein, to-wit:

Date of Offense: July 2, 2015.

Conviction: August 20, 2015, Case No. 15F10224X,  
Las Vegas Justice Court, Clark County, State of Nevada

Date of Offense: July 22, 2014

Conviction: November 5, 2014, Case No. 14F12344X,  
Las Vegas Justice Court, Clark County, State of Nevada.

COUNT 2 - BATTERY CONSTITUTING DOMESTIC VIOLENCE - STRANGULATION

did willfully, unlawfully, and feloniously use force or violence upon the person of

16F01139X  
CRM  
Criminal Complaint  
6057481



WA2016F01139N16F01139-COMP-001.DOCX

1 BRITTNEY JENSEN, a person with whom the Defendant is in a dating relationship and with  
2 whom he is co-habiting, by strangulation.

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

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16F01139X/mah  
LVMPD EV# 1601223254  
(TK2)



1 NOTICE OF WITNESSES  
2 [NRS 174.234]

3 TO: Defendant or attorney of record:

4 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF  
5 NEVADA intends to call the following witnesses:

6 NAME

ADDRESS

7 CUSTODIAN OF RECORDS

8 Communication Bureau  
Law Enforcement Agency – Clark County,  
Nevada

9  
10 These witnesses are in addition to those witnesses noted in the discovery or other  
11 documents provided.

12 DATED January 25, 2016.  
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IN THE JUSTICE'S COURT OF LAS VEGAS TOWNSHIP

CLERK OF THE COURT

COUNTY OF CLARK, STATE OF NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

JC CASE NO. 16F01139X  
DC CASE NO. C312970

JAMES COOPER,

Defendant.

REPORTER'S TRANSCRIPT

OF

INITIAL ARRAIGNMENT

BEFORE THE HONORABLE MELANIE A. TOBIASSON  
JUSTICE OF THE PEACE

WEDNESDAY, JANUARY 27, 2016

**APPEARANCES:**

For the State: TYLER SMITH  
Deputy District Attorney

For the Defendant: BRET WHIPPLE  
Attorney at Law

Reported by: Donna J. McCord, CCR #337

32

1 courtroom in 2014 and 2015. I recognize him. I  
2 don't remember the facts of those cases but I'm  
3 assuming that she was the victim in those cases as  
4 well.

5 MR. WHIPPLE: She was actually the -- she  
6 has a conviction herself once so it goes back and  
7 forth.

8 THE COURT: So maybe they shouldn't be  
9 together if they're going to continue to beat each  
10 other on a regular basis, but the reality is I'm not  
11 inclined to release him from custody. I will set  
12 bail. He's got no bail right now.

13 MR. WHIPPLE: Thank you, your Honor.

14 THE COURT: I'm assuming that it was an  
15 arrest warrant. Maybe not. I don't know.

16 MR. SMITH: Your Honor, the State would  
17 just request the victim be ordered to appear on the  
18 date of the preliminary hearing.

19 THE COURT: Absolutely. So I'll set bail,  
20 I'm going to set bail at standard bail on each count  
21 so the bail will be a total of 30,000. I am going  
22 to order no contact with the named victim if he is  
23 able to post bail. And do you want a 15-day or  
24 ordinary course?

25 MR. WHIPPLE: Fifteen days, your Honor.

1 THE COURT: All right. We'll set in 15  
2 days.

3 Ma'am, you're ordered to — you've  
4 got a black eye for the love of God. You're ordered  
5 to be here on that date.

6 What's the date?

7 THE CLERK: February 10th at 10:00 a.m.

8 THE COURT: February 10th at 10:00 a.m.  
9 you're ordered to be here in court on that date. If  
10 you do not appear on that date I will issue a  
11 warrant for your arrest.

12 MR. WHIPPLE: Thank you, your Honor.

13 THE COURT: Thank you.

14 MR. WHIPPLE: Appreciate it. Have a good  
15 day.

16

17 \* \* \* \* \*

18 Attest: Full, true, accurate transcript of  
19 proceedings.

20

21 /S/Donna J. McCord  
DONNA J. McCORD CCR #337

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2-4-16

W. W. W.  
Court ClerkJUSTICE COURT, LAS VEGAS TOWNSHIP  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA;

Plaintiff,

-vs-

JAMES COOPER, aka,  
James Marlin Cooper #2634475,

Defendant.

CASE NO: 16F01139X

DEPT NO: 10

AMENDEDCRIMINAL COMPLAINT

The Defendant above named having committed the crimes of BATTERY  
CONSTITUTING DOMESTIC VIOLENCE (Category C Felony - NRS 200.481, 200.485.1C,  
33.018 - NOC 50239); BATTERY CONSTITUTING DOMESTIC VIOLENCE -  
STRANGULATION (Category C Felony - NRS 200.481; 200.485; 33.018 - NOC 54740) and  
CHILD ABUSE, NEGLECT, OR ENDANGERMENT (Category B Felony - NRS 200.508(1)  
- NOC 55226), in the manner following, to-wit: That the said Defendant, on or about the 22nd  
day of January, 2016, at and within the County of Clark, State of Nevada,

COUNT 1 - BATTERY CONSTITUTING DOMESTIC VIOLENCE

did then and there willfully, unlawfully, and feloniously use force or violence upon the  
person of BRITTNEY JENSEN, a person with whom the Defendant is in a dating relationship  
and with whom he is co-habiting, by punching the said BRITTNEY JENSEN in the stomach  
and/or throwing her to the ground, said Defendant having committed the offense of Battery  
constituting domestic violence at least two times within seven (7) years immediately preceding  
the date of the principle offense or after the principle offense charged herein, to-wit:

Date of Offense: July 2, 2015

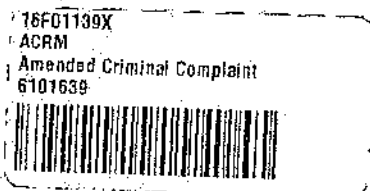
Conviction: August 20, 2015, Case No. 15F10224X,  
Las Vegas Justice Court, Clark County, State of Nevada

Date of Offense: July 22, 2014

Conviction: November 5, 2014, Case No. 14F12344X,  
Las Vegas Justice Court, Clark County, State of Nevada.

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1 COUNT 2 - BATTERY CONSTITUTING DOMESTIC VIOLENCE - STRANGULATION

2 did willfully, unlawfully, and feloniously use force or violence upon the person of  
3 BRITTNEY JENSEN, a person with whom the Defendant is in a dating relationship and with  
4 whom he is co-habiting, by strangulation.

5 COUNT 3 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

6 did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-  
7 wit: J.B., being approximately 8 year(s) of age, to suffer unjustifiable physical pain or mental  
8 suffering as a result of abuse or neglect, to wit: physical injury of a non accidental nature  
9 and/or negligent treatment, and/or cause J.B. to be placed in a situation where he might have  
10 suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit:  
11 physical injury of a non accidental nature and/or negligent treatment, by hitting and/or  
12 punching the mother of J.B. while near J.B. and/or by chasing J.B. down the hallway to his  
13 room and preventing J.B. from calling the police.

14 COUNT 4 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

15 did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-  
16 wit: K.J., being approximately 5 year(s) of age, to suffer unjustifiable physical pain or mental  
17 suffering as a result of abuse or neglect, to wit: physical injury of a non accidental nature  
18 and/or negligent treatment, and/or cause K.J. to be placed in a situation where he might have  
19 suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit:  
20 physical injury of a non accidental nature and/or negligent treatment, by hitting and/or  
21 punching the mother of K.J. while near K.J..

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

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27 16F01139X/td/dvu  
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YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF  
ADA intends to call the following witnesses:

<u>NAME</u>	<u>ADDRESS</u>
CUSTODIAN OF RECORDS	Communication Bureau Law Enforcement Agency – Clark County, Nevada

These witnesses are in addition to those witnesses noted in the discovery or other documents provided.

DATED January 28, 2016.

PAGES

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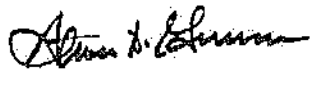
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3 IN THE JUSTICE'S COURT OF LAS VEGAS TOWNSHIP  
4 COUNTY OF CLARK, STATE OF NEVADA  
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6 STATE OF NEVADA,  
7 Plaintiff,  
8 vs.  
9 JAMES COOPER,  
10 Defendant.  
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13 REPORTER'S TRANSCRIPT  
14 OF  
15 PRELIMINARY HEARING  
16 BEFORE THE HONORABLE MELANIE A. TOBIASSON  
17 JUSTICE OF THE PEACE  
18 THURSDAY, FEBRUARY 25, 2016  
19  
20 APPEARANCES:  
21 For the State: KRISTINA RHODES  
22 Deputy District Attorney  
23 For the Defendant: JEB BOND  
24 Attorney at Law  
25 Reported by: Donna J. McCord, CCR #331

1 WITNESSES  
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3 STATE'S  
4 BENJAMIN PICKENS  
5 Direct Examination by Ms. Rhodes. 8  
6 Cross-Examination by Mr. Bond. 12  
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1 EXHIBITS  
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3 STATE'S  
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1 LAS VEGAS, NEVADA, FEBRUARY 25, 2016, 11:52 A.M.  
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5 THE COURT: 16F01139X, James Cooper. This  
6 is the time set for preliminary hearing. State, are  
7 you ready to proceed?  
8 MS. RHODES: The State is ready to  
9 proceed, your Honor.  
10 THE COURT: Defense ready to proceed?  
11 MR. BOND: Yes, your Honor.  
12 THE COURT: All right. State, who's your  
13 first witness?  
14 MS. RHODES: Yes, your Honor, before I  
15 call the first witness I just wanted to make a  
16 record. It's Officer Benjamin Pickens. That's the  
17 State's only witness.  
18 The State is going to seek to admit  
19 hearsay under NRS 171.196. I have a copy of the  
20 bill, it hasn't been published in the NRS, but it's  
21 the new hearsay statute. It allows for hearsay of  
22 an alleged victim if the defendant is charged with  
23 certain crimes including child abuse which the  
24 defendant is in this case. So with that the State's  
25 first witness is Officer Benjamin Pickens.

1 MR. BOND: Your Honor, I just want to  
2 clarify that, and I don't know this for sure, but  
3 that we're only going to hear hearsay statements  
4 from a child under the age of 16 as it contains  
5 those statements pertained to the felony committed  
6 against that alleged victim not against other  
7 crimes committed against other victims.

8 MS. RHODES: And that's not what the  
9 statute says and I have the bill here. And it is  
10 new and I have reviewed it. But it says hearsay  
11 evidence consisting of a statement made by the  
12 alleged victim of the offense is admissible at a  
13 preliminary hearing examination conducted pursuant  
14 to this section only if the defendant is charged  
15 with one or more of the following offenses, and  
16 abuse of a child is listed and that's all the  
17 statute says. The statute doesn't limit that the  
18 evidence be only used against the hearsay statement  
19 of that victim. So if there is probable cause based  
20 on the hearsay statements of the victim for other  
21 charges, it appears that the statute does not  
22 preclude the charges being bound up on those other  
23 charges, if that makes any sense at all.

24 MR. BOND: Your Honor, I disagree just  
25 from the reading of that. And obviously there's no

1 case law on it and I haven't looked into the history  
2 of the statute on how they came up with the wording,  
3 but it says of the offense is the first line in  
4 there. So I think the offense is the crime that's  
5 charged for that victim, that particular victim  
6 who's getting the hearsay statements in.

7 THE COURT: Well --

8 MS. RHODES: My reading of it is  
9 different.

10 THE COURT: Oh, obviously it's open to  
11 interpretation.

12 MS. RHODES: And there's no age limit. I  
13 know Mr. Bond said something about 16 years old but  
14 there's no age limit.

15 THE COURT: Well, no, the child  
16 abuse/neglect victims, the alleged child  
17 abuse/neglect victims are apparently eight and five  
18 so I think the argument was the hearsay, any  
19 statement that those children made would be  
20 admissible but not statements that the victim as  
21 alleged in Court 1 made because --

22 MS. RHODES: Well, that would be if there  
23 were other exceptions to the hearsay rule that the  
24 Brittany Jensen statements would come in. And the  
25 State is seeking James Blair's statements who is the

1 eight-year-old child that gave the officer some  
2 statements. I guess my understanding of Mr. Bond's  
3 argument was that none of the other charges could be  
4 bound up --

5 MR. BOND: Based on James Blair's  
6 statements. Just saying that James Blair is the  
7 alleged victim of this felony crime, and I  
8 understand since he is a minor and it is a felony  
9 charge where he is the victim that his hearsay  
10 statements can come in.

11 THE COURT: Under this --

12 MR. BOND: Can absolutely come in to bind  
13 him up over charges resulting from crimes against  
14 him. But if James Blair's statements are being used  
15 to prove other felony offenses, I don't believe that  
16 those statements can be used for that purpose, your  
17 Honor.

18 THE COURT: I don't know that I agree with  
19 you on that argument. Let's do this, let's call the  
20 witness, get the testimony going. We'll make the  
21 objections, the appropriate objections, I'll make  
22 the appropriate or what I believe are the  
23 appropriate rulings and then at some point the  
24 Supreme Court can make a ruling to clarify --

25 MR. BOND: Thank you, your Honor.

1 THE COURT: -- the statute so --

2 MS. RHODES: Officer Pickens.

3 THE CLERK: If you could remain standing  
4 and raise your right hand, please. Thank you.

5  
6 BENJAMIN PICKENS,

7 having been first duly sworn, was  
8 examined and testified as follows:

9  
10 THE CLERK: Please have a seat and please  
11 state and spell your name for the record.

12 THE WITNESS: Benjamin Pickens,  
13 B-E-N-J-A-M-I-N P-I-C-K-E-N-S.

14 THE COURT: Thank you.

15 MS. RHODES: May I proceed, your Honor?

16 THE COURT: Yes.

17 MS. RHODES: Thank you.

18  
19 DIRECT EXAMINATION

20 BY MS. RHODES:

21 Q Sir, how are you employed?

22 A I'm a police officer with the Las Vegas  
23 Metropolitan Police Department.

24 Q How long have you been employed with  
25 Metro?

1 A Approximately five and a half years.  
 2 Q And you work as a patrol officer with  
 3 Metro?  
 4 A Yes.  
 5 Q What shift do you work?  
 6 A At the time of this call I was swing  
 7 shift. That's from 3:00 p.m. until 1:00 a.m.  
 8 Q All right. Going to January 22nd, 2016,  
 9 did you have the occasion to respond to 356 East  
 10 Desert Inn Road?  
 11 A I did.  
 12 Q Is that here in Las Vegas, Clark County,  
 13 Nevada?  
 14 A It is.  
 15 Q And did you respond around 6:50 at night?  
 16 A I did.  
 17 Q What was the nature of the call and why  
 18 did you respond?  
 19 A The call came out as some kind of a  
 20 domestic disturbance. A male called in and there  
 21 was crying in the background from a female and a  
 22 child as well that came over on our dispatch.  
 23 Q About how long after that call came over  
 24 on dispatch did you arrive at the scene?  
 25 A Within minutes. I was probably about a

1 block away, two blocks away. I was really close.  
 2 Two or three minutes probably.  
 3 Q Were you with another officer?  
 4 A I was a solo unit. There was another  
 5 officer who arrived on scene as well.  
 6 Q So did you arrive at the same time as the  
 7 other officer?  
 8 A I was the first one there.  
 9 Q What did you do when you first got there?  
 10 A The apartment complex has a locked front  
 11 door, front entryway. You need some kind of a key  
 12 code to get in. I checked both that door as well as  
 13 there's two other gates, parking gates. I couldn't  
 14 get any access to it. I waited out front, tried to  
 15 announce my location to the next arriving unit, and  
 16 as I was doing so there was a couple that had come  
 17 to check their mail. There's mailboxes right in the  
 18 front lobby right next to the door. I signaled  
 19 their attention and they let me through that locked  
 20 door.  
 21 Q And was it your understanding that the  
 22 call came out from apartment 111?  
 23 A Yes.  
 24 Q Did you then proceed to apartment 111?  
 25 A I did.

1 Q Is that on the first floor?  
 2 A It is on the first floor.  
 3 Q When you approached that apartment what,  
 4 if anything, did you hear coming from the apartment?  
 5 A As I approached the apartment, lights were  
 6 out in the area. There's an open courtyard through  
 7 the perimeter of the apartments. I was trying to  
 8 find where this apartment was and I could hear some  
 9 crying coming out of one of the apartments. It was  
 10 completely dark. As I approached it I noticed a  
 11 window was open which as I passed by and I looked in  
 12 it appeared to be a bedroom window. The front door  
 13 was wide open and as I got closer I could hear a lot  
 14 more crying. I remember hearing children's crying  
 15 at first. I announced myself, looked in, saw some  
 16 people right inside, walked into the residence. It  
 17 opened up into a main room. I would say estimated  
 18 20 feet deep by about 15 feet across.  
 19 Q And you're talking just about that main  
 20 room?  
 21 A Just the main front room where I could see  
 22 a female sitting on the ground kind of balled up. I  
 23 could see she had a bloody nose but lights were off,  
 24 it was dark. She was kind of balled up sitting on  
 25 the ground with her hands towards her face and she

1 was crying hysterically. And there were two young  
 2 children that were standing next to her and they  
 3 both appeared very scared. They were both crying.  
 4 They were pretty hysterical as well.  
 5 Q Was anyone else inside that apartment?  
 6 A I conducted a safety sweep to make sure  
 7 that there was no one else in need of aid or any  
 8 other problems. Inside the apartment, it was a  
 9 little two-bedroom apartment. I'd say approximately  
 10 650 square feet, no one else was inside the  
 11 apartment at that time.  
 12 Q At that time did you get the name of the  
 13 female that was crying?  
 14 A She was hysterical. The partner that I  
 15 was with started to attend to her and give her some  
 16 direct attention. My next concern is how quick I  
 17 was able to get onto the scene and how everything  
 18 just seemed that it just happened in the moment, I  
 19 was concerned where the other party had gone to. So  
 20 I then asked the boy, the older boy, where he was  
 21 and he had pointed right out the door. He said he's  
 22 just right outside. At that point the partner that  
 23 I was with stayed with the female, started giving  
 24 her more attention when I went outside the  
 25 apartment.

1 Q And when you went outside the apartment  
2 did you find someone in the courtyard?  
3 A When I went outside the courtyard was very  
4 dark. And it was surprising, about one or two doors  
5 down, probably about, I don't know, 25, 30 feet away  
6 from me, there was a large black man who was just  
7 lighting up a cigarette and he was just standing  
8 there looking at me. I couldn't tell if he was in  
9 that same location when I first arrived, but as I  
10 exited I could see a silhouette of a very large man  
11 just being in a very dark area.  
12 Q Has anyone else in the courtyard besides  
13 that man?  
14 A Nobody else. No motion, nothing else that  
15 I saw or heard.  
16 Q Do you see that same man in the courtroom  
17 today?  
18 A I do.  
19 Q Can you point to him and tell me something  
20 that he's wearing today?  
21 A The man with the cap on his head.  
22 THE COURT: Record will reflect  
23 identification of the defendant.  
24 MS. RHODES: Thank you, your Honor.  
25 THE COURT: You're welcome.

1 BY MS. RHODES:  
2 Q What was -- well, did you get a name from  
3 the defendant?  
4 A I approached him and due to the nature of  
5 the call and the hysteria inside the apartment where  
6 the male half wasn't staying around, I really didn't  
7 expect to see, you know, the male half still around  
8 and I was a little confused that he was lighting a  
9 cigarette looking at me, so I approached him with a  
10 little bit of confusion and I asked if he lived in  
11 this apartment pointing back to apartment 111. And  
12 I was trying to gain his relation, if he was linked,  
13 if he was the person I was looking for. And at that  
14 point he said, yes, he lives there, that's his  
15 address and he verbally identified himself and he  
16 identified who the female was to me.  
17 Q And what name did he give you?  
18 A He told me Brittney was the female.  
19 Q And her last name?  
20 A Jensen I believe.  
21 Q And what name did he give you for himself?  
22 A I believe it was James Cooper.  
23 Q Did he tell you anything else?  
24 A He told me that -- he told me that they  
25 were engaged. He told me they had been living in

1 that place for about a year.  
2 Q Okay. Let me stop you there. Did you ask  
3 him what kind of relationship he had with Brittney  
4 or how did these --  
5 A I was asking him questions. I was trying  
6 to figure out how he was tied into the apartment,  
7 who she was, who she was to him, what his  
8 relationship was to her, just if -- I was still  
9 trying to figure out is this guy related to this at  
10 all.  
11 Q And he was not in custody at this time,  
12 correct?  
13 A He was not in custody. I hadn't even put  
14 my hands on him. I hadn't ordered him anywhere. I  
15 was asking him simple questions of, you know, how,  
16 you know, who he was and what his status inside this  
17 apartment was.  
18 Q Okay. When you were done talking with him  
19 where did he go or what did you do with him?  
20 A At that point when I was asking him about  
21 what his relationship was and who she was, he  
22 started to freely utter to me the fact that or he  
23 started to freely utter to me that she was making  
24 everything up. And so I asked him follow-up  
25 questions like what are you talking about. He

1 started telling me that she was drunk and he kept  
2 making references to how she drank a big bottle of  
3 rum, that she was really drunk and he got --  
4 Q Well, I'm going to stop you there. I  
5 mean, so when you were done talking to the  
6 defendant, did you take him back to the apartment,  
7 did he go next to a police car? Where did he go,  
8 where did you go?  
9 A At this point when I was done talking with  
10 him, we had another officer arrive on the scene. So  
11 Officer Sylvia was inside the house still with the  
12 female and the two children. I asked the other  
13 officer to stand by with Mr. Cooper. I hadn't put  
14 him in handcuffs. I went into the apartment to talk  
15 with Miss Jensen to find out what exactly was going  
16 on inside.  
17 Q Did Miss Jensen, was she cooperative?  
18 A She was not in good condition. She was  
19 very intoxicated. She was very badly injured. As I  
20 got closer and we were able to then get some more  
21 lights on I could see the extent of her injuries.  
22 Where I thought on initial sight it was just maybe a  
23 bloody nose. I could see significant swelling along  
24 her face, just all over her head. And paramedics  
25 had arrived and they were concerned. They expressed

1 their concerns to me that they needed to get her to  
2 the hospital immediately. They were concerned that  
3 she might have a skull fracture, possibly a brain  
4 bleed, something significant that can lead to more  
5 significant injuries if not death.

6 Q Okay. So was she cooperative with you?

7 A She was hysterical. She was unable to  
8 answer questions so no.

9 Q And did you observe any other injuries  
10 besides the swelling that you described?

11 A I could see a mark on her neck as they  
12 laid her down and it was a fresh mark to me. To me  
13 it looked like some type of a ligature mark.

14 Q And did all of the injuries that you  
15 observed on Miss Jensen appear to be fresh?

16 A That I observed, yes.

17 Q Did you observe anything with regard on  
18 her head?

19 A At that point, no, I didn't specifically  
20 see anything with her -- just pretty much her face,  
21 her eyes, her mouth, her nose, her neck.

22 Q Do you recall what kind of hair she had?

23 A She had dreadlocks.

24 Q Do you remember what color they were?

25 A It was a dirty blond.

1 Q When you made contact with the defendant  
2 that night do you recall what kind of hair he had?

3 A He had dreadlocks.

4 Q And what color were they?

5 A Dark brown. It was not up in a cap.

6 Q After medical took Miss Jensen away what  
7 did you do?

8 A When medical took Miss Jensen away I then  
9 talked to the children to find out what their  
10 relation was with Mr. Cooper, to find out if they  
11 had any other legal guardians or anyone in that  
12 area. I was trying to find out their status. And  
13 at that point the children were wanting to calm  
14 down a little bit more. I asked the -- I also asked  
15 the kids what happened, what did they see.

16 Q Okay. Did you contact CPS as well?

17 A I did contact CPS when I determined that  
18 neither of those two children had, you know, legal  
19 parents or guardians living in Las Vegas.

20 Q And you said when you first came in you  
21 initially made contact with Mr. Loy. Did you find  
22 out what the boy's name was?

23 A I did.

24 Q What was that?

25 A I would have to refer back to the report.

1 Q Does James Blair sound familiar?

2 A That sounds familiar. He went by his  
3 middle name. James I remember was his first name.

4 Q And how old was he?

5 A Eight years old.

6 Q The second child, was that a male or  
7 female?

8 A Female.

9 Q And was her name Kaylee Jensen?

10 A Yes.

11 Q How old was Kaylee?

12 A She was five.

13 Q And did you talk to both James and Kaylee?

14 A I did.

15 Q What name did James go by?

16 A His middle name.

17 Q Okay. But you don't remember it?

18 A Yeah, I don't remember it.

19 Q When you talked to James what did he tell  
20 you had happened?

21 A He told me that --

22 MR. BOND: I guess at this time, you know,  
23 thinking about my objection a little bit further  
24 that we raised pre-preliminary hearing, your Honor,  
25 it's being -- I understand that the statements of

1 James Blair can come in as hearsay under that new  
2 law and I know that they can come in as testimony  
3 to -- my only objection is that they are not to come  
4 in as to, for the purpose of proving a different  
5 crime other than what he's victim to, your Honor.  
6 And in this instance we have three charges, your  
7 Honor, and only one which James Blair is a victim  
8 to. So I guess my true objection here, more I guess  
9 maybe couched in a motion to sever the counts is  
10 there's no evidence, your Honor, other than his  
11 statements, his hearsay statements which can only  
12 come in for purposes of crimes that he's the victim  
13 to. So at this time I'd move to sever the charges,  
14 your Honor, and move to dismiss unless other  
15 evidence is able to be brought forward, the charges  
16 of battery domestic violence and battery  
17 strangulation.

18 THE COURT: Well, I think the motion to  
19 dismiss that charge is a little premature because  
20 it's -- I'm assuming that at some point in this  
21 testimony you're going to ask the questions with  
22 regard to what Brittany said or didn't say. I don't  
23 think she said a whole lot.

24 MS. BRACERS: She didn't say a whole lot  
25 but --

1 THE COURT: But I think there's a couple  
2 of exceptions to the hearsay rule in addition to the  
3 new statute, Bill, whatever they are calling it,  
4 that would allow these statements to come in. And I  
5 think they would be allowed to come in not only  
6 under the new bill that allows for hearsay in the  
7 event of a child abuse or domestic violence with  
8 substantial bodily harm charge but also with regard  
9 to excited utterances, et cetera.

10 So at this point I'm going to  
11 overrule the objection and allow the testimony  
12 subject to renewing the objection, additional record  
13 being made, whatever you want, you know, however you  
14 want to go as the testimony goes forward.

15 But, State, I don't know if you want  
16 to make a record as well.

17 MS. RHOADES: No, I think that's better  
18 for the hindover argument after he's testified  
19 and --

20 THE COURT: Right.

21 MS. RHOADES: But I don't think it  
22 prevents him from testifying as to what James Blair  
23 told him.

24 THE COURT: And I think it's admissible  
25 under several theories. So at this point I'm going

1 to overrule the objection.

2 MR. BORD: Thank you, your Honor.

3 THE COURT: Go ahead.

4 BY MS. RHOADES:

5 Q So what did James tell you happened?

6 A James told me that his mother was going  
7 through, he referred to Mr. Cooper as Tuda --

8 Q Is that T-U-D-A or is that what it sounded  
9 like?

10 A I spelled it phonetically as best as I  
11 could.

12 Q And so that's what James referred to the  
13 defendant as, as Tuda?

14 A As Tuda. He referred to him as Tuda. And  
15 he had said that his mother was going through Tuda's  
16 phone and then got angry believing that Tuda was  
17 cheating on her in some way and he said they began  
18 to have an argument and the argument was in their  
19 bedroom. And he said his mother was moving some  
20 stuff around. He particularly said like boxes with  
21 candy. When I was there I looked on the floor. I  
22 could see there was a broken box on the ground with  
23 some, it looked like crackers and stuff that had  
24 spilled out of it. But he said she was holding this  
25 box, like moving some things around, and he

1 remembered her saying something like, no, don't do  
2 that as they were arguing. And he said he then saw  
3 Tuda, you know, get up out of bed, walk over to her  
4 as they were yelling and he punched her in the  
5 stomach. She fell down to the ground dropping the  
6 box on the ground. He said he yelled at her some  
7 more.

8 THE COURT: He being?

9 THE WITNESS: Tuda.

10 THE COURT: Okay.

11 THE WITNESS: That Tuda continued to yell  
12 at his mom Brittany Jensen some more while she was  
13 on the ground. And he said that she tried to get up  
14 to get away from him, got up from the floor, went  
15 through the hallway and went into the kitchen and  
16 also tried to close the door behind her. And there's  
17 just a single entry doorway that separates the  
18 kitchen from the main room. He said as he saw his  
19 mom try to close the door he saw Tuda come in after  
20 her, push through the door knocking her to the  
21 ground and at this point -- I'm sorry, I don't  
22 remember the boy's name.

23 BY MS. RHOADES:

24 Q The eight-year-old boy that you're talking  
25 to.

1 A Yes. And so the eight-year-old boy was  
2 walking me through step by step what happened and  
3 showed me as she got pushed to the ground she hit  
4 her head against the corner of the counter of the  
5 kitchen and she fell on the ground. He said Tuda  
6 came over and was yelling at her some more and  
7 started kicking her while she was on the ground and  
8 was stomping on her face while she was on the  
9 ground.

10 Q And James, the eight-year-old boy, was  
11 relaying this and telling you that he saw what was  
12 happening and he was there when it was happening?

13 A Yes. He walked me through it step by  
14 step, everything that happened, and that he  
15 visually, that he saw everything. He first heard it  
16 which brought his attention to look into his  
17 mother's bedroom and that's when he saw Mr. Cooper,  
18 Tuda, approach his mother and punch her in the  
19 stomach and he saw everything after that.

20 Q And what was your impression of James when  
21 he was talking to you and walking you through what  
22 had happened?

23 A Due to the nature of the call with the  
24 hysteria I heard in the background and how quickly I  
25 responded and with me showing up on scene, seeing

1 Miss Jensen in a very poor physical shape, very  
2 hysterical, both children were hysterical, I  
3 believed his, what he expressed to me to be very  
4 detailed, very sincere and nothing rehearsed.  
5 Q Okay. Just going back to when you first  
6 made contact with the defendant in the courtyard,  
7 what was his demeanor?  
8 A Easily calm.  
9 Q So coming back to when you're talking to  
10 James and they're in the kitchen and he told you  
11 that the defendant was kicking his mom while she was  
12 on the ground, what, if anything, did he tell you  
13 happened after that?  
14 A He was -- he told me that his mom was  
15 trying to yell to him to call the police, call 911,  
16 and he tried to grab the phone to make the call. As  
17 he did he said Tuda turned around to get the phone  
18 from him. He ran away, ran out --  
19 Q And when you say he, are you talking  
20 about --  
21 A The boy. The boy ran away from Tuda so he  
22 can call 911 and he went down the small hallway into  
23 his bedroom where Tuda chased him into his bedroom,  
24 grabbed the phone from him, throw him down onto the  
25 bed and knocked over a T.V. that was in the room as

1 well.  
2 Q And who knocked over the T.V., did he tell  
3 you?  
4 A Tuda knocked over the T.V.  
5 Q And did James tell you that Tuda was able  
6 to get the phone away from him?  
7 A Yes, he took the phone away from him. He  
8 said also at that point that's when his mother came  
9 from behind and was trying to keep Tuda from  
10 hurting -- the boy was trying to pull him off or  
11 stop him essentially.  
12 Q And did he tell you if he saw anything  
13 after that?  
14 A He said the fight between the two then  
15 carried over. They both spilled back into the  
16 bedroom onto the ground. At one point he showed me  
17 that his mom had hit her head up against a bed, that  
18 she fell and he said Tuda punched her and kicked her  
19 a few more times.  
20 Q Where was that at?  
21 A In the bedroom on the ground.  
22 Q And so when you say the fight continued,  
23 James is telling you that the fight between Tuda and  
24 his mom continued into their bedroom?  
25 A Into the bedroom. The two bedrooms are

1 linked with I'll say a ten foot very narrow hallway  
2 between the two. And so when the mother approached  
3 Tuda as Tuda was chasing after and throwing down her  
4 child, Tuda turned back onto her and it went back  
5 into the bedroom, spilled onto the floor, onto the  
6 ground and he hit her a couple more times. And the  
7 boy remembered the mom saying something like just  
8 leave, get out of here, go away, something of that  
9 nature. Then Tuda got up, left, walked out of the  
10 apartment. And he said his mom then stumbled into  
11 the bathroom which is in that small hallway. She  
12 fell on the ground knocking a curtain rod over and  
13 then she sat on the toilet and cried.  
14 Q And at that point did James tell that you  
15 Tuda left the apartment?  
16 A Yes.  
17 Q Do you remember if James told you where  
18 Kaylee was during this incident?  
19 A Kaylee was -- he didn't specifically --  
20 his focus to me and my questioning to him was more  
21 along the lines of both parents. So as he explained  
22 where the fight was first in the bedroom then the  
23 kitchen and back, he didn't tell me where Kaylee was  
24 in proximity at each point. Kaylee had verbally  
25 told me that she did see the stuff as well. She was

1 five, she was very scared and she would just -- as  
2 the boy would tell me stuff she would just say  
3 uh-huh, uh-huh, just very simple, innocent and  
4 scared remarks. But she really didn't provide, you  
5 know, much detail to the story as well.  
6 Q But Kaylee was able to confirm to you she  
7 was present when all of this was going on?  
8 A Yes.  
9 Q And she's five years old?  
10 A I remember she was definitely present when  
11 the boy got thrown onto the bed. That was one thing  
12 that scared her.  
13 Q You said you walked through the apartment  
14 earlier. Did you inspect the apartment when you  
15 walked through or did you inspect it kind of after  
16 you had got what had happened from the kids?  
17 A I was able to inspect it afterwards once  
18 we determined everything was safe and determined  
19 where all the parties were and we had lights on.  
20 Q When you walked through the apartment what  
21 did you find?  
22 A I saw in the kitchen there was a torn  
23 dreadlock and it was bluish/brownish consistent  
24 with the hair color of Miss Jensen that was laying  
25 on the kitchen floor. There was a trash can that

1 was also knocked over on the kitchen floor. I saw  
2 in the bedroom there was a closet door that had a  
3 hole in the closet door but the closet door was also  
4 off its track and bent. I asked the boy if that was  
5 new damage and he pointed to the hole and said no,  
6 that was there, but it being bent and off its track  
7 he said was now.

8 I saw the box laying on the ground.  
9 I saw a tool bag with the handle, like a little tool  
10 bag with tools spilled all over the ground and the  
11 handle was extended laying on the ground and that  
12 was bent. I asked the boy if that's normally like  
13 that and he said no, that's what Tuda takes to work  
14 and it's not bent.

15 I saw a mixture of dreadlocks,  
16 blondish/brownish and dark brown dreadlocks which  
17 were consistent, the blondish/brownish consistent  
18 with here, with Miss Jensen, and the dark brownish  
19 consistent with Mr. Cooper's that were also both  
20 laying on the ground in the bedroom where all the  
21 tools, the tool bag and the box and just laying in  
22 that mix.

23 I saw blood that was on a piece of  
24 furniture at the foot of the bed and it appeared to  
25 be fresh blood. I saw blood drops on the bathroom

1 floor that was in the hallway between the two  
2 bedrooms where the boy said his mom put on the  
3 toilet and cried. I saw a shower curtain that was  
4 down that was laying in the tub. I also saw a T.V.  
5 that was just sitting on the ground in the other  
6 bedroom.

7 Q Would that be the kids' bedroom?

8 A In the kids' bedroom where they had bunk  
9 beds.

10 Q Did Brittney Jensen ever answer any  
11 questions that you asked her or I guess did you ask  
12 Brittney Jensen questions?

13 A I specifically did not.

14 Q The mark on her neck, you said it looked  
15 like a ligature?

16 A Yes.

17 Q So not like a hand mark on her neck?

18 A It was not consistent with hands, feet,  
19 arms, body parts. It was a straight line red mark  
20 across the neck with something like a rectangle at  
21 the end of it.

22 Q And did that appear to be fresh?

23 A It appeared to be fresh.

24 Q Did James tell you anything about that  
25 injury?

1 A No.

2 Q Was Mr. Cooper placed into custody after  
3 all of this?

4 A After I saw her condition and the boy had  
5 started to walk me through and give explanations as  
6 to what was going on, seeing the severity of the  
7 excessive injuries that Mrs. Jensen received that  
8 night I then came back outside the apartment where  
9 Mr. Cooper was still standing with another officer,  
10 standing with him. I then came out and placed him in  
11 handcuffs.

12 Q Did you see any injuries on Mr. Cooper?

13 A I did. He appeared to have some  
14 dreadlocks, some hair missing on the back right top  
15 part of his head and he had a small cut and some  
16 bleeding on one of his fingers.

17 Q Anything else?

18 A Nothing else I could see. Nothing else he  
19 complained of either.

20 MS. RHOADES: The State will pass the  
21 witness, your Honor.

22 THE COURT: Cross.

23 MR. BOND: Yes. Just real quick.

24 ///

25 ///

# CROSS-EXAMINATION

2 BY MR. BOND:

3 Q Officer, you said the male initiated this  
4 call. Do you know who that male was?

5 A Yes, sir.

6 Q And who was that?

7 A Mr. Cooper.

8 Q Okay. Were there any other calls for this  
9 particular incident that you know of?

10 A I don't remember. I couldn't tell you  
11 100 percent.

12 Q Isn't it true that when you first came in  
13 contact with Mr. Cooper in the courtyard that he was  
14 on the phone with dispatch?

15 A He was on the phone. I don't know who he  
16 was on the phone with.

17 Q Okay. Isn't it true that Mr. Cooper  
18 showed you injuries on his back that occurred from  
19 previous incidents?

20 A Yes.

21 Q Okay. And what were those injuries?

22 MS. RHOADES: I would object as to  
23 relevance of previous incidents to what happened  
24 today and hearsay.

25 MR. BOND: Just they're his statements



1 that I'm asking about and it just  
 2 THE COURT: We always have that debate,  
 3 about the defense asking about their client's  
 4 statements. At that point it does become hearsay.  
 5 MR. BOND: Okay.  
 6 THE COURT: Inadmissible hearsay.  
 7 MR. BOND: I'll move on.  
 8 THE COURT: All right. Thank you.  
 9 BY MR. BOND:  
 10 Q. When you talked to the young girl and you  
 11 stated her name was Kaylee, is that correct?  
 12 A. Yes, sir.  
 13 Q. Okay. When you spoke to Kaylee was she  
 14 telling you full sentences or was she giving nods or  
 15 saying yes, no to your questions?  
 16 A. A little bit of everything, just depending  
 17 on the questions.  
 18 Q. Do you remember specifically what she told  
 19 you as to her whereabouts during this incident?  
 20 A. No.  
 21 Q. Okay.  
 22 A. I remember she was in the bedroom when the  
 23 boy was thrown onto the bed, she told me that.  
 24 Q. Okay. She told you that, you didn't ask  
 25 her whether she was in the bedroom and she said yes.

1 or do you remember how you obtained that  
 2 information?  
 3 A. I can't remember the specific question or  
 4 how that came about.  
 5 Q. Okay. And I'll retrack that last  
 6 statement. When you talked to James was he upset?  
 7 A. Yes.  
 8 Q. As you proceeded to keep talking to him  
 9 though did he ever calm down?  
 10 A. Yes.  
 11 Q. Okay. And what I would like to know is  
 12 when he told you what he saw as far as you stated  
 13 here today, Mr. Cooper punching Brittany and  
 14 stepping on her and kicking her, was he calm when he  
 15 was telling you those portions or did he seem like  
 16 he was still erratic like when you first came into  
 17 contact with him?  
 18 A. He was not erratic like when I first came  
 19 in contact with him.  
 20 Q. What all did he say to you when you first  
 21 came in contact with him and he was still very  
 22 erratic?  
 23 A. I asked something of the nature of where  
 24 did he go or where is the dad or something of that  
 25 nature, and he said he's outside pointing out or

1 he's out there. That was the extent.  
 2 Q. Okay. And then when you came back and  
 3 talked to him a second time he was able to calm down  
 4 a little bit?  
 5 A. There had been some time lapse.  
 6 Q. Do you know how much time exactly?  
 7 A. I couldn't tell you exactly.  
 8 Q. Would you estimate, was it more than a  
 9 half hour?  
 10 A. I would have to refer back to our CAD  
 11 reports, otherwise it's just a guess.  
 12 Q. Okay. No problem.  
 13 THE COURT: Court's indulgence.  
 14 THE COURT: Of course.  
 15 MR. BOND: No further questions, your  
 16 Honor.  
 17 THE COURT: Redirect?  
 18 MS. RHODES: No, your Honor.  
 19 THE COURT: All right. Officer, thank you  
 20 very much for your testimony.  
 21 He's free to go?  
 22 MS. RHODES: Yes.  
 23 THE COURT: You're free to go, just don't  
 24 discuss your testimony with any other witnesses  
 25 although there aren't any here.

1 THE WITNESS: Okay. Thank you.  
 2 THE COURT: Thank you.  
 3 All right. State:  
 4 MS. RHODES: Yes, your Honor, before the  
 5 State rests I do want to admit certified copies of  
 6 the criminal complaint, court minutes and  
 7 admonishment for the defendant's priors. The first  
 8 is a certified copy of case number 15F10224X where  
 9 he was convicted of battery domestic violence. The  
 10 date of the offense is July 2nd, 2015.  
 11 THE COURT: Okay.  
 12 MS. RHODES: And then the second is for  
 13 case number 14F12344X. The date of the offense is  
 14 July 22nd, 2014. And he was convicted of battery  
 15 domestic violence in that case as well.  
 16 With those two, I just would move to  
 17 amend line 20 on page 1 of the currently filed  
 18 amended criminal complaint just to read, after it  
 19 says ground, for it to read and/or kicking and/or  
 20 stamping on Brittany Jensen. And with that the  
 21 State would rest.  
 22 THE COURT: Okay.  
 23 MR. BOND: And, your Honor, I've advised  
 24 my client of his right to testify.  
 25 THE COURT: One thing, just with regard to

1 the admission of the exhibits, do you have any  
2 objection to their admission?  
3 MR. BOND: No objection.  
4 THE COURT: Okay. So those will be  
5 admitted.  
6 MS. RHOADES: Okay. Thank you.  
7 [State's Exhibits 1 and 2 admitted.]  
8 THE COURT: And now State rests.  
9 Go ahead.  
10 MR. BOND: Absolutely, your Honor. Thank  
11 you. And I've advised my client of his right to  
12 testify. He wishes to waive that right today and  
13 the defense does not want to call any witnesses,  
14 your Honor.  
15 THE COURT: All right. And Mr. Cooper, I  
16 will tell you that you do have a right to testify.  
17 Your decision not to testify will not be used  
18 against you, okay?  
19 THE DEFENDANT: All right.  
20 THE COURT: State, argument?  
21 MS. RHOADES: Reserve for rebuttal.  
22 THE COURT: Argument?  
23 MR. BOND: Yes, your Honor. He's charged  
24 with four counts here: battery constituting domestic  
25 violence third offense, battery constituting

1 domestic violence strangulation and then two counts  
2 of the felony child abuse and neglect.  
3 As I already stated, we heard  
4 evidence here today, hearsay statements of two  
5 children which are the victims alleged here under  
6 the child abuse, neglect or endangerment. I would  
7 only point out that the only evidence we heard here  
8 today as to Kaylee, the second child in Count 4,  
9 child abuse and neglect, that the State has alleged  
10 in their information that Kaylee was present -- I'm  
11 sorry, the exact allegations are that there was  
12 physical injury to Kaylee of a non-accidental nature  
13 and/or negligent treatment by hitting and/or  
14 punching the mother of Kaylee while near Kaylee.  
15 Obviously it says K.J. It's redacted for the  
16 record. But the only testimony we heard Kaylee say  
17 to the officer is that she said she was in the  
18 bedroom when the other child was thrown onto the  
19 bed. Your Honor, I don't believe we heard exact  
20 testimony that Kaylee herself testified that she was  
21 present or, sorry, told the officer who then  
22 testified that she was present while her mother was  
23 being hit and/or punched, your Honor.  
24 And as to the other child, you know,  
25 I believe those hearsay statements do give enough

1 evidence to bind this over, your Honor, on Count 3  
2 so I'll admit that.  
3 However, my contention from the  
4 beginning is that those children's testimony should  
5 only be used for crimes that they are the victim of,  
6 that that testimony, that hearsay statement  
7 shouldn't come in then for the battery constituting  
8 domestic violence third offense and the battery  
9 constituting domestic violence strangulation. In  
10 addition, the only evidence we had for strangulation  
11 in this case was that she had a mark on her neck.  
12 We have no testimony --  
13 THE COURT: I'm sorry, I'm sorry, just  
14 give me one -- I apologize. Go ahead.  
15 MR. BOND: Yeah, just that my contention  
16 from the beginning is that those two children are  
17 victims themselves so the hearsay statement should  
18 come in for those crimes. They should not come in  
19 for the fact and to establish elements of the crime  
20 which they are not a victim to, that's the battery  
21 domestic violence and strangulation. In addition,  
22 the strangulation, even with their statements I  
23 don't think is proven with slight or marginal  
24 evidence through probable cause. The only evidence  
25 we have is there was a mark on the neck. The

1 officer didn't know how that mark got there. No one  
2 testified or gave hearsay statements as to why that  
3 mark was there. So I don't believe we have anything  
4 to show that there's closed air passageways or  
5 anything like that, your Honor. With that I'll  
6 submit.  
7 THE COURT: All right. Thank you, State.  
8 MS. RHOADES: Yes, your Honor. The  
9 State's position is that the statute doesn't limit  
10 the testimony to only bind up those counts where the  
11 hearsay declarant is the named victim. There's  
12 nothing in the language that appears to limit that  
13 so I would argue that James' statements come in and  
14 they do prove up with slight or marginal evidence  
15 Counts 1, 3 and 4. Kaylee, I mean, she's five years  
16 old in the apartment minutes after the call comes  
17 in. She's Britney Jensen's daughter, James'  
18 sister. She's agreeing with what James is saying  
19 while James is telling the officer and she's five  
20 years old. She wasn't anywhere else besides that  
21 apartment when this was going on.  
22 We have James' observations with what  
23 Mr. Cooper was doing to Britney as far as the Count  
24 1, battery constituting domestic violence. The  
25 relationship was established with the defendant's

1 own statements. Again, the relationship was  
2 established for Count 2 as well, the battery  
3 domestic violence strangulation. And the officer's  
4 testimony with what he observed on Britney's neck  
5 is slight or marginal evidence to prove up the  
6 battery with strangulation in addition to Jones'  
7 testimony as to what was going on. There was a  
8 portion where Jones wasn't seeing what was going on  
9 while they were in the bedroom. It could have  
10 happened there but the officer testified that it was  
11 a fresh red mark, that it was some type of ligature  
12 that was on her neck. And we would argue that all  
13 counts have been shown by slight or marginal  
14 evidence.

15 THE COURT: Yeah, I think the hearsay  
16 issue, I mean, obviously with regard to Counts 3 and  
17 4, the hearsay comes in under the new statute.  
18 Additionally I think the officer established that  
19 when he got there everybody was absolutely  
20 hysterical including the kids. I know he also did  
21 say that prior to asking them questions they had  
22 calmed down somewhat, but I think with regard to  
23 that there's, you know, and I had already made the  
24 record that there were potentially other hearsay  
25 exceptions that those statements would come in

1 under.  
2 You know, the issue with regard to  
3 the new statute I think is a valid and interesting  
4 issue that I think at some point is going to have to  
5 be determined in a situation like this where there  
6 may not be another exception to the hearsay rule  
7 where the statements may or may not come in because  
8 I'm not quite sure, it's not clear. It's a little  
9 vague with regard to that particular issue. But I  
10 do think the statements come in under other hearsay  
11 exceptions so it's not necessarily as much of an  
12 issue in this case.

13 So with regard to the testimony today  
14 and the complaint on file, it does appear to me that  
15 the crimes of battery domestic violence with priors,  
16 battery domestic violence strangulation and two  
17 counts of child abuse, neglect or endangerment have  
18 been committed, and that the defendant James Cropper  
19 did commit those offenses, I hereby order said  
20 defendant be held to answer to said charges in the  
21 Eighth Judicial District Court, County of Clark,  
22 State of Nevada at the following date and time:

23 THE CLERK: March 3rd at 10:00 a.m.

24 THE COURT: All right.

25 MR. BOND: Thank you.

1 MS. BROADBENT: Thank you, your Honor.

2 THE COURT: You're welcome.

3  
4  
5 Attest: Full, true, accurate transcript of  
6 proceedings.

7  
8 /s/Donna J. McCord  
9 DONNA J. MCCORD CCR 1337  
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3	30 feet [1] 13/5 32 [1] 2/5 337 [2] 1/25 43/8 356 [1] 9/9 37 [2] 3/4 3/5 3:00 [1] 9/7 3rd [1] 42/23	
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 38/23 39/1 40/5 40/8 43/1

To whom it may concern:

I Brittney Jensen would like to explain the events that took place on the evening of Jan 2nd 2016. I had been drinking heavily through out the day and when James came home <sup>from work</sup> we had finished making dinner to gether and enjoying a meal then when dinner was finished I decided to speak with James about something I was upset about that had happened a couple weeks prior. When we were talking I started getting upset and when James tried to remove him self from the situation I followed him and then I attacked him and I proceeded to continue to attack him through out the house and pulled alot of his hair out and he placed the call to 911 and then I started beligerently yelling profanities and yelled to my son to also call 911 when 911 did arrive they just looked at my injuries and saw how intoxicated I was and told me you are going to the hospital and when I arrived there they didnt ask me what happened or anything they just took pictures and started saying what they were gonna be charging him with. ~~I~~ I was still very intoxicated through this process. I would just like to say that I am 100% to blame for the events that took

16F01139X

CHFD

Confidential Document

6198068



place on the evening of Jan. 22<sup>nd</sup> 2016  
and I am ashamed of my actions  
and realise now what devastating effects  
have resulted to ~~to~~ our entire family  
because of my actions. I hope that  
because of what I have done does not  
result in James suffering the consequences.  
James is a loving father figure to  
my two children, a caring spouse to  
me and a hard working positive person.  
~~James~~

Betty Jensen 01/26/16

Justice Court, Las Vegas Township  
Clark County, Nevada

Court Minutes



L006064237

16F01139X State of Nevada vs. Cooper, James

Lead Atty: Bret O Whipple

1/27/2016 8:30:00 AM Initial Appearance (In  
Custody)

Result: Matter Heard

PARTIES  
PRESENT: Attorney Whipple, Bret O  
Defendant Cooper, James

Judge: Toblasson, Melanie A.  
Prosecutor: Smith, Tyler  
Court Reporter: McCord, Donna  
Court Clerk: Carrera, Socorro

PROCEEDINGS

Attorneys: Whipple, Bret O Cooper, James Added

Hearings: 2/10/2016 10:00:00 AM: Preliminary Hearing Added

Events: Counsel Confirms as Attorney of Record  
B. Whipple, Esq  
Initial Appearance Completed  
Advised of Charges on Criminal Complaint, Waives Reading of Criminal Complaint  
Comment  
Victim present in the courtroom and admonished to appear in court at the preliminary hearing.  
Bail Reset - Cash or Surety  
Counts: 001; 002 - \$30,000.00/\$30,000.00 Total Bail

**Justice Court, Las Vegas Township  
Clark County, Nevada**

**Court Minutes**



L006101674

**16F01139X      State of Nevada vs. Cooper, James**

Lead Atty: Bret O Whipple

**2/4/2016 8:30:00 AM Motion (Surety Bond  
Posted)**

Result: Motion Granted

**PARTIES                      Attorney                      Bond, Jeb**  
**PRESENT:**

**Judge:**                      Toblason, Melanie A.

**Prosecutor:**              Smith, Tyler

**Court Reporter:**        McCord, Donna

**Court Clerk:**            Wenz, William

<b>PROCEEDINGS</b>
--------------------

<b>Attorneys:</b>	<b>Bond, Jeb</b>	<b>Cooper, James</b>	<b>Added</b>
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<b>Events:</b>	<b>Amended Criminal Complaint</b>
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*filed in open court.*

**Future Court Date Stands**

**2/10/2016 @ 10 AM**

<b>Charges:</b>	<b>003: Child abuse or neglect, first offense</b>
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	<b>004: Child abuse or neglect, first offense</b>
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**Justice Court, Las Vegas Township  
Clark County, Nevada**

**Court Minutes**



L006125968

**16F01139X State of Nevada vs. Cooper, James**

Lead Atty: Bret O Whipple

**2/10/2016 9:30:00 AM Preliminary Hearing  
(Surety Bond Posted)**

Result: Matter Heard

**PARTIES** Attorney Engler, Alissa  
**PRESENT:** Defendant Cooper, James  
  
**Judge:** Toblason, Melanie A.  
**Prosecutor:** Portz, Nick  
**Court Reporter:** McCord, Donna  
**Court Clerk:** Wenz, William

**PROCEEDINGS**

<b>Attorneys:</b>	<b>Engler, Alissa</b>	<b>Cooper, James</b>	Added
<b>Hearings:</b>	<b>2/25/2016 9:30:00 AM: Preliminary Hearing</b>		Added
<b>Events:</b>	<b>Bustos Motion by State to Continue - Granted</b>		
	<b>No Contact with Victim</b>		
	<b>Comment</b>		
	<i>Court approved a material witness warrant being issued</i>		

**Justice Court, Las Vegas Township  
Clark County, Nevada**

**Court Minutes**



LD06189258

Lead Atty: Bret D Whipple

**16F01139X State of Nevada vs. Cooper, James**

**2/25/2016 9:30:00 AM Preliminary Hearing  
(Surety Bond)**

**Result: Bound Over**

**PARTIES**  
**PRESENT:** Attorney Bond, Jeb  
Defendant Cooper, James

**Judge:** Tobiasson, Melanie A.  
**Prosecutor:** Rhoades, Kristina  
**Court Reporter:** McCord, Donna  
**Court Clerk:** Wenz, William

**PROCEEDINGS**

**Exhibits:** **Document, Photograph, Etc. (ID: 001)** *Criminal Complaint- 14F12344X* **Admitted**

**Document, Photograph, Etc. (ID: 002)** *Criminal Complaint - 15F10224x* **Admitted**

**Events:** **Preliminary Hearing Held**

*Motion to Exclude Witnesses by State - Motion Granted*

*States Witnesses:*

*1) Officer Benjamin Pickens*

*State Rests*

*Defendant Advised of His Statutory Right to Make a Statement*

*Defendant Waives the Right to a Sworn or Unsworn Statement*

*Defense Rests*

*Motion to Dismiss and Argument In Favor of Said Motion by Defense - Argument Against Said Motion by State - Thereupon the Court Found the Defendant Guilty*

**Comment**

*Court allows hear-say testimony.*

**Bound Over to District Court as Charged**

Review Date: 2/26/2016

*Defendant Bound Over to District Court as Charged. Defendant to Appear in the Lower Level Arraignment Courtroom A*

**District Court Appearance Date Set**

*Mar 3 2016 10:00AM: Surety Bond*

**Surety Bond Ordered Transferred**

**Case Closed - Bound Over**

**Bonds:** **Surety - \$51 02472507**

Bond Amount: \$30,000.00

**Plea/Disp:** **001: Dom battery, (3+) [50239]**

*Disposition: Bound Over to District Court as Charged (PC Found)*

**Las Vegas Justice Court: Department 10**

LVJC\_RW\_Criminal\_MinuteOrder

2/25/2016 2:43 PM

**Justice Court, Las Vegas Township  
Clark County, Nevada**

**002: Dom battery by strangulation [54740]**

Disposition: Bound Over to District Court as Charged (PC Found)

**003: Child abuse or neglect, (1st) [55226]**

Disposition: Bound Over to District Court as Charged (PC Found)

**004: Child abuse or neglect, (1st) [55226]**

Disposition: Bound Over to District Court as Charged (PC Found)

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**Justice Court, Las Vegas Township  
Clark County, Nevada**

**Custody Status Slip**



L006048631

Clerk: Iuxes

Housed At: CB-Z19.

Date: 1/23/2016: 48 Hour Probable Cause Review

Department:

Judge: Sullivan, Diana L.

Name: Cooper, James

Case: PC16F01139X

Defendant ID: 2634475

001: Dom battery by strangulation [54740] (F) (0025603679-001)

Ball Reset - Cash or Surety: Counts: 001; 002 - \$0.00/\$0.00 Per Count SET IN COURT PER JUDGE SULLIVAN

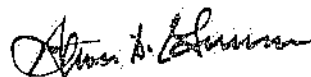
002: Dom battery, (3+) [50239] (F) (0025603679-002)

Ball Reset - Cash or Surety: Counts: 001; 002 - \$0.00/\$0.00 Per Count SET IN COURT PER JUDGE SULLIVAN

**Future Justice Court Hearings**

1/27/2016 8:30:00 AM: 72 Hour Hearing (JC Department 10)

Added

  
CLERK OF THE COURT

1 INFM  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 KRISTINA RHOADES  
6 Deputy District Attorney  
7 Nevada Bar #012480  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

7 I.A. 03/03/16  
10:00 AM  
8 B. WHIPPLE

9 THE STATE OF NEVADA,  
10 Plaintiff,

11 -vs-

12 JAMES COOPER, aka,  
13 James Marlin Cooper, #2634475,  
14 Defendant.

CASE NO: C-16-312970-1

DEPT NO: X

INFORMATION

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

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

19 That JAMES COOPER, aka, James Marlin Cooper, the Defendant(s) above named,  
20 having committed the crimes of **BATTERY CONSTITUTING DOMESTIC VIOLENCE**  
21 **(Category C Felony - NRS 200.481, 200.485.1C, 33.018 - NOC 50239); BATTERY**  
22 **CONSTITUTING DOMESTIC VIOLENCE - STRANGULATION (Category C Felony**  
23 **- NRS 200.481; 200.485; 33.018 - NOC 54740) and CHILD ABUSE, NEGLECT, OR**  
24 **ENDANGERMENT (Category B Felony - NRS 200.508(1) - NOC 55226), on or about the**  
25 **22nd day of January, 2016, within the County of Clark, State of Nevada, contrary to the form,**  
26 **force and effect of statutes in such cases made and provided, and against the peace and dignity**  
27 **of the State of Nevada,**

28 ///

1 COUNT 1 - BATTERY CONSTITUTING DOMESTIC VIOLENCE

2 did then and there willfully, unlawfully, and feloniously use force or violence upon the  
3 person of BRITTNEY JENSEN, a person with whom the Defendant is in a dating relationship  
4 and with whom he is co-habiting, by punching the said BRITTNEY JENSEN in the stomach  
5 and/or throwing her to the ground and/or kicking and/or stomping on the said BRITTNEY  
6 JENSEN.

7 COUNT 2 - BATTERY CONSTITUTING DOMESTIC VIOLENCE - STRANGULATION

8 did willfully, unlawfully, and feloniously use force or violence upon the person of  
9 BRITTNEY JENSEN, a person with whom the Defendant is in a dating relationship and with  
10 whom he is co-habiting, by strangulation.

11 COUNT 3 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

12 did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-  
13 wit: J.B., being approximately 8 year(s) of age, to suffer unjustifiable physical pain or mental  
14 suffering as a result of abuse or neglect, to wit: physical injury of a non accidental nature  
15 and/or negligent treatment, and/or cause J.B. to be placed in a situation where he might have  
16 suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit:  
17 physical injury of a non accidental nature and/or negligent treatment, by hitting and/or  
18 punching the mother of J.B. while near J.B. and/or by chasing J.B. down the hallway to his  
19 room and preventing J.B. from calling the police.

20 COUNT 4 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

21 did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-  
22 wit: K.J., being approximately 5 year(s) of age, to suffer unjustifiable physical pain or mental  
23 suffering as a result of abuse or neglect, to wit: physical injury of a non accidental nature  
24 and/or negligent treatment, and/or cause K.J. to be placed in a situation where he might have  
25 suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit:

26 ///


27 ///

28 ///

1 physical injury of a non accidental nature and/or negligent treatment, by hitting and/or  
2 punching the mother of K.J. while near K.J.

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

5  
6 BY

  
KRISTINA RHOADES  
Deputy District Attorney  
Nevada Bar #012480

7  
8  
9 **DO NOT READ TO THE JURY**

10 Said Defendant having committed the offense of Battery constituting domestic violence  
11 at least two times within seven (7) years immediately preceding the date of the principle  
12 offense or after the principle offense charged herein, to-wit:

13 Date of Offense: July 2, 2015  
14 Conviction: August 20, 2015, Case No. 15F10224X,  
Las Vegas Justice Court, Clark County, State of Nevada

15 Date of Offense: July 22, 2014  
16 Conviction: November 5, 2014, Case No. 14F12344X,  
Las Vegas Justice Court, Clark County, State of Nevada.

17  
18 Names of witnesses known to the District Attorney's Office at the time of filing this  
19 Information are as follows:

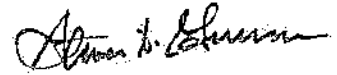
<u>NAME</u>	<u>ADDRESS</u>
20 ASHENFELTER, DEBORAH	District Attorney Investigator
21 BLAIR, JAMES	356 E. Desert Inn Rd. #111, LVN 89169
22 BRIGANDI, NICHOLAS J.	LVMPD #12933
23 CUSTODIAN OF RECORDS	CCDC
24 CUSTODIAN OF RECORDS	LVMPD COMMUNICATIONS
25 CUSTODIAN OF RECORDS	LVMPD DISPATCH
26 CUSTODIAN OF RECORDS	LVMPD RECORDS
27 GILES, STACEY D.	LVMPD #14774

1	HOGANS, DWAYNE	District Attorney Process Server
2	JENSEN, BRITTNEY	C/O DISTRICT ATTORNEY'S OFFICE
3	JENSEN, KAYLEE	356 E. Desert Inn Rd. #111, LVN 89169
4	MURRAY, MICHAEL W.	LVMPD #9002
5	PATTERSON, DEBRA	District Attorney Process Server
6	PICKENS, BENJAMIN R.	LVMPD #14322
7	RODRIGUEZ, JAVIER	District Attorney Process Server
8	SYLVIA, NICHOLAS F.	LVMPD #11524

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16F01139X/td/dvu  
LVMPD EV#1601223254  
(TK10)





CLERK OF THE COURT

1 NNEW  
STEVEN B. WOLFSON  
2 Clark County District Attorney  
Nevada Bar #001565  
3 KRISTINA RHOADES  
Deputy District Attorney  
4 Nevada Bar #012480  
200 Lewis Avenue  
5 Las Vegas, Nevada 89155-2212  
(702) 671-2500  
6 Attorney for Plaintiff

7 DISTRICT COURT  
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,  
10 Plaintiff,

11 -vs-

12 JAMES COOPER, aka,  
James Marlin Cooper, #2634475,  
13 Defendant.  
14

CASE NO: C-16-312970-1

DEPT NO: X

15 NOTICE OF EXPERT WITNESSES  
16 [NRS 174.234(2)]

17 TO: JAMES COOPER, aka, James Marlin Cooper, Defendant; and

18 TO: BRET WHIPPLE, ESQ., Counsel of Record:

19 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF  
20 NEVADA intends to call the following expert witnesses in its case in chief:

21 1. GAVIN, LISA, MD, CCME #0086, or Designee – is a medical examiner with  
22 the Clark County Coroner's Office and will testify regarding the mechanics and effects of  
23 strangulation and other related matters, including, but not limited to, the difference between  
24 choking and strangulation, the various types of strangulation (i.e. manual, ligature), the effects  
25 of compression of blood vessels and lack of air on the body, the location of various vessels in  
26 the neck and the trachea, the amount of pressure upon vessels that is required to stop the flow  
27 of blood, the amount of pressure against the trachea that is required to stop the flow of air, the  
28 amount of time blood flow and/or air flow is restricted before loss of consciousness or other

1 serious bodily injury or death, factors that determine whether or not visible exterior injuries  
2 would be present, and types of injuries that might be present as a result of strangulation. If  
3 after review of the evidence in the instant case, Dr. Gavin may testify whether or not the  
4 injuries present are consistent with strangulation.

5 2. GREENE, ELYNNE, P #4959, Victim Advocate for the Las Vegas Metropolitan  
6 Police Department or Designee, is an expert in domestic violence and will testify about the  
7 counterintuitive behavior of victims of domestic abuse, the reasons therefore, and other related  
8 topics. Her testimony may include, but is not limited to, the cycle of domestic abuse; the effects  
9 of power and control stratagems on the behavior of victims; coping and avoidance mechanisms  
10 employed by victims; and the tendency of victims to delay reporting, minimize abuse, recant  
11 prior statements, and vacillate affections toward their abusers.

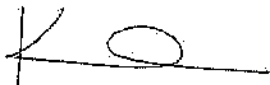
12 These witnesses are in addition to those witnesses endorsed on the Information or  
13 Indictment and any other witnesses for which a separate Notice of Witnesses and/or Expert  
14 Witnesses has been filed.

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

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

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

20  
21 BY

  
22 KRISTINA RHOADES  
23 Deputy District Attorney  
24 Nevada Bar #012480  
25  
26  
27  
28

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that service of Notice of Expert Witnesses, was made this 1st  
day of March, 2016, by facsimile transmission to:

BRET WHIPPLE, ESQ.  
FAX #702-974-4008

BY:



Theresa Dodson  
Secretary for the District Attorney's Office

td/dvu

# Lisa Gavin, M.D., M.P.H.

1704 Pinto Lane, Las Vegas, NV 89106 ♦ 702.455.3210 ♦ LGavin@co.clark.nv.us

---

## Current Position Medical Examiner, 2009 to present

*Office of the Coroner/Medical Examiner, Clark County, Las Vegas, Nevada*

## Training & Education

**Forensic Pathology Fellowship, 2008 to 2009**

*Office of the Chief Medical Investigator, Albuquerque, New Mexico*

**Surgical Pathology Fellowship, 2007-2008**

*Hartford Hospital, Hartford, Connecticut*

**Anatomic & Clinical Pathology Residency, 2002 – 2007**

*Hartford Hospital, Hartford, Connecticut*

**Post-Sophomore Fellowship in Pathology, 2001 – 2002**

*University of Connecticut Health Center, Farmington, Connecticut*

**Medical Degree, 2001**

*University of Connecticut School of Medicine, Farmington, Connecticut*

**Master Degree of Public Health, 1994**

*Columbia University School of Public Health, New York, New York*

**Bachelor of Arts, 1991**

*Mount Holyoke College, South Hadley, Massachusetts*

## Research Experience

**Polyoma Virus Hemorrhagic Cystitis in an Otherwise Normal Child, 2008**

*Hartford Hospital Department of Pathology & Department of Pediatric Infectious Disease Metastatic*

**Testicular Choriocarcinoma in a Young Male with Abdominal Pain, 2007 Hartford**

*Hospital Department of Pathology & University of Connecticut*

*Department of Internal Medicine*

**Inter-observer Variability in Diagnosing Colon Biopsies as Indefinite for Dysplasia,**

*2006 Hartford Hospital Department of Pathology*

**Susceptibility of Streptococcus Pneumoniae to Moxifloxacin and**

**Other Antimicrobial Agents, 2004**

*Hartford Hospital Department of Pathology & Laboratory Medicine*

## Awards & Scholarship

**Dr. Beckett Book Award, 2007**

**Martin Berman Immunopathology Award, 2007**

**Bloomberg Award for Psychiatry, 2001**

## Memberships

**American Academy of Forensic Sciences (2009 to present)**

**American Society of Clinical Pathology (2003 – 2008, 2010)**

**United States and Canadian College of Pathologist (2005 – 2007)**

**College of American Pathologist (Delegate 2003 – 2007)**

**Connecticut Society of Pathologists (CSP) Delegate (2003 – 2007)**

Next Page >>>

# Lisa Gavin, M.D., M.P.H.

1704 Pinto Lane, Las Vegas, NV 89106 ♦ 702.455.3210 ♦ LGavin@co.clark.nv.us

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## Connecticut Society of Pathologists Presentations

Malignant Peritoneal Mesothelioma in 17 year-old male, January 2006  
Focal Nodular Hyperplasia, June 2004

## Resident & Fellow Topics

Two Unusual Neuropathology Cases, January 2008  
Testicular Germ Cell Tumors, October 2007  
Waldenstroms Macroglobulinemia, October 2005  
Minimal Change Disease & Focal Segmental Glomerular Sclerosis, October 2004  
Crescentic Glomerulonephritis or Rapidly Progressive Glomerulonephritis, January 2004  
Mitral Valve Prolapse and Sudden Death, July 2003

## Previous Work Experience

Teacher of "Correlated Medical Problem Solving" Course, 2001 – 2002  
*University of Connecticut School of Medicine, Farmington Connecticut*  
Manager of South Marshall Street Pediatric Clinic, 1995 – 1997  
*Salvation Army, South Marshall Street, Hartford Connecticut*  
Administrative Assistant to the Director of Admissions & Career Development and to the Director of Academic & Student Affairs, 1992 – 1994  
*Columbia University School of Public Health, New York, New York*  
Tutor and Evaluator of children with learning disabilities, 1988 – 1994 & 1996 – 1997  
*Milford, Connecticut & Farmington, Connecticut*  
Coordinator of Infant Registration Project, 1991 – 1992  
*New York City Department of Health: Office of Child Health Planning, New York, New York*

## Service Work

- Annual Host for summer high-school student tours of Hartford Hospital Department of Pathology
- Education of Medical Students & Residents on rotation in Hartford Hospital Department of Pathology
- Guest speaker for Public Relations Department at Hartford Hospital for local middle-school children
- Guidance to Medical Technician Students interested in future careers in Medicine • Editor of personal statements and resumes

## Medical License

State of New Mexico, 2008 – 2011  
State of Nevada, 2009 – 2011

Eligible For Anatomic Pathology,



## **ELYNNE GREENE**

### **EMPLOYMENT HISTORY**

1981 – 1987	Creative Arts Therapist & Addictions Counselor, Charter Fairmount Institute, Philadelphia, Pennsylvania
1983 – 1988	Family Therapist & Addictions Counselor, Private Practice, Mt. Laurel, New Jersey
1987 – 1988	Lafayette Clinic, Lafayette Indiana, Therapist and EAP Provider for Purdue University and ALCOA
1988- 1992	Director of Crisis Intervention Services and Domestic Violence Shelter EYE Counseling and Crisis Services, Escondido California
1992 – 1993	Director of Training & Education Altercrest Juvenile Sex Offender Treatment, Cincinnati, Ohio
1993 – Present	LVMPD Victim Services Detail Las Vegas Metropolitan Police Department, Las Vegas, Nevada
2008- 2012	Acting Program Director of the Southern Nevada Human Trafficking Task Force
2012 - Present	Technical Advisor to the Southern Nevada Human Trafficking Task Force

### **EDUCATION**

1975- Hahnemann University College Accelerated Program, **High School Diploma**  
1979 - Temple University, **B.S. Psychology**  
1981 - Lesley University, **MA Counseling and Creative Arts Therapies**  
1986 – Certificate in Structural Family Therapy, Philadelphia Child Guidance Center

### **PROFESSIONAL QUALIFICATIONS**

**National Credentialed Advocate**, Advanced, National Organization for Victim Assistance  
**NACP #N87-268-5746**, Since 2005  
**POST Certified Trainer, Instructor Development**, 1994  
**National Victim Assistance Academy**, Washington DC, 1995  
**National Victim Assistance Academy, Faculty Development**, Washington, DC, 1996  
**AB348 Task Force (Policy Development)**, 1998  
**Intermediate Instructor Development**, 2000  
**Nevada Department of Justice Domestic Violence Train the Trainer**, 2004  
**Nevada Department of Justice Domestic Violence Expert Witness Training**, 2004  
**Rick Culley 360 Leadership Program**, 2009- 2010  
**Clark County, Child Protective Services/Domestic Violence Policy Work Group**, 2009  
**Child Advocacy Center Stakeholders' Workgroup**, 2009  
**Clark County Adult Fatality Review Team**, 2011  
**Nevada State Victim Assistance Academy Steering Committee**, 2012

## **PROFESSIONAL MEMBERSHIPS /AFFILIATIONS**

San Diego Domestic Violence Council, Executive Committee 1989 - 1990  
Nevada Network Against Domestic Violence , Board Member, 1995 - 2000  
National Organization for Victim Assistance, Membership  
National Center for Victims of Crime, Membership  
Nevada State Domestic Violence Prevention Council, Executive Committee Member  
The Shade Tree Board of Trustees, 1993 - Present, Chair  
Southern Nevada Domestic Violence Task Force, President  
Community Coalition for Victims' Rights, Treasurer  
Southern Nevada Human Trafficking Task Force Steering Committee

## **PRESENTATIONS/COURSES TAUGHT**

Domestic violence and Mental Health, Hahnemann University 1997  
Sexual Assault Team/SART Trainer, 1989 - 1991  
Police and Corrections Academies for LVMPD since 1993  
In-service Training on Victim Issues for LVMPD, since 1993  
National Organization for Victims of Crime 20<sup>th</sup> Annual Conference, 1994  
Nevada Network Against Domestic Violence Statewide Conference, 1994  
Durango High School Empowerment Program, Teen Dating Violence, 1994  
Latino Peace Officers' Association, 1994  
Victim Issues for Law Enforcement - Three time/year 1993 - 2011  
City of Las Vegas City Attorney's and Municipal Court Judges, 1995  
Nevada Sheriff's and Police Chief's Association, 1996  
Commendation from the City of Reno for helping to establish the Reno Police Department  
Victim Services Unit, 1998  
UNLV Sexual Assault Peer Education Training, 1999  
Nevada POST I and II Basic Training, Community College of Southern Nevada, 2001-  
2002  
LVMPD No Hitter Conference, 2001  
Nevada Network Against Domestic Violence Statewide Conference, 2002  
Las Vegas Municipal Court Annual Domestic Violence Conference, 2002  
Child Advocacy Center Stakeholders' Workgroup, 2009  
Rape Crisis Center Volunteer Training, Domestic Violence, 2001 - 2011  
Teen Dating Violence Course, Bishop Gorman High School, 2010 - Present  
Human Trafficking and the Impact on Victims, 2013  
Police Briefing on Victim Issues - 1993 - Ongoing

## **TRAINING RECEIVED**

Nevada Judiciary Training on Family Violence. 1993  
Effective Child Sexual Assault Approaches. 16 hours, 1994



POST Instructor Development, 40 Hours, 1994  
 Gangs in Clark County, 7.0 Hours, 1994  
 National Organization for Victim Assistance Victim Service Providers Skill Development Program, 16 Hours, 1994  
 Domestic Violence Train the Trainer, 6.0 hours, 1994  
 Domestic Violence Statewide Training, 8.0 Hours, 1994  
 Domestic Violence Crime Scene Photo Documentation, 1994  
 National Threat Assessment Conference, 1994  
 San Diego Domestic Violence Council Domestic Violence Intervention Training 16.0 hours, 1995  
 Domestic Violence Statewide Training, 12.0 hours, 1995  
 Protocols to Identify Battered Women During Investigations of Child Abuse & Neglect, 1995  
 Western States Sexual Assault Conference, 28.0 Hours, 1995  
 Governors Conference on Healthy Families: Victory over Violence, 1996  
 Western States Sexual Assault Conference, 20.0 Hours, 1996  
 National Threat Assessment Conference, 1996  
 Leadership in Victim Services, 18.0 Hours, 1998  
 9<sup>th</sup> Annual District Attorneys Domestic Violence Conference, 1999  
 Intermediate Instructor Development, 80.0 Hours, 2000  
 Investigating and Intervening in Domestic Violence Cases, 2000  
 Crisis Intervention Skills, 6.0 Hours, 2000  
 Statewide Domestic Violence Conference, 24.0 Hours, 2002  
 Patrol Response to Custodial Issues in Domestic Violence Cases, 4.0 Hours, 2002  
 Western States Sexual Assault Conference, 24.0 Hours, 2002  
 International Domestic Violence and Sexual Assault Conference, 21.0 Hours, 2002  
 Boyd School of Law Intersection of Domestic Violence and Practice, 2002  
 Domestic Violence & Special Populations, 16.0 Hours, 2002  
 Victim Services 2000, A Collaborative Model of Serving Domestic Violence and Sexual Assault Victims, 2002  
 International Human Trafficking Conference, 2009  
 Teen Dating Violence, 2009  
 Protection Orders in Nevada, 2009  
 National Organization for Victim Assistance International Conference, Attended Annually from 1990 – 2011  
 National Center for Victims of Crime Annual Conference, Attended Annually from 2010 – Present Year  
 The Intersection Between Human Trafficking and Domestic Violence for Shelter Workers, 2010  
 Stalking Investigations & Safety Planning, 8.0 Hours, 2010  
 Advanced Human Trafficking Investigations, 40.0 Hours, 2010  
 Strangulation Identification and Implications Training, 2010  
 Statewide Domestic Violence Fatality Review Summit, 2010  
 National Family Justice Center Alliance Annual Conference, 2011  
 EMERGE: Best Practices for Batterer Treatment and Risk Management, 2011  
 Investigating and Intervening in Domestic Violence Cases, 2011

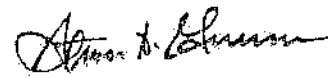
**The CSI Effect; Maximizing the Potential for Forensic DNA, 2011**  
**Western Region Anti-Trafficking Task Force Training, 2011**  
**Providing Mental Health Services to Victims of Human Trafficking, 2011**  
**Best Practices in Advocating for Sexual Assault and Domestic Violence Victims, 2011**  
**EMERGE: Domestic Violence Danger Assessment and Risk Management, 2012**  
**National Family Justice Center Alliance Annual Conference, 2012**  
**Best Practices in Working with Families & Friends of Homicide Victims, 2013**  
**National Family Justice Center Alliance Annual Conference, 2013**  
**Impact of Cybercrimes and Identity Theft on Victims, 2013**

#### **VOLUNTEER POSITIONS**

**Women Organized Against Rape (Hotline and Hospital Crisis Counselor) 1994 – 1997**  
**Boston Crisis Center (Hotline Crisis Intervention Counselor) 1998 – 1990**  
**Lafayette Indiana Crisis Center (Hotline Counselor) 1991**  
**Nevadan For the Common Good 2012 (Community Organizing) - Present**

#### **AWARDS/RECOGNITION**

**Families of Murder Victims Victim Rights Week Award, 1996**  
**Commendation from LVMPD Sheriff's Office for Authoring Domestic Violence Brochure for the Agency, 1997**  
**Victim Rights Week Gary Collie Award, 1997**  
**Families of Murder Victims Victim Rights Week Award, 2000**  
**Volunteer of the Year Award, Victory Missionary Baptist Church, 2008**  
**Shade Tree Volunteer Service Award, 2009**  
**Southern Nevada Domestic Violence Task Force STAR Award, 2010**  
**Rape Crisis Center Volunteer Award, 2011**  
**Florence McClure Volunteer Award, 2013**

  
CLERK OF THE COURT

NWEW  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
KRISTINA RHOADES  
Deputy District Attorney  
Nevada Bar #012480  
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-

CASE NO: C-16-312970-1

JAMES COOPER, aka,  
James Marlin Cooper, #2634475,

DEPT NO: X

Defendant.

NOTICE OF WITNESSES  
[NRS 174.234(1)(a)]

TO: JAMES COOPER, aka, James Marlin Cooper, Defendant; and

TO: BRET WHIPPLE, ESQ., Counsel of Record:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF  
NEVADA intends to call the following witnesses in its case in chief:

NAME

ADDRESS

ALFONSI, CHRISTINA

LVMPD #13384

ASHENFELTER, DEBORAH

District Attorney Investigator

BERBE, C.

LVMPD #15044

BLAIR, JAMES

356 E. Desert Inn Rd. #111, LVN 89169

BRIGANDI, NICHOLAS J.

LVMPD #12933

CUSTODIAN OF RECORDS

CCDC

CUSTODIAN OF RECORDS

LVMPD COMMUNICATIONS

1	CUSTODIAN OF RECORDS	LVMPD DISPATCH
2	CUSTODIAN OF RECORDS	LVMPD RECORDS
3	FRAZIER, AARON	LVMPD #9152
4	GAVIN, LISA MD	ME #0086
5	GILES, STACEY D.	LVMPD #14774
6	GREENE, ELYNNE	LVMPD #4959
7	HOGANS, DWAYNE	District Attorney Process Server
8	JENSEN, BRITTNEY	C/O DISTRICT ATTORNEY'S OFFICE
9	JENSEN, KAYLEE	1030 E. Huffinan Way, Kingman, AZ 86409
10	KOLANK, JUSTIN	LVMPD #15052
11	MURRAY, MICHAEL W.	LVMPD #9002
12	PATTERSON, DEBRA	District Attorney Process Server
13	PERALTA, TOMAS	LVMPD #13912
14	PICKENS, BENJAMIN R.	LVMPD #14322
15	PINKARD, ANDRE	LVMPD #13362
16	RODRIGUEZ, JAVIER	District Attorney Process Server
17	SYLVIA, NICHOLAS F.	LVMPD #11524

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

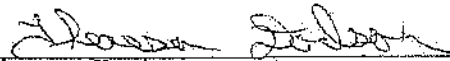
21                       STEVEN B. WOLFSON  
22                       Clark County District Attorney  
23                       Nevada Bar #001565

24                       BY   
25                       KRISTINA RHOADES  
26                       Deputy District Attorney  
27                       Nevada Bar #012480

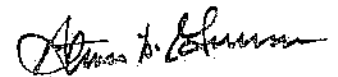
CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that service of Notice of Witnesses, was made this 23rd day of  
March, 2016, by facsimile transmission to:

BRET WHIPPLE, ESQ.  
FAX #702-974-4008

BY:   
Theresa Dodson  
Secretary for the District Attorney's Office

td/dvu

  
CLERK OF THE COURT

1 SLOW  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 KRISTINA RHOADES  
6 Deputy District Attorney  
7 Nevada Bar #012480  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

CASE NO: C-16-312970-1

12 JAMES COOPER, aka,  
13 James Marlin Cooper, #2634475,

DEPT NO: X

14 Defendant.

15 SUPPLEMENTAL NOTICE OF EXPERT WITNESSES  
16 [NRS 174.234(2)]

17 TO: JAMES COOPER, aka, James Marlin Cooper, Defendant; and

18 TO: BRET WHIPPLE, ESQ., Counsel of Record:

19 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF  
20 NEVADA intends to call the following expert witnesses in its case in chief:

21 1. ALBEKORD, ARASH, MD or Designee, A medical doctor employed by  
22 Sunrise Hospital. He/She will testify to his/her observations, treatment, diagnosis, and  
23 prognosis of the injuries sustained by the victim.

24 2. WRIGHT, AMANDA, P #9974, A Senior Crime Scene Analyst or Designee –  
25 Las Vegas Metropolitan Police Department. She is an expert in the area of the identification,  
26 documentation, collection and preservation of evidence and will give opinions related thereto.  
27 She is expected to testify regarding the identification, documentation, collection and  
28 preservation of evidence in this case.

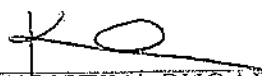
1 These witnesses are in addition to those witnesses endorsed on the Information or  
2 Indictment and any other witnesses for which a separate Notice of Witnesses and/or Expert  
3 Witnesses has been filed.

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

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

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

10 BY

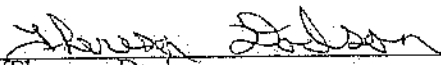
  
11 KRISTINA RHOADES  
12 Deputy District Attorney  
13 Nevada Bar #012480

14 CERTIFICATE OF FACSIMILE TRANSMISSION

15 I hereby certify that service of Supplemental Notice of Expert Witnesses, was made  
16 this 23rd day of March, 2016, by facsimile transmission to:

17 BRET WHIPPLE, ESQ.  
18 FAX #702-974-4008

19 BY:

  
20 Theresa Dodson  
21 Secretary for the District Attorney's Office  
22  
23  
24  
25  
26  
27

28 td/dvu

*Curriculum Vitae*

**Las Vegas Criminalistics Bureau  
Statement of Qualifications**

Name: **WRIGHT, Amanda**

P# 9974

Date: 05-14-07

**CURRENT CLASSIFICATION**

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

**FORMAL EDUCATION**

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

**TESTIMONY**

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

**EMPLOYMENT HISTORY**

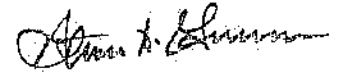
<i>Employer</i>	<i>Title</i>	<i>Date</i>
LVMPD	CSAI	05-14-07 to



1 **MOT**

2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 KRISTINA RHOADES  
6 Deputy District Attorney  
7 Nevada Bar #012480  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

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CLERK OF THE COURT

7 DISTRICT COURT  
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

12 JAMES COOPER, aka,  
13 James Marlin Cooper, #2634475

14 Defendant.

Case No: C-16-312970-1

Dept No. X

15  
16 **NOTICE OF MOTION AND MOTION *IN LIMINE* TO ADMIT EVIDENCE**  
17 **OF OTHER BAD ACTS PURSUANT TO NRS 48.045 AND**  
18 **EVIDENCE OF DOMESTIC VIOLENCE PURSUANT TO 48.061**

19 **DATE OF HEARING: April 25, 2016**

20 **TIME OF HEARING: 8:30 A.M.**

21 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, District Attorney,  
22 through KRISTINA RHOADES, Deputy District Attorney, and files this Notice of Motion  
23 and Motion to Admit Evidence of Other Bad Acts Pursuant to NRS 48.045 and Evidence of  
24 Domestic Violence Pursuant to NRS 48.061.

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

28 ///

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DATED this 11th day of April, 2016.

BY

### POINTS AND AUTHORITIES

## STATEMENT OF THE CASE

On March 1, 2016, the State of Nevada filed an Information charging Defendant James Cooper ("Defendant") with one (1) count of Battery Constituting Domestic Violence (Category C Felony), one (1) count of Battery Constituting Domestic Violence – Strangulation (Category C Felony), and two (2) counts of Child Abuse, Neglect, or Endangerment (Category B Felony). On March 3, 2016, Defendant was arraigned on the charges, invoked his right to a speedy trial, and trial was set for May 2, 2016, with a calendar call date of April 25, 2016.

## STATEMENT OF FACTS

On the evening of January 22, 2016, Brittney Jensen (Brittney) was at home with her two children, eight-year-old James Blair and five-year-old Kaylee Jensen, and with the Defendant James Cooper. They all lived together at 356 E. Desert Inn Road, Apartment 111, and Brittney and the Defendant had, at that time, been dating for approximately five (5) years. Sometime after dinner, Brittney went through the Defendant's phone, became upset with the

1 Defendant, and a verbal argument ensued in their bedroom. The argument became physical  
2 when the Defendant got out of bed, came over to Brittney and punched her in the stomach,  
3 causing her to fall to the ground. Defendant continued to yell at Brittney while she was on the  
4 ground.

5 Brittney got up from the ground and tried to get away from the Defendant by running  
6 into the kitchen and attempting to close the door behind her. Defendant chased Brittney,  
7 pushed through the kitchen door, knocked her down, and caused her to hit her head against the  
8 corner of the kitchen counter and fall to the floor. While Brittney was on the kitchen floor, the  
9 Defendant kicked her multiple times and stomped on her face.

10 While Brittney was on the ground being stomped on by the Defendant, she yelled out  
11 to James to call 9-1-1. As James grabbed the phone to call the police, Defendant turned around  
12 to get the phone away from James. James tried to run away from the Defendant by running  
13 down the hallway toward James' bedroom, but Defendant chased after James. Defendant  
14 cornered James in the bedroom, grabbed the phone out of his hand so that James could not call  
15 for help, and then threw James down onto the bed, knocking down a television that was in the  
16 room.

17 Brittney came down the hallway to James' room to try to prevent further harm to her  
18 child. Defendant then, again, turned his rage to Brittney and the physical beating of Brittney  
19 moved from James' room to Brittney and Defendant's room. Defendant continued to beat  
20 Brittney in their room, and Brittney pleaded with the Defendant to "just leave, get out of here,  
21 go away." When Defendant was finished beating Brittney, he walked out of the apartment.  
22 Five-year-old Kaylee was present in the apartment during the entire incident.

23 Las Vegas Metropolitan Police Department ("LVMPD") Officer Pickens and Officer  
24 Sylvia arrived at 356 E. Desert Inn, Apartment 111, in response to the battery domestic  
25 violence call. There were two (2) 9-1-1 calls made in relation to the event number – one from  
26 the Defendant, and one from James and Brittney. On the latter, James is heard crying in the  
27 background and Brittney hysterically asks for help because the Defendant punched her son  
28 and choked her. On the former call, Defendant tells the operator that Brittney was drunk, that

1 she jumped him in bed and just started pulling his hair out, and that she was the initial  
2 aggressor.

3 Upon Officer Pickens arrival, he heard James and Kaylee crying, and heard Brittney  
4 crying hysterically. Officer Pickens saw that Brittney was in bad condition, badly injured, and  
5 intoxicated. Brittney had significant swelling along her face and all over her head. Officer  
6 Pickens also observed a clear red mark on Brittney's neck that appeared to be some type of  
7 ligature mark. Paramedics arrived on the scene and Brittney was transported to Sunrise  
8 Hospital.

9 Officer Pickens spoke with the Defendant, who was outside of the apartment upon  
10 officers' arrival. Defendant's demeanor was eerily calm and he had no visible injuries, except  
11 for a few of his dreadlocks having been pulled out. Brittney also had dreadlocks, blond  
12 dreadlocks that were noticeably different than Defendant's black dreadlocks, which had been  
13 ripped out of her head and scattered throughout the apartment. Officer Pickens was able to  
14 observe blood throughout the apartment consistent with what he learned about the incidents  
15 therein.

16 James Blair referred to the Defendant as "Tuda," and he was able to relay everything  
17 that he witnessed to Officer Pickens at the scene. Officer Pickens was the only witness that  
18 testified at the preliminary hearing regarding what occurred in that apartment on January 22,  
19 2016. Brittney Jensen refused to comply with the subpoena, and refused to bring James Blair  
20 or Kaylee Jensen to court as instructed on the subpoena. A material witness warrant was issued  
21 for Brittney's arrest, however, the State was unable to procure her presence for the preliminary  
22 hearing.

23 ///

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1                   **PRIOR INCIDENT OF CHILD ABUSE AND DOMESTIC VIOLENCE**

2                   **Case Number: 15F10224X<sup>1</sup>**

3                   On July 2, 2015, at approximately 8 p.m., Brittney was at home with her two children,  
4 eight-year-old James and five-year-old Kaylee. Defendant also lived at the residence located  
5 at 356 E. Desert Inn Road, Apartment 111. Defendant came home that evening and a verbal  
6 argument between he and Brittney ensued. Defendant grabbed Brittney by her neck and  
7 Brittney tried to struggle away. Defendant proceeded to grab Brittney's arm and twist it,  
8 preventing her from escaping his hold. Defendant slammed Brittney into the ground  
9 whereupon Brittney told James and Kaylee to call the police. Only then did Defendant let go  
10 of his hold on Brittney so he could go to the kitchen and grab a butcher knife. Defendant ran  
11 to the children's room and threatened James and Kaylee with the knife. Defendant grabbed  
12 the phone out of Kaylee's hand. Brittney ran to the room, grabbed Defendant from behind,  
13 and was able to wrestle the knife away from the Defendant. Brittney fled the apartment with  
14 the children and went to a neighbor's house, where they remained for the rest of the night.

15                  Brittney called police the next morning, and LVMPD Officer Alfonsi arrived. Officer  
16 Alfonsi observed bruises on Brittney's face and right wrist, and also observed scrapes on her  
17 elbow. James filled out a voluntary statement and referred to the Defendant as "Toda." In his  
18 voluntary statement, James wrote, "Toda [choked] mom then he let go and mom said call 911  
19 and he said give me the phone he got the phone by [threatening] us with a [knife] he grabbed  
20 it out of my sisters hand mom was holding him off and fell..." See Exhibit 1.

21                                   **ARGUMENT**

22                   **I.       EVIDENCE OF PRIOR INSTANCE OF DOMESTIC VIOLENCE AND**  
23                   **CHILD ABUSE IS ADMISSIBLE PURSUANT TO NRS 48.045 AND 48.061**

24                   Section 48.045(2) of the Nevada Revised Statutes provides:

25  
26  
27                   <sup>1</sup> See Police Report and Voluntary Statements attached hereto as, "Exhibit 1."  
28

1 Evidence of other crimes, wrongs or acts is not admissible to prove the  
2 character of a person in order to show that he acted in conformity therewith.  
3 It may, however, be admissible for other purposes, such as proof of motive,  
opportunity, intent, preparation, plan, knowledge, identity, or absence of  
mistake or accident.

4 Prior to admitting such evidence, the State must establish that (1) the prior act is relevant to  
5 the crime charged; (2) the act is proven by clear and convincing evidence; and (3) the evidence  
6 is more probative than prejudicial. Cipriano v. State, 111 Nev. 534, 541, 894 P.2d 347, 352  
7 (1995), overruled on other grounds by State v. Sixth Judicial District Court, 114 Nev. 739, 964  
8 P.2d 48 (1998). With regard to a determination of prejudice:

9 "prejudicial" is not synonymous with "damaging." Rather, evidence is unduly  
10 prejudicial...only if it "uniquely tends to evoke an emotional bias against the  
11 defendant as an individual and...has very little effect on the issues" or if it invites  
the jury to prejudge "a person or cause on the basis of extraneous factors."

12 **Painting a person faithfully is not, of itself, unfair.**

13 People v. Johnson, 185 Cal.App.4th 520, 534 (2010) (emphasis added). The admissibility of  
14 prior bad acts is within the sound discretion of the trial court and will not be overturned on  
15 appeal unless the decision is manifestly wrong. Canada v. State, 104 Nev. 288, 291-293, 756  
16 P.2d 552, 554 (1988).

17 In Bails v. State, 92 Nev. 95, 545 P.2d 1155 (1976), the Nevada Supreme Court  
18 affirmed the introduction of prior bad act evidence in a murder case where the evidence  
19 demonstrated motive and identity. In that case, the defendant was convicted of murder and the  
20 trial court allowed the prosecution to introduce evidence of the defendant's use of narcotics as  
21 probative of identity and motive. See id. at 98, 545 P.2d at 1156. The evidence in the Bails  
22 case was circumstantial in nature. The only physical evidence tying the Defendant to the scene  
23 was a fingerprint left on a telephone that the Defendant claimed had been left there on another  
24 occasion. Other circumstantial evidence also pointed to the Defendant. See id. at 98-99, 545  
25 P.2d at 1156-57. The trial court allowed the victim's son to testify that he and the defendant  
26 were addicted to the use of drugs, and that prior to the murder, the defendant lived with him  
27 in the victim's home and knew hiding places where drugs and drug paraphernalia were kept.  
28 The victim was killed in her home. The Nevada Supreme Court affirmed the admission of the

1 evidence because it was probative of a motive for the killing, and also of the identity of the  
2 murderer. The Court stated that, "The proffered testimony as to the defendant's drug addiction  
3 and his knowledge of the hiding places inferentially supplied a reason for him to have been  
4 there on the day of the homicide, and to identify him as the perpetrator since he was one who  
5 could have penetrated the security of the victim's home without forcing an entry." See id. at  
6 99-100, 545 P.2d at 1157-58.

7 In Fields v. State, 125 Nev. 785, 220 P.3d 709 (2009), the Nevada Supreme Court  
8 affirmed the District Court Judge's determination to admit evidence that the Defendant owed  
9 debts to the victim and that he had previously engaged in a conversation about killing a man  
10 to whom he owed money. The Nevada Supreme Court agreed with the District Court's  
11 decision that such evidence was admissible as proof of motive, to disprove his contention that  
12 he was just an innocent bystander to his wife's scheme, and to prove identity.

13 Likewise in Ledbetter v. State, 122 Nev. 252, 262-263, 129 P.3d 671, 678-679 (2006),  
14 the Supreme Court held that it was proper for the District Court to admit evidence of other bad  
15 acts to establish the Defendant's motive to repeatedly subject his stepdaughter to sexual  
16 assaults. The bad act evidence in that case consisted of evidence that Defendant sexually  
17 assaulted other young female members of his own family. In reaching its decision, the Court  
18 noted that the evidence was relevant to motive, proven by clear and convincing evidence (due  
19 to four (4) different witness' testimony) and highly probative as it showed Defendant's sexual  
20 attraction to, and an obsession with, young female members of his family.

21 In Tillema v. State, 112 Nev. 266, 269, 914 P.2d 605, 607 (1996), the Court affirmed  
22 the District Court's decision to admit evidence regarding Defendant's 1991 auto burglary  
23 conviction in his 1993 trial for three (3) counts of auto burglary, and held that the evidence  
24 was admissible to show Defendant's common plan or scheme, and his intention to feloniously  
25 enter the vehicles at issue at trial. The Court noted that Defendant's common plan was  
26 evidenced by the fact that the 1991 vehicle burglary and the vehicle burglaries in his trial case  
27 all occurred in casino parking garages. Id.  
28

1 Likewise, in Ford v. State, 122 Nev. 796, 806, 138 P.3d 500, 507 (2006), in Defendant's  
2 Burglary and Murder trial, the Court affirmed the District Court's determination to admit three  
3 bad act instances concerning situations in which Defendant burglarized a person's home to  
4 prove intent and the absence of mistake when he broke into the victim's residence.

5 In Bigpond v. State, 128 Nev. Adv. Op. 10, 270 P.3d 1244 (2012), the Nevada Supreme  
6 Court affirmed the District Court's decision to admit evidence of prior acts of domestic  
7 violence pursuant to NRS 48.045(2). In upholding the trial court's decision, the Court  
8 specifically acknowledged that evidence may be admitted pursuant to NRS 48.045 for  
9 reasons other than those delineated in the statute. Additionally, *the Court found that the*  
10 *evidence was admissible because they provided context to the relationship between the*  
11 *victim and Defendant and the victim's possible reasons for recanting her testimony.*

12 Likewise, in Hogan v. State, 103 Nev. 21 (1987), the Nevada Supreme Court upheld  
13 the trial court's determination to admit evidence of a prior domestic violence incident  
14 committed by Defendant against the victim in the days preceding her murder. In Hogan, the  
15 trial court admitted evidence that several days prior to the murder, Defendant dropped the  
16 victim to the ground from shoulder height. In affirming the District Court's ruling, the Nevada  
17 Supreme Court recognized that such evidence was "other acts" evidence pursuant to NRS  
18 48.045(2) which was properly admitted to establish "ill-will as a motive to the crime." Hogan  
19 v. State, 103 Nev. 21, 23 (1987).

20 Other jurisdictions have also permitted the admission of evidence concerning prior acts  
21 of domestic violence pursuant to "other acts" as evidence of motive/ill-will, intent, absence of  
22 mistake, etc. For instance, in People v. Bierenbaum, 301 A.D. 2nd 119, 748 N.Y.S.2d 563  
23 (2002), the defendant was charged with murdering his wife, who disappeared in 1985. His  
24 wife's body was never recovered and the case against him was circumstantial.

25 The trial court admitted evidence that throughout the course of the marriage, the  
26 relationship between the two was volatile. In addition, it admitted evidence that Defendant  
27 choked her to the point of unconsciousness on at least one occasion, and that he had been  
28 physically violent with her on many occasions. On appeal, the defendant challenged the



1 admission of such evidence and claimed that it was improperly admitted “propensity”  
2 evidence. However, the reviewing Court recognized that the evidence was relevant to intent  
3 and stated:

4 [T]he proof here evinces defendant’s intent to focus his aggression on one  
5 person, namely, his wife—his victim. That key factor in the context of marital  
6 or other intimate relationships frequently differentiates domestic violence  
7 assaults—wherein prior bad acts have often been deemed admissible during the  
8 People’s direct case—from other cases wherein evidence of past assaultive  
9 behavior against people other than the victim has most properly been precluded.  
10 In the former, the previous aggression principally indicates intent, or motive, or  
11 identity; whereas in the latter it can predominately give rise to an inference of  
12 propensity.

13 Id. (emphasis added). It also acknowledged that the evidence of prior abuse evinced that the  
14 defendant was motivated and had intent to harm the victim.

15 Similarly, in Benjamin v. Kentucky, 266 S.W.3d 775 (2008), the Supreme Court of  
16 Kentucky found that evidence of Defendant’s prior assault against the decedent was properly  
17 admitted as evidence of his motive and absence of mistake. In Benjamin, the evidence  
18 established that the relationship between the defendant and victim was riddled with discord  
19 and that the two often fought after consuming alcohol together.

20 The two had recently broken-up, but on the night of the murder were together, drinking  
21 again. While together, the two began to argue over the victim’s alleged infidelities.  
22 Ultimately, Defendant strangled the victim to death. At the trial, the Defendant claimed he  
23 acted in self-defense but could remember very little of the details leading up to her death  
24 because of his alleged intoxication. In reviewing the trial court’s decision to admit evidence  
25 of the prior assault, the Court found that it was relevant in that it tended to prove the defendant  
26 intentionally murdered his wife, had a motive to do so, and that the killing was not a mistake.  
27 Id. at 791.

28 Likewise, in People v. Illgen, 145 Ill.2d 353, 366-367, 583 N.E.2d 515, 52, 164 Ill.Dec.  
599, 604 (1991), the court upheld a trial court’s decision to admit evidence that throughout the  
course of the marriage of the defendant and victim, the defendant was violent and abusive,

1 The Court determined that "the evidence of the defendant's prior assaults on the victim was  
2 probative of the defendant's criminal intent." It further noted that "evidence which shows that  
3 an event was not caused by accident tends to show that it was caused intentionally." *Id.* at 367,  
4 citing, 2 D. Louisell & C. Mueller, *Federal Evidence* § 140, at 224-25 (1985) (defining intent  
5 as "merely the absence of an accident").)

6 It concluded that the defendant's prior unprovoked assaults on his wife tended to negate the  
7 likelihood that the shooting was an accident and thereby tended to prove his intent.  
8 Importantly, it recognized:

9       Whereas the shooting incident, standing alone, might appear accidental, when  
10       considered together with the evidence of the defendant's prior unprovoked  
11       attacks upon his wife, the circumstances suggest that the shooting was deliberate  
12       and not accidental. This evidence, taken together with other evidence in the case,  
13       tends to make it more probable that the defendant acted with the criminal intent  
14       required for murder and less probable that his actions were inadvertent or the  
15       product of an innocent state of mind.

16 *Id.* at 367. Additionally, the Court reasoned that the evidence was also relevant to proof of  
17 motive, "in this case, a hostility showing him likely to do further violence. *Id.* at 367. ("Here,  
18 the evidence that the defendant physically assaulted his wife throughout their marriage was  
19 relevant to show their antagonistic relationship and, thus, tended to establish the defendant's  
20 motive to kill her.").

21       The Supreme Court of Vermont has also held that such "evidence was relevant...to  
22       portray the history surrounding the abusive relationship, providing the needed context for the  
23       behavior in issue." see also, State v. Laprade, 184 Vt. 251, 256 (2008), citing State v. Sanders,  
24       168 Vt. 60, 716 A.2d 11 (1998). Furthermore, it has acknowledged that such evidence is  
25       relevant in cases where a defendant claims self-defense. *Id.*, citing, State v. Hendricks, 173  
26       Vt. 132, 143, 787 A.2d 1270, 1279 (2001). The Laprade Court noted that without admitting  
27       such evidence in domestic violence cases, the jury would be left without knowledge of the  
28       context in which the acts occur and would not be able to understand the victim's actions or  
29       inactions. *Id.* at 259.

1 In light of the foregoing binding and persuasive authority, the State respectfully submits  
2 that evidence concerning the prior acts of domestic violence by Defendant upon Brittney  
3 should be admitted as evidence of motive, intent, absence of mistake, to disprove any  
4 contention of self-defense, specifically to disprove that Brittney was at fault because she was  
5 intoxicated and initiated the attack on Defendant, and also to provide the context for the  
6 relationship between Defendant and Brittney. Furthermore, the evidence will help the jury  
7 understand why Brittney failed to appear in Court at the preliminary hearing and did not want  
8 to proceed in this matter, why she will likely recant her prior statements during the 9-1-1 call  
9 at trial, and why, the State anticipates, she will testify at trial that she attacked the Defendant  
10 and that she is "100% to blame for the events that took place on the evening of Jan. 22<sup>nd</sup>  
11 2016." See Letter from Brittney Jensen attached hereto as Exhibit 2 (emphasis added).

12 The State further submits that evidence concerning Defendant's prior acts of child  
13 abuse, specifically threatening Kaylee and James with a knife and grabbing the phone out of  
14 Kaylee's hand during the July 2, 2015 incident, is relevant to establish motive, intent, and  
15 common scheme or plan regarding the charged child abuse crimes.

16 **II. EVIDENCE CONCERNING PRIOR INSTANCE OF DOMESTIC**  
17 **VIOLENCE IS ADMISSIBLE PURSUANT TO NRS 48.045 AND 48.061**

18 The State seeks to admit evidence concerning Defendant's prior instances of domestic  
19 violence committed against Brittney pursuant to NRS 48.045 and NRS 48.061 as evidence of  
20 motive (ill-will), intent, absence of mistake/accident, to disprove any claim of self-defense  
21 and/or any claim that the victim was "100% at fault," and to provide a much needed context  
22 so that the jury can understand the uncooperativeness of the listed victim. The State  
23 respectfully submits that the jury should not be forced to judge the facts and circumstances of  
24 the abuse of Ms. Jensen on January 22, 2016 in a vacuum. Rather, the jury should be entitled  
25 to fully understand the dynamics of the relationship between Defendant and Brittney.

26 **Motive (ill-will)**

27 Evidence of the July 2015 battery is evidence of ill-will as a motive to commit the  
28 January 2016 battery. The evidence is relevant and probative of Defendant's intent to focus

1 his aggression on his girlfriend of five years. The proffered evidence establishes ill-will and  
2 that the Defendant and the victim engage in fights that ultimately turn physical on the  
3 Defendant's part, **negating any claim that the acts were accidental or done in self-defense**  
4 and establishing that Defendant's actions were motivated by an intent to dominate and control  
5 Brittney.

6 **Intent, Absence of Mistake/Accident, and to Disprove Any Claim of Self-Defense and**  
7 **Blame on the Victim**

8 Evidence of the July 2015 battery clearly tends to negate the likelihood that the January  
9 2016 brutal battery was not done by any accident or mistake, but rather that it was done  
10 intentionally, motivated by ill-will to hurt Brittney. This evidence is even more probative  
11 considering the letter written by Brittney, and her attempted explanation that she was "100%  
12 at fault" for the injuries she sustained at the hands of the Defendant. It is anticipated that  
13 Defendant will make claims, consistent with his call to 9-1-1, that Brittney was drunk, and that  
14 she approached him while in bed and started to batter him. Evidence of the July 2015 incident  
15 directly contradicts this claim and is extremely probative to show Defendant intentionally, and  
16 not in self-defense, battered and strangled Brittney.

17 Specifically, as to the charge of Battery Constituting Domestic Violence, Strangulation,  
18 the State must prove, that Defendant "intentionally impeded[ed] the normal breathing or  
19 circulation of the blood by applying pressure on the throat or neck or by blocking the nose or  
20 mouth of another person in a manner that creates a risk of death or substantial bodily harm."  
21 Thus, the evidence is relevant to prove that Defendant "intentionally" rather than  
22 "accidentally" impeded the normal breathing or circulation of blood.

23 **Admissibility Under NRS 48.061**

24 Pursuant to NRS 48.061,

25 Except as otherwise provided in subsection 2, evidence of domestic violence and  
26 expert testimony concerning the effect of domestic violence, including, without  
27 limitation, the effect of physical, emotional or mental abuse, on the beliefs,  
28 behavior and perception of the alleged victim of the domestic violence that is  
offered by the prosecution or defense **is admissible in a criminal proceeding**

1 for any relevant purpose, including, without limitation, when determining:

2 (a) Whether a defendant is excepted from criminal liability pursuant to  
3 subsection 7 of NRS 194.010, to show the state of mind of the defendant.

4 (b) Whether a defendant in accordance with NRS 200.200 has killed another in  
5 self-defense, toward the establishment of the legal defense.

6 2. Expert testimony concerning the effect of domestic violence may not be  
7 offered against a defendant pursuant to subsection 1 to prove the occurrence of  
8 an act which forms the basis of a criminal charge against the defendant.

9 3. As used in this section, "domestic violence" means the commission of any  
act described in NRS 33.018.

10 (Emphasis added). Prior to the statute's amendment in 2001, it inadvertently limited the use  
11 of evidence of prior domestic violence to those cases wherein a criminal defendant claimed to  
12 be suffering from battered women's syndrome as a defense to charged crimes.

13 More specifically, prior to its amendment in 2001, the statute read,

14 Evidence of domestic violence as defined in NRS 33.018 and expert testimony  
15 concerning the effect of domestic violence on the beliefs, behavior and  
16 perception of the person alleging the domestic violence is admissible in chief  
and in rebuttal, when determining:

17 1. Whether a person is excepted from criminal liability pursuant to subsection  
18 7 of NRS 194.010, to show the state of mind of the defendant.

19 2. Whether a person in accordance with NRS 200.200 has killed another in  
20 self-defense, toward the establishment of the legal defense.

21 In 2001, prosecutors who were frustrated by the repeated thwarting of their efforts to explain  
22 to jurors the cycle of domestic violence and the effects of repeated abuse on victims of  
23 domestic violence, urged legislators to amend the statute to its current form. Ultimately the  
24 Bill passed the House and the Senate unanimously.

25 Since the statute's enactment in its revised form, the Nevada Supreme Court has yet to  
26 address the use of the statute by the State in a published opinion. However, it has permitted  
27 the introduction of such evidence in an unpublished opinion. See, Holcomb v. State, 2010  
28

1 WL 4019626 (Nev. 2010) (upholding District Court's decision to admit testimony of domestic  
2 violence expert to explain the varying ages of the injuries to victim).

3 While there is no binding authority in Nevada concerning the admission of evidence  
4 pursuant to NRS 48.061 by the State absent the statute itself, California Courts interpreting  
5 and applying California Evidence Code § 1109 (the statute after which NRS 48.061 was  
6 apparently modeled as evidenced by its legislative history) have allowed the introduction of  
7 domestic violence evidence in a variety of instances. For example, in People v. Hoover, 77  
8 Cal.App.4<sup>th</sup> 1020 (2000), the Court upheld the trial court's decision to admit evidence of  
9 previous attacks against the victim by the defendant who was charged with aggravated assault  
10 under circumstances involving domestic violence pursuant to § 1109 of the California  
11 Evidence Code. In reaching its conclusion the Court examined the intent of the legislature  
12 when it enacted § 1109 and noted:

13 The [admission of evidence of prior incidents of domestic violence] is  
14 particularly appropriate in the area of domestic violence because on-going  
15 violence and abuse is the norm in domestic violence cases. **Not only is there a**  
16 **great likelihood that any one battering episode is part of a larger scheme of**  
17 **dominance and control, that scheme usually escalates in frequency and**  
18 **severity. Without [the admission of prior instances of domestic violence],**  
19 **the escalating nature of domestic violence is likewise masked.** If we fail to  
20 address the very essence of domestic violence, we will continue to see cases  
21 where perpetrators of this violence will beat their partners, even kill them, and  
22 go on to beat or kill the next intimate partner. **Since criminal prosecution is**  
23 **one of the few factors which may interrupt the escalating pattern of**  
24 **domestic violence, we must be willing to look at that pattern during the**  
25 **criminal prosecution, or we will miss the opportunity to address this**  
26 **problem at all.** (citing, Assem. Com. Rep. on Public Safety Report (Jun. 25,  
27 1996) pp. 3-4.) Based on the foregoing, the California Legislature has  
28 **determined the policy considerations favoring the exclusion of evidence of**  
**uncharged domestic violence offenses are outweighed in criminal domestic**  
**violence cases by the policy considerations favoring the admission of such**  
**evidence (emphasis added).**

26 Id. at 1027-1028 (internal citations omitted).

27 In that case, the defendant struck the victim in the nose causing it to break after she  
28 informed him that she was involved in a new relationship. The trial court permitted the victim

1 to testify regarding prior incidents of violence wherein the defendant hit her in the face and/or  
2 choked her and threatened to kill her. While upholding the Court's determination to admit the  
3 evidence under § 1109, the reviewing Court held that the State could have also sought to admit  
4 the evidence as proof of motive, intent, etcetera because it tended to show that Defendant  
5 intended to inflict great bodily injury upon her. Id. at 1027.

6 Similarly, in People v. Johnson, 185 Cal.App.4th 520 (2010), the Court upheld the trial  
7 Court's decision to admit evidence of two (2) prior domestic violence related offenses  
8 committed by the defendant. Johnson was convicted of attempted first degree murder, firearm  
9 assault, injury to cohabitant, felon in possession of a firearm, criminal threats, and mayhem  
10 following an incident wherein he shot his ex-girlfriend (Henderson) in the back. Prior to the  
11 commencement of trial, the prosecution sought to admit evidence of three (3) prior incidents  
12 of domestic violence by defendant.

13 The first incident was in 1984 when the defendant struck Lynn Webb in the jaw,  
14 breaking it in two places. However, because it did not involve the use of a weapon the trial  
15 court did not admit it. The second incident was in 1988 against Amanda Floyd whom the  
16 defendant dated for a year. Floyd broke up with the defendant after she caught him using  
17 drugs and told him to move out. Three (3) weeks later, the defendant tracked Floyd down at  
18 her apartment and visited her. They argued again and the defendant threatened to burn down  
19 the apartment and kill her. Floyd tried to escape at which point the defendant grabbed her by  
20 the hair and said, "Bitch, I'm going to kill you."

21 The defendant put the gun to Floyd's forehead and pulled the trigger, but the gun did  
22 not fire. He pulled the trigger two (2) more times as Floyd backed away, but it still did not  
23 fire. Floyd then tripped over a chair and covered her face with her arms. The fourth time the  
24 defendant pulled the trigger, the gun fired, hitting her in the left elbow. Her arm was broken  
25 and the bullet was still lodged in her arm at the time of trial.

26 The third incident occurred in 1992 and involved Lynn Webb. The defendant and  
27 Webb were arguing in front of his mother's house at which time he pulled out a gun. Webb  
28 ducked and heard two (2) shots. She looked down and saw she was struck in the leg. Webb's

1 femur was broken and she had to undergo hip surgery. The trial court admitted evidence of  
2 the 1988 and 1992 shootings finding the evidence more probative than prejudicial and  
3 concluding that it would "assist the trier of fact in determining elements and issues that will  
4 be relevant in this case." People v. Johnson, supra, 185 Cal.App.4th at 530-531.

5 The reviewing Court in Johnson, in evaluating the Court's determination of  
6 probativeness once again examined the legislature's intention in enacting Section 1109 and  
7 noted the uniqueness of domestic violence cases.

8 The statute reflects the legislative judgment that in domestic violence cases, as  
9 in sex crimes, similar prior offenses are 'uniquely probative' of guilt in later  
10 accusations...Indeed, proponents of the bill that became section 1109 argued for  
11 admissibility of such evidence because of the 'typically repetitive nature' of  
12 domestic violence...This pattern suggests a psychological dynamic not  
necessarily involved in other types of crimes.

13 Id. at 532. It noted that the principal factor in determining probativeness is the similarity to  
14 the charged offense. Furthermore, it determined that the probative value of the prior incidents  
15 was great because in each incident Defendant resorted to shooting his girlfriend when she  
16 either decided to leave him or engaged in an argument with him. Additionally, Defendant's  
17 drug usage was a factor in each incident and each incident resulted in serious injury. The  
18 Court also reasoned that the fact that Defendant was convicted in each incident weighed in  
19 favor of admissibility, as did the fact that the evidence came from independent sources.

20 While the Court noted the evidence was inflammatory, it agreed with the trial court's  
21 decision that it was less offensive than the allegations in the instant case wherein Defendant  
22 lured the victim to the parking lot and shot her in the back in front of children. Id. at 534  
23 (citations omitted). It also rejected Defendant's contention that the evidence was more  
24 prejudicial than probative because the victim was cooperative. Instead, the reviewing Court  
25 determined the probativeness should be evaluated independent of the victim's cooperativeness  
26 with the principal consideration being the similarity of the incident to the charged offenses.  
27 The Court also concluded that the prejudicial impact was diminished by the fact that evidence  
28



1 of the current crime was strong because it was less likely the jury would convict based upon  
2 his past misdeeds. Id. at 536.

3 In addition, the Court declined to find error with the trial court's decision to admit the  
4 evidence despite the fact that the events took place more than ten (10) years prior to the  
5 charged offenses. It noted that the trial court determined there was a significant issue of intent  
6 and found the evidence relevant to intent, motive and lack of mistake. As such, the Court  
7 concluded that the trial court properly considered the issues.

8 Alaska has also enacted a statute similar to that enacted in California and Nevada. See,  
9 Alaska R. Evid. 404(b)(4). Following the passage of that statute, the Alaska Court of Appeals  
10 developed several factors that the courts are to examine prior to admitting evidence of prior  
11 incidents of domestic violence. Those factors include: (1) the strength of the government's  
12 evidence that the defendant committed the other acts; (2) the character trait the other acts tend  
13 to prove; (3) whether that trait is relevant to any material issue in the case; (4) if so, how  
14 relevant; and, (4) how strongly the other acts tend to prove that trait. Bennett v. Municipality  
15 of Anchorage, 205 P.3d 1113, 1116 (Alaska App.2009) citing, Bingaman v. State, 76 P.3d  
16 398, 408, 415 (Alaska App.2003). Like California, Alaska requires an evaluation of  
17 remoteness and similarity to the charged offenses in determining the probative value of the  
18 evidence. Id.

19 In Bennett v. Municipality of Anchorage, supra, 205 P.3d 1113, the trial court admitted  
20 evidence of a prior 2005 attack by the defendant against the named victim because it was  
21 relevant to his propensity to attack his wife and then claim self-defense. The charges in  
22 Bennett arose from an incident in 2008 wherein the defendant was angry and drinking all day.  
23 The two (2) began arguing and the victim began to call the police, at which point the defendant  
24 took the phone and threw it against the wall repeatedly until it broke. Then, the defendant  
25 started to scream at the victim, held her down by the throat and put his hand over her mouth  
26 and nose so she could not breathe. The defendant then struck her in the head several times  
27 and slammed her head into the wall.

1       The victim testified to a 2005 incident in which the defendant struck her repeatedly in  
2 the face and choked her causing her to sustain two black eyes, bruises around her neck, and  
3 broken blood vessels in her eye. As with the 2008 incident, the defendant was drunk at the  
4 time of the offense. In both the 2005 incident and the 2008 incident for which the defendant  
5 was on trial, the defendant claimed self-defense. The Appellate Court upheld the trial court's  
6 determination to admit the evidence due to the similarities between the two incidents. It noted  
7 that the 2005 incident had some tendency to make more or less probable the defendant's  
8 propensity to assault his wife and then claim he acted in self-defense. As such, that character  
9 trait was material to the government's case because Bennett's intent—whether he intended to  
10 assault the victim or merely acted in self-defense—was the only disputed issue. *Id.* at 1118.

11       Illinois has also enacted a statute similar to the above-mentioned statutes. *See*, 725  
12 ILCS 5/115-7.4. That statute provides that “in a criminal prosecution in which the defendant  
13 is accused of an offense of domestic violence evidence of the defendant's commission of  
14 another offense or offenses of domestic violence is admissible, and may be considered for its  
15 bearing on any matter to which it is relevant.” The statute also sets forth the factors a court  
16 should consider in determining the admissibility of such evidence. Those specific factors  
17 include weighing the probative value against the prejudicial effect, remoteness, factual  
18 similarities, and other relevant facts and circumstances. *Id.*

19       In People v. Dabbs, 396 Ill.App.3d 622 (2010), the Illinois Court of Appeals was called  
20 upon to determine the constitutionality of the statute following Defendant's conviction for  
21 domestic battery. During the trial, the Court admitted evidence that Defendant previously  
22 abused his ex-wife (not the victim in the case). On appeal, Gregory Dabbs claimed that the  
23 statute violated both the Equal Protection Clause and the Due Process Clause. As to the equal  
24 protection claim, the Court determined that domestic violence defendants are not a “suspect  
25 class;” and, therefore, the statute must only pass the rational basis test.

26       The court adopted the rationale of the California Courts and held that domestic violence  
27 is a repetitive and secretive crime that is highly unreported and typically turned into a  
28 credibility contest and noted that § 115-7.4 was passed as an attempt to address the difficulties

1 of proof unique to the prosecution of domestic violence cases by strengthening the evidence  
2 and promoting the prosecution of such cases. *Id.* at 627. Ultimately, the Court concluded that  
3 those reasons were sufficient to satisfy the rational basis test. Dabbs' Due Process argument  
4 failed because of the safeguards built into the statute – the requirement that the State provide  
5 notice to the defendant of its intent to present such evidence and the requirement that the Court  
6 weigh the probative value of the evidence against its prejudicial effect.

7 While the Nevada Supreme Court has yet to interpret NRS 48.061 in a published  
8 opinion in which the State has sought to introduce evidence of prior acts of domestic violence,  
9 the plain language of the statute indicates that the evidence may be admitted for “any relevant  
10 purpose.” Furthermore, the legislative history of the statute indicates that the legislative intent  
11 was to model the statute after California’s equivalent statute (§ 1109).

12 Moreover, the plain language evinces that the intent in amending the statute in 2001  
13 was to permit the State to admit evidence of prior instances of domestic violence to provide  
14 context to the relationship between the defendant and the victim in domestic violence cases.  
15 Similarly, California and the numerous jurisdictions cited above have liberally interpreted  
16 similar statutes and/or general bad acts statutes to authorize the admission of such evidence  
17 because of the unique problems faced by the prosecution of domestic violence cases as well  
18 as the repetitiveness of domestic violence.

19 In light of the plain language of NRS 48.061, which states that such evidence may be  
20 admitted “for any relevant purpose” as well as the above-cited persuasive authority, the State  
21 respectfully submits that evidence concerning the prior acts of domestic violence committed  
22 by Defendant should be admitted in this case. The evidence is relevant to provide the jury  
23 with information concerning the context of the relationship between Defendant and Brittney,  
24 to explain why Brittney previously failed to appear in court on this case and why she may be  
25 reluctant, to say the least, to appear at jury trial, and to explain why Brittney will likely recant  
26 or try to assist Defendant through her testimony at the trial in this case, as well as to establish  
27 Defendant’s motive, intent, and absence of mistake when he battered and strangled Brittney.  
28 Probative value of the evidence is not substantially outweighed by risk of unfair

1     prejudice

2             Finally, this evidence is not more prejudicial than probative because the incident is not  
3     remote in time from the incident for which Defendant is currently charged, and because the  
4     facts of the prior instance are not more horrendous than the facts of this case.

5             Moreover, the prior instance is not remote in time to the charged offenses as it occurred  
6     within one year leading up to this incident. Likewise, the acts are similar to the acts charged  
7     in this case, which makes them probative to the issue of intent (an intent to abuse/strangle as  
8     opposed to defend himself). Additionally, the State's evidence in this case is strong, making  
9     it less likely that the jury will convict Defendant simply because of his past conduct. Last,  
10    the past conduct is not more offensive than the conduct alleged in this case.

11            In addition to being critically relevant to the central disputed issues in this case, the  
12    probative value of Defendant's prior criminal conduct also is not substantially outweighed by  
13    the potential for unfair prejudice.

14            "The prejudice which exclusion of evidence under [California's statutory analog] is  
15    designed to avoid is not the prejudice or damage to a defense that naturally flows from  
16    relevant, highly probative evidence." People v. Zapien, 4 Cal.4th 929, 958, 846 P.2d 704, 718  
17    (Cal.) (citations and internal quotation marks omitted), cert. denied 510 U.S. 919, 114 S.Ct.  
18    315 (1993); cf. also 2 Jack B. Weinstein & Margaret A. Berger, WEINSTEIN'S FEDERAL  
19    EVIDENCE, § 404.21[3][b] (Joseph M. McLaughlin, ed., 2d ed. 2002) ("[u]nfair prejudice  
20    under Rule 403 does not mean the damage to a defendant's case that results from the legitimate  
21    probative force of the evidence."

22            Moreover, any potential for unfair prejudice will be counteracted by the Court's  
23    limiting instruction to the jury that Defendant's other bad acts only be considered as to his  
24    motive, intent, absence of mistake, to disprove any claim of self-defense, and to provide  
25    context to Defendant and Brittney's relationship. See Chavez v. State, 125 Nev. 328, 345, 213  
26    P.3d 476, 488 (2009) (limiting instruction cured any unfair prejudice associated with the  
27    introduction of bad act evidence); U.S. v. Strong, 485 F.3d 985, 991 (7th Cir.) ("We  
28    consistently have explained that such [limiting] instructions minimize the prejudicial effect of

1 this type of [other bad act] evidence.” (citations omitted)), cert. denied, Strong v. U.S., 552  
2 U.S. 936, 128 S.Ct. 336 (2007); U.S. v. Davis, 707 F.2d 880, 884 (6th Cir. 1983) (explaining  
3 that although “the chance of prejudice is always present in a 404(b) situation” the district court  
4 may reduce that chance “by giving the jury a limiting instruction informing them” of the proper  
5 use of the other bad acts evidence). Finally, the Nevada Supreme Court has previously  
6 determined prior bad acts were properly admitted in situations bearing an equal or greater risk  
7 of prejudice. See, e.g., Ford, supra (in murder prosecution, affirming admission of defendant’s  
8 multiple prior residential burglaries).

9 Likewise, federal appellate courts have frequently approved the admission of other bad  
10 acts in contexts posing an equal or greater risk of unfair prejudice. See, e.g., U.S. v. Cooper,  
11 433 Fed.Appx. 875, 877-878 (11th Cir. 2011) (in prosecution for child pornography  
12 possession, probative value of defendant’s prior conviction for child molestation in terms of  
13 defendant’s intent, knowledge, and absence of mistake in downloading material not  
14 substantially outweighed by potential for unfair prejudice); U.S. v. Clark, 668 F.3d 568, 575  
15 (8th Cir. 2012) (potential for unfair prejudice in identity theft prosecution did not substantially  
16 outweigh probative value of defendant’s prior identity theft conviction; evidence was  
17 probative of defendant’s intent, knowledge, and absence of mistake concerning his knowledge  
18 that he was using the means of identification of an actual person, and district court reduced  
19 any potential for unfair prejudice by giving an appropriate limiting instruction); U.S. v.  
20 McCarson, 527 F.3d 170, 173-174 (D.C. Cir. 2008) (probative value of defendant’s prior  
21 convictions for gun possession and cocaine distribution not substantially outweighed by  
22 danger of unfair prejudice in prosecution for ex-felon in possession of firearm and possessing  
23 cocaine base with intent to distribute; prior convictions highly probative of defendant’s intent  
24 to distribute crack cocaine and his constructive possession of gun and crack cocaine, and  
25 district court instructed that evidence could be considered as to intent and knowledge); U.S.  
26 v. Hernandez-Guevara, 162 F.3d 863 (5th Cir. 1998) (in prosecution for smuggling  
27 undocumented aliens, defendant’s two prior convictions for alien smuggling relevant to intent,  
28

1 knowledge, absence of mistake and not substantially outweighed by potential for unfair  
2 prejudice), cert. denied, Hernandez-Guevara v. U.S., 526 U.S. 1059, 119 S.Ct. 1375 (1999).

3 Admission of Defendant's prior criminal conduct bears no more risk of prejudice than  
4 the situations in the foregoing cited cases, and its highly probative content is certainly not  
5 substantially outweighed by the risk of *unfair* prejudice. The July 2015 evidence is not remote  
6 in time from the incident for which Defendant is currently charged, and because the facts of  
7 the prior instance are not more horrendous than the facts of this case, the evidence is clearly  
8 more probative than prejudicial. Finally, any risk of unfair prejudice would be effectively  
9 counteracted by the Court's limiting instructions.

10 **Defendant's other bad acts are supported by clear and convincing evidence**

11 Prior to the admission of evidence of other bad acts, the State must show, by plain, clear  
12 and convincing evidence that Defendant committed the offenses. Tinch, 113 Nev. at 1176, 946  
13 P.2d at 1064-1065; Tucker v. State, 82 Nev. 127, 131, 412 P.2d 970, 972 (1966). The Nevada  
14 Supreme Court has specifically approved the procedure of holding a hearing outside the  
15 presence of the jury in which the State must present its reasons why the other offense is  
16 admissible under NRS 48.045(2) and apprising the trial judge of the quantum and quality of  
17 its evidence proving that the defendant committed the other offense. Petrocelli v. State, 101  
18 Nev. 46, 51-52, 692 P.2d 503, 508 (1985). Under Petrocelli, clear and convincing proof of  
19 collateral acts may be established by an offer of proof outside the presence of the jury  
20 combined with quality of evidence actually presented to the jury. Salgado v. State, 114 Nev.  
21 1039, 1043, 968 P.2d 324, 327 (1998).

22 As already shown in Exhibit 1, supra, there are witnesses who can testify at a Petrocelli  
23 hearing regarding Defendant's commission of prior offenses, including the officer that  
24 responded to the residence in July 2015, and James Blair. Moreover, Defendant's guilty plea  
25 to battery constituting domestic violence resulting from Case No. 15F10224X essentially  
26 already proves up the domestic violence bad act. See Admonishment of Rights, Disposition  
27 Notice and Judgment, and Criminal Complaint attached hereto as Exhibit 3. Thus, the State is  
28

1 confident of demonstrating by clear and convincing evidence that Defendant committed the  
2 prior domestic violence against Brittney Jensen.

3 **III. EVIDENCE CONCERNING PRIOR INSTANCE OF CHILD ABUSE IS**  
4 **ADMISSIBLE PURSUANT TO NRS 48.045**

5 Evidence of Defendant's prior acts of child abuse, specifically threatening Kaylee and  
6 James with a knife and grabbing the phone out of Kaylee's hand during the July 2, 2015  
7 incident, is relevant to establish motive, intent, and common scheme or plan regarding the  
8 charged child abuse crimes. During Defendant's attack of Brittney during the July 2015  
9 incident, Brittney told her children to call the police. In his successful attempt to prevent the  
10 police from being called, Defendant grabbed the phone from five-year-old Kaylee's hand and  
11 threatened the two children with a knife. This evidence is relevant and probative to prove  
12 Defendant's intent and motive to commit the charged child abuse counts. The evidence is also  
13 relevant and probative to show his common scheme or plan in repeatedly attempting to prevent  
14 Brittney or the children from reporting his violence to the police.

15 **Motive and Intent**

16 Evidence of the July 2015 child abuse is evidence of motive to commit the January  
17 2016 child abuse because in both cases Defendant was similarly situated and motivated in his  
18 acts of child abuse by his desire to prevent the children from calling the police. The evidence  
19 is also relevant and probative of Defendant's intent to commit the crime of child abuse. Again,  
20 Defendant's intent in both the July 2015 incident and the January 2016 incident is similar – he  
21 intended to do anything he needed to in order to prevent those children from calling for help.

22 **Common Scheme or Plan**

23 Evidence admitted pursuant to the common scheme or plan exception is admissible  
24 when it tends to prove the crimes charged by revealing that the defendant's plan to commit the  
25 crimes. Brinkley v. State, 101 Nev. 676, 679, 708 P.2d 1026, 1028 (1985). "The remarkable  
26 similarity of the *modus operandi* in the testimony regarding the other crimes, and their relative  
27 proximity in time to the charged offense establish the probative value of such evidence."  
28 Williams v. State, 95 Nev. 830, 833, 603 P.2d 694, 697 (1979).

1 In Bolin v. State, 114 Nev. 503, 960 P.2d 784 (1998), overruled on other grounds by,  
2 Richmond v. State, 118 Nev. 924, 934 59 P.3d 1249, 1256 (2002), the Defendant stood trial  
3 on charges of first degree kidnapping with use of a deadly weapon, sexual assault with use of  
4 a deadly weapon, and murder with use of a deadly weapon. After a Petrocelli hearing the State  
5 was permitted to introduce evidence of the Defendant's prior rape and kidnapping convictions  
6 which had occurred twenty years earlier. The Court upheld the District Court's determination  
7 that such evidence was admissible to prove identity, plan, similar *modus operandi*, and intent.  
8 It noted that there were sufficient similarities between Bolin's 1975 rape and kidnapping  
9 convictions and the victim's murder to warrant the admission of his prior bad act for the  
10 purposes of establishing identity. Those similarities included: (1) in each case the victim was  
11 abducted late at night after finishing her shift at work and the offenses carried through to the  
12 morning; (2) both victims were about the same height, age, build, and hair color; (3) each  
13 victim was ambushed; (4) each victim was robbed of her wedding ring and valuables; (4) the  
14 defendant used the victims' cars in commission of the crimes in each case; and, (5) in each  
15 case the victim was subjected to a brutal attack after the victims were taken to a remote  
16 location.

17 Here, evidence of the July 2015 incident is relevant to prove the charged crimes by  
18 revealing Defendant's common plan to commit these crimes - that plan being to prevent the  
19 reporting of his batteries upon Brittney. The two incidents are remarkably similar and the July  
20 2015 evidence shows Defendant's common plan or scheme underlying the charged offenses.

21 Probative value of the evidence is not substantially outweighed by risk of unfair  
22 prejudice

23 As noted above, painting a person faithfully is not, of itself, unfair. Here, the prior  
24 instance of child abuse is not remote in time to the charged offenses as it occurred within seven  
25 (7) months leading up to this incident. Likewise, the acts are similar to the acts charged in this  
26 case, which makes them probative to the issue of intent and common scheme or plan. As with  
27 the prior evidence of domestic violence, admission of Defendant's prior child abuse bears no  
28 more risk of prejudice than the situations in the above cited cases, and its probative content is



1 certainly not substantially outweighed by the risk of unfair prejudice. Again, any risk of unfair  
2 prejudice would be effectively counteracted by the Court's limiting instructions.

3 **Defendant's other bad acts are supported by clear and convincing evidence**

4 As already shown in Exhibit 1, supra, there are witnesses who can testify at a Petrocelli  
5 hearing regarding Defendant's commission of prior offenses, including the officer that  
6 responded to the residence in July 2015, and James Blair and Kaylee Jensen. Thus, the State  
7 is confident of demonstrating by clear and convincing evidence that Defendant committed the  
8 prior instance of child abuse against those very same children.


9 **CONCLUSION**

10 Based upon the foregoing, the State respectfully requests that the Court grant this  
11 motion pursuant to NRS 48.045(2) and order any future evidentiary hearings the Court deems  
12 necessary.

13 DATED this 11th day of April, 2016.

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


17 BY

18   
19 KRISTINA RHOADES  
20 Deputy District Attorney  
21 Nevada Bar #012480  
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BRET WHIPPLE, ESQ.  
admin@justice-law-center.com

BY:

  
Theresa Dodson  
Secretary for the District Attorney's Office

26.

# EXHIBIT 1

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**DECLARATION OF WARRANT/SUMMONS**  
(N.R.S. 171.106)  
(N.R.S. 53 amended 7/13/1993)  
**"PRINT"**

"Click to Add/Edit Event # on All Pages"

Event Number: 150703-0877

STATE OF NEVADA     )     JAMES M COOPER  
                          ) ss: ID#: 2634475  
COUNTY OF CLARK    )     DOB: 121073

ERIC L ROBINSON, being first duly sworn, deposes and says:

That he is a Detective with the Las Vegas Metropolitan Police Department, being so employed for a period of 25 years, assigned to investigate the crime(s) of BATTERY DOMESTIC VIOLENCE/AWDW(2 CTS) committed on or about 070215, which investigation has developed JAMES M COOPER as the perpetrator thereof.

**THAT DECLARANT DEVELOPED THE FOLLOWING FACTS IN THE COURSE OF THE INVESTIGATION OF SAID CRIME, TO WIT:**

On 070215 at approximately 2200hrs Brittney Jensen became the victim of Battery Domestic Violence and her two children, James Blair and Kaylee Jensen became the victims of Assault with a Deadly Weapon. The crimes were committed by Brittney's live-in boyfriend, James M cooper. The crimes occurred at their residence 356 E. Desert Inn Rd #111 LVN 89109.

On 070315 at around 0700hrs Off. C. Alfonsi made contact with Brittney and her children in reference to the events of the previous evening. Brittney, James and Kaylee related the following. On July 2, 2015 at about 2000 hours Brittney and her children were at her residence at 356 E Desert Inn Rd #111 Las Vegas, NV 89109. Her boyfriend of 4 years Cooper came home intoxicated.

Brittney asked Cooper for the house keys so that she could take James and Kaylee to the store. Cooper refused to give Brittney the keys and an argument began. Cooper then grabbed Brittney around her neck and a struggle started. Brittney tried to get away from Cooper but he grabbed her arm and twisted it. Cooper then slammed Brittney onto the ground. brittney started screaming for the children Kaylee and Blair to call the police.

Cooper let go of Jensen and he grabbed a butcher knife from the kitchen. Cooper then went into the children's room and he brought the knife up threatening the children. Cooper grabbed the phone out of Kaylee's hand. Brittney then heard the kids scream and she rushed in and saw Cooper with the knife. Jensen bear hugged Cooper from behind and she was then able to wrestle the knife away from Cooper. When Brittney managed to get the knife away from Cooper she grabbed the kids and ran out the door to the neighbor's house.

## CONTINUATION

Event #: 150703-0877


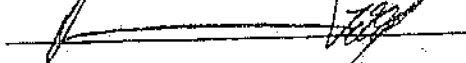
The following morning on July 3, 2015 at 0709 hours the neighbor encouraged Brittney to call the police. When Off. Alfonsi arrived he noticed Brittney had bruises on the right side of her face, cheek and right wrist. She also had scrapes on her left elbow. Her injuries were photographed and downloaded as evidence. An attempt was made to make contact with Cooper which was unsuccessful.

Wherefore, Declarant prays that a Warrant of Arrest be Issued for suspect JAMES M COOPER on the charge(s) of BATTERY DOMESTIC VIOLENCE/ AWDW (2CTS).

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

Executed on this 10TH day of JULY, 2015.

DECLARANT:

 3889  


WITNESS:

DATE: 071015

Page 1 of 4	Las Vegas Metropolitan Police Department Domestic Violence Report	Event# LLV150703000877
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Specific Crimes	Jurisdiction Clark County	Crime Category	Sector/Beat M1
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Assault, W/Dw(F)-NRS 200.471.2B

Domestic Battery, (1st)(M)-NRS 200.485.1A

Location of Incident: (Number & Street) 366 E Desert Inn Rd		City, ST Zip Las Vegas, NV 89109	
Occurred	Date/Time 7/2/2015 10:00:00 PM	Day Thursday	Report Taken 7/3/2015 7:09:00 AM
Connecting Report Victim Information Guide Voluntary Statement			
Was there a witness?	No	Is there physical evidence present? (i.e., visible injury, weapons, etc.)	No
Has victim requested temporary housing?	Yes	Is there a T.P.O. in effect?	
Assisting Officers		Reporting Officer 13384 - Alfonsi, C.	
		Supervisor Approving 04964 - Jotz, M.	
		Squad	Follow-Up
		CC22	Follow-Up

Victims									
Name (Last, First Middle) Jensen, Brittney								Non English Speaking	Language
Date of Birth	SSN	Race	Sex	Ht.	Wt.	Hair	Eyes	DV Information Card	
12/22/1986		White	Female	5' 6"	200	Blond	Green	Yes	
Address Type		Address		City, ST Zip		Country			
Residence		366 E Desert Inn Rd # 111		Las Vegas, NV 89109					
Phone Type		Phone Number							
Cellular		(702) 272-5905							

Victim / Suspect Relationship	Co-Habitants	Victim Demeanor	In Fear
	Dating		Crying
Voluntary Statement	Drugs / Alcohol	Photographs	Digital Photos
	Unknown		

Victim Injuries	
Injury Location	Injury Type
Arm, left	Scratched
Arm, right	Bruise
Arm, left	Bruise
Arm, right	Bruise
Neck	Reddening
Cheek (face), right	Bruise
Lip, upper	Swollen/Swelling
Injury Description	
scraped elbow	
bruised forearm	
bruise on bicep	
bruise on right wrist	
reddening around neck	
bruise on right face cheek	
laceration and swelling	

Children Present			
Name	Age	Location	Witness
Blair, James	8	366 E DESERT INN RD #111	Yes
Jensen, Kaylee	5	366 E DESERT INN RD #111	No

Name (Last, First Middle) Blair, James										Non English Speaking	Language
Date of Birth	SSN	Race	Sex	Ht.	Wt.	Hair	Eyes	DV Information Card			
3/5/2007		Black or African American	Male	4' 0"	70	Blond	Brown	Yes			
Address Type		Address		City, ST Zip		Country					
Residence		366 E Desert Inn Rd #111		Las Vegas, NV 89109							
Phone Type		Phone Number									
International Phone #											

Victim / Suspect Relationship	Co-Habitants	Victim Demeanor	In Fear

Page 2 of 4	Las Vegas Metropolitan Police Department Domestic Violence Report	Event# LLV150703000877
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Voluntary Statement		Drugs / Alcohol	Unknown	Photographs	No-Photos Not Taken
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Victim Injuries	
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Injury Location	Injury Type	Injury Description
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Children Present	
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Name	Age	Location	Witness	Statement
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Name (Last, First Middle)	Non English Speaking	Language
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Jensen, Kaylee		
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Date of Birth	SSN	Race	Sex	Ht.	Wt.	Hair	Eyes	DV Information Card
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1/26/2010		Black or African American	Female	3' 6"	50	Blond	Brown	Yes
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Address Type	Address	CSZ	Country
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Residence	358 E Desert Inn Rd #111	Las Vegas, NV 89109
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Phone Type	Phone Number
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Victim / Suspect Relationship	Co-Habitants	Victim Demeanor	In Fear
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Voluntary Statement		Drugs / Alcohol	Unknown	Photographs	No-Photos Not Taken
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Victim Injuries	
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Injury Location	Injury Type	Injury Description
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Children Present	
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Name	Age	Location	Witness	Statement
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Page 3 of 4	Las Vegas Metropolitan Police Department Domestic Violence Report	Event# LLV150703000877
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**Suspects**

Name (Last, First Middle)						Non English Speaking		Language
Cooper, James						Yes		
Date of Birth	SSN	Race	Sex	Ht.	Wt.	Hair	Eyes	DV Information Card
12/10/1973		Black or African American	Male	6' 3"	200	Black	Brown	No

Address Type	Address	CSZ	County
Residence	358 E Desert Inn Rd #111	Las Vegas, NV	89109

Phone Type	Phone Number
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Voluntary Statement	Drugs / Alcohol	Yes	Photographs	No-Photos Not Taken	Suspect Demeanor
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**Suspect Injuries**

Injury Location	Injury Type	Injury Description
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**Arrestees**

Received		Dispatched		Arrived		Caller	
Primary Aggressor		Mitigating Factors		Arrested Both Parties		Medical Release	
Prior History						Medical Not Required	
Potential Future Injury							
Background Noise on Arrival				Medical Attention			

Responding Agencies	Unit Number
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Las Vegas Metropolitan Police Department  
Domestic Violence ReportEvent#  
LLV150703000877

On July 2, 2015 at 2000 hours Brittney Jensen DOB 12-22-1986 was at her residence 356 E Desert Inn Rd #111 Las Vegas, NV 89109. Her boyfriend of 4 years James Cooper DOB 12-10-73 arrived home intoxicated. Jensen asked Cooper for the house keys so that she could take her children James Blair DOB 030507 and Kaylee Jensen DOB 010210 to the store. Cooper refused to give Jensen the keys and an argument began. Cooper then grabbed Jensen around her neck and a struggle started. Jensen tried to get away from Cooper but he grabbed her arm and twisted it. Cooper then slammed Jensen into the ground. Jensen started screaming for the children Kaylee and Blair to call the police. Cooper let go of Jensen and he grabbed a butcher knife from the kitchen. Cooper went into the children's room and he brought the knife up threatening the children. Cooper grabbed the phone out of Kaylee's hand. Jensen heard the kids scream and she rushed in and saw Cooper with the knife. Jensen bear hugged Cooper from behind and she proceeded to wrestle the knife away from Cooper. Jensen managed to get the knife away from Cooper and then she grabbed the kids and ran out the door to the neighbors house.

The following morning on July 3, 2015 at 0709 hours the neighbor encouraged Jensen to call the police. Upon my arrival I meet with Jensen and her children. Jensen had bruises on her right face cheek and right wrist. She also had scraps on her left elbow.

I, Officer 13384 - Alfonso, C. of the Las Vegas Metropolitan Police Department for \_\_\_\_\_, declare, subject to [penalty of perjury], that the above information is true and correct to the best of my knowledge or information and belief as identified. The above described information gives me probable cause to believe that on 7/2/2015 10:00:00 PM, \_\_\_\_\_ (name @ booking) also known as \_\_\_\_\_ (true name per SCOPE), committed the crime(s) of:

In the location of 356 E Desert Inn Rd., Las Vegas, NV 89109 within Clark County. Declarant prays that your Honorable Magistrate finds that probable cause exists to hold the above-named person to answer such charge(s).

Dated this 10 Day of July, 2015

Officers Preferred Court Time  
☐ M ☐ T ☐ W ☐ T ☐ F ☐ a.m. ☐ p.m.  
☐ Connecting Documents ☐ Vol. St. ☐ Other  
 Secondary Event # Evid./Veh. \_\_\_\_\_

Declarant (Sign and Print)

Supervisor Name (Sign and Print)  
 (Must be signed by Supervisor if Felony)

Page 1 of 1

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT**  
**VOLUNTARY STATEMENT**

Event # 150703-0877

THIS PORTION TO BE COMPLETED BY OFFICER		Date Occurred	Time Occurred
Specific Crime	<u>BATTERY DV</u>	<u>07-03-15</u>	<u>0709</u>
Location of Occurrence	<u>3566 DESSERT INN RD #111</u>	Sector/Beat	<input type="checkbox"/> City <input checked="" type="checkbox"/> County
		<u>M1</u>	

Your Name (Last / First / Middle)		Date of Birth		Social Security #	
<u>Jensen Brittney Nicole</u>		<u>12/22/86</u>			
Race	Sex	Height	Weight	Hair	Eyes
<u>WH</u>	<u>F</u>	<u>5'6"</u>	<u>200</u>	<u>BL</u>	<u>green</u>
Residence Address: (Number & Street)		Bldg./Apt. #	City	State	Zip Code
<u>3566 E Dessert Inn</u>		<u>1111</u>	<u>Las Vegas</u>	<u>NV</u>	<u>89109</u>
Bus. (Local) Address: (Number & Street)		Bldg./Apt. #	City	State	Zip Code
Best place to contact you during the day		Best time to contact you during the day		Can You Identify the Suspect? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

**DETAILS** I asked to get the keys so i could take the kids to store and he refused to give me the keys and the he grabbed me by the arm and neck got me to the ground and i yelled to the kids to call 911 and he then got up and went to the kids room and was standing on the bunk bed and threatened the kids with a knife they gave him the phone and i got behind him and was able to get the knife from him and he turned around i was like bare hugging him and we fell to the ground and i was able to get up and we ran out of the house i left the knife where we fell underneath him we ran upstairs to a neighbors house in #209

I HAVE READ THIS STATEMENT AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN. THIS STATEMENT WAS COMPLETED AT (LOCATION) SLT ON THE 3 DAY OF JULY AT 0800 (AM / PM), 2015.

Witness/Officer:

[Signature]  
(SIGNATURE)

Witness/Officer:  
LYMPH 02 (REV. 9-03)

C. A. Foust  
(PRINTED)

# 13384

Brittney Jensen  
SIGNATURE OF PERSON GIVING STATEMENT

Page 1 of 1

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
VOLUNTARY STATEMENT

Event # 150703-0877

THIS PORTION TO BE COMPLETED BY OFFICER		
Specific Crime <u>Domestic Assault w/a Deadly Weapon</u>	Date Occurred <u>07/21/15</u>	Time Occurred <u>0709</u>
Location of Occurrence <u>356 E DESERT INN RD. #111</u>	Sector/Beat <u>M1</u>	<input type="checkbox"/> City <input checked="" type="checkbox"/> County

Your Name (Last / First / Middle) <u>James Cameron Blair</u>						Date of Birth <u>03/05/07</u>		Social Security #	
Race <u>BL</u>	Sex <u>M</u>	Height <u>4'0"</u>	Weight <u>70</u>	Hair <u>BL</u>	Eyes <u>BRN</u>	Work Schol. (Hours) <u>John 3 Park weekends</u>	(Days Off)	Business / School	
Residence Address: (Number & Street) <u>356 E Desert Inn III</u>		Bldg./Apt.# <u>111</u>		City <u>Las Vegas</u>		State <u>NV</u>		Zip Code <u>89109</u>	
Bus. (Local) Address: (Number & Street)		Bldg./Apt.#		City		State		Zip Code	
Best place to contact you during the day						Best time to contact you during the day		Can You Identify the Suspect? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

DETAILS Told mother mom, then he let go and mom said call 911 and he said give me the phone he got the phone by threatening us with a knife he grabbed it out of my sister's hand mom was holding him off he fell on the bed and got his back

I HAVE READ THIS STATEMENT AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN. THIS STATEMENT WAS COMPLETED AT (LOCATION) S/A ON THE 3 DAY OF JULY AT 0800 (AM / PM), 2015.

Witness/Officer: Chal (SIGNATURE)  
Witness/Officer: C. A. Fox 57 (PRINTED) # 13384  
LVMPO 00 (REV. 6-00) (PRINTED)

James Cameron Blair  
SIGNATURE OF PERSON UNDETAILED

# EXHIBIT 2

To whom it may concern:

I Brittney Jensen would like to explain the events that took place on the evening of Jan 22nd 2016. I had been drinking heavily through out the day and when James came home <sup>from work</sup> we had finished making dinner to gether and enjoying a meal then when dinner was finished I decided to speak with James about something I was upset about that had happened a couple weeks prior. When we were talking I started getting upset and when James tried to remove him self from the situation I followed him and then I attacked him and I proceeded to continue to attack him through out the house and pulled alot of his hair out and he placed the call to 911 and then I started beligerently yelling profanities and yelled to my son to also call 911 when 911 did arrive they just looked at my injuries and saw how intoxicated I was and told me you are going to the hospital and when I arrived there they didnt ask me what happened or anything they just took pictures and started saying what they were gonna be charging him with. ~~So~~ I was still very intoxicated through in this process. I would just like to say that I am 100% to blame for the events that took

place on the evening of Jan. 22<sup>nd</sup> 2016  
and I am ashamed of my actions  
and realise now what devastating effects  
have resulted to our entire family  
because of my actions. I hope that  
because of what I have done does not  
result in James suffering the consequences.  
James is a loving father figure to  
my two children, a caring spouse to  
me and a hard working positive person.  
~~James~~

Betty Jensen 01/26/16

# EXHIBIT 3

# Justice Court, Las Vegas Township

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
Plaintiff,

vs.

JAMES COOPER  
Defendant.

CASE NO.:

15F10224X

DEPT. NO.:

10

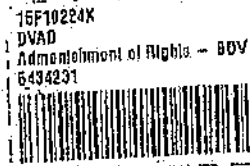
## Battery/Domestic Violence: ADMONISHMENT OF RIGHTS

(For offenses committed on or after October 1, 2007)

I am the Defendant in this case. I am charged with battery constituting domestic violence in having willfully and unlawfully committed an act of force or violence upon my spouse, former spouse, a person to whom I am related by blood or marriage, a person with whom I am or was actually residing, a person with whom I have had or am having a dating relationship, a person with whom I have a child in common, my minor child, or the minor child of one of those persons (in violation of NRS 33.018/NRS 200.485).

**I AM AWARE THAT I HAVE EACH OF THE FOLLOWING RIGHTS AND THAT I WILL BE WAIVING THESE RIGHTS IF I PLEAD GUILTY OR NOLO CONTENDERE:**

1. The right to a speedy trial;
2. The right to require the State to prove the charge(s) against me beyond a reasonable doubt;
3. The right to confront and question all witnesses against me;
4. The right to subpoena witnesses on my behalf and compel their attendance;
5. The right to remain silent and not be compelled to testify if there were a trial; and
6. The right to appeal my conviction except on constitutional or jurisdictional grounds.



**I AM ALSO AWARE THAT BY PLEADING GUILTY OR NOLO CONTENDERE I AM ADMITTING THE STATE COULD FACTUALLY PROVE THE CHARGE(S) AGAINST ME. I AM ALSO AWARE THAT MY PLEA OF GUILTY OR NOLO CONTENDERE MAY HAVE THE FOLLOWING CONSEQUENCES:**

1. I understand the State will use this conviction, and any other prior conviction from this or any other state which prohibits the same or similar conduct, to enhance the penalty for any subsequent offense.
2. I understand that as a consequence of my plea of guilty or nolo contendere, if I am not a citizen of the United States, I may, in addition to other consequences provided for by federal law, be removed, deported, excluded from entry into the United States, or denied naturalization.
3. I understand that if I am convicted of a misdemeanor or felony that constitutes domestic violence pursuant to NRS 33.018, my possession, shipment, transportation, or receipt of a firearm or ammunition may constitute a felony pursuant to NRS 202.360 or federal law.
4. I understand that sentencing is entirely up to the court and the following range of penalties for committing the offense described above will apply (unless a greater penalty is provided pursuant to NRS 200.481):

DEFENDANT'S INITIALS:

DEFENDANT'S ATTORNEY'S INITIALS (If applicable):



**FIRST OFFENSE WITHIN 7 YEARS (MISDEMEANOR):**

At least 2 days in jail but not more than 6 months; at least 48 hours but not more than 120 hours, of community service; a fine of not less than \$200, but not more than \$1,000, in addition to certain fees and assessments that are required by statute; mandatory participation in weekly counseling sessions of not less than 1 1/2 hours per week (or bi-weekly counseling sessions for an equivalent number of hours if I reside more than 70 miles from the nearest location at which counseling services are available) for not less than 6 months, but not more than 12 months, at my expense; in the Court's discretion, the Court may order me to participate in an alcohol or drug treatment program at my expense; and, in the Court's discretion, if it appears from information presented to the Court that a child under the age of 18 years may need counseling as a result of the commission of a battery which constitutes domestic violence, the Court may refer the child to an agency which provides protective services; and, if that occurs, the Court will require me to reimburse the agency for the costs of any services provided, to the extent of my ability to pay.

**SECOND OFFENSE WITHIN 7 YEARS (MISDEMEANOR):**

At least 10 days in jail but not more than 6 months; at least 100 hours, but not more than 200 hours, of community service; a fine of not less than \$500, but not more than \$1,000, in addition to certain fees and assessments that are required by statute; mandatory participation in weekly counseling sessions of not less than 1 1/2 hours per week (or bi-weekly counseling sessions for an equivalent number of hours if I reside more than 70 miles from the nearest location at which counseling services are available) for 12 months; at my expense; and, in the Court's discretion, the Court may order me to participate in an alcohol or drug treatment program at my expense; and, in the Court's discretion, if it appears from information presented to the Court that a child under the age of 18 years may need counseling as a result of the commission of a battery which constitutes domestic violence, the Court may refer the child to an agency which provides protective services; and, if that occurs, the Court will require me to reimburse the agency for the costs of any services provided, to the extent of my ability to pay.

**THIRD OFFENSE OR ANY SUBSEQUENT OFFENSE WITHIN 7 YEARS (CATEGORY C FELONY):**

A category C felony punishable by a sentence of imprisonment in the Nevada State Prison for at least 1 year but not more than 5 years; a possible fine of not more than \$10,000, in addition to certain fees and assessments that are required by statute; in the Court's discretion, the Court may require me to participate in an alcohol or drug treatment program at my expense; and, in the Court's discretion, if it appears from information presented to the Court that a child under the age of 18 years may need counseling as a result of the commission of a battery which constitutes domestic violence, the Court may refer the child to an agency which provides protective services; and, if that occurs, the Court will require me to reimburse the agency for the costs of any services provided, to the extent of my ability to pay. A third or subsequent offense is not probationable.

**ALL DEFENDANTS MUST INITIAL EITHER #1 OR #2 BELOW-DO NOT INITIAL BOTH:**

1. I am represented by an attorney in this case. My attorney has fully discussed these matters with me and advised me about my legal rights. My attorney is John F. L. [Signature]

2. I have declined to have an attorney represent me and I have chosen to represent myself. I have made this decision even though there are dangers and disadvantages in self-representation in a criminal case, including but not limited to, the following:

- (a) Self-representation is often unwise, and a defendant may conduct a defense to his or her own detriment;
- (b) a defendant who represents himself is responsible for knowing and complying with the same procedural rules as lawyers, and cannot expect help from the judge in complying with those procedural rules;
- (c) a defendant representing himself will not be allowed to complain on appeal about the competency or effectiveness of his or her representation;
- (d) the state is represented by experienced professional attorneys who have the advantage of skill, training and ability;
- (e) a defendant unfamiliar with legal procedures may allow the prosecutor an advantage, may not make effective use of legal rights, and may make tactical decisions that produce unintended consequences; and
- (f) the effectiveness of the defense may well be diminished by defendant's dual role as attorney and accused.

<u>[Signature]</u>	<u>12-10-73</u>	<u>8-20-15</u>
DEFENDANT'S SIGNATURE	DATE OF BIRTH	DATE

I HAVE REVIEWED THIS ADMONISHMENT WITH MY CLIENT AND WE HAVE DISCUSSED THE RIGHTS HE/SHE IS WAIVING AND THE CONSEQUENCES OF HIS/HER PLEA OF GUILTY/NOLO CONTENDERE TO THE BATTERY/DOMESTIC VIOLENCE CHARGE.

[Signature]  
DEFENDANT'S ATTORNEY (IF APPLICABLE)

7273  
BAR NUMBER

JUSTICE COURT, LAS VEGAS TOWNSHIP  
CLARK COUNTY REGIONAL JUSTICE CENTER  
200 LEWIS AVENUE  
LAS VEGAS, NEVADA 89101  
COURT 128  
DISPOSITION NOTICE AND JUDGMENT

CASE NUMBER - 15F10224X AMENDED

STATE VS: COOPER, JAMES MARLIN

ID #: 02634475

AKA: COOPER, JAMES M

DR NUMBER:

WARRANT DATE: 07/10/2015

ARRESTED BY: NO ARRESTING OFFICER

ARREST DATE: 08/07/2015

SUBMITTED BY: ROBINSON, ERIC L

SUBMIT DATE: 07/10/2015

PROSECUTOR: HETTY WONG

DISPO DATE: 12/03/2015

001 CHARGE: 200.471.2B F ASSAULT, W/DW  
DISPOSITION: -DISMISSED-- DISMISSED ON COURTS MOTION

CITATION: 1507030877 PCN: 0029600706 SEQ: 001

002 CHARGE: 200.471.2B F ASSAULT, W/DW  
DISPOSITION: -DISMISSED-- DISMISSED ON COURTS MOTION

CITATION: 1507030877 PCN: 0029600706 SEQ: 002

003 CHARGE: 200.485.1A M DOM BATTERY, (1ST)  
DISPOSITION: ---GUILTY--- M DOM BATTERY, (1ST)

SENTENCED: 12/03/2015

FINED: \$ 0	EXCUSED: \$ 0	
JAIL TIME: MOS	DAYS HRS	CONS/CONC:
CTS : MOS	DAYS 000 HRS	
COMM SERV: DAYS	HRS MIN	
RESTITUTION: \$	0 CONTRIBUTION: \$ 0	DRUG FEE: \$ 0
EDUCATION:		

NONE

CITATION: 1507030877 PCN: 0029600706 SEQ: 003

CERTIFIED COPY

The document to which this certificate is attached is a full, true and correct copy of the original on file and of record in Justice Court of Las Vegas Township, in and for the County of Clark, State of Nevada.

By: [Signature] Deputy  
Date: 12/04/15

[Signature]  
JUSTICE OF THE PEACE - DEPT. 10

JUSTICE COURT, LAS VEGAS TOWNSHIP  
CLARK COUNTY, NEVADA

Aug 4 10 11 AM '15

15F10224X  
CRIM  
Criminal Complaint  
6388848



THE STATE OF NEVADA,

Plaintiff,

-vs-

JAMES M. COOPER, aka,  
James Marlin Cooper #2634475,

Defendant.

CASE NO: 15F10224X

DEPT NO: 10

CRIMINAL COMPLAINT

The Defendant above named having committed the crimes of ASSAULT WITH A DEADLY WEAPON (Category B Felony - NRS 200.471 - NOC 50201) and BATTERY CONSTITUTING DOMESTIC VIOLENCE (Misdemeanor - NRS 200.485(1)(A), 200.481(1)(A), 33.018 - NOC 50235), in the manner following, to-wit: That the said Defendant, on or about the 2nd day of July, 2015, at and within the County of Clark, State of Nevada,

COUNT 1 - ASSAULT WITH A DEADLY WEAPON

did willfully, unlawfully, feloniously and intentionally place another person in reasonable apprehension of immediate bodily harm and/or did willfully and unlawfully attempt to use physical force against another person, to-wit: J.B., with use of a deadly weapon, to-wit: a butcher knife, by threatening the said J.B. with said butcher knife.

COUNT 2 - ASSAULT WITH A DEADLY WEAPON

did willfully, unlawfully, feloniously and intentionally place another person in reasonable apprehension of immediate bodily harm and/or did willfully and unlawfully attempt to use physical force against another person, to-wit: K.J., with use of a deadly weapon, to-wit: a butcher knife, by threatening the said K.J. with said butcher knife.

COUNT 3 - BATTERY CONSTITUTING DOMESTIC VIOLENCE

did willfully and unlawfully use force or violence against or upon the person of BRITTNEY JENSEN, a person with whom the Defendant is in a dating relationship with and with whom he is actually residing with, by grabbing the neck and arm of the said BRITTNEY

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07/31/15 *RM. Carol*

Blair, State of Nevada.  
By: Albert Deputy  
Filed: 3/24/16

W:\2015F\10224\15F10224-COMP-001.DOCX

NOTICE OF WITNESSES  
[NRS 174.234]

TO: Defendant or attorney of record:

YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF  
NEVADA intends to call the following witnesses:

NAME

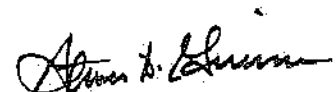
ADDRESS

CUSTODIAN OF RECORDS

Communication Bureau  
Law Enforcement Agency – Clark County,  
Nevada

These witnesses are in addition to those witnesses noted in the discovery or other  
documents provided.

DATED July 31, 2015.

  
CLERK OF THE COURT

1 OPP  
2 BRET O. WHIPPLE, ESQ.  
3 Nevada Bar Number 6168  
4 ALISSA C. ENGLER, ESQ.  
5 Nevada Bar Number 11940  
6 JUSTICE LAW CENTER  
7 1100 S. Tenth Street  
8 Las Vegas, Nevada 89104  
9 (702) 731-0000  
10 Attorneys for Defendant

11  
12 DISTRICT COURT  
13  
14 CLARK COUNTY, NEVADA  
15

16 THE STATE OF NEVADA,

17 Plaintiff,

18 vs.

CASE NO.: C-16-312970-1

19 JAMES COOPER, aka JAMES MARLIN  
20 COOPER, #2634475,

21 Defendant.

DEPT. NO.: X

22 **OPPOSITION TO MOTION IN LIMINE TO ADMIT EVIDENCE OF OTHER BAD**  
23 **ACTS PURSUANT TO NRS 48.045 AND EVIDENCE OF DOMESTIC VIOLENCE**  
24 **PURSUANT TO 48.061**

25 COMES NOW, Defendant, JAMES COOPER, by and through his attorney of record,  
26 BRET O WHIPPLE, Esq., of Justice Law Center, and hereby files this Opposition to the State's  
27 Motion in Limine to Admit Evidence.  
28

1 This reply is based upon the points and authorities contained herein as well as any other  
2 pleadings or hearings held in this matter.

3 DATED THIS 17<sup>th</sup> day of June, 2016.

4 JUSTICE LAW CENTER

5 /S/ Bret Whipple  
6 Bret O. Whipple, Esq.  
7 Nevada Bar No. 6168  
8 1100 S. Tenth Street  
9 Las Vegas, Nevada 89104  
10 (702) 731-0000

11 POINTS AND AUTHORITIES

12 I. Summary.

13 The State seeks to admit prior bad act evidence against the Defendant under several  
14 different theories and under NRS 48.045 and NRS 48.061. First, the State seeks to admit bad act  
15 evidence under the Petrocelli procedure. Second, the State seeks to admit the bad act evidence  
16 under NRS 48.061, which allows the admission of prior acts of domestic violence evidence for  
17 "any" relevant purpose in a criminal proceeding. Finally, the State seeks to admit separate prior  
18 bad act evidence of violence against children, arguing that the evidence is motive evidence (i.e.  
19 that he tried previously to prevent the children from telling on him, and the State alleges he  
20 harmed the children from telling on him in this new case for the same reason). The State also  
21 argues that the evidence of prior bad act(s) against the children is evidence of a common scheme  
22 or plan.

24 II. Legal Argument.

25 The State correctly notes that it must show that the prior act is relevant to show  
26 something other than propensity, that it is proven by clear and convincing evidence, and that its  
27

1 prejudicial value does not outweigh its probative value. Cipriano v. State, 111 Nev., 534, 541  
2 (1995).

3 **A. Clear and convincing evidence.**

4 Whether the State has clear and convincing evidence of the prior bad act can only be  
5 evaluated after the State presents evidence at the Petrocelli hearing. The exhibits attached to the  
6 State's Motion are hearsay statements by unreliable witnesses who may or may not be willing to  
7 testify at an evidentiary hearing. The hearsay nature of this evidence is a strike against its  
8 probative value and against its reliability.  
9

10 **B. Whether the alleged prior bad acts are relevant.**

11 The evidence of the alleged prior bad act is completely irrelevant and is therefore  
12 inadmissible under NRS 48.045.  
13

14 The State argues that the prior bad act evidence is relevant as evidence of motive, intent,  
15 absence of mistake, to disprove self-defense, to disprove that Brittney initiated the attack against  
16 the Defendant, to provide context for the relationship between alleged victim and the Defendant,  
17 and to show why Brittney may refuse to testify or may testify that she lied and that the  
18 Defendant is not at fault for the crimes charged.  
19

20 The State argues that the alleged victim might testify at trial and recount her accusations.  
21 If so, the State suggests that the prior allegations made by the witness against the Defendant  
22 would be admissible as relevant to show why the witness might be recanting her accusation, and  
23 to help the jury evaluate the credibility of the witness.  
24

25 However, this theory must wait on whether the witness does testify at trial and recant her  
26 testimony. Despite the State's suggestion, no case in this State has held that prior domestic  
27  
28



1 violence bad acts are admissible to explain a witness's absence. In Bigpond, the prior domestic  
2 violence evidence was admissible so that the State was "allowed to provide [the jury] with a  
3 context of the relationship between the witness and the defendant and to give [the jury] a  
4 possible explanation for the witness's differing testimony in court at this time." Bigpond v. State,  
5 270 P.3d 1244, 1251 (Nev. 2012). Where the witness is simply absent, her prior accusations  
6 against the Defendant are irrelevant for the purpose of explaining her testimony; she is not  
7 giving any testimony when absent.

8  
9 Despite the language in Bigpond regarding providing context to the relationship, merely  
10 providing context or information about the relationship is not automatically relevant. It must  
11 relate back to a material fact at issue in the cases and must not be directed towards propensity  
12 evidence or character evidence. In Bigpond the "context" evidence went to the credibility of a  
13 witness that testified at trial. Here, it is unclear if she will testify, and therefore abstract  
14 "context" evidence does not relate back to a material fact at issue. The prior bad act evidence is  
15 therefore inadmissible unless the Court finds that abstract "context" evidence relates to some  
16 fact at issue in trial.  
17

18  
19 The prior incident is also not admissible to establish motive, or any other purpose  
20 discussed by the State. The fact that the Defendant and the victim might have previously fought  
21 each other is propensity evidence; it does not prove or even suggest that the Defendant has a  
22 special motive to be violent to the witness. A Defendant's "motive" to hit his domestic partner  
23 because he is angry is no different than a robber's "motive" to rob a store because he wants  
24 money. The State's broad interpretation of motive evidence would ensure that prior bad act  
25 evidence is always admissible if it is the same type of crime for which a defendant is presently  
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1 on trial. As this is exactly the outcome rules against prior bad act evidence were designed to  
2 avoid, the State's interpretation must be incorrect.

3 Character and propensity evidence is motive evidence. It is simply a type of motive  
4 evidence that is barred by common law due process and by statutory scheme. For this reason,  
5 the prior bad act evidence here is not admissible to show motive or any other category alluded to  
6 by the State.  
7

8 C. The evidence is overly prejudicial compared to its probative weight.

9 The evidence is highly prejudicial. It suggests that the Defendant has bad character, has  
10 a propensity for violence, and engaged in this type of activity routinely. Even if the Court  
11 admonishes the jury that the evidence is not admissible for those purposes, the jury will not be  
12 able to compartmentalize this knowledge in such an idealized manner. It will inflame the jury  
13 against the Defendant.  
14

15 Second, the probative value of the evidence is extremely limited. Although the Supreme  
16 Court of Nevada has previously acknowledged that providing context to the relationship  
17 between the Defendant and the witness is probative, the Court also cautioned that "In reaching  
18 this conclusion, however, we caution the State that our decision is dependent upon the particular  
19 facts of this case and the use of prior act evidence . . . pursuant to NRS 48.045(2) should always  
20 be approached with circumspection." *Bigpond v. State*, 270 P.3d 1244, 1251 (Nev. 2012).  
21

22 Here, the fact that the Defendant might have previously "grabbed and twisted" the  
23 witness's arm and fell to the ground with her in a scuffle does not suggest anything in particular  
24 about why the witness might not want to testify against him. Such a connection between the  
25 prior bad act and the witness's testimony at trial is speculative and attenuated. Because the  
26  
27

1 connection between the evidence and the theory of the evidence is extremely minute, the  
2 probative value of that potential connection is dwarfed by the prejudice and inflammation the  
3 prior bad act evidence would cause in the minds of the jury.

4 D. Even if the statutory scheme allows the admission of this evidence under  
5 these facts, the admission under NRS 48.045 and/or NRS 48.061 would  
6 violate the Defendant's right to due process and his right to Equal  
7 Protection under the Fourteenth Amendment of the United States  
8 Constitution.

9 Underlying the potential admissibility here is the theory that prior bad act evidence in  
10 domestic violence cases (and, although not at issue here, sexual molestation cases) is of a  
11 special type which is subject to fewer restrictions on admissibility than prior bad act evidence in  
12 other types of cases. The legislature, through NRS 48.061, has apparently carved out a near total  
13 exception for prior bad act evidence so long as it is domestic violence evidence where that  
14 evidence is utilized by an expert to explain the relationship between the aggressor and the  
15 victim. This broad exception violates the traditional right of the Defendant to not be convicted  
16 on his propensity or character. Furthermore, because it treats one class of criminal (domestic  
17 batterers) differently than similarly situated persons, with no rational purpose, the statutory  
18 exception violates the Defendant's rights under the Equal Protection Clause of the Fourteenth  
19 Amendment.  
20

21 There is no rational reason for granting additional exceptions that allow prior bad act  
22 evidence in domestic violence cases, but not in other crimes. The statutory scheme, insofar as it  
23 allows for numerous additional exceptions for domestic violence bad act evidence, fails to  
24 protect the due process rights of defendants, and is therefore unconstitutional. Domestic  
25 violence defendants are similarly situated to other types of criminal defendants. Their prior bad  
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1 acts, however, are admitted easily against them under a theory that domestic violence crimes  
2 have special motive characteristics that other prior bad act crimes do not. NRS 48.061, in  
3 particular, makes domestic violence a special category of crime with alternative evidentiary  
4 rules. The question is whether there is a rational basis for treating domestic violence crimes (and  
5 evidence) differently than other categories of crime. Because domestic violence evidence does  
6 not relate differently to domestic violent, there is no rational basis for diminishing evidentiary  
7 protections as to domestic violence defendants but not defendants of other crimes. Domestic  
8 violence has no special motive, and prior bad act evidence is equally inflammatory in these  
9 cases when compared to crimes like robbery or normal assault and battery.

10  
11 For these reasons, admitting this evidence against the Defendant because of different  
12 evidentiary standards in domestic violence cases would violate the Defendant's equal protection  
13 and due process protections.

14  
15 The evidence would be so prejudicial to Defendant that it should be excluded even if this  
16 Court does not agree that the admission would violate the Defendant's constitutional rights. The  
17 evidence is inflammatory and only tenuously related to the crime that Defendant is now charged  
18 with, for the reasons discussed above.

19  
20 **E. The prior bad act evidence as to the minor children is not relevant.**

21 The State next argues that the prior bad act evidence as to the children is admissible to  
22 show motive, intent, or a common scheme or plan. There is no plausible way the prior crime is  
23 part of a common scheme or plan; the crimes are completely different, distant in time, and  
24 demonstrate crimes of anger rather than a "plan." Despite the State's assertions, the two crimes  
25

1 are not "remarkably similar." Rather, they contain allegations which are surely common to  
2 almost all domestic battery cases. Thus, there is no "modus operandi."

3 The State suggests that the evidence is admissible to show Defendant's motive to  
4 prevent the children from calling the police. However, Defendant is not charged with preventing  
5 the children from calling the police, and therefore, his motivation to do so is irrelevant. Insofar  
6 as the State intends to argue that Defendant wanted to prevent the children from calling the  
7 police in this case for the purpose of suggesting that the Defendant knew he was guilty, his  
8 similar motive in a prior cases does not make this "fact" more or less likely and therefore it is  
9 irrelevant.  
10

11 **IV. Conclusion**  
12

13 In sum, Defendant argues as follows: (1) the prior bad act evidence is inadmissible  
14 because it is irrelevant; (2) it is inadmissible it is not proved by clear and convincing evidence;  
15 (3) it is inadmissible because it is overly prejudicial; (4) its admission under NRS 48.061 would  
16 violate the due process and equal protection rights of the Defendant; and (5) as to the children  
17 specifically, the evidence is not evidence of "motive" of the crimes for which he is currently  
18 charged, nor is the evidence part of a plan, scheme, or mode of operation. Instead, the scaring of  
19 the children appears to be an alleged random act of violence, rather than a plan thought out in  
20 advance. For these reasons, Defendant asks that this Court deny the State's motion in its  
21 entirety.  
22

23  
24 DATED this 17<sup>th</sup> day of June, 2016.

25 JUSTICE LAW CENTER  
26 /S/ Bret Whipple  
27 Bret O. Whipple, Esq.  
28 Nevada Bar No. 6168

**JUSTICE LAW CENTER**  
1100 South Tenth Street, Las Vegas NV 89104  
Tel (702) 731-0000 Fax (702) 974-4008

**CERTIFICATE OF SERVICE**

I hereby certify that I emailed a copy of the foregoing document to the Clark County Districts Attorney's office via e-mail to:

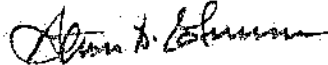
pdmotions@clarkcountynyda.com

on this 17<sup>th</sup> day of June, 2016.

/s/ Michael Mee

An Employee of Justice Law Center

1 SLOW  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 KRISTINA RHOADES  
6 Deputy District Attorney  
7 Nevada Bar #012480  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

  
CLERK OF THE COURT

DISTRICT COURT  
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,  
10 Plaintiff,

11 -vs-

12 JAMES COOPER, aka,  
13 James Marlin Cooper, #2634475,  
14 Defendant.

CASE NO: C-16-312970-1

DEPT NO: X

15 SECOND SUPPLEMENTAL NOTICE OF EXPERT WITNESSES  
16 [NRS 174.234(2)]

17 TO: JAMES COOPER, aka, James Marlin Cooper, Defendant; and

18 TO: BRET WHIPPLE, ESQ., Counsel of Record:

19 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that the STATE OF  
20 NEVADA intends to call the following expert witnesses in its case in chief:

21 1. BLAKE, LINDSEY C., MD or Designee, A medical doctor employed by  
22 Sunrise Hospital. He/She will testify to his/her observations, treatment, diagnosis, and  
23 prognosis of the injuries sustained by the victim.

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

27 ///

28 ///

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

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

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

7 BY

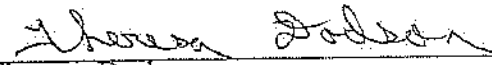
8   
9 KRISTINA RHOADES  
10 Deputy District Attorney  
11 Nevada Bar #012480

12 CERTIFICATE OF FACSIMILE TRANSMISSION

13 I hereby certify that service of Second Supplemental Notice of Expert Witnesses,  
14 was made this 14th day of April, 2016, by facsimile transmission to:

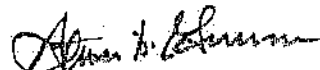
15 BRET WHIPPLE, ESQ.  
16 FAX #702-974-4008

17 BY:

18   
19 Theresa Dodson  
20 Secretary for the District Attorney's Office  
21  
22  
23  
24  
25  
26  
27  
28

td/dvu



  
CLERK OF THE COURT

1 **ORDR**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 KRISTINA RHOADES  
6 Deputy District Attorney  
7 Nevada Bar #012480  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

12 THE STATE OF NEVADA,

13 Plaintiff,

14 -vs-

15 JAMES COOPER, aka,  
16 James Marlin Cooper, #2634475

17 Defendant.

CASE NO: C-16-312970-1

DEPT NO: X

ORDER FOR PAYMENT OF WITNESS FEES

18 Upon the ex parte application and representation of STEVEN B. WOLFSON, District  
19 Attorney, by and through his Deputy District Attorney, KRISTINA RHOADES, that  
20 compelled witnesses BRITTNEY JENSEN, AND HER TWO MINOR CHILDREN, J.B.  
21 AND K.J., are entitled to witness fees in the sum of \$75.00 each (\$25.00 per day) for  
22 compelled appearance on Monday, May 2, 2016 through Wednesday, May 4, 2016, in the case  
23 of THE STATE OF NEVADA vs. JAMES COOPER, Case Number C-16-312970-1.

24 ///

25 ///



26 ///

27 ///

28 ///

1 IT IS HEREBY ORDERED that the Comptroller of Clark County, State of Nevada, is  
2 directed to make immediate payment to the said BRITTNEY JENSEN, AND HER TWO  
3 MINOR CHILDREN, J.B. AND K.J., for witness fees in the total sum of \$225.00.

4 DATED this 15<sup>th</sup> day of April, 2016.

5  
6   
7 DISTRICT JUDGE   
8

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

11  
12 BY

  
13 KRISTINA RHOADES  
14 Deputy District Attorney  
Nevada Bar #012480  
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KR/td/dvu

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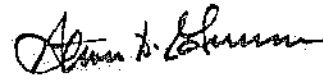
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12

  
CLERK OF THE COURT

1 CRTF  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 KRISTINA RHOADES  
6 Deputy District Attorney  
7 Nevada Bar #012480  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

12 DISTRICT COURT  
13 CLARK COUNTY, NEVADA

14 THE STATE OF NEVADA,

15 Plaintiff,

16 -vs-

17 JAMES COOPER, aka,  
18 James Marlin Cooper, #2634475

19 Defendant.

CASE NO: C-16-312970-1

DEPT NO: X

20 CERTIFICATE FOR ATTENDANCE OF OUT-OF-STATE  
21 WITNESS BRITTNEY JENSEN

22 I, JESSIE WALSH, Judge of the Eighth Judicial District Court of the State of Nevada,  
23 in and for the County of Clark, a Court of Record, do hereby certify:

24 1. That there is now pending in District Court the above entitled criminal  
25 prosecution by the State of Nevada against JAMES COOPER, aka, James Marlin Cooper,  
26 Defendant, wherein said Defendant stands accused and charged with having committed the  
27 following criminal offenses against the laws of the State of Nevada, to wit: the crimes of  
28 BATTERY CONSTITUTING DOMESTIC VIOLENCE; BATTERY CONSTITUTING  
DOMESTIC VIOLENCE - STRANGULATION; and CHILD ABUSE, NEGLECT, OR  
ENDANGERMENT, in the following manner, to wit:

That JAMES COOPER, aka, James Marlin Cooper, the Defendant above named, on or  
about January 22, 2016, at and within the County of Clark, State of Nevada, contrary to the

1 form, force and effect of statutes in such cases made and provided, and against the peace and  
2 dignity of the State of Nevada,

3 COUNT 1 - BATTERY CONSTITUTING DOMESTIC VIOLENCE

4 did then and there willfully, unlawfully, and feloniously use force or violence upon the  
5 person of BRITTNEY JENSEN, a person with whom the Defendant is in a dating relationship  
6 and with whom he is co-habiting, by punching the said BRITTNEY JENSEN in the stomach  
7 and/or throwing her to the ground and/or kicking and/or stomping on the said BRITTNEY  
8 JENSEN.

9 COUNT 2 - BATTERY CONSTITUTING DOMESTIC VIOLENCE - STRANGULATION

10 did willfully, unlawfully, and feloniously use force or violence upon the person of  
11 BRITTNEY JENSEN, a person with whom the Defendant is in a dating relationship and with  
12 whom he is co-habiting, by strangulation.

13 COUNT 3 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

14 did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-  
15 wit: J.B., being approximately 8 year(s) of age, to suffer unjustifiable physical pain or mental  
16 suffering as a result of abuse or neglect, to wit: physical injury of a non accidental nature  
17 and/or negligent treatment, and/or cause J.B. to be placed in a situation where he might have  
18 suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit:  
19 physical injury of a non accidental nature and/or negligent treatment, by hitting and/or  
20 punching the mother of J.B. while near J.B. and/or by chasing J.B. down the hallway to his  
21 room and preventing J.B. from calling the police.

22 COUNT 4 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

23 did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-  
24 wit: K.J., being approximately 5 year(s) of age, to suffer unjustifiable physical pain or mental  
25 suffering as a result of abuse or neglect, to wit: physical injury of a non accidental nature  
26 and/or negligent treatment, and/or cause K.J. to be placed in a situation where he might have  
27 suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit:  
28 physical injury of a non accidental nature and/or negligent treatment, by hitting and/or

1 punching the mother of K.J. while near K.J.

2           2. That the trial therein has been set by the Court to be held before the Eighth  
3 Judicial District Court of the State of Nevada, in and for the County of Clark, commencing on  
4 MAY 2, 2016, at the hour of 1:00 o'clock P.M. of said day.

5           3. That BRITTNEY JENSEN, along with her two (2) minor children, J.B.  
6 and K.J., whose address is 1030 EAST HUFFMAN WAY, KINGMAN, ARIZONA, 86409,  
7 are all necessary and material witnesses and principal witnesses for the State of Nevada in  
8 such prosecution by reason of the following:

9           On the evening of January 22, 2016, Brittney Jensen (Brittney) was at home with the  
10 Defendant and Brittney's two children, eight-year-old J.B. and five-year-old K.J. They all  
11 lived together at 356 E. Desert Inn Road, Apartment 111, and Brittney and the Defendant had,  
12 at that time, been dating for approximately five (5) years. Sometime after dinner, Brittney went  
13 through the Defendant's phone, became upset with the Defendant, and a verbal argument  
14 ensued in their bedroom. The argument became physical when the Defendant got out of bed,  
15 came over to Brittney and punched her in the stomach, causing her to fall to the ground.  
16 Defendant continued to yell at Brittney while she was on the ground.

17           Brittney got up from the ground and tried to get away from the Defendant by running  
18 into the kitchen and attempting to close the door behind her. Defendant chased Brittney,  
19 pushed through the kitchen door, knocked her down, and caused her to hit her head against the  
20 corner of the kitchen counter and fall to the floor. While Brittney was on the kitchen floor, the  
21 Defendant kicked her multiple times and stomped on her face.

22           While Brittney was on the ground being stomped on by the Defendant, she yelled out  
23 to J.B. to call 9-1-1. As J.B. grabbed the phone to call the police, Defendant turned around to  
24 get the phone away from J.B. J.B. tried to run away from the Defendant by running down the  
25 hallway toward the children's bedroom, but Defendant chased after J.B. Defendant cornered  
26 J.B. in the bedroom, grabbed the phone out of his hand so that J.B. could not call for help, and  
27 then threw J.B. down onto the bed, knocking down a television that was in the room.

28

1       Brittney came down the hallway to try to prevent further harm to her child. Defendant  
2 then, again, turned his rage to Brittney and the physical beating of Brittney moved back into  
3 Brittney and Defendant's room. Defendant continued to beat Brittney in their room, and  
4 Brittney pleaded with the Defendant to "just leave, get out of here, go away." When Defendant  
5 was finished beating Brittney, he walked out of the apartment. Five-year-old K.J. was also  
6 present in the apartment during the entire incident.

7       Las Vegas Metropolitan Police Department ("LVMPD") Officer Pickens and Officer  
8 Sylvia arrived at 356 E. Desert Inn, Apartment 111, in response to the battery domestic  
9 violence call. There were two (2) 9-1-1 calls made in relation to the event number – one from  
10 the Defendant, and one from J.B. and Brittney. On the latter, J.B. is heard crying in the  
11 background and Brittney hysterically asks for help because the Defendant punched her son  
12 and choked her. On the former call, Defendant tells the operator that Brittney was drunk, that  
13 she jumped him in bed and just started pulling his hair out, and that she was the initial  
14 aggressor.

15       Upon Officer Pickens arrival, he heard J.B. and K.J. crying, and heard Brittney crying  
16 hysterically. Officer Pickens saw that Brittney was in bad condition, badly injured, and  
17 intoxicated. Brittney had significant swelling along her face and all over her head. Officer  
18 Pickens also observed a clear red mark on Brittney's neck that appeared to be some type of  
19 ligature mark. Paramedics arrived on the scene and Brittney was transported to Sunrise  
20 Hospital.

21       Officer Pickens spoke with the Defendant, who was outside of the apartment upon  
22 officers' arrival. Defendant's demeanor was eerily calm and he had no visible injuries, except  
23 for a few of his dreadlocks having been pulled out. Brittney also had dreadlocks, blond  
24 dreadlocks that were noticeably different than Defendant's black dreadlocks, which had been  
25 ripped out of her head and scattered throughout the apartment. Officer Pickens was able to  
26 observe blood throughout the apartment consistent with what he learned about the incidents  
27 therein.

1 J.B. referred to the Defendant as "Tuda," and he was able to relay everything that he  
2 witnessed to Officer Pickens at the scene. K.J. also confirmed to Officer Pickens that she was  
3 present throughout the above described incidents. Brittney Jensen and her two minor children,  
4 J.B. and K.J., are all percipient witnesses to the charges in this case and are all principal  
5 witnesses for the State.

6 4. That the presence of the said BRITTNEY JENSEN, ALONG WITH HER  
7 TWO MINOR CHILDREN, J.B. AND K.J, personally in said District Court for the trial of  
8 the Defendant for the purpose of giving testimony therein upon the part of the State of Nevada  
9 on MAY 2, 2016, at the hour of 1:00 o'clock P.M. of said day will be required for a period of  
10 five (5) days, specifically and pursuant to the Greyhound bus schedule, BRITTNEY JENSEN,  
11 ALONG WITH HER TWO MINOR CHILDREN, J.B. AND K.J, will arrive in Las Vegas,  
12 NV on Sunday, May 1, 2016 at 8:05 P.M., with the bus departing Kingman, AZ at 5:20 P.M.,  
13 and will depart Las Vegas, NV on Thursday, May 5, 2016 at 6:55 A.M., with the bus arriving  
14 in Kingman, AZ at 9:35 A.M. The State is unable to secure bus tickets until ten (10) days prior  
15 to departure. The State will secure the tickets and make the above reservations ten (10) days  
16 prior to May 2, 2016.

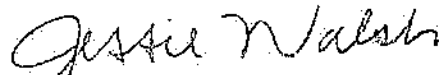
17 5. That if the said BRITTNEY JENSEN, ALONG WITH HER TWO  
18 MINOR CHILDREN, J.B. AND K.J, as such witnesses come into the State of Nevada in  
19 obedience to a Subpoena directing them to attend and to testify at said trial, the laws of the  
20 State of Nevada and of any other state through which said witnesses may be required to pass  
21 by the ordinary course of travel to attend said trial, give them protection from arrest or the  
22 service of process, civil or criminal, in connection with matters which arose before their  
23 entrance into said state pursuant to said Subpoena.

24 6. That this Certificate is made for the purpose of being presented to a Judge  
25 of a Court of Record in the County of Mojave, State of Arizona, where the said BRITTNEY  
26 JENSEN, ALONG WITH HER TWO MINOR CHILDREN, J.B. AND K.J, now are, upon  
27 proceedings to compel the said BRITTNEY JENSEN to attend, and TO BRING HER TWO  
28 MINOR CHILDREN, J.B. AND K.J., and testify at the trial in said criminal prosecution before



1 the Eighth Judicial District Court of the State of Nevada, in and for the County of Clark, upon  
2 the day and time hereinbefore set forth.

3 WITNESS, the Honorable JESSIE WALSH, Judge of the Eighth Judicial District Court  
4 of the State of Nevada, in and for the County of Clark, this this 18 day of April, 2016.

5  
6   
7 DISTRICT JUDGE *ex*

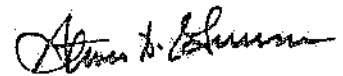
8  
9 STEVEN B. WOLFSON  
10 Clark County District Attorney  
Nevada Bar #001565

11 BY

  
12 KRISTINA RHOADES  
13 Deputy District Attorney  
Nevada Bar #012480

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1 **RAOW**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 KRISTINA RHOADES  
6 Deputy District Attorney  
7 Nevada Bar #012480  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff



CLERK OF THE COURT

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JAMES COOPER, aka,  
James Marlin Cooper, #2634475

Defendant.

CASE NO: C-16-312970-1

DEPT NO: X

**REQUEST FOR ATTENDANCE OF OUT-OF-STATE  
WITNESS BRITTNEY JENSEN**

TO: The Honorable Judge of the above entitled Court:

The undersigned, KRISTINA RHOADES, Deputy District Attorney of the County of Clark, State of Nevada, hereby reports and certifies as follows:

1. That there is now pending in District Court the above entitled criminal prosecution by the State of Nevada against JAMES COOPER, aka, James Marlin Cooper, Defendant, wherein said Defendant stands accused and charged with having committed the following criminal offenses against the laws of the State of Nevada, to wit: the crimes of BATTERY CONSTITUTING DOMESTIC VIOLENCE; BATTERY CONSTITUTING DOMESTIC VIOLENCE – STRANGULATION; and CHILD ABUSE, NEGLECT, OR ENDANGERMENT, in the following manner, to wit:

That JAMES COOPER, aka, James Marlin Cooper, the Defendant above named, on or about January 22, 2016, at and within the County of Clark, State of Nevada, contrary to the

1 form, force and effect of statutes in such cases made and provided, and against the peace and  
2 dignity of the State of Nevada,

3 COUNT 1 - BATTERY CONSTITUTING DOMESTIC VIOLENCE

4 did then and there willfully, unlawfully, and feloniously use force or violence upon the  
5 person of BRITTNEY JENSEN, a person with whom the Defendant is in a dating relationship  
6 and with whom he is co-habiting, by punching the said BRITTNEY JENSEN in the stomach  
7 and/or throwing her to the ground and/or kicking and/or stomping on the said BRITTNEY  
8 JENSEN.

9 COUNT 2 - BATTERY CONSTITUTING DOMESTIC VIOLENCE - STRANGULATION

10 did willfully, unlawfully, and feloniously use force or violence upon the person of  
11 BRITTNEY JENSEN, a person with whom the Defendant is in a dating relationship and with  
12 whom he is co-habiting, by strangulation.

13 COUNT 3 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

14 did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-  
15 wit: J.B., being approximately 8 year(s) of age, to suffer unjustifiable physical pain or mental  
16 suffering as a result of abuse or neglect, to wit: physical injury of a non accidental nature  
17 and/or negligent treatment, and/or cause J.B. to be placed in a situation where he might have  
18 suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit:  
19 physical injury of a non accidental nature and/or negligent treatment, by hitting and/or  
20 punching the mother of J.B. while near J.B. and/or by chasing J.B. down the hallway to his  
21 room and preventing J.B. from calling the police.

22 COUNT 4 - CHILD ABUSE, NEGLECT, OR ENDANGERMENT

23 did willfully, unlawfully, and feloniously cause a child under the age of 18 years, to-  
24 wit: K.J., being approximately 5 year(s) of age, to suffer unjustifiable physical pain or mental  
25 suffering as a result of abuse or neglect, to wit: physical injury of a non accidental nature  
26 and/or negligent treatment, and/or cause K.J. to be placed in a situation where he might have  
27 suffered unjustifiable physical pain or mental suffering as a result of abuse or neglect, to wit:  
28 physical injury of a non accidental nature and/or negligent treatment, by hitting and/or

1 punching the mother of K.J. while near K.J.

2           2. That the trial therein has been set by the Court to be held before the Eighth  
3 Judicial District Court of the State of Nevada, in and for the County of Clark, commencing on  
4 MAY 2, 2016, at the hour of 1:00 o'clock P.M. of said day.

5           3. That BRITTNEY JENSEN, along with her two (2) minor children, J.B.  
6 and K.J., whose address is 1030 EAST HUFFMAN WAY, KINGMAN, ARIZONA, 86409,  
7 are all necessary and material witnesses and principal witnesses for the State of Nevada in  
8 such prosecution by reason of the following:

9           On the evening of January 22, 2016, Brittney Jensen (Brittney) was at home with the  
10 Defendant and Brittney's two children, eight-year-old J.B. and five-year-old K.J. They all  
11 lived together at 356 E. Desert Inn Road, Apartment 111, and Brittney and the Defendant had,  
12 at that time, been dating for approximately five (5) years. Sometime after dinner, Brittney went  
13 through the Defendant's phone, became upset with the Defendant, and a verbal argument  
14 ensued in their bedroom. The argument became physical when the Defendant got out of bed,  
15 came over to Brittney and punched her in the stomach, causing her to fall to the ground.  
16 Defendant continued to yell at Brittney while she was on the ground.

17           Brittney got up from the ground and tried to get away from the Defendant by running  
18 into the kitchen and attempting to close the door behind her. Defendant chased Brittney,  
19 pushed through the kitchen door, knocked her down, and caused her to hit her head against the  
20 corner of the kitchen counter and fall to the floor. While Brittney was on the kitchen floor, the  
21 Defendant kicked her multiple times and stomped on her face.

22           While Brittney was on the ground being stomped on by the Defendant, she yelled out  
23 to J.B. to call 9-1-1. As J.B. grabbed the phone to call the police, Defendant turned around to  
24 get the phone away from J.B. J.B. tried to run away from the Defendant by running down the  
25 hallway toward the children's bedroom, but Defendant chased after J.B. Defendant cornered  
26 J.B. in the bedroom, grabbed the phone out of his hand so that J.B. could not call for help, and  
27 then threw J.B. down onto the bed, knocking down a television that was in the room.

1       Brittney came down the hallway to try to prevent further harm to her child. Defendant  
2 then, again, turned his rage to Brittney and the physical beating of Brittney moved back into  
3 Brittney and Defendant's room. Defendant continued to beat Brittney in their room, and  
4 Brittney pleaded with the Defendant to "just leave, get out of here, go away." When Defendant  
5 was finished beating Brittney, he walked out of the apartment. Five-year-old K.J. was also  
6 present in the apartment during the entire incident.

7       Las Vegas Metropolitan Police Department ("LVMPD") Officer Pickens and Officer  
8 Sylvia arrived at 356 E. Desert Inn, Apartment 111, in response to the battery domestic  
9 violence call. There were two (2) 9-1-1 calls made in relation to the event number – one from  
10 the Defendant, and one from J.B. and Brittney. On the latter, J.B. is heard crying in the  
11 background and Brittney hysterically asks for help because the Defendant punched her son  
12 and choked her. On the former call, Defendant tells the operator that Brittney was drunk, that  
13 she jumped him in bed and just started pulling his hair out, and that she was the initial  
14 aggressor.

15       Upon Officer Pickens arrival, he heard J.B. and K.J. crying, and heard Brittney crying  
16 hysterically. Officer Pickens saw that Brittney was in bad condition, badly injured, and  
17 intoxicated. Brittney had significant swelling along her face and all over her head. Officer  
18 Pickens also observed a clear red mark on Brittney's neck that appeared to be some type of  
19 ligature mark. Paramedics arrived on the scene and Brittney was transported to Sunrise  
20 Hospital.

21       Officer Pickens spoke with the Defendant, who was outside of the apartment upon  
22 officers' arrival. Defendant's demeanor was eerily calm and he had no visible injuries, except  
23 for a few of his dreadlocks having been pulled out. Brittney also had dreadlocks, blond  
24 dreadlocks that were noticeably different than Defendant's black dreadlocks, which had been  
25 ripped out of her head and scattered throughout the apartment. Officer Pickens was able to  
26 observe blood throughout the apartment consistent with what he learned about the incidents  
27 therein.

28

1 J.B. referred to the Defendant as "Tuda," and he was able to relay everything that he  
2 witnessed to Officer Pickens at the scene. K.J. also confirmed to Officer Pickens that she was  
3 present throughout the above described incidents. Brittney Jensen and her two minor children,  
4 J.B. and K.J., are all percipient witnesses to the charges in this case and are all principal  
5 witnesses for the State.

6 4. That the presence of the said BRITTNEY JENSEN, ALONG WITH HER  
7 TWO MINOR CHILDREN, J.B. AND K.J, personally in said District Court for the trial of  
8 the Defendant for the purpose of giving testimony therein upon the part of the State of Nevada  
9 on MAY 2, 2016, at the hour of 1:00 o'clock P.M. of said day will be required for a period of  
10 five (5) days, specifically and pursuant to the Greyhound bus schedule, BRITTNEY JENSEN,  
11 ALONG WITH HER TWO MINOR CHILDREN, J.B. AND K.J, will arrive in Las Vegas,  
12 NV on Sunday, May 1, 2016 at 8:05 P.M., with the bus departing Kingman, AZ at 5:20 P.M.,  
13 and will depart Las Vegas, NV on Thursday, May 5, 2016 at 6:55 A.M., with the bus arriving  
14 in Kingman, AZ at 9:35 A.M. The State is unable to secure bus tickets until ten (10) days prior  
15 to departure. The State will secure the tickets and make the above reservations ten (10) days  
16 prior to May 1, 2016.

17 5. That if the said BRITTNEY JENSEN, ALONG WITH HER TWO  
18 MINOR CHILDREN, J.B. AND K.J, as such witnesses come into the State of Nevada in  
19 obedience to a Subpoena directing them to attend and to testify at said trial, the laws of the  
20 State of Nevada and of any other state through which said witnesses may be required to pass  
21 by the ordinary course of travel to attend said trial, give them protection from arrest or the  
22 service of process, civil or criminal, in connection with matters which arose before their  
23 entrance into said state pursuant to said Subpoena.


24 WHEREFORE, it is requested, for and on behalf of the State of Nevada, that your  
25 Honor certify to the above and foregoing by the issuance of a Certificate thereto under the seal  
26 of the Eighth Judicial District Court of the State of Nevada, in and for the County of Clark,  
27 for the purpose of being presented to a Judge of a Court of Record in the State of Arizona in a  
28 proceeding to compel the attendance of the said BRITTNEY JENSEN, and an ORDER TO

1 BRING HER TWO MINOR CHILDREN, J.B. AND K.J., as witnesses at said trial for the  
2 time and date above set forth, and pursuant to law.

3 DATED this 13th day of April, 2016, in the City of Las Vegas, County of Clark, State  
4 of Nevada.

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

8 BY

9   
KRISTINA RHOADES  
10 Deputy District Attorney  
11 Nevada Bar #012480  
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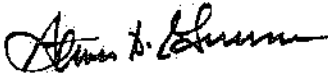
KRISTINA RHOADES, being first duly sworn, deposes and says:

That the facts set forth in the foregoing application are true, except as to those matters therein stated to be upon information and belief, and as to those matters I believe it to be true.

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

  
(Signature)



  
CLERK OF THE COURT

Bret O. Whipple, Esq.  
Nevada Bar No. 6168  
**JUSTICE LAW CENTER**  
1100 South Tenth Street  
Las Vegas, Nevada 89104  
Tel: (702) 731-0000  
Fax: (702) 974-4008  
*Attorney for Defendant*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

THE STATE OF NEVADA, )

Plaintiff, )

vs. )

JAMES COOPER, )

Defendant. )

CASE NO.: C-16-312970-1

DEPT. NO.: X

**MOTION TO WITHDRAW AS COUNSEL OF RECORD**

COMES NOW, Defendant, JAMES COOPER, by and through his attorney of record,  
BRET O. WHIPPLE, ESQ., of JUSTICE LAW CENTER, and hereby submits the following  
MOTION TO WITHDRAW AS COUNSEL OF RECORD.

This motion is made and based upon the pleadings and papers on file herein, the  
attached Memorandum of Points and Authorities and the Affidavit of BRET O. WHIPPLE,  
ESQ.

DATED this 2nd day of May, 2016.

**JUSTICE LAW CENTER**

Bret O. Whipple, Esq.  
Nevada Bar No. 6168  
1100 S. Tenth Street  
Las Vegas, Nevada 89104

**JUSTICE LAW CENTER**  
1100 South Tenth Street, Las Vegas NV 89104  
Tel (702) 731-0000 Fax (702) 974-4008


NOTICE OF MOTION

TO: STATE OF NEVADA, Plaintiff; and

TO: STEVEN WOLFSON, District Attorney, Attorney for Plaintiff.

YOU WILL PLEASE TAKE NOTICE that the undersigned will bring the above and foregoing MOTION TO WITHDRAW AS COUNSEL OF RECORD on the 16 day of May, 2016 at the hour of 8:30AM in Department No. 10 of the above entitled Court, or as soon thereafter as counsel may be heard.

JUSTICE LAW CENTER

  
Bret O. Whipple, Esq.  
Nevada Bar No. 6168  
1100 S. Tenth Street  
Las Vegas, Nevada 89104  
(702) 731-0000  
*Attorney for Defendant*

POINTS AND AUTHORITIES

I.

STATEMENT OF FACTS

On January 25, 2016, the State charged Defendant by way of Criminal Information for Count One (1), Battery Constituting Domestic Violence, Count Two (2), Battery Constituting Domestic Violence-Strangulation and Child Abuse, Neglect or Endangerment. On January 26, 2016, Mr. Cooper and his girlfriend, Brittney Jensen, promised and represented they would pay attorney fees for representation of Mr. Cooper. Counsel substituted into the case based upon this representation. To date, Counsel has not been adequately compensated pursuant to the retainer agreement and therefore, seeks to be substituted as counsel of record.

II.

ARGUMENT

Eighth Judicial District Court Rule 7.40 states in pertinent part:

"Appearances; Substitutions; Withdrawal or Change of Attorney.

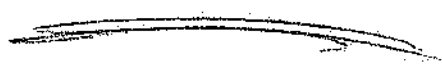
...  
(b) Counsel in any case may be changed only:

...  
(2)(i) If the application is made by the attorney, the attorney must include in an affidavit the address, or last known address, at which the client may be served with notice of further proceedings taken in the case in the event the application for withdrawal is granted, and the telephone number, or last known telephone number, at which the client may be reached and the attorney must serve a copy of the application upon the client and all other parties to the action or their attorneys..."

Defendant, James Cooper, last known address is 4801 E. Arizona Ave., Las Vegas, Nevada 89104. The attached Affidavit of Bret O. Whipple, ESQ., describes the compelling necessity to allow withdrawal of present defense counsel at this time.

DATED this 2nd day of May, 2016.

JUSTICE LAW CENTER

  
Bret O. Whipple, Esq.  
Nevada Bar No. 6168  
1100 S. Tenth Street  
Las Vegas, Nevada 89104  
(702) 731-0000

**AFFIDAVIT OF BRET O. WHIPPLE, ESQ.**  
**IN SUPPORT OF MOTION TO WITHDRAW**  
**AS COUNSEL OF RECORD**

STATE OF NEVADA        )  
                                  )ss:  
COUNTY OF CLARK        )

BRET O. WHIPPLE, ESQ., being first duly sworn, deposes and states:

1. I am an attorney at law duly licensed to practice before all of the Courts of the State of Nevada. I am presently counsel of record for Defendant JAMES COOPER in the above-entitled action. I offer this affidavit in support of my request to withdraw as attorney of record on behalf of Mr. Cooper. I have personal knowledge of the facts stated in this Affidavit except as to those matters stated on information and belief and as to such matters, I believe them to be true. I would be competent to testify to the facts, if called upon to do so.

2. Mr. Cooper has failed to fulfil his obligations under the payment arrangement that was executed to retain my office for his representation.

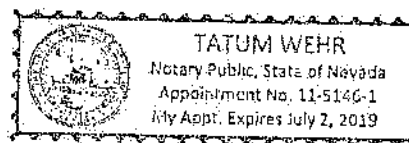
3. Mr. Cooper's last known address is 4801 E. Arizona Ave., Las Vegas, Nevada 89104.

4. FURTHER YOU AFFIANT SAITH NAUGHT.

Bret O. Whipple, Esq.  
Nevada Bar No. 6168

SUBSCRIBED and SWORN to before  
Me this 12 day of May, 2016.

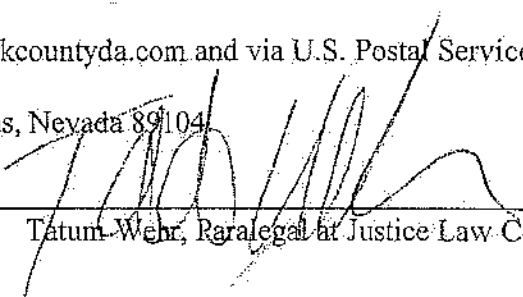
NOTARY PUBLIC

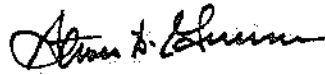


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1100 South Tenth Street, Las Vegas NV 89104  
Tel (702) 731-0000 Fax (702) 974-4008

CERTIFICATE OF SERVICE

I hereby certify that I served the Motion to Withdraw as Counsel on May 2, 2016, by transmitting a true and correct copy thereof via email to the Clark County District Attorney's Office via email at Kristina.Rhoades@clarkcountyda.com and via U.S. Postal Service to James Cooper at 4801 E. Arizona Ave., Las Vegas, Nevada 89104.

  
\_\_\_\_\_  
Tatum Wehr, Paralegal at Justice Law Center

  
CLERK OF THE COURT

1 **ORDR**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 KRISTINA RHOADES  
6 Deputy District Attorney  
7 Nevada Bar #012480  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,  
10  
11 Plaintiff,

11 -vs-

12 JAMES COOPER, aka,  
13 James Marlin Cooper, #2634475,  
14 Defendant.

CASE NO: C-16-312970-1

DEPT NO: X

ORDER REQUIRING MATERIAL WITNESS TO POST  
BAIL OR BE COMMITTED TO CUSTODY

17 STATE OF NEVADA }  
18 COUNTY OF CLARK } ss:

19 TO: Any Sheriff, Constable, Marshal,  
20 Policeman or Peace Officer in  
21 the State of Nevada

21 An ex parte application upon sworn affidavit having been presented to this Court  
22 pursuant to NRS 178.494, wherein it appears that the testimony of BRITTNEY JENSEN, ID  
23 #2814677 is material to the jury trial in the above-entitled matter, and it further appearing to  
24 the Court by the way of affidavit that the attendance of said witness in the jury trial of this  
25 matter by subpoena is impracticable;

26 YOU ARE THEREFORE commanded forthwith to place said witness in your  
27 immediate custody for the purpose of said witness posting bail with the above entitled court  
28 in the amount of \$10,000.00 in order to secure the attendance of said witness BRITTNEY

1 JENSEN, ID #2814677 before the Court on the 20th day of June, 2016, at 8:30 a.m., in the  
2 jury trial of the above entitled matter.

3 IT IS FURTHER ORDERED and directed that if said witness BRITTNEY JENSEN,  
4 ID #2814677 fails to post bail in the sum of \$10,000.00 to secure her attendance as a witness  
5 in the jury trial in the above-stated matter as above provided, then you are further commanded  
6 to deliver said witness into the custody of the Sheriff of Clark County pending final disposition  
7 of the jury trial in the above-entitled matter or until further Order of this Court.

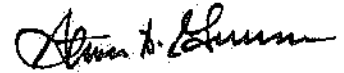
8 YOU ARE FURTHER ORDERED to direct the Sheriff of the County of Clark, State  
9 of Nevada, to make the said BRITTNEY JENSEN, ID #2814677 available in custody in the  
10 Eighth Judicial District Court of the State of Nevada, in and for the County of Clark at 8:30  
11 a.m. on the 20th day of June, 2016, for the testimony in the captioned matter and further  
12 disposition by this Court.

13 You are further ordered that if the said BRITTNEY JENSEN is incarcerated pursuant  
14 to this order, she shall be brought before me or in my absence another Judge of the Eighth  
15 Judicial District Court within seventy-two (72) hours after the beginning of her detention for  
16 the purpose of determining whether the bail previously set should be modified and whether  
17 the detention of the material witness should continue and in addition so that a schedule for the  
18 periodic review of whether the amount of bail required should be modified and whether  
19 detention should continue.

20 DATED this 19<sup>th</sup> day of <sup>June</sup>~~May~~, 2016.

21  
22   
23 DISTRICT JUDGE JVN  
24  
25  
26  
27

28 KR/id/dvu

  
CLERK OF THE COURT

1 EPAP  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 KRISTINA RHOADES  
6 Deputy District Attorney  
7 Nevada Bar #012480  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,  
10 Plaintiff,

11 -vs-

12 JAMES COOPER, aka,  
13 James Marlin Cooper, #2634475,  
14 Defendant.

CASE NO: C-16-312970-1

DEPT NO: X

EX PARTE APPLICATION FOR ORDER REQUIRING  
MATERIAL WITNESS TO POST BAIL

17 COMES NOW, STEVEN B. WOLFSON, Clark County District Attorney, by and  
18 through KRISTINA RHOADES, Deputy District Attorney, and makes application to the  
19 above-entitled Court that an Order be entered herein requiring BRITTNEY JENSEN be taken  
20 into immediate custody as a material witness for the purpose of posting bail for her appearance  
21 in the jury trial of the above-entitled matter for the said reason of attempting to avoid testifying  
22 before the Eighth Judicial District Court.

23 Further application is made that the Court set bail in the amount of \$10,000.00 and if  
24 the said witness fails to post bail in the amount of \$10,000.00 for her appearance as a witness  
25 in this matter that the Court further direct and order that said witness be delivered into the  
26 custody of the Sheriff of Clark County, pending final disposition of the jury trial in the above  
27 entitled matter on or until further Order of this Court.

28 ///



1 This application is made pursuant to the provision of NRS 178.494 and is based upon  
2 Affidavits attached hereto which are incorporated herein by this reference.

3 DATED this 31st day of May, 2016.

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

7 BY KR  
8 KRISTINA RHOADES  
9 Deputy District Attorney  
10 Nevada Bar #012480  
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28 KR/td/dvu

AFFIDAVIT

STATE OF NEVADA     )  
COUNTY OF CLARK    } ss:

KRISTINA RHOADES, being first duly sworn deposes and says:

That she is employed in the Office of the Clark County District Attorney, State of Nevada and is engaged in the prosecution of criminal matters and has been so employed for the period of 4 years.

This matter has been set for jury trial, said hearing to commence at or about 8:30 a.m. on the 20th day of June, 2016 in said Court.

Your affiant will advise the Court that one BRITTNEY JENSEN, ID #2814677 of Las Vegas, Clark County, Nevada, is in fact a material witness in the above-captioned matter.

Your affiant will further advise the Court on information and belief that said witness is avoiding testifying before the Eighth Judicial District Court in which she is a material and essential witness.

On January 27, 2016, Brittney Jensen was present in the courtroom of the Justice Court, Las Vegas Township Department 10 and that she was admonished to appear in court at the preliminary hearing in this case scheduled for February 10, 2016. On February 5, 2016, your affiant spoke with Brittney Jensen whereupon Brittney Jensen gave an oral promise to appear and indicated that she would appear and would bring her 8 year-old child witness, J.B., to court with her on February 10, 2016. Brittney Jensen failed to appear for the scheduled preliminary hearing on February 10, 2016.

The preliminary hearing was continued to February 25, 2016 and your affiant issued another subpoena for that date to Brittney Jensen. In addition, your affiant secured a Material Witness Warrant in Justice Court for Brittney Jensen. The Material Witness Warrant was signed by the Justice of the Peace and filed on February 12, 2016. Brittney Jensen continued to evade service and arrest, and did not appear for the February 25, 2016 preliminary hearing.

Your affiant learned through Child Protective Services ("CPS") that Brittney Jensen

1 informed CPS that she relocated to Kingman, Arizona. On March 14, 2016, your affiant called  
2 Brittney Jensen to inform her of the trial date whereupon Brittney Jensen answered, informed  
3 your affiant that she said all that she was going to say and that she did not have anything else  
4 to say, and then hung up on your affiant.

5 On March 16, 2016, your affiant caused a subpoena to be issued to Brittney Jensen, and  
6 her two minor children, at the Kingman, Arizona address for the May 2, 2016 District Court  
7 trial date. On March 25, 2016, the District Attorney's Office out-of-state desk made contact  
8 with Brittney Jensen via telephone whereupon Brittney Jensen informed the out-of-state desk  
9 that she already gave a statement, that she relocated her family, that she had nothing else to  
10 say, and then hung up the telephone.

11 On April 13, 2016, your affiant sought and obtained a Certificate for Attendance of  
12 Out-of-State Witness Brittney Jensen and an Order for Payment of Witness Fees. These  
13 documents were signed by this Honorable Court and filed on April 18, 2016. Your affiant  
14 mailed the documents, along with subpoenas for Brittney Jensen and her two minor children,  
15 to the Mohave County District Attorney's Office in Arizona. On April 26, 2016, your affiant  
16 received the below affidavit from the Mohave County District Attorney's Office reflecting  
17 their efforts to serve and locate Brittney Jensen:

18 The Following efforts have been made to locate Brittney Jensen as well as her minor  
19 children, K.J. and J.B., in an attempt to serve an ORDER DIRECTING WITNESS TO  
20 ATTEND AND TESTIFY AT JURY TRIAL IN ANOTHER STATE, Case No. 2016-00254.

21 On April 22<sup>nd</sup> 2016 Mohave County Investigator Lyman S Watson and Investigator  
22 Steve Auld were notified that Clark County District Attorney's Office was attempting to locate  
23 a Brittney Jensen who was a victim and a material witness in a Clark County Nevada case and  
24 that Chief Deputy Mohave County Attorney Jace Zack had obtained an ORDER DIRECTING  
25 WITNESS TO ATTEND AND TESTIFY AT JURY TRIAL IN ANOTHER STATE, Case  
26 No. 2016-00254, which was signed by Superior Court Judge Conn.

27 On that Date at 1030 hrs. Mohave County Investigator Lyman S Watson responded to  
28 1030 Huffman Dr. Kingman Az. and attempted contact with Brittney Jensen with negative

1 results.

2 Mohave County Investigator Steve Auld contacted the Department of Child services  
3 and verified with Marsha Joslan that the address they had listed for Brittney Jensen as well as  
4 her minor children, K.J. and J.B., was in fact, 1030 Huffman Dr. Kingman Az..

5 Mohave County Investigator Lyman S Watson performed an ACCURINT database  
6 search on all names with negative results and then contacted the Mohave County Sheriff's  
7 Office and the Kingman Police Department to see if they had any information on the current  
8 addresses of these subjects. The addresses obtained from these agencies were the same as the  
9 addresses where the service attempt was made, 1030 Huffman Dr. Kingman Az.

10 On April 22<sup>nd</sup> 2016 Mohave County Investigator Lyman S Watson conducted a  
11 surveillance of that residence from approximately 1320 hrs. until 1500 hrs. with negative  
12 results. Mohave County Investigator Lyman S Watson also checked the residence at 1735 hrs.  
13 on that date again with negative results.

14 Mohave County Investigator Lyman S Watson contacted Kingman Police Department  
15 School Resource Officer Phil Hudgens who indicated that the address shown in the Kingman  
16 Unified School District data base was the Huffman Dr. address and that those two children  
17 attended Cerbat Elementary School.

18 On April 25<sup>th</sup>, 2016 Mohave County Investigator Lyman S Watson and Investigator  
19 Steve Auld responded to the 1030 Huffman Dr. address and contacted a white female subject  
20 who identified herself as Rambo Orth. Rambo Orth made the following statements:

21 That she was a bartender at the Timeout Tavern;

22 That Brittney Jensen no longer lived with her;

23 That she believed that she moved down by Laughlin;

24 That she would call the number she had and leave a message for her;

25 Mohave County Investigator Lyman S Watson provided Rambo Orth with his business  
26 card and cell phone number.

27 Mohave County Investigator Lyman S Watson checked the residence at about 1430 hrs.  
28 At 1630 hrs. he responded back to the Huffman Dr. address and Rambo Orth's (roommate)

1 vehicle was gone and no one else was home.

2 On April 26<sup>th</sup> 2016 Mohave County Investigator Lyman S Watson watched the  
3 residence in an effort to see the children leave for school and saw no children or activity.

4 Mohave County Investigator Lyman S Watson then responded to Cerbat Elementary  
5 School and met with the Principal Vicki Trujillo who searched the data base and discovered  
6 that Brittany Jensen's two children, K.J. and J.B. were only enrolled from March 1st to March  
7 4th, 2016 and they have no indication that they have enrolled anywhere else nor have they  
8 been contacted by other schools for their school records.

9 The Mohave County District Attorney's Office was unable to locate Brittney Jensen at  
10 the address she previously provided. It is clear from her actions that she is evading service. On  
11 May 11, 2016, a Clark County District Attorney's Office Investigator researched whether the  
12 two minor children had been enrolled in the Clark County School District ("CCSD"). On May  
13 12, 2016, your affiant learned from the CCSD that both children have been withdrawn from  
14 CCSD since February 29, 2016.

15 THEREFORE, your affiant would respectfully pray that this Honorable Court under  
16 the authority of NRS 178.494 issue an Order directing that any police officer of this State shall  
17 forthwith take the said BRITTNEY JENSEN, ID#2814677 into custody and forthwith convey  
18 to the jail of the County of Clark, State of Nevada, for incarceration to insure her presence  
19 before the Eighth Judicial District Court.

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

21  
22 Executed on 05/31/16  
23 (Date)

24   
25 \_\_\_\_\_  
26 (Signature)  
27  
28

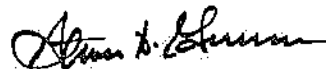
DISTRICT COURT  
CLARK COUNTY, NEVADA

Electronically Filed  
06/07/2016 12:31:57 PM

THE STATE OF NEVADA,  
Plaintiff,

-VS-

JAMES COOPER, aka,  
James Marlin Cooper, #2634475,  
Defendant.



CLERK OF THE COURT

CASE NO: C-16-312970-1

DEPT NO: X

WARRANT OF ARREST  
FOR MATERIAL WITNESS BRITTNEY JENSEN, ID #2814677

THE STATE OF NEVADA,

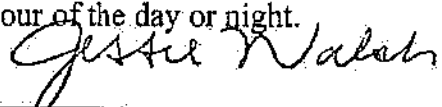

To: Any Sheriff, Constable, Marshall, Policeman, or Peace Officer in This State:

An affidavit upon oath has been this day laid before me by Deputy District Attorney Kristina Rhoades accusing BRITTNEY JENSEN, ID#2814677 thereof of being a Material Witness;

YOU ARE THEREFORE COMMANDED forthwith to arrest the above named BRITTNEY JENSEN, ID#2814677 and bring her before the Eighth Judicial District Court of the State of Nevada, in and for the County of Clark after it is determined that the said BRITTNEY JENSEN, ID#2814677, is in the custody of the Sheriff of Clark County, State of Nevada, or in case of my absence or inability to act, before the nearest and most accessible Magistrate in this County.

WITNESS my hand this 12 day of May, A.D. 2016.

And I direct that this Warrant may be served at any hour of the day or night.

  
DISTRICT COURT JUDGE 

DA#16F01139X/KR/td/dvu  
LVMPD EV#1601223254/B. Pickens #14322  
12/22/1986/WFA/516113723  
(TK2)

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-VS-

JAMES COOPER, aka,  
James Marlin Cooper, #2634475

Defendant.

CASE NO: C-16-312970-1

DEPT NO: X

SHERIFF'S RETURN

I hereby certify that I received the above and foregoing Warrant on the \_\_\_\_ day of \_\_\_\_\_, 2016, and served the same by arresting the within named BRITTNEY JENSEN, ID #2814677, and bringing BRITTNEY JENSEN into Court this \_\_\_\_ day of \_\_\_\_\_, 2016.

JOE LOMBARDO,  
Sheriff, Clark County, Nevada

BY \_\_\_\_\_  
Deputy

BNCH

DISTRICT COURT  
CLARK COUNTY, NEVADA

  
CLERK OF THE COURT

THE STATE OF NEVADA

Plaintiff,

-vs-

JAMES COOPER, aka,  
James Marlin Cooper, ID# 2634475,

Defendant.

CASE NO: C-16-312970-1

DEPT NO: X

BENCH WARRANT

THE STATE OF NEVADA,

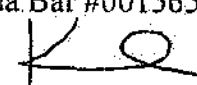
TO: Any Sheriff, Constable, Marshal, Policeman, or Peace Officer in this State:


IT APPEARING to the Court that JAMES COOPER, aka, James Marlin Cooper was heretofore ordered to appear before the above entitled Court on the 20th day of June, 2016, on the charges of BATTERY CONSTITUTING DOMESTIC VIOLENCE (Category C Felony - NRS 200.481, 200.485.1C, 33.018 - NOC 50239); BATTERY CONSTITUTING DOMESTIC VIOLENCE - STRANGULATION (Category C Felony - NRS 200.481; 200.485; 33.018 - NOC 54740) and CHILD ABUSE, NEGLECT, OR ENDANGERMENT (Category B Felony - NRS 200.508(1) - NOC 55226), and having failed to appear at said time, NOW, THEREFORE, YOU ARE COMMANDED to arrest and bring the said person before the Court, or, if the Court has adjourned, to deliver said person into the custody of the Sheriff of Clark County. The Warrant may be served at any hour day or night.

GIVEN under my hand this 22<sup>nd</sup> day of June, 2016.

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

BY

  
KRISTINA RHOADES  
Deputy District Attorney  
Nevada Bar #012480

  
DISTRICT JUDGE WALSH  
NO BAIL

DA#16F01139X/td/dvu  
LVMPD EV#1601223254/B. PICKENS #14322  
12101973; BMA; 32870026  
(TK2)



**BNCH**  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
KRISTINA RHOADES  
Deputy District Attorney  
Nevada Bar #012480  
200 Lewis Avenue  
Las Vegas, NV 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JAMES COOPER, aka,  
James Marlin Cooper, ID#2634475,

Defendant.

CASE NO: C-16-312970-1

DEPT NO: X

BENCH WARRANT RETURN

JAMES COOPER, aka, James Marlin Cooper, the Defendant above named, was heretofore ordered to appear before the above entitled Court on the 20th day of June, 2016, on the charges of BATTERY CONSTITUTING DOMESTIC VIOLENCE (Category C Felony - NRS 200.481, 200.485.1C, 33.018 - NOC 50239); BATTERY CONSTITUTING DOMESTIC VIOLENCE - STRANGULATION (Category C Felony - NRS 200.481; 200.485; 33.018 - NOC 54740) and CHILD ABUSE, NEGLECT, OR ENDANGERMENT (Category B Felony - NRS 200.508(1) - NOC 55226), and having failed to appear at said time the Court issued a Bench Warrant for the arrest of said Defendant.

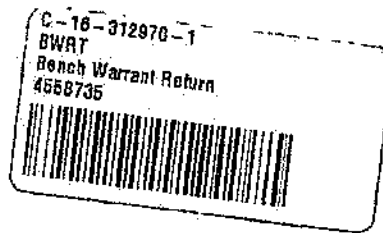
I hereby certify that I received a certified copy of the Bench Warrant and served the same by arresting the within Defendant on the \_\_\_\_ day of \_\_\_\_\_, 2016.

JOE LOMBARDO  
Sheriff, Clark County, Nevada

BY:

Deputy

BNCH  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
KRISTINA RHOADES  
Deputy District Attorney  
Nevada Bar #012480  
200 Lewis Avenue  
Las Vegas, NV 89155-2212  
(702) 671-2500  
Attorney for Plaintiff



FILED

2016 JUN 24 P 12:35

*Christine A. Lamm*  
CLERK OF THE COURT

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JAMES COOPER, aka,  
James Marlin Cooper, ID#2634475,

Defendant.

CASE NO: C-16-312970-1

DEPT NO: X

BENCH WARRANT RETURN

JAMES COOPER, aka, James Marlin Cooper, the Defendant above named, was heretofore ordered to appear before the above entitled Court on the 20th day of June, 2016, on the charges of BATTERY CONSTITUTING DOMESTIC VIOLENCE (Category C Felony - NRS 200.481, 200.485.1C, 33.018 - NOC 50239); BATTERY CONSTITUTING DOMESTIC VIOLENCE - STRANGULATION (Category C Felony - NRS 200.481; 200.485; 33.018 - NOC 54740) and CHILD ABUSE, NEGLECT, OR ENDANGERMENT (Category B Felony - NRS 200.508(1) - NOC 55226), and having failed to appear at said time the Court issued a Bench Warrant for the arrest of said Defendant.

I hereby certify that I received a certified copy of the Bench Warrant and served the same by arresting the within Defendant on the 23 day of JUNE, 2016.

JOE LOMBARDO  
Sheriff, Clark County, Nevada

BY: *[Signature]*  
Deputy

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RECEIVED  
JUN 24 2016

CLERK OF THE COURT

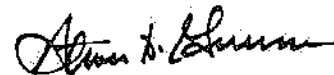
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CLERK OF THE COURT

Bret O. Whipple, Esq.  
Nevada Bar No. 6168  
**JUSTICE LAW CENTER**  
1100 South Tenth Street  
Las Vegas, Nevada 89104  
Tel: (702) 731-0000  
Fax: (702) 974-4008  
*Attorney for Defendant*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,

Plaintiff,

vs.

JAMES COOPER,

Defendant.

CASE NO.: C-16-312970-1  
DEPT. NO.: X

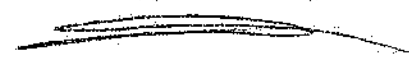
**MOTION TO WITHDRAW AS COUNSEL OF RECORD**

COMES NOW, Defendant, JAMES COOPER, by and through his attorney of record,  
BRET O. WHIPPLE, ESQ., of JUSTICE LAW CENTER, and hereby submits the following  
MOTION TO WITHDRAW AS COUNSEL OF RECORD.

This motion is made and based the attached Memorandum of Points and Authorities  
and the Affidavit of BRET O. WHIPPLE, ESQ.

DATED this 22<sup>nd</sup> day of June, 2016.

**JUSTICE LAW CENTER**

  
Bret O. Whipple, Esq.  
Nevada Bar No. 6168  
1100 S. Tenth Street  
Las Vegas, Nevada 89104

**JUSTICE LAW CENTER**  
1100 South Tenth Street, Las Vegas NV 89104  
Tel (702) 731-0000 Fax (702) 974-4008

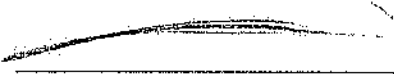
NOTICE OF MOTION

TO: STATE OF NEVADA, Plaintiff; and

TO: STEVEN WOLFSON, District Attorney, Attorney for Plaintiff

YOU WILL PLEASE TAKE NOTICE that the undersigned will bring the above and foregoing MOTION TO WITHDRAW AS COUNSEL OF RECORD on the 06 day of July, 2016 at the hour of a.m., in Department No. 10 of the above entitled Court, or as soon thereafter as counsel may be heard.

JUSTICE LAW CENTER

  
Bret O. Whipple, Esq.  
Nevada Bar No. 6168  
1100 S. Tenth Street  
Las Vegas, Nevada 89104  
(702) 731-0000  
*Attorney for Defendant*

POINTS AND AUTHORITIES

I.

STATEMENT OF FACTS

On January 25, 2016, the State charged Defendant by way of Criminal Information with Battery Constituting Domestic Violence, Battery Constituting Domestic Violence-Strangulation, and Child Abuse, Neglect or Endangerment. Defendant hired undersigned counsel on January 26, 2016, and signed a retainer agreement. Since, Defendant has continually failed to fulfill obligations of the retainer agreement. Undersigned counsel previously filed a Motion to withdraw as a result of Mr. Cooper's failure to follow through with obligations in the retainer agreement, however, undersigned counsel withdrew that Motion after Defendant promised he

1 would fulfill his obligations. Now, Mr. Cooper has not followed through with his promise and is  
2 not returning phone calls. Mr. Cooper has failed to return phone calls from counsel in May and  
3 during the first week of June. Additionally, Defendant failed to appear at Calendar Call on this  
4 matter and is currently in Bench Warrant.

5  
6 II.

7 ARGUMENT

8 Eighth Judicial District Court Rule 7.40 states in pertinent part:

9 "Appearances; Substitutions; Withdrawal or Change of Attorney.

10 ...

11 (b) Counsel in any case may be changed only:

12 ...

13 (2)(i) If the application is made by the attorney, the attorney must include  
14 in an affidavit the address, or last known address, at which the client may  
15 be served with notice of further proceedings taken in the case in the event  
16 the application for withdrawal is granted, and the telephone number, or  
17 last known telephone number, at which the client may be reached and the  
18 attorney must serve a copy of the application upon the client and all other  
19 parties to the action or their attorneys..."

20 Defendant James Cooper's last known address is 4801 E. Arizona Ave., Las Vegas,  
21 Nevada, 89104. His last known phone number is (702) 628-3164.

22 DATED this 27th day of June, 2016.

23 JUSTICE LAW CENTER

24  
25  
26  
27  
28  
Bret O. Whipple, Esq.  
Nevada Bar No. 6168  
1100 S. Tenth Street  
Las Vegas, Nevada 89104  
(702) 731-0000

AFFIDAVIT OF BRET O. WHIPPLE, ESQ.  
IN SUPPORT OF MOTION TO WITHDRAW  
AS COUNSEL OF RECORD

STATE OF NEVADA        )  
                                  )ss:  
COUNTY OF CLARK        )

BRET O. WHIPPLE, ESQ., being first duly sworn, deposes and states:

1. I am an attorney at law duly licensed to practice before all of the Courts of the State of Nevada. I am presently counsel of record for Defendant James Cooper in the above-entitled action. I offer this affidavit in support of my request to withdraw as attorney of record on behalf of Mr. Cooper. I have personal knowledge of the facts stated in this Affidavit except as to those matters stated on information and belief and as to such matters; I believe them to be true. I would be competent to testify to the facts, if called upon to do so.

2. Mr. Cooper has failed to fulfil his obligations under the payment arrangement that was executed to retain my office for representation on his behalf.

3. Mr. Cooper's last known address is 4801 E. Arizona Ave., Las Vegas, Nevada, 89104.

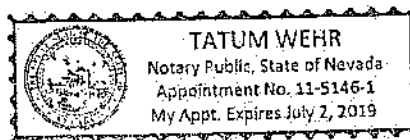
4. Mr. Cooper has failed to communicate with Defense counsel, failed to appear at a mandatory court date, and his whereabouts are unknown at this time.

5. FURTHER YOU AFFIANT SAITH NAUGHT.

Bret O. Whipple, Esq.  
Nevada Bar No. 6168

SUBSCRIBED and SWORN to before  
Me this     day of June, 2016.

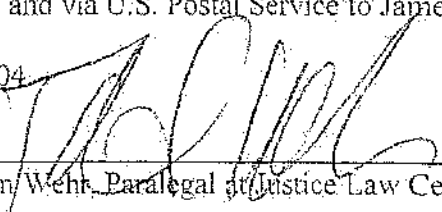
NOTARY PUBLIC



JUSTICE LAW CENTER  
1100 South Tenth Street, Las Vegas NV 89104  
Tel (702) 731-0000 Fax (702) 974-4008

CERTIFICATE OF SERVICE

I hereby certify that I served the Motion to Withdraw as Counsel on June 20, 2016, by transmitting a true and correct copy thereof via email to Clark County District Attorney's Office via email to Kristina.rhoades@clarkcountynyda.com and via U.S. Postal Service to James Cooper at 4801 E. Arizona Ave., Las Vegas, Nevada, 89104.

  
\_\_\_\_\_  
Tatum Wehr, Paralegal at Justice Law Center



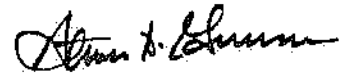
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PHILIP J. KOHN, PUBLIC DEFENDER  
NEVADA BAR NO. 0536  
TALIA L. WALKENSHAW, DEPUTY PUBLIC DEFENDER  
NEVADA BAR NO. 12891  
**PUBLIC DEFENDERS OFFICE**  
309 South Third Street, Suite 226  
Las Vegas, Nevada 89155  
Telephone: (702) 455-4685  
Facsimile: (702) 455-5112  
Talia.Walkenshaw@clarkcountynv.gov  
*Attorneys for Defendant*

**DISTRICT COURT**  
**CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,	)	
	)	
Plaintiff,	)	CASE NO. C-16-312970-1
	)	
v.	)	DEPT. NO. X
	)	
JAMES COOPER,	)	
	)	
Defendant,	)	DATE: September 7, 2016
	)	TIME: 8:30 a.m.

**MOTION FOR OR/BAIL RELEASE, OR, IN THE ALTERNATIVE,  
FOR SETTING OF REASONABLE BAIL**

COMES NOW, the Defendant, JAMES COOPER, by and through his attorney,  
TALIA L. WALKENSHAW, Deputy Public Defender, and moves this Honorable Court for an order  
releasing the Defendant from custody on his own recognizance or, in the alternative, for the setting  
of bail in a reasonable amount.

This Motion is based upon the attached Declaration of Counsel, any documents  
attached hereto, argument of Counsel and any information provided to the Court at the time set for  
hearing this motion.

DATED this 1st of September, 2016.

PHILIP J. KOHN  
CLARK COUNTY PUBLIC DEFENDER

By: /s/ Talia Walkenshaw  
TALIA L. WALKENSHAW, #12891  
Deputy Public Defender

## DECLARATION

TALIA L. WALKENSHAW makes the following declaration:

1. That I am an attorney duly licensed to practice law in the State of Nevada; that I am the Deputy Public Defender assigned to represent the Defendant in the instant matter, and that I am familiar with the facts and circumstances of this case.

2. Mr. Cooper has been out of custody on this matter since its onset. During that time, he was in contact with his attorney and appeared to all court appearances, unless his presence was waived.

3. On May 16, 2016, Mr. Cooper was not present but Mr. Whipple advised he had contact with the family and were working on continuing to retain Mr. Whipple's office. On May 18, 2016, Mr. Cooper was not present but Ms. Engler advised that the motion to withdraw could be taken off calendar as the parties had come to an agreement. Therefore, it's obvious that Mr. Cooper had consistent contact with Mr. Whipple's office.

4. The calendar call was scheduled for June 20, 2016. On that court date, Mr. Bond advised that he was surprised Mr. Cooper wasn't present as they were prepared to go forward with trial. Mr. Bond then advised he had lost contact with Mr. Cooper, despite Mr. Whipple's office having contact with him just one month prior, and a bench warrant was issued.

5. In speaking with Mr. Cooper, he had gone into Mr. Whipple's office on June 2, 2016, met with Mr. Bond, and made a payment to them. On that day, Mr. Cooper confirmed with Mr. Bond that his calendar call was scheduled for June 27, 2016. That, however, was the day scheduled for trial and Mr. Cooper had not been made aware of the June 20, 2016 calendar call date. This was clearly a misunderstanding and not a willful failure to appear.

6. This is supported by the fact that Mr. Cooper was arrested at his place of work where he has been working for twenty-two years as a Teamster. Mr. Cooper does convention work with the Teamsters.

7. Mr. Cooper has substantial ties to the community as he has been in Las Vegas since 1996. He has a large number of family and friends here, including his grandmother, aunts, uncles, and his children.

8. Mr. Cooper's children attend Bishop Gorman High School and Mr. Cooper pays the tuition. In order to pay their tuition, he needs to be able to work.

9. Mr. Cooper has had, and has, stable housing where he can live should this Court release him.

10. In this case, Mr. Cooper was the individual that called police and remained on scene until police arrived. He was not trying to flee the scene or evade the police.

11. Throughout the pendency of this case he has maintained his innocence.

12. Mr. Cooper respectfully requests that this Court release him on his own recognizance with the added condition of intensive supervision. Alternatively, Mr. Cooper requests that reasonable bail be set as he is currently being held without bail.

I declare under penalty of perjury that the foregoing is true and correct. (NRS 53.045).

EXECUTED this 1st day of September, 2016.

/s/ Talia Walkenshaw  
TALIA L. WALKENSHAW

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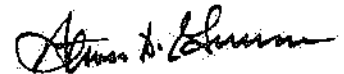
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CLERK OF THE COURT

OPPS

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
KRISTINA RHOADES  
Deputy District Attorney  
Nevada Bar #12480  
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-

JAMES COOPER, aka,  
James Marlin Cooper, #2634475,  
  
Defendant.

CASE NO: C-16-312970-1

DEPT NO: X

STATE'S OPPOSITION TO DEFENDANT'S MOTION FOR OR/BAIL RELEASE, OR,  
IN THE ALTERNATIVE, FOR SETTING OF REASONABLE BAIL

DATE OF HEARING: SEPTEMBER 7, 2016  
TIME OF HEARING: 8:30 AM

COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County District Attorney, through KRISTINA RHOADES, Deputy District Attorney, and hereby submits the attached Points and Authorities in Opposition to Defendant's Motion For OR/Bail Release, Or, In The Alternative, For Setting Of Reasonable Bail.

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

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1 go away." When Defendant was finished beating Brittney, he walked out of the apartment.  
2 Five-year-old Kaylee was present in the apartment during the entire incident.

3 Las Vegas Metropolitan Police Department ("LVMPD") Officer Pickens and Officer  
4 Sylvia arrived at 356 E. Desert Inn, Apartment 111, in response to the battery domestic  
5 violence call. There were two (2) 9-1-1 calls made in relation to the event number – one from  
6 the Defendant, and one from James and Brittney. On the latter, James is heard crying in the  
7 background and Brittney hysterically asks for help because the Defendant punched her  
8 son and choked her. On the former call, Defendant tells the operator that Brittney was drunk,  
9 that she jumped him in bed and just started pulling his hair out, and that she was the initial  
10 aggressor.

11 Upon Officer Pickens arrival, he heard James and Kaylee crying, and heard Brittney  
12 crying hysterically. Officer Pickens saw that Brittney was in bad condition, badly injured, and  
13 intoxicated. Brittney had significant swelling along her face and all over her head. Officer  
14 Pickens also observed a clear red mark on Brittney's neck that appeared to be some type  
15 of ligature mark. Paramedics arrived on the scene and Brittney was transported to Sunrise  
16 Hospital.

17 Officer Pickens spoke with the Defendant, who was outside of the apartment upon  
18 officers' arrival. Defendant's demeanor was eerily calm and he had no visible injuries, except  
19 for a few of his dreadlocks having been pulled out. Brittney also had dreadlocks, blond  
20 dreadlocks that were noticeably different than Defendant's black dreadlocks, which had been  
21 ripped out of her head and scattered throughout the apartment. Officer Pickens was able to  
22 observe blood throughout the apartment consistent with what he learned about the incidents  
23 therein.

24 James Blair referred to the Defendant as "Tuda," and he was able to relay everything  
25 that he witnessed to Officer Pickens at the scene. Officer Pickens was the only witness that  
26 testified at the preliminary hearing regarding what occurred in that apartment on January 22,  
27 2016. Brittney Jensen refused to comply with the subpoena, and refused to bring James Blair  
28 or Kaylee Jensen to court as instructed on the subpoena. A material witness warrant was issued



1 in justice court for Brittney's arrest, however, the State was unable to procure her presence for  
2 the preliminary hearing. A material witness warrant is also active and has been issued in the  
3 instant case. The State is actively trying to procure Brittney's attendance for the November  
4 trial date.

### 5 LEGAL ARGUMENT

6 NRS 178.498 provides:

7 If the defendant is admitted to bail, the bail must be set at an  
8 amount which in the judgment of the magistrate will reasonably  
9 ensure the appearance of the defendant and the safety of other  
persons and of the community, having regard to:

- 10 1. The nature and circumstances of the offense charged;
- 11 2. The financial ability of the defendant to give bail;
- 12 3. The character of the defendant; and
- 13 4. The factors listed in NRS 178.4853.

14 NRS 178.4853 provides as follows:

15 In deciding whether there is good cause to release a person  
16 without bail, the court as a minimum shall consider the following  
factors concerning the person:

- 17 1. The length of his residence in the community;
- 18 2. The status and history of his employment;
- 19 3. His relationship with his spouse and children, parents or  
other members of his family and with his close friends;
- 20 4. His reputation, character and mental conditions;
- 21 5. His prior criminal record, including, without limitation,  
any record of his appearing or failing to appear after  
22 release on bail or without bail;
- 23 6. The identity of responsible members of the community  
who would vouch for the reliability of the person;
- 24 7. The nature of the offense with which he is charged, the  
apparent probability of conviction and the likely sentence,  
25 insofar as these facts relate to the risk of his not  
appearing;
- 26 8. The nature and seriousness of the danger to the alleged  
victim, any other person or the community that would be  
27 posed by the person's release;
- 28 9. The likelihood of more criminal activity by him after he is  
released; and

1                   10. Any other factors concerning his ties to the community or  
2                   bearing on the risk that he may willfully fail to appear.

3                   Defendant is charged with one (1) count of Battery Constituting Domestic Violence  
4                   (Category C Felony), one (1) count of Battery Constituting Domestic Violence— Strangulation  
5                   (Category C Felony), and two (2) counts of Child Abuse, Neglect, or Endangerment (Category  
6                   B Felony). Defendant failed to appear for his June 20, 2016 calendar call date and a bench  
7                   warrant issued. Defendant was arrested on the bench warrant on June 23, 2016 and appeared  
8                   in court in custody on July 6, 2016. On July 13, 2016, Defendant's trial was set for November  
9                   14, 2016, with a calendar call date of November 7, 2016.

10                  Defendant is currently being held without bail because of his failure to appear for the  
11                  scheduled calendar call date. Defendant was present in court on April 28, 2016 when this  
12                  calendar call date was given. The State would request that based on the facts of this case and  
13                  Defendant's clearly violent record, that bail be set at \$80,000 with house arrest as a condition  
14                  of release. The facts of this case are extremely violent. Brittney has a clear, red ligature mark  
15                  across the front of her throat. Defendant's actions were done in front of Brittney's two  
16                  children, and Defendant was violent toward eight-year-old James when he stopped James from  
17                  calling 9-1-1 for help.

18                  This is not the first instance of Defendant's violence toward Brittney and her children.  
19                  Defendant has sustained a prior Battery Domestic Violence (misdemeanor) conviction in Case  
20                  Number 15F10224X. The facts of that case are outlined in support the State's Motion to Admit  
21                  Other Bad Acts, and are as follows. On July 2, 2015, at approximately 8 p.m., Brittney was at  
22                  home with James and Kaylee. Defendant also lived at the residence located at 356 E. Desert  
23                  Inn Road, Apartment 111. Defendant came home that evening and a verbal argument between  
24                  he and Brittney ensued. Defendant grabbed Brittney by her neck and Brittney tried to struggle  
25                  away. Defendant proceeded to grab Brittney's arm and twist it, preventing her from escaping  
26                  his hold. Defendant slammed Brittney into the ground whereupon Brittney told James and  
27                  Kaylee to call the police. Only then did Defendant let go of his hold on Brittney so he could  
28                  go to the kitchen and grab a butcher knife. **Defendant ran to the children's room and**  
**threatened James and Kaylee with the knife.** Defendant grabbed the phone out of Kaylee's

1 hand. Brittney ran to the room, grabbed Defendant from behind, and was able to wrestle the  
2 knife away from the Defendant. Brittney fled the apartment with the children and went to a  
3 neighbor's house, where they remained for the rest of the night.

4 Brittney called police the next morning, and LVMPD Officer Alfonsi arrived. Officer  
5 Alfonsi observed bruises on Brittney's face and right wrist, and also observed scrapes on her  
6 elbow. James filled out a voluntary statement and referred to the Defendant as "Toda." In his  
7 voluntary statement, James wrote, "Toda [choked] mom then he let go and mom said call 911  
8 and he said give me the phone he got the phone by [threatening] us with a [knife] he grabbed  
9 it out of my sisters hand mom was holding him off and fell..."

10 Defendant has sustained a second Battery Constituting Domestic Violence  
11 (misdemeanor) conviction in Case Number 14F12344X. The charges in that case were  
12 originally Battery Constituting Domestic Violence - Strangulation and were for yet another,  
13 different one of Defendant's victims.

14 The nature and seriousness of the danger to the victim in this case weighs heavily in  
15 favor of an \$80,000 bail setting with house arrest. While Brittney is currently uncooperative,  
16 that does not make Defendant any less of a danger to her. It is clear that Defendant is dangerous  
17 to not only Brittney, but also to her two children as evidenced by the two instances where  
18 police were called to the home. Per Defendant's Pretrial Services Information Sheet, he also  
19 has sustained a 1994 felony Theft conviction out of Minnesota, and a 2013 DUI conviction  
20 out of Nevada.

21 Based on the above factors, the State would ask that bail be set at \$80,000 with house  
22 arrest as a condition of release.

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1 CONCLUSION


2 Based upon the above, the State respectfully requests Defendant's for Motion for Own  
3 Recognizance Release, or, In the Alternative, for Setting of Reasonable Bail be denied.

4 DATED this 6th day of September, 2016.

5 Respectfully submitted,

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

9 BY

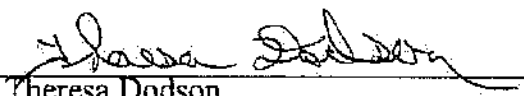
  
10 KRISTINA RHOADES  
11 Deputy District Attorney  
12 Nevada Bar #12480

13 CERTIFICATE OF SERVICE

14 I hereby certify that service of the above and foregoing State's Opposition to  
15 Defendant's Motion For OR/Bail Release, Or, In The Alternative, For Setting Of Reasonable  
16 Bail, was made this 6th day of September, 2016, to:

17 TALIA WALKENSHAW, Deputy Public Defender  
18 Talia.Walkenshaw@clarkcountynv.gov

19 BY:

  
20 Theresa Dodson  
21 Secretary for the District Attorney's Office  
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KR/td/dvu

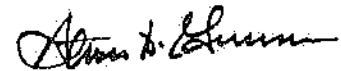
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1 **MOT**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 KRISTINA RHOADES  
6 Deputy District Attorney  
7 Nevada Bar #012480  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

CASE NO: C-16-312970-1

12 JAMES COOPER, aka,  
13 James Marlin Cooper, #2634475

DEPT NO: X

14 Defendant.

15 NOTICE OF MOTION AND MOTION IN LIMINE TO ADMIT A CERTIFIED COPY OF  
16 SUNRISE HOSPITAL MEDICAL RECORDS, RECORDED 911 CALL, AND  
RECORDED JAIL CALLS

17 DATE OF HEARING: OCTOBER 31, 2016  
18 TIME OF HEARING: 8:30 A.M.

19 COMES NOW, the State of Nevada, by STEVEN B. WOLFSON, Clark County  
20 District Attorney, through KRISTINA RHOADES, Deputy District Attorney, and files this  
21 Notice Of Motion And Motion In Limine To Admit A Certified Copy Of Sunrise Hospital  
22 Medical Records, Recorded 911 Call, And Recorded Jail Calls.

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

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DATED this 17th day of October, 2016.

BY

## POINTS AND AUTHORITIES

As this Court knows, "relevant evidence" means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more or less probably than it would be without the evidence. NRS 48.015 (emphasis added). Defendant James Cooper ("Defendant") is charged by way of Information with one (1) count of Battery Constituting Domestic Violence (Category C Felony), one (1) count of Battery

1 Constituting Domestic Violence – Strangulation (Category C Felony), and two (2) counts of  
2 Child Abuse, Neglect, or Endangerment (Category B Felony). Defendant's trial is currently  
3 set for November 14, 2016, with a calendar call date of November 7, 2016. At trial, the State  
4 must prove all of the elements of the listed crimes beyond a reasonable doubt. As such, the  
5 State seeks to admit the below requested documents and recordings pursuant to the Nevada  
6 Revised Statutes referenced in this motion.

### 7 STATEMENT OF FACTS

8 On the evening of January 22, 2016, Brittney Jensen (Brittney) was at home with her  
9 two children, eight-year-old James Blair and five-year-old Kaylee Jensen, and with the  
10 Defendant James Cooper ("Defendant"). They all lived together at 356 E. Desert Inn Road,  
11 Apartment 111, and Brittney and the Defendant had, at that time, been dating for  
12 approximately five (5) years. Sometime after dinner, Brittney went through the Defendant's  
13 phone, became upset with the Defendant, and a verbal argument ensued in their bedroom. The  
14 argument became physical when the Defendant got out of bed, came over to Brittney and  
15 punched her in the stomach, causing her to fall to the ground. Defendant continued to yell at  
16 Brittney while she was on the ground.

17 Brittney got up from the ground and tried to get away from the Defendant by running  
18 into the kitchen and attempting to close the door behind her. Defendant chased Brittney,  
19 pushed through the kitchen door, knocked her down, and caused her to hit her head against the  
20 corner of the kitchen counter and fall to the floor. While Brittney was on the kitchen floor, the  
21 Defendant kicked her multiple times and stomped on her face.

22 While Brittney was on the ground being stomped on by the Defendant, she yelled out  
23 to James to call 9-1-1. As James grabbed the phone to call the police, Defendant turned around  
24 to get the phone away from James. James tried to run away from the Defendant by running  
25 down the hallway toward James' bedroom, but Defendant chased after James. Defendant  
26 cornered James in the bedroom, grabbed the phone out of his hand so that James could not call  
27 for help, and then threw James down onto the bed, knocking down a television that was in the  
28 room.



1        Brittney came down the hallway to James' room to try to prevent further harm to her  
2 child. Defendant then, again, turned his rage to Brittney and the physical beating of Brittney  
3 moved from James' room to Brittney and Defendant's room. Defendant continued to beat  
4 Brittney in their room, and Brittney pleaded with the Defendant to "just leave, get out of here,  
5 go away." When Defendant was finished beating Brittney, he walked out of the apartment.  
6 Five-year-old Kaylee was present in the apartment during the entire incident.

7        Las Vegas Metropolitan Police Department ("LVMPD") Officer Pickens and Officer  
8 Sylvia arrived at 356 E. Desert Inn, Apartment 111, in response to the battery domestic  
9 violence call. There were two (2) 9-1-1 calls made in relation to the event number – one from  
10 the Defendant, and one from James and Brittney. On the latter, James is heard crying in the  
11 background and Brittney hysterically asks for help because the Defendant punched her son  
12 and choked her. On the former call, Defendant tells the operator that Brittney was drunk, that  
13 she jumped him in bed and just started pulling his hair out, and that she was the initial  
14 aggressor.

15        Upon Officer Pickens arrival, he heard James and Kaylee crying, and heard Brittney  
16 crying hysterically. Officer Pickens saw that Brittney was in bad condition, badly injured, and  
17 intoxicated. Brittney had significant swelling along her face and all over her head. Officer  
18 Pickens also observed a clear red mark on Brittney's neck that appeared to be some type of  
19 ligature mark. Paramedics arrived on the scene and Brittney was transported to Sunrise  
20 Hospital.

21        Officer Pickens spoke with the Defendant, who was outside of the apartment upon  
22 officers' arrival. Defendant's demeanor was eerily calm and he had no visible injuries, except  
23 for a few of his dreadlocks having been pulled out. Brittney also had dreadlocks, blond  
24 dreadlocks that were noticeably different than Defendant's black dreadlocks, which had been  
25 ripped out of her head and scattered throughout the apartment. Officer Pickens was able to  
26 observe blood throughout the apartment consistent with what he learned about the incidents  
27 therein.

1 James Blair referred to the Defendant as "Tuda," and he was able to relay everything  
2 that he witnessed to Officer Pickens at the scene. Officer Pickens was the only witness that  
3 testified at the preliminary hearing regarding what occurred in that apartment on January 22,  
4 2016. Brittney Jensen refused to comply with the subpoena, and refused to bring James Blair  
5 or Kaylee Jensen to court as instructed on the subpoena. A material witness warrant was issued  
6 in justice court for Brittney's arrest, however, the State was unable to procure her presence for  
7 the preliminary hearing. A material witness warrant is also active and has been issued in the  
8 instant case. The State is actively trying to procure Brittney's attendance for the November  
9 trial date.

## 10 ARGUMENT

### 11 I. CERTIFIED COPY OF SUNRISE MEDICAL RECORDS

12 Upon LVMPD's arrival, Brittney was transported to Sunrise Hospital. A certified copy  
13 of the medical records recorded in the regular course of business at Sunrise Hospital have been  
14 attached to this motion as Exhibit 1.

15 Pursuant to NRS 51.135, "a memorandum, report, record or compilation of data, in any  
16 form, of acts, events, conditions, opinions or diagnoses, made at or near the time by, or from  
17 information transmitted by, a person with knowledge, all in the course of a regularly conducted  
18 activity, as shown by the testimony or affidavit of the custodian or other qualified person, is  
19 not inadmissible under the hearsay rule unless the source of information or the method of  
20 circumstances of preparation indicate lack of trustworthiness."

21 NRS 52.260 states that a record in accordance with NRS 51.135, if otherwise  
22 admissible, may be proved by a copy of the record which is authenticated by a custodian of  
23 the record or another qualified person in a signed affidavit, and that person must verify in the  
24 affidavit that (1) the record was made at or near the time of the act, event, condition, opinion  
25 or diagnosis concerning which the information was recorded; (2) by or from information  
26 transmitted by a person with knowledge of the act or event; and (3) made in the course of the  
27 regularly conducted activity.

1 The January 22, 2016 medical records have been provided to the defense in this case,  
2 and the records are accompanied by a "Certification of Medical Records." Exhibit 1. The  
3 certification complies with NRS 52.260 and states that the records are "true and correct copies  
4 of all original records identified...[t]he original records were prepared in the ordinary course  
5 of the facility's regularly conducted business at or near the time of the act, condition, or event  
6 by persons with knowledge of the facts recorded, and the records have been maintained in the  
7 ordinary course of the facility's regularly conducted business..." Exhibit 1.

8 As such, the State submits that the medical records meet the requirements under NRS  
9 51.135 and 52.260, and seeks to admit a complete copy of the records at trial.

10 Moreover, the State also submits that any statements contained in the Sunrise Hospital  
11 medical records are admissible at trial. Pursuant to NRS 51.115 "statements made for purposes  
12 of medical diagnosis or treatment and describing medical history, or past or present symptoms,  
13 pain or sensations, or the inception or general character of the cause or external source thereof  
14 are not inadmissible under the hearsay rule insofar as they were reasonably pertinent to  
15 diagnosis or treatment." Any statements contained in these records clearly fall within the scope  
16 of NRS 51.115 because they were made for the purposes of medical diagnosis and treatment,  
17 and they are about the symptoms, pain/sensations, and the inception and general character of  
18 the cause/external source of those injuries that required the medical diagnosis and treatment.  
19 As such, the State submits that the certified copy of the Desert Springs Hospital medical  
20 records be admitted in their entirety.

## 21 **II. CERTIFIED COPY OF RECORDED 911 CALL**

22 NRS 52.252 states as follows:

23 The content of recordings of telephone calls made through a system established  
24 to provide a telephone number to be used in an emergency, if otherwise  
25 admissible, may be proved by a copy or transcript of the recording which is  
26 authenticated by a custodian of the records of the system in a signed affidavit.  
27 The custodian must verify in the affidavit that the copy or transcript is a true and  
28 complete reproduction of the original recording and that the original recording  
was made at the time of the telephone call and in the course of a regularly  
conducted activity.

1 Eight (8) year old James was able to call 911 on January 22, 2016 at approximately  
2 6:51 p.m. That call is recorded and has been provided to the defense. That call is also  
3 accompanied by a certification of records document, also provided to the defense, and attached  
4 to this motion as Exhibit 2. That certificate complies with NRS 52.252, NRS 52.260 and with  
5 NRS 51.135, and clearly shows that the 911 call was made in the course of regularly conducted  
6 activity.

7 With regard to the content of James Blair's 911 call, James is hysterical and clearly  
8 terrified throughout the call. James Blair screams "Please help me," and desperately tries to  
9 get the address of his location from Brittney, his mother. Brittney is heard crying in the  
10 background, and when she takes the phone from James, it is clear that she is also hysterical.  
11 All of these statements contained in the 911 call are describing what just took place inside the  
12 home and are all excited utterances pursuant to NRS 51.095, and/or present sense impressions  
13 pursuant to NRS 51.085. As such, the call should be admitted.<sup>1</sup>

### 14 **III. CERTIFIED COPIES OF RECORDED JAIL CALLS**

15 Defendant was arrested on January 22, 2016. The defense has previously been provided  
16 with copies of Defendant's recorded jail calls made between January 23, 2016 and January  
17 27, 2016. Defendant called Brittney no less than twenty-eight (28) times during this four (4)  
18 day period. These calls are relevant to the case, particularly in establishing the relationship  
19 between Defendant and Brittney, and the fact that they cohabitated. The State seeks to admit  
20 some of these relevant jail calls because they are certified copies of the original jail calls kept  
21 in the course of regularly conducted activity at the Clark County Detention Center, and because  
22 they are non-hearsay statements as they are Defendant's own statements offered into evidence  
23 by the State pursuant to NRS 51.035(3)(a). With regard to any other persons' statements on  
24 these recorded jail calls, these statements are either (1) not offered for the truth of the matter  
25 asserted, but to provide context to Defendant's own non-hearsay statements, and/or (2) to show  
26 Defendant's and/or Brittney's state of mind pursuant to NRS 51.105 (then existing mental,  
27

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28 <sup>1</sup> The State is happy to provide a copy of James Blair/Brittney's 911 call to the Court if needed.

1 emotional or physical condition). As such, the State seeks permission from this Court to admit  
2 Defendant's jail calls.


3 **CONCLUSION**

4 The State respectfully requests that this Court grant the State's motion in limine to  
5 admit a certified copy of Brittney Jensen's medical records, the recorded 911 call made by  
6 eight (8) year old victim, J.B., and Brittney Jensen, and Defendant's recorded jail calls, at trial  
7 in this case.

8 DATED this 17th day of October, 2016.

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

11  
12 BY


  
13 KRISTINA RHOADES  
14 Deputy District Attorney  
Nevada Bar #012480

15  
16 **CERTIFICATE OF SERVICE**

17 I hereby certify that service of the above and foregoing Notice of Motion And Motion  
18 In Limine To Admit A Certified Copy Of Sunrise Hospital Medical Records, Recorded 911  
19 Call, And Recorded Jail Calls, was made this 18th day of October, 2016, to:

20 TALIA WALKENSHAW, Deputy Public Defender  
21 Talia.Walkenshaw@clarkcountynv.gov

22 BY:

  
23 Theresa Dodson  
24 Secretary for the District Attorney's Office

25  
26  
27  
28 KR/td/dvu

# EXHIBIT 1



Patient: BRITTNEY JENSEN

Medical Record Number: D002318050

Facility: SUNRISE HOSPITAL

Phone Number: 702-731-8663

Address: 3186 SOUTH MARYLAND PARKWAY City/State: LAS VEGAS NEVADA Zip: 89109

### CERTIFICATION OF MEDICAL RECORDS

To the best of my knowledge, the copied documents, records and other items enclosed are true and correct copies of all original records identified and described in the subpoena duces tecum, patient authorization, or court order made by or at the direction of the custodian of records. The original records were prepared in the ordinary course of the facility's regularly conducted business at or near the time of the act, condition, or event by persons with knowledge of the facts recorded, and the records have been maintained in the ordinary course of the facility's regularly conducted business according to all confidentiality and security requirements of law. This certification is given by the custodian of records instead of the custodian's personal appearance.

We are not aware of any omissions; however, due to the timing of this request it is possible that a portion of the medical record may be incomplete and/or preliminary at this time.

The recipient of these records agrees to maintain their confidentiality and permit further disclosure only as authorized by law.

Select Only One:

- ☒ The complete records consisting of 88 pages.
- ☐ The complete records for the time period beginning \_\_\_\_\_ and ending \_\_\_\_\_ consists of \_\_\_\_\_ pages.
- ☐ The copied records consist of \_\_\_\_\_ pages. They are incomplete in the following: \_\_\_\_\_

### CERTIFICATION OF NO RECORDS

- ☐ A thorough search of requested information carried out under my direction and control revealed that this facility does not have the records described in the patient authorization or the subpoena duces tecum.

### DECLARATION OF CUSTODIAN OF RECORDS

I, Christina Baum, RHIT, am the duly authorized Custodian of Records of the above named facility. I am familiar with the mode of preparation of and have the authority to certify, the facility record. I declare under penalty of perjury under the laws of the State of Nevada, County of Clark that the foregoing is true and correct.

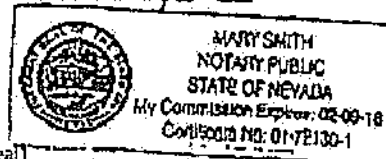
Signature Christina Baum

Date 1/2/14

Subscribed and sworn to me, a notary public in and for said county, (his 12<sup>th</sup> Day of February, 2014

Notary Public M. H.

My commission expires: 2-9-18



(Seal)

**Sunrise Hospital and Medical Center**  
**3166 South Maryland Parkway, Las Vegas, Nevada 89109 (702) 731-8000**

ACCOUNT# **D00112766312** ADM DATE: 01/22/16 UNIT RCD # **D002318050** AMR VAL: AMR  
 ROOM/BED: ADM TIME: 1937 MARKET ORN: 01696447 CONN: VID:  
 PT VTR: REF: KR ADM T PRI/SEC: EM / PM LIMITATION(S): D, EX1 FC: 09  
 NAME: **JENSEN, BRITTNEY** OTHER NAME: **DOE, KANCV**  
 STREET: **356 E DEREST INN RD** DOB: **12/12/1986** SSN: **XXXX-XX-3723**  
 STREET: **APT 111** AGE: **29** RACE: **WHITE/CAUC**  
 C/S/ZP: **LAS VEGAS, NV 89109** SEX: **F** MAR STATUS: **S**  
 PHONE: **(406) 369-1574** CHIT/RES: **CLARE** REL: **NONE** LANG: **ENGLISH**  
 SHERILL, SUSAN SPEAKS: **ENGLISH** PT. REFUSED  
 599 UNKNOWN 356 E DEREST INN RD  
 LAS VEGAS, NV 89169 LAS VEGAS, NV 89169  
 (406) 369-1092 RELTN: **MOTHER** (702) 999-9999 RELTN: **OTHER RELATIONSHIP**  
 WORK PH: WORK PH:  
 CABOB AND MORE GROSS: **356 E DEREST INN RD**  
 LAS VEGAS BLVD JENSEN, BRITTNEY  
 LAS VEGAS, NV 89109 156 E DEREST INN RD  
 (702) 999-9999 OCC: **WAITRESS** APT 111  
 U.S.A. RESIDENTIAL CODES: **05 01/22/16** LAS VEGAS, NV 89109  
 CABOB AND MORE (406) 369-1574 RELTN: **SELF**  
 LAS VEGAS BLVD GROSS: **356 E DEREST INN RD**  
 LAS VEGAS, NV 89109 JENSEN, BRITTNEY  
 (702) 999-9999 156 E DEREST INN RD  
 VIRGINIA BEACH, VA 23466-1010 APT 111  
 POLICY #: **00001996784** POLICY #: **00001996784** POLICY #: **00001996784**  
 COVERAGE #: **00001996784** COVERAGE #: **00001996784** COVERAGE #: **00001996784**  
 INS PHONE #: **(406) 453 3730** INS PHONE #: **(406) 453 3730** INS PHONE #: **(406) 453 3730**  
 GRP #: **00001996784** GRP #: **00001996784** GRP #: **00001996784**  
 AUTH #: **00001996784** AUTH #: **00001996784** AUTH #: **00001996784**  
 AUTH DT: **VER DT: 01/21** AUTH DT: **VER DT:** AUTH DT: **VER DT:**  
 SUB: **JENSEN, BRITTNEY** SUB: **JENSEN, BRITTNEY** SUB: **JENSEN, BRITTNEY**  
 RELAT: **SA** DOB: **12/12/1986** RELAT: **DOB:** RELAT: **DOB:**

PRINCIPAL DIAGNOSIS:	FOR MR USE ONLY
PRINCIPAL OPERATION/PROCEDURE:	Assembly [ ]
CONSULTATIONS:	Analysis [ ]
	Coding [ ]
	Printed [ ]
	Final Check [ ]

REASON FOR VISIT/CHIEF COMPLAINT: **ASSAULT, HEAD INJURY, NECK INJURY, EYON**  
 DISCH DATE: **01/23/16** TIME: **0457** DISPO: **0457**



RUN DATE: 01/25/16  
 RUN TIME: 0921  
 RUN USER: HPO.FRED

Sanrise Hospital Abstracting 'LIVE'  
 CODING SUMMARY

PAGE 1

NAME: JENSEN, BRITTNEY

ADMIT#: D00112766312  
 FROM:

ADM DATE: 01/22/16 1937  
 ATEND PHYS: Albrook, Arash MD  
 DIS DT/TH: 01/23/16 1450  
 DIS DISP: 01 - HOME/SELF CARE ROUTINE  
 LOS: : 1  
 PT CLASS: IR.OTH

UNIT#: D002318050  
 SEX: F  
 AGE: 29  
 DOB: 12/12/86  
 FTH CLASS: 09  
 ADS STATUS: FINAL

DIAGNOSIS

PCA INDICATOR CODESET

REASON FOR VISIT DX

RS1 HEADACHE  
 F10.99 ALCOHOL USE, UNSPEC WITH UNSPECIFIED ALCOHOL-INDUCED DISORDERS

ICD10  
 ICD10

PRIMARY CODESET

PRINC DX F10.129 ALCOHOL ABEUSE WITH INTOXICATION, UNSPECIFIED  
 OTHER DX S00.09XA OCCUSION OF OTHER PART OF HEAD, INITIAL ENCOUNTER  
 T08.09XA ASSEMBLY BY STRIKE BY OTHER TYPE OF SPORT EQUIPMENT, INIT

ICD10  
 ICD10  
 ICD10

OTHER CODESET

PRINC DX  
 OTHER DX

PROCEDURE

PRIMARY CODESET

DATE PROC CODE & NAME SURGEON ANESTHESIOLOGIST

PRIMARY CODESET

DRG 1-10

OTHER CODESET

DRG 1-9

STATUS SEPTMB HIN-LOS STD-LOS COST IN GRD VERS GRF PC  
 33 09

DRG STATUS DATE:  
 ORDER: 1FSG07772

ADS STATUS DATE: 01/25/16  
 ABSTRACTOR: 1FSG07772

"This form will be maintained as a permanent part of the medical record"

附註

UNIT# D002318030  
SEX: F  
AGE: 24  
DOB: 12/12/86  
FIN CLASS: 09  
ADS STATUS: YNIAL

AAA INDICATOR C001927

ICD-0  
ICD-0

ICD10  
ICD10  
ICD10

FRANCIS DIX  
OTAGE DIX

PRIMARY CODESET  
0476 PROC CODE & NAME SURSKON ANESTHESIOLOGIST  
OTHER CODESET

DNG 1-10  
 OTHER COCKEY  
 DNG 1-9

STATUS	SRZEMB	WIN-LOS	STD-LOS	COST MI	GRP YEARS	GRP FC
					33	09

DWG STATUS DATE: ABS STATUS DATE: 01/25/14  
 ORDER: 1P5B007772 DRAWING: 1P5B007772

\*This form will be maintained as a permanent part of the medical records\*

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### Conditions of Admission and Consent for Outpatient Care

In this document, "Patient" means the person receiving treatment. "Patient Representative" means any person acting on behalf of the Patient and signing as the Patient's representative. Use of the word "I," "you," "your" or "me" may in context include both the Patient and the Patient Representative. With respect to financial obligations "I" or "me" may also, depending on the context, mean financial guarantor "Guarantor".

"Provider" means the hospital and may include healthcare professionals on the hospital's staff and/or hospital-based physicians, which include but are not limited to: Emergency Department Physicians, Pathologists, Radiologists, Anesthesiologists, Hospitalists, certain other licensed independent practitioners and any authorized agents, contractors, affiliates, successors or assignees acting on their behalf.

**Legal Relationship between Hospital and Physicians.** Most or all of the physicians performing services in the hospital are independent and are not hospital agents or employees. Independent physicians are responsible for their own actions and the hospital shall not be liable for the acts or omissions of any such independent physicians.

1. **Consent to Treatment.** I consent to the procedures which may be performed during this hospitalization or during an outpatient episode of care, including, but not limited to, emergency treatment or services, and which may include laboratory procedures, x-ray examination, diagnostic procedures, medical, nursing or surgical treatment or procedures, anesthesia, or hospital services rendered as ordered by the Provider. I consent to allowing students as part of their training in health care education to participate in the delivery of my medical care and treatment or be observers while I receive medical care and treatment at the Hospital, and that these students will be supervised by instructors and/or hospital staff. I further consent to the hospital conducting blood-borne infectious disease testing, including but not limited to, testing for hepatitis, Acquired Immune Deficiency Syndrome ("AIDS"), and Human Immunodeficiency Virus ("HIV"), if a physician orders such tests or if ordered by protocol. I understand that the potential side effects and complications of this testing are generally minor and are comparable to the routine collection of blood specimens, including discomfort from the needle stick and/or slight burning, bleeding or soreness at the puncture site. The results of this test will become part of my confidential medical record.
2. **Consent to Photographs, Videotapes and Audio Recordings.** I consent to photographs, videotapes, digital or audio recordings, and/or images of me being recorded for security purposes and/or the hospital's quality improvement and/or risk management activities. I understand that the facility retains the ownership rights to the images and/or recordings. I will be allowed to request access to or copies of the images and/or recordings when technologically feasible unless otherwise prohibited by law. I understand that these images and/or recordings will be securely stored and protected. Images and/or recordings in which I am identified will not be released and/or used outside of the facility without a specific written authorization from me or my legal representative unless otherwise required by law.
3. **Financial Agreement.** In consideration of the services to be rendered to Patient, Patient or Guarantor individually promises to pay the Patient's account at the rates stated in the hospital's price list (known as the "Charge Master") effective on the date the charge is processed for the service provided, which rates are hereby expressly incorporated by reference as the price term of this agreement to pay the Patient's account. Some special items will be priced separately if there is no price listed on the Charge Master. An estimate

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The anticipated charges for services to be provided to the Patient is available upon request from the hospital. Estimates may vary significantly from the final charges based on a variety of factors, including, but not limited to, the course of treatment, intensity of care, physician practices, and the necessity of providing additional goods and services.

Professional services rendered by independent contractors are not part of the hospital bill. These services will be billed to the Patient separately. I understand that physicians or other health care professionals may be called upon to provide care or services to me or on my behalf, but that I may not actually see, or be examined by, all physicians or health care professionals participating in my care; for example, I may not see physicians providing radiology, pathology, EKG interpretation and anesthesiology services. I understand that, in most instances, there will be a separate charge for professional services rendered by physicians to me or on my behalf, and that I will receive a bill for these professional services that is separate from the bill for hospital services.

The hospital will provide a medical screening examination as required to all Patients who are seeking medical services to determine if there is an emergency medical condition without regard to the Patient's ability to pay. If there is an emergency medical condition, the hospital will provide stabilizing treatment within its capacity. However, Patient and Guarantor understand that if Patient does not qualify under the hospital's charity care policy or other applicable policy, Patient or Guarantor is not relieved of his/her obligation to pay for these services.

If supplies and services are provided to Patient who has coverage through a governmental program or through certain private health insurance plans, the hospital may accept a discounted payment for those supplies and services. In this event any payment required from the Patient or Guarantor will be determined by the terms of the governmental program or private health insurance plan. If the Patient is uninsured and not covered by a governmental program, the Patient may be eligible to have his or her account discounted or forgiven under the hospital's uninsured discount or charity care programs in effect at the time of treatment. I understand that I may request information about these programs from the hospital.

I also understand that, as a courtesy to me, the hospital may bill an insurance company offering coverage, but may not be obligated to do so. Regardless, I agree that, except where prohibited by law, the financial responsibility for the services rendered belongs to me, the Patient or Guarantor. I agree to pay for services that are not covered and covered charges not paid in full by insurance coverage including, but not limited to, coinsurance, deductibles, non-covered benefits due to policy limits or policy exclusions, or failure to comply with insurance plan requirements.

4. **Third Party Collection.** I acknowledge that the Providers may utilize the services of a third party Business Associate or affiliated entity as an extended business office ("EBO Servicer") for medical account billing and servicing. During the time that the medical account is being serviced by the EBO Servicer, the account shall not be considered delinquent, past due or in default, and shall not be reported to a credit bureau or subject to collection legal proceedings. When the EBO Servicer's efforts to obtain payment have been exhausted due to a number of factors (for e.g., Patient or Guarantor's failure to pay or make a payment arrangement after insurance adjustments and payments have been credited, and/or the insurer's denial of claim(s) or benefits is received), the EBO Servicer will send a final notice letter which will include the date that the medical account may be returned from the EBO Servicer to the Provider.

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Upon return to the Provider by the EBO Service, the Provider may place the account back with the EBO Service, or, at the option of the Provider, may determine the account to be delinquent, past due and in default. Once the medical account is determined to be delinquent it may be subject to late fees, interest as stated, referral to a collection agency for collection as a delinquent account, credit bureau reporting and enforcement by legal proceedings.

I also agree that if the Provider initiates collection efforts to recover amounts owed by me or my Guarantor, then, in addition to amounts incurred for the services rendered, Patient or Guarantor will pay, to the extent permitted by law: (a) any and all costs incurred by the Provider in pursuing collection, including, but not limited to, reasonable attorneys' fees, and (b) any court costs or other costs of litigation incurred by the Provider.

5. **Assignment of Benefits.** Patient assigns all of his/her rights and benefits under existing policies of insurance providing coverage and payment for any and all expenses incurred as a result of services and treatment rendered by the Provider and authorizes direct payment to the Provider of any insurance benefits otherwise payable to or on behalf of Patient for the hospitalization or for outpatient services, including emergency services, if rendered. Patient understands that any payment received from these policies and/or plans will be applied to the amount that Patient or Guarantor has agreed to pay for services rendered during this admission and, that Provider will not retain benefits in excess of the amount owed to the Provider for the care and treatment rendered during the admission.

I understand that any health insurance policies under which I am covered may be in addition to other coverage or benefits or recovery to which I may be entitled, and that Provider, by initially accepting health insurance coverage, does not waive its rights to collect or accept, as payment in full, any payment made under different coverage or benefits or any other sources of payment that may or will cover expenses incurred for services and treatment.

I hereby irrevocably appoint the Provider as my authorized representative to pursue any claims, penalties, and administrative and/or legal remedies on my behalf for collection against any responsible payer, employer-sponsored medical benefit plans, third party liability carrier or, any other responsible third party ("Responsible Party") for any and all benefits due me for the payment of charges associated with my treatment. This assignment shall not be construed as an obligation of the Providers to pursue any such right of recovery. I acknowledge and understand that I maintain my right of recovery against my insurer or health benefit plan and the foregoing assignment does not divest me of such right.

I agree to take all actions necessary to assist the Provider in collecting payment from any such Responsible Party should the Provider(s) elect to collect such payment, including allowing the Provider(s) to bring suit against the Responsible Party in my name. If I receive payment directly from any source for the medical charges associated with my treatment I acknowledge that it is my duty and responsibility to immediately pay any such payments to the Provider(s).

6. **Medicare Patient Certification and Assignment of Benefit.** I certify that any information I provide in applying for payment under Title XVIII ("Medicare") or Title XIX ("Medicaid") of the Social Security Act is correct. I request payment of authorized benefits to be made on my behalf to the hospital or hospital-based physician by the Medicare or Medicaid program.

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Private Room. I understand and agree that I am (or Guarantor is) responsible for any additional charges associated with the request and/or use of a private room.

8. **Outpatient Medicare Patients.** Medicare does not cover prescription drugs with only a few exceptions. According to Medicare regulations, I acknowledge that I am responsible for any drugs furnished to me while an outpatient that meet Medicare's definition of a prescription drug. These drugs are also referred to as self-administered drugs, as they are usually self-administered but they may be administered to me by hospital personnel. Medicare requires hospitals to bill Medicare Patients or other third party payers for these drugs. Medicare Part D beneficiaries may submit a paper claim to the Medicare Part D Plan for possible reimbursement of these drugs in accordance with Medicare Drug Plan enrollment materials.
9. **Communications About My Healthcare.** I authorize my healthcare information to be disclosed for purposes of communicating results, findings, and care decisions to my family members and others I designate to be responsible for my care. I will provide those individuals with a password or other verification means specified by the hospital. I agree I may be contacted by the Provider or an agent of the Provider or an independent physician's office for the purposes of scheduling necessary follow-up visits recommended by the treating physician.
10. **Consent to Telephone Calls for Financial Communications.** I agree that, in order for you, or your EBO Services and collection agents, to service my account or to collect any amounts I may owe, I expressly agree and consent that you or your EBO Service and collection agents may contact me by telephone at any telephone number I have provided or you or your EBO Service and collection agents have obtained or, at any number forwarded or transferred from that number, regarding the hospitalization, the services rendered, or my related financial obligations. Methods of contact may include using pre-recorded/artificial voice messages and/or use of an automatic dialing device, as applicable.
11. **Consent to Email or Text Usage for Discharge Instructions and Other Healthcare Communications.** If at any time I provide an email or text address at which I may be contacted, I consent to receiving discharge instructions and other healthcare communications at that email or text address from the Providers. These discharge instructions may include, but not be limited to: post-operative instructions, physician follow-up instructions, dietary information, and prescription information. The other healthcare communications may include, but are not limited to communications to family or designated representatives regarding my treatment or condition, or reminder messages to me regarding appointments for medical care.
12. **Release of Information.** I hereby permit Providers to release healthcare information for purposes of treatment, payment or healthcare operations. Healthcare information regarding a prior admission(s) at other HCA affiliated facilities may be made available to subsequent HCA-affiliated admitting facilities to coordinate Patient care or for case management purposes. Healthcare information may be released to any person or entity liable for payment on the Patient's behalf in order to verify coverage or payment questions, or for any other purpose related to benefit payment. Healthcare information may also be released to my employer's designee when the services delivered are related to a claim under worker's compensation. If I am covered by Medicare or Medicaid, I authorize the release of healthcare information to the Social Security Administration or its intermediaries or carriers for payment of a Medicare claim or to the appropriate state agency for payment of a Medicaid claim. This information may include, without limitation, history and physical, emergency records, laboratory reports, operative reports, physician

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progress notes, nurse's notes, consultations, psychological and/or psychiatric reports, drug and alcohol treatment and discharge summary. Federal and state laws may permit this facility to participate in organizations with other healthcare providers, insurers, and/or other health care industry participants and their subcontractors in order for these individuals and entities to share my health information with one another to accomplish goals that may include but not be limited to: improving the accuracy and increasing the availability of my health records; decreasing the time needed to access my information; aggregating and comparing my information for quality improvement purposes; and such other purposes as may be permitted by law. I understand that this facility may be a member of one or more such organizations. This consent specifically includes information concerning psychological conditions, psychiatric conditions, intellectual disability conditions, genetic information, chemical dependency conditions and/or infectious diseases including, but not limited to, blood borne diseases, such as HIV and AIDS

### 13. Other Acknowledgements.

Personal Valuables. I understand that the hospital maintains a safe for the safekeeping of money and valuables, and the hospital shall not be liable for the loss of or damage to any money, jewelry, documents, furs, fur coats and fur garments, or other articles of unusual value and small size, unless placed in the safe, and shall not be liable for the loss or damage to any other personal property, unless deposited with the hospital for safekeeping. The liability of the hospital for loss of any personal property that is deposited with the hospital for safekeeping is limited to the greater of five hundred dollars (\$500.00) or the maximum required by law, unless a written receipt for a greater amount has been obtained from the hospital by the Patient. The hospital is not responsible for the loss or damage of cell phones, glasses or dentures or personal valuables unless they are placed in the hospital safe in accordance with the terms as stated above.

Weapons/Explosives/Drugs. I understand and agree that if the hospital at any time believes there may be a weapon, explosive device, illegal substance or drug, or any alcoholic beverage in my room or with my belongings, the hospital may search my room and my belongings located anywhere on hospital property, confiscate any of the above items that are found, and dispose of them as appropriate, including delivery of any item to law enforcement authorities.

Patient Visitation Rights. I understand that I have the right to receive the visitors whom I or my Patient Representative designates, without regard to my relationship to these visitors. I also have the right to withdraw or deny such consent at any time. I will not be denied visitation privileges on the basis of age, race, color, national origin, religion, gender, gender identity and gender expression, and sexual orientation or disability. All visitors I designate will enjoy full and equal visitation privileges that are no more restrictive than those that my immediate family members would enjoy. Further, I understand that the hospital may need to place clinically necessary or reasonable restrictions or limitations on my visitors to protect my health and safety in addition to the health and safety of other Patients. The hospital will clearly explain the reason for any restrictions or limitations if imposed. If I believe that my visitation rights have been violated, I or my representative has the right to utilize the hospital's complaint resolution system.

Additional Provision for Admission of Minor/Incapacitated Patient. I, the undersigned, acknowledge and verify that I am the legal guardian or custodian of the minor/incapacitated patient.

122766312  
D002318050  
D.ERI

SUNRISE HOSPITAL & MEDICAL CENTER

JENSEN  
12/12/1986

BRITTNEY

12/22/2018  
AT 10:00 AM  
AMERICAN

**Advance Patient Self Determination Act.**

I have been furnished information regarding Advance Directives (such as durable power of attorney for healthcare and living wills). Please initial or place a mark next to one of the following applicable statements:

<input type="checkbox"/> I executed an Advance Directive and have been requested to supply a copy to the hospital	<input type="checkbox"/> I have not executed an Advance Directive, wish to execute one and have received information on how to execute an Advance Directive	<input checked="" type="checkbox"/> I have not executed an Advance Directive and do not wish to execute one at this time
---	---	--

15. **Notice of Privacy Practices.** I acknowledge that I have received the hospital's Notice of Privacy Practices, which describes the ways in which the hospital may use and disclose my healthcare information for its treatment, payment, healthcare operations and other prescribed and permitted uses and disclosures. I understand that this information may be disclosed electronically by the Provider and/or the Provider's business associates. I understand that I may contact the hospital Privacy Officer designated on the notice if I have a question or complaint.

Acknowledge: XB (Initial)

16. **Consent to Authorize Use of Email and Text for Patient Billing and Financial Obligations.** By my consent below, I authorize the use of any email address or cellular telephone number I provide for receiving information relating to my financial obligations, including, but not limited to, payment reminders, delinquent notifications, instructions and links to hospital Patient billing information.

Acknowledge: \_\_\_\_\_ (Initial) I consent to use of email for Patient billings and financial obligation purposes.

Acknowledge: \_\_\_\_\_ (Initial) I consent to use of text for Patient billings and financial obligation purposes.

17. **Acknowledgement:** I have been given the opportunity to read and ask questions about the information contained in this form, specifically including but not limited to the financial obligation's provisions and assignment of benefit provisions, and I acknowledge that I either have no questions or that my questions have been answered to my satisfaction and that I have signed this document freely and without inducement other than the rendition of services by the Providers.

Acknowledge: XB (Initial)

18. **Acknowledgement of Notice of Patient Rights and Responsibilities.** I have been furnished with a Statement of Patient Rights and Responsibilities ensuring that I am treated with respect and dignity and without discrimination or distinction based on age, gender, disability, race, color, ancestry, citizenship,



112766312  
D002318050  
D. ERL  
01/22/2016  
ALLEN, A  
ALLEN, A

SUNRISE HOSPITAL & MEDICAL CENTER

JENSEN  
12/12/1986

BRITNEY

Religion, pregnancy, sexual orientation, gender identity or expression, national origin, medical condition, marital status, veteran status, payment source or ability, or any other basis prohibited by federal, state, or local law.

Acknowledge: XES (Initial)

Date: <u>12-16</u>	I, the undersigned, as the Patient or Patient Representative, or, for a minor/incapacitated Patient, as the legal guardian, hereby certify I have read, and fully and completely understand this Conditions of Admission and Authorization for Medical treatment, and that I have signed this Conditions of Admission and Authorization for Medical Treatment knowingly, freely, voluntarily and agree to be bound by its terms. I have received no promises, assurances, or guarantees from anyone as to the results that may be obtained by any medical treatment or services. If insurance coverage is insufficient, denied altogether, or otherwise unavailable, the undersigned agrees to pay all charges not paid by the insurer.
Time: <u>0458</u>	
Patient/Patient Representative Signature: <u>[Signature]</u>	Witness Signature and Title: <u>[Signature]</u>
If you are not the Patient, please identify your Relationship to the Patient.  (Circle or mark relationship(s) from list below):  Spouse Parent Legal Guardian Neighbor/Friend Sibling Healthcare Power of Attorney Guardian Other (please specify): _____	Additional Witness Signature and Title: (required for Patients unable to sign without a representative or Patients who refuse to sign)  X _____  HCA Corporate Standard COA-COS 03.17.2015

SUNRISE HOSPITAL AND MEDICAL CENTER (COC22)  
EMERGENCY PROVIDER REPORT  
REPORT#: 0122-1552 REPORT STATUS: Signed  
DATE: 01/22/16 TIME: 1947

PATIENT: JENSEN, BRITTNEY UNIT #: D002318050  
ACCOUNT#: D00112766312 ROOM/BED:  
DOB: 12/12/86 AGE: 29 SEX: F PCF PHYS: Does Not Know  
SERVICE DT: 01/22/16 AUTHOR: Albekord, Arash MD  
REP SRV DT: 01/22/16 REP SRV TM: 1947  
\* ALL edits or amendments must be made on the electronic/computer document \*

### HPI-Assault

#### HPI

Confirmed patient: Yes  
Patient type: arrived by EMS  
Date/Time Seen by Provider 01/22/16 1940  
PCP: unknown  
Complaint: assault  
Source of history: patient, police  
Unable to obtain due to limited due to uncooperative behavior  
Timing - onset: today, sudden, resolved  
Mechanism of injury: assault  
Location of pain or injuries: head, face, neck  
Location of occurrence: home  
Pain quality: "pain"  
Severity onset: moderate  
Severity current: moderate  
Associated Symptoms:  
Reports FTOH use, Reports headache, Denies vision changes  
Context - assaulted with: fists, kicked  
Context - prehospital: see EMS report  
Context - Immunization Status tetanus (unknown)  
Exacerbated by: nothing  
Relieved by: nothing  
Pt. reports/records indicate: no recent doctor visit, no recent hospitalization, no prior similar symptoms  
Additional hpi notes:  
Per metro, patient was assaulted earlier today by her boyfriend. States patient's head was slammed into a wall and he stomped on her head/face multiple times with possible strangulation. Patient reports head pain. Admits to alcohol use, but is uncooperative here in ED and is therefore a poor historian.

Portions of this section were transcribed by BARTON, RACHEL M. on 01/22/16 at 2325

### Review of Systems

Page 1 of 9

Patient: JENSEN, BRITTNEY  
Unit#: D002318050  
Date: 01/22/16  
Acct#: D00112766312

**Constitutional:**

Denies: fever, chills.

**Skin:**

bruising (forehead, left eye).

**Eyes:**

swelling (left).

**Respiratory:**

DENIES: SOB, cough.

**Cardiovascular:**

DENIES: chest pain.

**Gastrointestinal:**

DENIES: nausea, vomiting, abdominal pain.

**Neuro:**

Reports: headache.

Unable to obtain due to: limited due to uncooperative behavior

Portions of this section were transcribed by BARTON, RACHEL M. on 01/22/16 at 1954

**History-Medical/Family/Social**

(X) Reviewed nursing notes: Yes

**Allergies:**

Coded Allergies:

No Allergy Information Available (01/22/16)

**Social history:**

Reports: alcohol.

**Unable to Obtain History**

Unable to obtain due to: limited due to uncooperative behavior

Portions of this section were transcribed by BARTON, RACHEL M. on 01/22/16 at 2322

**Phys Exam-Assault**

**Vital Signs**

First Documented:

	Result	Date Time
Pulse Ox	97	01/22/2001
B/P	136/93	01/22/2001
Temp	37.2	01/22/2001
Pulse	128	01/22/2001
Resp	25	01/22/2001

Patient: JENSEN, BRITTNEY  
 Unit#: D002318050  
 Date: 01/22/16  
 Acct#: D00112766312

Last Documented:

	Result	Date Time
Pulse Ox	87	01/22 2007
B/P	136/95	01/22 2001
Temp	37.2	01/22 2001
Pulse	128	01/22 2001
Resp	25	01/22 2001

Initial VS reviewed: yes

General: alert, oriented X 3, uncooperative, agitated, alcohol on breath

Head/Eyes: PERRL, EOMI, multiple bruises to left forehead and left eye, no hyphema

ENT: moist mucous membranes, normal pharynx, nasal septum normal, abrasion to nose, no septal hematoma

Neck: full range of motion, abrasion to anterior neck

Respiratory/Chest: no respiratory distress, chest nontender, breath sounds normal

Cardiovascular: normal heart sounds, abnormal rhythm (tachy)

Abdomen: atraumatic, soft, non-tender

Extremities:

Assessment: non-tender, no swelling, full range of motion, motor intact distally, sensory intact distally

Back: normal inspection, full range of motion

Skin - puncture wound: warm, dry

Neurologic: alert, oriented X 3, normal speech, no motor deficits, no sensory deficits

Psychiatric: anxious

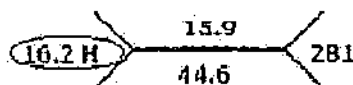
Portions of this section were transcribed by BARTON, RACHEL M. on 01/22/16 at 2322

Results/Interpretations

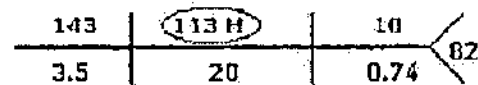
Results:

Laboratory Tests

01/22/16 2053:



Laboratory Tests:



Patient: JENSEN, BRITTNEY  
Unit#: D002318050  
Date: 01/22/16  
Acct#: D00112756312

	01722
	2053
<b>Chemistry</b>	
Sodium (134 - 145 mmol/L)	143
Potassium (3.4 - 5.0 mmol/L)	3.3
Chloride (98 - 109 mmol/L)	113 H
Carbon Dioxide (20 - 31 mmol/L)	20
Anion Gap (5 - 16 mmol/L)	10
BUN (5 - 23 mg N/dL)	10
Creatinine (0.50 - 0.80 mg/dL)	0.74
Est GFR (Non-Ar Amer) (>60 ml/min)	>60
Glucose (70 - 139 mg/dL)	82
Calcium (8.7 - 10.4 mg/dL)	9.0
Total Bilirubin (0.1 - 1.2 mg/dL)	0.3
AST (7 - 31 U/L)	56 H
ALT (7 - 44 U/L)	48 H
Total Alk Phosphatase (45 - 129 U/L)	80
Total Protein (5.7 - 8.2 g/dL)	7.0
Albumin (3.2 - 4.8 g/dL)	4.4
Albumin/Globulin Ratio (0.9 - 1.9)	1.7
<b>Hematology</b>	
WBC (4.8 - 10.8 K/MM3)	16.2 H
RBC (4.20 - 5.50 M/MM3)	4.99
Hgb (12.0 - 16.0 G/dL)	15.9
Hct (36.0 - 47.0 %)	44.6
MCV (80 - 100 fL)	89
MCH (27.0 - 32.0 PG)	31.9
MCHC (32.0 - 37.0 G/dL)	35.7
RDW (11.5 - 14.5 %)	11.6
Plt Count (150 - 450 K/MM3)	281
MPV (7.4 - 10.4 fL)	10.1
Neut % (Auto)	83.1
Immature Gran # (Auto) (0.01 - 0.02 K/MM3)	0.05 I
Neut # (1.8 - 7.7 K/MM3)	13.5 I
Lymph # (1.0 - 4.8 K/MM3)	1.8
Mono # (0.2 - 1.0 K/MM3)	0.7
Eos # (0.0 - 0.5 K/MM3)	0.1
Baso # (0.0 - 0.2 K/MM3)	0.1
Absolute Nucleated RBC (0 - 0 K/MM3)	0.00
Immature Gran % (0.1 - 0.3)	0.3
Lymphocytes %	11.3
Monocytes %	4.3

Patient: JENSEN, BRITTNEY  
Unit#: D002318050  
Date: 01/22/16  
Acct#: D00112766312

Eosinophils %	0.4
Basophils %	0.6
Nucleated RBCs/100 WBC (NONE /100WBCS)	0
Toxicology	
Plasma/Serum Alcohol (NONE DETECTED mg/dL)	223 H

Recent Impressions:

RADIOLOGY - XR CHEST AP PORTABLE 01/22 1957

\*\*\* Report Impression - Status: SIGNED Entered: 01/22/2016 2014

IMPRESSION:

1. Mild-moderate peribronchial thickening which is age-indeterminate. Consider reactive airways disease or bronchitis.
2. No focal airspace disease or pleural effusion.
3. Borderline heart size. The mediastinum is not widened.
4. No pneumothorax.
5. A cylindrical radiopaque foreign body projects over the base of the neck to the right of midline and is presumably outside of the body.

Impression By: SAURO - Ronald F. Sauer, Jr. D.O.

COMPUTED TOMOGRAPHY - CT CERVICAL SPINE W/O CONTRAST 01/22 2010

\*\*\* Report Impression - Status: SIGNED Entered: 01/22/2016 2046

IMPRESSION: No fracture or subluxation.

Impression By: JOHJE - Jeffrey L. Johnson M.D.

COMPUTED TOMOGRAPHY - CT BRAIN W/O CONTRAST 01/22 2010

\*\*\* Report Impression - Status: SIGNED Entered: 01/22/2016 2039

IMPRESSION:

1. No acute traumatic brain injury or intracranial hemorrhage.
2. Right frontal and left periorbital soft tissue swelling.
3. No skull fracture.
4. Old left lamina papyracea fracture.

Impression By: BLALI - Lindsey C. Blake M.D.

COMPUTED TOMOGRAPHY - CT FACIAL BONES W/O CONTRAST 01/22 2215

Patient: JENSEN, BRITTNEY  
 Unit#: D002318050  
 Date: 01/22/16  
 Acct#: D00112756312

\*\*\* Report Impression - Status: SIGNED Entered: 01/22/2016 2256

IMPRESSION: No facial bone fracture.  
 Impression By: BLALI - Lindsey C. Blake M.D.

Laboratory tests have been ordered, with results reviewed and considered in the medical decision making process.  
 The x-ray and CTs were interpreted by the radiologist.

Portions of this section were transcribed by BARTON, RACHEL A, on 01/22/16 at 2322

### MDM-Assault

#### ED Course

Patient course: stable  
 Medication(s) Ordered:  
 Medication(s) Ordered:  
 Antihistamine Drugs

Medication	Dose	Sig/Sch Route	Start time Stop Time	Status	Last Admin
Diphenhydramine HCl	50 MG	Q6H PRN PRN PO	01/22 2330	UNV	
Diphenhydramine HCl	50 MG	Q6H PRN PRN IM	01/22 2330	UNV	
Diphenhydramine HCl	50 MG	Q6H PRN PRN IV	01/22 2330	UNV	
Diphenhydramine HCl	0	.STK-MED ONE .ROUTE	01/22 2151	DC	
Diphenhydramine HCl	50 MG	XIFD STA IM	01/22 2151 01/22 2152	DC	01/22 2152
Diphenhydramine HCl	0	.STK-MED ONE MC	01/22 1947	DC	

#### Central Nervous System Agents

Medication	Dose	Sig/Sch Route	Start time Stop Time	Status	Last Admin
Acetaminophen	1,000 MG	Q8H PRN PRN PO	01/22 2330	UNV	
Chlorpromazine HCl	100 MG	Q30M PRN PRN IM	01/22 2330	UNV	
Haloperidol	5 MG	Q2H PRN PRN	01/22 2330	UNV	

Patient: JENSEN, BRITTNEY  
 Unit#: D002318050  
 Date: 01/22/18  
 Acct#: D00112766312

Haloperidol Lactate	5 MG	PO Q2H PRN PRN	01/22 2330 UNV	
Ibuprofen	800 MG	PO Q6H PRN PRN	01/22 2330 UNV	
Lorazepam	2 MG	PO Q2H PRN PRN	01/22 2330 UNV	
Lorazepam	2 MG	PO Q2H PRN PRN	01/22 2330 UNV	
Lorazepam	2 MG	IM Q2H PRN PRN	01/22 2330 UNV	
Tramadol HCl	50 MG	PO Q6H PRN PRN	01/22 2330 UNV	
Haloperidol Lactate	0	.STK-MED ONE .ROUTE	01/22 2151 DC	
Haloperidol Lactate	5 MG	X1ED STA IM	01/22 2151 DC	01/22
Acetaminophen/ Hydrocodone Bitartrate	1 EA	X1ED STA PO	01/22 2152	2153
Lorazepam	1 MG	X1ED STA IV	01/22 2143 CANr	
Lorazepam	1 MG	X1ED STA IM	01/22 2144	
Lorazepam	1 MG	X1ED STA IV	01/22 1953 CANr	
Lorazepam	1 MG	X1ED STA IM	01/22 1954	01/22
Haloperidol Lactate	0	.STK-MED ONE MISC	01/22 1954	1954
Lorazepam	0	.STK-MED ONE .ROUTE	01/22 1948 DC	
Lorazepam	0	.STK-MED ONE .ROUTE	01/22 1948 DC	

#### Gastrointestinal Drugs

Medication	Dose	Sig/Sch Route	Start time Stop Time	Last Status Admin
Famotidine	20 MG	BID PRN PRN PO	01/22 2330	UNV
Magnesium Hydroxide	30 ML	DAILY PRN PRN PO	01/22 2330	UNV
Ondansetron HCl	4 MG	Q4H PRN PRN PO	01/22 2330	UNV

Safety: patient is safe  
 X Re-Evaluation/Progress  
 Time: 2322



Patient: JENSEN, BRITTNEY  
Unit#: D002318050  
Date: 01/22/16  
Acct#: D00112766312

**Additional notes:**

Metro has visited with the patient here in the ED. Patient will be sent to the DOU and discharged home when clinically sober.

Portions of this section were transcribed by BARTON, RACHEL M. on 01/22/16 at 2325.

**Disposition-Assault**

**Clinical Impression:**

**Primary Impression:** Head Injury

**Secondary Impressions:** Alcohol intoxication, Assault, Facial contusion, MEDICAL

**SCREENING EXAM**

**X Disposition:**

**Discharged to home:** Yes

**Disposition time:** 2322

**Disposition date:** 01/22/16

**Vital signs:**

**First Documented:**

	Result	Date Time
Pulse Ox	97	01/22 2001
B/P	136/93	01/22 2001
Temp	37.2	01/22 2001
Pulse	128	01/22 2001
Resp	25	01/22 2001

**Last Documented:**

	Result	Date Time
Pulse Ox	87	01/22 2007
B/P	136/95	01/22 2001
Temp	37.2	01/22 2001
Pulse	128	01/22 2001
Resp	25	01/22 2001

**X All prior VS reviewed:** Yes

**Condition:** Stable

**Prescriptions Given:**

Naproxen, Tramadol.

**Prescriptions Reviewed:** risk, benefits, alternative treatment

**Counseled patient/family re:** diagnosis, lab results, imaging studies, prescriptions, need for follow up (Dr. Hussain in two days), when to return to ER

**Supervising Physician Note:**

Patient: JENSEN, BRITTNEY  
Unit#: D002318050  
Date: 01/22/16  
Acct#: D00112766312

BARTON, RACHEL M., 01/22/16 1955, scribing for and in the presence of Arash Albekord, MD.

I personally performed the services described in this documentation and reviewed the documentation that was dictated to the scribe in my presence, and it accurately records my words and actions. Arash Albekord, MD, 01/22/16

Portions of this section were transcribed by BARTON, RACHEL M. on 01/22/16 at 2322

Electronically Signed by Albekord, Arash MD on 01/23/16 at 0418

RPT #: 0122-1558  
\*\*\*END OF REPORT\*\*\*

Page 9 of 9

[illegible]

[illegible]

[illegible]

DOUGLAS  
DOUGLAS  
DOUGLAS

**Abstract**

EXCERPT  
DATE: 11-22-16 TIME: 14:20  
04/22/16 2120 HUIZHUA, JUNE, IN

Paul Mackintosh (Ed.)  
 December 1984  
 01/234 36 0030 GUL810,SHA N. 13

Accessible to public? ☒  
 Assessment type: Compiling Testimony  
 Pain scale: None  
 Identifier: 30  
 See next page  
 Pain location: General Head  
 Stages: Mild/mod  
 Characteristics: Acute

See next page  
next page

Source First Assessment (B)

Document Title Date  
01/22/16 0930 CAL 09103114 M, IN

Subject description: The  
are you been because was tried to

in the past, few days have seen

Recorded  
Date: The Post  
01/23/15 QEE HUIZING, JULIE, IN

See initial page  
for next page  
content:

Patience is at Risk for Substantive  
Last page:  
DBS position on EC, TR, and LTR (20)

001/22375-0950 2449810, 51146 14, 609  
 Patient Description: 18 year  
 old, African American, male  
 Chief Complaint: Acute onset of  
 chest pain, shortness of breath,  
 and dizziness. History of  
 asthma and recent viral  
 infection. Physical exam  
 and vital signs are within  
 normal limits. ECG and  
 chest X-ray are negative.  
 Disposition: Admitted to  
 the medical ward for  
 further observation and  
 treatment. The patient is  
 stable and comfortable.  
 Expected outcome: Full  
 recovery within 24-48  
 hours.

100

**D-6114-16, FBI**

**DECEMBER 1994**

123 45 6789

[illegible]

[illegible]



212

[illegible]

# EMERGENCY MEDICAL SERVICES (EMS) PRE-NOTIFICATION RECORD

Date: 1/22/14

Time: 1930

ETA: 15 min

LVFD ☐ Ground ☒  
HFD ☐  
CCFD ☐ Air ☐  
AMR ☐  
Medic West ☒ Unit # 522  
Care Flight ☐  
Other ☐

Age: 30 Gender: M ☐ F ☒

Complaint: Assault, Agitated, C6/4

VS: BP 120/88 / unobtainable HR 110 / unobtainable  
RR            SAT 98

Rating: Stable Unstable             
Conscious Unconscious            GCS 15

Airway (circle one) Unassisted Assisted Intubated Unable to Intubate

Medication: Onset Symptoms:           

Field Treatments: IV            Oz            C-Collar Backboard  
Meds:            Other treatments:           

Comments:  
            
            
          

Signature: [Signature]

<input checked="" type="checkbox"/> Trauma Patient Class: 1 2 3 Transfer in Time Activated: <u>          </u>	<input type="checkbox"/> Semi Patient Yes: <u>          </u> No: <u>          </u> Cardiologist: <u>          </u>	<input type="checkbox"/> Code White Symptoms Onset Time: <u>          </u> Time Initiated: <u>          </u>
---	--	--

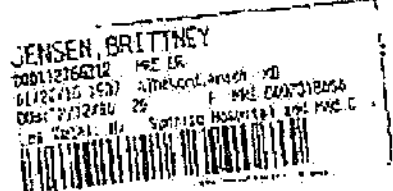
## PART OF THE PERMANENT MEDICAL RECORD



### EMS PRE-NOTIFICATION RECORD



(Rev. 03/13) Page 1 of 1



BIL DATE: 01/22/16 RUN TIME: 01:00 RUN USER: HPF.FEED	MEDITECH FACILITY: 10003 JULY - Discharge Report	Page: 1
PATIENT: JENSEN BRITTNEY ACCOUNT NO: LC0112766312 ATTEND DR: Asekord, Arash MD REPORT STATUS: FINAL	A/S: 28 F LJC: D.ERL RN: BD:	ADNET: 01/22/16 DISCH/DER: 01/23/16 STATUS: IR UNIT NO: P002318076

Order Date: 01/22/16

Category	Procedure Name	Order Number	Date	Time	Pri	Qty	Ord Source	Status	Ordered By
N.Y.ED	ED: RPE ATTESTATION	20160.22-1566	01/22/16	1940	5		E	TAN	00001

Other Provider:      Sig Lvl Provider:      Press <Enter> for Order Details below

PHI was completed at this time and the orders below are a result of this interaction.

Order's Audit Trail of Events

1	01/22/16 1940 AM: 0000	Order ENTER in EDH/TCN
2	01/22/16 1940 AM: 0000	Order from set: DRUG AND ALCOHOL ABUSE ED TX
3	01/22/16 1940 AM: 0000	Ordering Doctor: Forsman Robyn R PA-C
4	01/22/16 1940 AM: 0000	Order Source: EPOCH

01/22/16 1940 AM: 0000 Issued by Forsman Robyn R PA-C in 01/22/16 1940 AM: 0000

Electronically signed by Forsman Robyn R PA-C on 01/22/16 at 1940 AM: 0000

Order Date: 01/22/16

Category	Procedure Name	Order Number	Date	Time	Pri	Qty	Ord Source	Status	Ordered By
N.Y.ED	ED: RPO INJECT MEDS	20160.22-1566	01/22/16	1940	5		E	TAN	00001

Other Provider:      Sig Lvl Provider:      Press <Enter> for Order Details below

Order's Audit Trail of Events

1	01/22/16 1940 AM: 0000	Order ENTER in EDH/TCN
2	01/22/16 1940 AM: 0000	Order from set: DRUG AND ALCOHOL ABUSE ED TX
3	01/22/16 1940 AM: 0000	Ordering Doctor: Forsman Robyn R PA-C
4	01/22/16 1940 AM: 0000	Order Source: EPOCH

01/22/16 1940 AM: 0000 Issued by Forsman Robyn R PA-C in 01/22/16 1940 AM: 0000

Electronically signed by Forsman Robyn R PA-C on 01/22/16 at 1940 AM: 0000

Order Date: 01/22/16

Category	Procedure Name	Order Number	Date	Time	Pri	Qty	Ord Source	Status	Ordered By
N.Y.LD	LD: 21/AL SIGN	20160.22-1566	01/22/16	1940	5		L	TAN	00001

Other Provider:      Sig Lvl Provider:      Press <Enter> for Order Details below

VS Frequency:      per unit standard  
 Neuro Checks:      Y  
 Frequency

PERMANENT MEDICAL RECORD COPY

BSN DATE: 01/22/16 RUN USER: IP:FEED RUN USER: IP:FEED	MEDITECH FACILITY: LDCS JULY - Discharge Report	PAGE 2
PATIENT: JENSEN BRITTNEY ACCOUNT NO: D0012766312	A/S: 28 F LJC: J.ERI RN: BD:	ADMIT: 01/22/16 DISCH/DEP: 01/23/16 STATUS: IP UNIT NO: D002318050
ATTEND DR: A. HERNANDEZ MD REPORT STATUS: FINAL		

Order's Audit Trail of Events

1	01/22/16 1940 AM FORRO	Order ENTER in EDH/POH
2	01/22/16 1940 AM FORRO	Order first set. DRUG AND ALCOHOL ABUSE ED TX
3	01/22/16 1940 AM FORRO	Ordering Doctor: Forsman Robyn R PA-C
4	01/22/16 1940 AM FORRO	Order Source: EPOCH

Electronically signed by Forsman Robyn R PA-C on 01/22/16 at 1940

Order Date: 01/22/16 Service

Category	Procedure Name	Order Number	Date	Time	Pri	Qty	Ord Source	Status	Ordered By
NF ED	ED: PULSE OXIMETRY	20160122-1598	01/22/16	1940	5	E	TRH	TRH	FORRO1

Other Provider: Sig Lvl Provider:  
Press <Enter> for Order Details below

Frequency: With Vital Signs

Order's Audit Trail of Events

1	01/22/16 1940 AM FORRO	Order ENTER in EDH/POH
2	01/22/16 1940 AM FORRO	Order first set. DRUG AND ALCOHOL ABUSE ED TX
3	01/22/16 1940 AM FORRO	Ordering Doctor: Forsman Robyn R PA-C
4	01/22/16 1940 AM FORRO	Order Source: EPOCH

Electronically signed by Forsman Robyn R PA-C on 01/22/16 at 1940

Order Date: 01/22/16 Service

Category	Procedure Name	Order Number	Date	Time	Pri	Qty	Ord Source	Status	Ordered By
NF ED	ED: CARDIAC MONITOR	20160122-1599	01/22/16	1940	5	E	TRH	TRH	FORRO1

Other Provider: Sig Lvl Provider:  
Press <Enter> for Order Details below

Order's Audit Trail of Events

1	01/22/16 1940 AM FORRO	Order ENTER in EDH/POH
2	01/22/16 1940 AM FORRO	Order first set. DRUG AND ALCOHOL ABUSE ED TX
3	01/22/16 1940 AM FORRO	Ordering Doctor: Forsman Robyn R PA-C
4	01/22/16 1940 AM FORRO	Order Source: EPOCH

Electronically signed by Forsman Robyn R PA-C on 01/22/16 at 1940

Order Date: 01/22/16 Service

Category	Procedure Name	Order Number	Date	Time	Pri	Qty	Ord Source	Status	Ordered By
NF ED	ED: ELOPEMENT PRECAUTIONS	20160122-1600	01/22/16	1940	5	E	TRH	TRH	FORRO1

Other Provider: Sig Lvl Provider:  
Press <Enter> for Order Details below

## PERMANENT MEDICAL RECORD COPY

RN DATE: 01/22/16 RN LVL: 0110 RN USER: HP:FEED	MEDITECH FACILITY: JENSEN JULY - Discharge Report	Page: 3
PATIENT: JENSEN BRITTNEY ACCOUNT NO: D00112766312 ATTEND DR: Anderson, R. PhD MD REPORT STATUS: FINAL	A/S: 29 F LCO: D.ERI RN: BO:	ADMIT: 01/22/16 DISCH/DEP: 01/23/16 STATUS: IN UNIT NO: D002318050

Order's Audit Trail of Events

1	01/22/16 1940 AM	FEED	Order ENTER in EDH/PCN
2	01/22/16 1940 AM	FEED	Order from set: DRUG AND ALCOHOL ABUSE ED TX
3	01/22/16 1940 AM	FEED	Ordering Doctor: Forsman, Robyn R PA-C
4	01/22/16 1940 AM	FEED	Order Source: EPCH

Electronically signed by: Forsman, Robyn R PA-C on 01/22/16 at 1940:11

Order Date: 01/22/16

Category	Procedure Name	Order Number	Date	Time	Pri	Qty	Ord Source	Status	Ordered By
N.R.ED	ED: SUICIDE PRECAUTIONS	20160122-1591	01/22/16	1940	5	1	E	T-R	FEED01

Other Provider: Sig Lvl Provider:  
Press <Enter> for Order Details below

Order's Audit Trail of Events

1	01/22/16 1940 AM	FEED	Order IN IN in EDH/PCN
2	01/22/16 1940 AM	FEED	Order from set: DRUG AND ALCOHOL ABUSE ED TX
3	01/22/16 1940 AM	FEED	Ordering Doctor: Forsman, Robyn R PA-C
4	01/22/16 1940 AM	FEED	Order Source: EPCH

Electronically signed by: Forsman, Robyn R PA-C on 01/22/16 at 1940:11

Order Date: 01/22/16

Category	Procedure Name	Order Number	Date	Time	Pri	Qty	Ord Source	Status	Ordered By
N.R.ED	ED: ELCOO SUGAR	20160122-1592	01/22/16	1940	5	1	E	T-R	FEED01

Other Provider: Sig Lvl Provider:  
Press <Enter> for Order Details below

Frequency: Once

Order's Audit Trail of Events

1	01/22/16 1940 AM	FEED	Order ENTER in EDH/PCN
2	01/22/16 1940 AM	FEED	Order from set: DRUG AND ALCOHOL ABUSE ED TX
3	01/22/16 1940 AM	FEED	Ordering Doctor: Forsman, Robyn R PA-C
4	01/22/16 1940 AM	FEED	Order Source: EPCH

Electronically signed by: Forsman, Robyn R PA-C on 01/22/16 at 1940:11

## PERMANENT MEDICAL RECORD COPY



RUN DATE: 01/22/16 RUN TIME: 01:00 RUN USER: HP:FEED	MEDICAL FACILITY - IOWA JULY - Discharge Report	PAGE 5
PATIENT: JENSEN, BRITTNEY ACCOUNT NO: D00112766312	A/S: 25 F LOC: D. ERL RN: BU:	ADMIT: 01/22/16 DISCH/DEP: 01/23/16 STATUS: 12 UNIT NO: D002318050
ATTEND DR: A. Nelson, MD REPORT STATUS: FINAL		

Order's Audit Trail of Events

- 01/22/16 1940 AM EURL Order ENTER in EDI/PCN
- 01/22/16 1940 AM EURL Order Price set DRUG AND ALCOHOL ABUSE ED TX
- 01/22/16 1940 AM EURL Ordering Doctor: Forsman, Robyn R. PA-C
- 01/22/16 1940 AM EURL Order Source: EPOCH
- 01/22/16 1940 AM EURL Order Status changed from TRANS to LOGGED by LAB
- 01/22/16 1940 interface col's doctors edited in LAB
- 01/22/16 1940 interface order's status changed from TRANS to LOGGED by LAB
- 01/22/16 1940 interface order's status changed from LOGGED to CANCELED by LAB

Cancel comment: PL DISCHARGED

Electronically signed by: Forsman, Robyn R. PA-C on 01/22/16 at 1940:00

Order Date: 01/22/16  
 Category: Procedure Name  
 CYS ALCOHOL (STANDARD) BLOOD  
 Other Provider: Sig Lvl Provider:

Service

Order Number: 20160122-1551  
 Date: 01/22/16  
 Time: 1940  
 Pri: 5  
 Qty: 5  
 Ord Source: E  
 Status: 240  
 Ordered By: FURF01

If this is a SCAN patient, a separate specimen and chain of

Custody envelope is required  
 Please Comment:

Order's Audit Trail of Events

- 01/22/16 1940 AM EURL Order ENTER in EDI/PCN
- 01/22/16 1940 AM EURL Order Price set DRUG AND ALCOHOL ABUSE ED TX
- 01/22/16 1940 AM EURL Ordering Doctor: Forsman, Robyn R. PA-C
- 01/22/16 1940 AM EURL Order Source: EPOCH
- 01/22/16 1940 AM EURL Order Status changed from TRANS to LOGGED by LAB
- 01/22/16 1940 interface col's doctors edited in LAB
- 01/22/16 1940 interface order's status changed from TRANS to LOGGED by LAB
- 01/22/16 2137 interface order's status changed from LOGGED to IN PRO by LAB
- 01/22/16 2142 interface order's status changed from IN PRO to COMP by LAB
- 01/22/16 2235 interface order's status changed from COMP to IN PRO by LAB
- 01/22/16 2252 interface order's status changed from IN PRO to UTIP by LAB

Electronically signed by: Forsman, Robyn R. PA-C on 01/22/16 at 1940:00

Order Date: 01/22/16  
 Category: Procedure Name  
 CYS DRUG COMP PROFILE URINE  
 Other Provider: Sig Lvl Provider:

Service

Order Number: 20160122-1552  
 Date: 01/22/16  
 Time: 1940  
 Pri: 5  
 Qty: 5  
 Ord Source: E  
 Status: CSC  
 Ordered By: FURF01

If this is a SCAN patient, a separate specimen and chain of

Custody envelope is required  
 Please Comment:

Order's Audit Trail of Events

- 01/22/16 1940 AM EURL Order ENTER in EDI/PCN
- 01/22/16 1940 AM EURL Order Price set DRUG AND ALCOHOL ABUSE ED TX
- 01/22/16 1940 AM EURL Ordering Doctor: Forsman, Robyn R. PA-C
- 01/22/16 1940 AM EURL Order Source: EPOCH

PERMANENT MEDICAL RECORD COPY



BIL DATE: 01/25/16  
MIX ILM: 011C  
MIX USE: HP FEED

MEDITECH FACILITY: D0257  
JULY - Discharge Report

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PATIENT: JENSEN, BRITTNEY  
ACCOUNT NO: 00112766312

A/S: 25-F  
LOC: 3.ER1  
RN:  
SD:

ADMIT: 01/22/16  
DISCH/DEP: 01/23/16  
STATUS: IR  
UNIT NO: D002318050

ATTEND DR: Asek6rd, Anash MD  
REPORT STATUS: FINAL

- 6 01/22/16 1940 AM: EPRD Signed by Forsman, Robyn R PA-C  
6 01/22/16 1940 interface cc's doctors edited in LAB  
7 01/22/16 1940 interface order's status changed from TRANS to LOGGED by LAB  
8 01/23/16 1040 interface order's status changed from LOGGED to CHIC by LAB

Cancel comment: PT DISCHARGED

Electronically signed by: Forsman, Robyn R PA-C on 01/23/16 at 10:00:00

Order Date: 01/22/16

Service

Category: Procedure Name  
LAB STAT CHEN

Order Number: 20160122 3553  
Date: 01/22/16 1940

Time: 1940  
Pri: 5  
Qty: 1  
Ord Source: CHC

Status: CHC  
Ordered By: FCR001

Other Provider:

Sig Lvl Provider:

Order's Audit Trail of Events

- 1 01/22/16 1940 AM: EPRD Order ENTER in ECH/PCB  
2 01/22/16 1940 AM: EPRD Order from set: DRUG AND ALCOHOL ABUSE ED TX  
3 01/22/16 1940 AM: EPRD Ordering Doctor: Forsman, Robyn R PA-C  
4 01/22/16 1940 AM: EPRD Order Source: EPOCH  
5 01/22/16 1940 AM: EPRD Signed by Forsman, Robyn R PA-C  
6 01/22/16 1940 interface cc's doctors edited in LAB  
7 01/22/16 1940 interface order's status changed from TRANS to LOGGED by LAB  
8 01/22/16 1940 interface order's status changed from LOGGED to CHIC by LAB  
9 01/22/16 2120 interface order's status changed from CHIC to IN PNC by LAB  
10 01/22/16 2140 interface order's status changed from IN PNC to CHC by LAB  
11 01/22/16 2230 interface order's status changed from CHC to IN PNC by LAB  
12 01/22/16 2230 interface order's status changed from IN PNC to CHC by LAB  
13 01/22/16 2230 interface order's status changed from CHC to CHC by LAB

Electronically signed by: Forsman, Robyn R PA-C on 01/23/16 at 10:00:00

Order Date: 01/22/16

Service

Category: Procedure Name  
CT BRAIN W/O CONTRAST

Order Number: 20160122 0157  
Date: 01/22/16 2010

Time: 2010  
Pri: 5  
Qty: 1  
Ord Source: CHC

Status: CHC  
Ordered By: FCR001

Other Provider:

Sig Lvl Provider:

Press <Enter> for Order Details below

Reason:

Head injury, Assaulted

Chn Rv:

REASON FOR EPOCH must be symptoms or confirmed diagnosis, NOT Rule Out.

Order's Audit Trail of Events

- 1 01/22/16 1940 AM: EPRD Order ENTER in ECH/PCB  
2 01/22/16 1940 AM: EPRD Order from set: DRUG AND ALCOHOL ABUSE ED TX  
3 01/22/16 1940 AM: EPRD Ordering Doctor: Forsman, Robyn R PA-C  
4 01/22/16 1940 AM: EPRD Order Source: EPOCH  
5 01/22/16 1940 AM: EPRD Signed by Forsman, Robyn R PA-C  
6 01/22/16 1940 interface order's status changed from TRANS to LOGGED by LAB  
7 01/22/16 2025 interface order's status changed from LOGGED to IN PNC by LAB  
8 01/22/16 2030 interface order's service time edited in LAB to 1940  
9 01/22/16 2030 interface order's status changed from IN PNC to CHC by LAB

PERMANENT MEDICAL RECORD COPY

MRN DATE: 01/22/16 MRN FPL: 01/22/16 MRN USER: HP-REED	MEDITECH FACILITY: D0057 JULY - Discharge Report	PAGE 7
PATIENT: JENSEN BRITTNEY ACCOUNT NO: D00112766312	A/S: 29 F LCC: D-ERI RN: SO:	ADMIT: 01/22/16 DISCH/DEP: 01/23/16 STATUS: 18 UNIT NO: 0002318050
ATTEND DR: A. Beckord, Anest MD REPORT STATUS: FINAL		

Electronically signed by Forsman, Raby P. PA-C on 01/22/16 at 1940

Order Date: 01/22/16      —Service—  
 Category: Procedure Name      Order Number      Date      Time      Pri      Qty      Ord Source      Status      Ordered By  
 1      01/22/16 1940      HL-EPCH      20160.22-1594      01/22/16      1940      5      E      T3H      0002318050  
 Other Provider:      Sig Lvl Provider:      Press <Enter> for Order Details below

Reason:      assault, neck pain  
 CHA HX:  
 REASON FOR EXAM must be symptoms or confirmed diagnosis. NOT Rule Out.

Order's Audit Trail of Events

- 01/22/16 1940 HL-EPCH Order ENTER in EDH/POH
- 01/22/16 1940 HL-EPCH Order from set DRUG AND ALCOHOL ABUSE ED TX
- 01/22/16 1940 HL-EPCH Ordering Doctor: Forsman, Raby P. PA-C
- 01/22/16 1940 HL-EPCH Order Source: EPCH
- 01/22/16 1940 HL-EPCH Signed by: Forsman, Raby P. PA-C
- 01/22/16 1940 HL-EPCH Order's status changed from ORDER to IN PROG by PPD
- 01/22/16 2030 Interface Order's status changed from ORDER to IN PROG by PPD
- 01/22/16 2030 Interface Order's service time edited: o/c ya no - 1940
- 01/22/16 2030 Interface Order's status changed from IN PROG to CTRP by PPD
- 01/22/16 2134 ORDER CANCELED from Order Management

Electronically signed by Forsman, Raby P. PA-C on 01/22/16 at 1940

Order Date: 01/22/16      —Service—  
 Category: Procedure Name      Order Number      Date      Time      Pri      Qty      Ord Source      Status      Ordered By  
 1      01/22/16 1940      HL-EPCH      20160.22-1594      01/22/16      1940      5      E      T3H      0002318050  
 Other Provider:      Sig Lvl Provider:      Press <Enter> for Order Details below

Order's Audit Trail of Events

- 01/22/16 1940 HL-EPCH Order ENTER in EDH/POH
- 01/22/16 1940 HL-EPCH Order from set ISTAT COMPLETE
- 01/22/16 1940 HL-EPCH Ordering Doctor: Forsman, Raby P. PA-C
- 01/22/16 1940 HL-EPCH Order Source: EPCH
- 01/22/16 1940 HL-EPCH Signed by: Forsman, Raby P. PA-C
- 01/22/16 1940 HL-EPCH This Procedure was triggered by:
- 01/22/16 1940 HL-EPCH ISTAT CHEV (LAB)

Electronically signed by Forsman, Raby P. PA-C on 01/22/16 at 1940

PERMANENT MEDICAL RECORD COPY

BN DATE: 01/22/16  
BN TPL: 0110  
BN USR: HP:FEED

MEDITECH FACILITY: DOCS?  
JULY - Discharge Report

PAGE 8

PATIENT: JENSEN, BRITTNEY  
ACCOUNT NO: D0012766312

A/S: 26 F  
LOC: 0.ERL  
RV:  
BD:

ADMIT: 01/22/16  
DISCH/DEP: 01/23/16  
STATUS: 16  
UNIT NO: D002318856

ATTEND DR: A Nelson, Anish MD  
REPORT STATUS: FINAL

Order Date: 01/22/16

—Service—

Category Procedure Name

Order Number Date Time Pri Qty Ord Source Status Ordered By

FEED CODEZ 01/15 FED

20160122-5420 01/22/16 1947 R 1 disp CMP

Other Provider:

Sig Lvl Provider:

RX: 31342310

Start: 01/22/16 1948 ONE CMP

Stop:

d-phenhydramine inj (benzodryl inj)

Dose: 0 MG

Route: IM

Direction: 31K FED

Order's Audit Trail of Events

- 1 01/22/16 1946 PHA ORDER Order ENTER in PHA
- 2 01/22/16 1946 PHA ORDER Ordering Doctor:
- 3 01/22/16 1946 PHA ORDER Order Source: DISPENSE
- 4 01/22/16 1945 STD FED DISCONTINUE in PHA
- 5 01/22/16 1945 R106526 STOPPED in PHA
- 6 01/22/16 1947 R106526 STOPPED
- 7 01/22/16 1945 R106526 Order Source: DISPENSE
- 8 01/22/16 2027 DRUG JPHIC order acknowledged

Order Date: 01/22/16

—Service—

Category Procedure Name

Order Number Date Time Pri Qty Ord Source Status Ordered By

FEED CODEZ 01/15 FED

20160122-5421 01/22/16 1948 R 1 disp CMP

Other Provider:

Sig Lvl Provider:

RX: 31342311

Start: 01/22/16 1948 ONE CMP

Stop:

haloperidol tablets, 1mg (Haldol inj)

Dose: 0 MG

Route: IM

Direction: STD FED

Order's Audit Trail of Events

- 1 01/22/16 1946 PHA ORDER Order ENTER in PHA
- 2 01/22/16 1946 PHA ORDER Ordering Doctor:
- 3 01/22/16 1946 PHA ORDER Order Source: DISPENSE
- 4 01/22/16 1945 STD FED DISCONTINUE in PHA
- 5 01/22/16 1945 R106526 STOPPED in PHA
- 6 01/22/16 1945 R106526 STOPPED
- 7 01/22/16 1945 R106526 Order Source: DISPENSE
- 8 01/22/16 2027 DRUG JPHIC order acknowledged

Order Date: 01/22/16

—Service—

Category Procedure Name

Order Number Date Time Pri Qty Ord Source Status Ordered By

FEED CODEZ 01/15 FED

20160122-5422 01/22/16 1948 R 1 disp CMP

Other Provider:

Sig Lvl Provider:

RX: 31342312

Start: 01/22/16 1948 ONE CMP

Stop:

lorazepam inj (Ativan inj)

Dose: 0 MG

Route: IM

Direction: STD FED

Order's Audit Trail of Events

- 1 01/22/16 1946 PHA ORDER Order ENTER in PHA
- 2 01/22/16 1946 PHA ORDER Ordering Doctor:

PERMANENT MEDICAL RECORD COPY

RUN DATE: 01/22/16  
RUN TIME: 01:10  
RUN USER: HPF.FEED

MEDTECH FACILITY: LDCS7  
JULY - Discharge Report

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PATIENT: JENSEN, BRITTNEY  
ACCOUNT NO: 000112766312

AGE: 28 F  
LOC: CLER1  
RN:  
BD:

ADMIT: 01/22/16  
DISCH/DEP: 01/23/16  
STATUS: 1K  
UNIT NO: 0002318030

ATTEND DR: A Oakland, Arash MD  
REPORT STATUS: FINAL

2 01/22/16 1345 PHA ORDER Order Source: DISPENSE  
4 01/22/16 1345 SJA 110 DISCONTINUE in PHA  
6 01/22/16 1345 RID6536 S2GTINN in PHA  
8 01/22/16 1345 RID6536 S2GTINN  
7 01/22/16 1345 RID6536 Order Source: DISPENSE

Order Date: 01/22/16

---Service---

Category: Procedure Name

Order Number: Date

Time Pri

Qty Ord Source

Status

Ordered By

RSD: 35 CHEST AP PORTABLE

20160122-0301 01/22/16 1937 5

E

CMP

A.BAR

Other Provider :

Sig Lvl Provider :

Press <Enter> for Order Details below

Reason:

Chest trauma, Spfx comment

Chief Hx:

ASSAULT - ANTERIOR CHEST WALL PAIN

REASON FOR DXN must be symptoms or confirmed diagnosis, NOT Rule Out.

Order's Audit Trail of Events

1 01/22/16 1349 DR ALBAR Order ENTER in EDW/ACH  
2 01/22/16 1349 DR ALBAR Ordering Doctor: A Oakland, Arash MD  
3 01/22/16 1349 DR ALBAR Order Source: EPON  
4 01/22/16 1349 DR ALBAR Signed by A15: A Oakland, Arash MD  
5 01/22/16 1351 interface order's status changed from LOGGED to LOGGED by PAK  
6 01/22/16 2007 interface order's status changed from LOGGED to IN PAC by PAK  
7 01/22/16 2008 interface order's service time added: v o value - 1949  
8 01/22/16 2014 interface order's status changed from IN PAC to CDR by PAK

Electronically signed by A Oakland, Arash MD on 01/22/16 1349

Order Date: 01/22/16

---Service---

Category: Procedure Name

Order Number: Date

Time Pri

Qty Ord Source

Status

Ordered By

MEP CDC52 35

20160122-0430 01/22/16 1953 5

9

CNC

A.BAR

Other Provider :

Sig Lvl Provider :

RX: 31347632

Start: 01/22/16 1954

SLA: CNC

Stop: 01/22/16 1954

LX: Zepal (mg) (AC) (ml) (1)

Dose: 1 MG

Route: IV

Direction: XIED

Cancel Comments: wrong ROUT

Order's Audit Trail of Events

1 01/22/16 1954 DR ALBAR Order IN IN in LOG/ON  
2 01/22/16 1955 DR ALBAR Ordering Doctor: A Oakland, Arash MD  
3 01/22/16 1955 DR ALBAR Order Source: VERBAL & VERIFIED q  
4 01/22/16 1955 interface order's status changed from TRANS to IN PAC by PAK  
5 01/22/16 1955 DR ALBAR Order OK in EDW/ACH  
6 01/22/16 1955 DR ALBAR Ordering Doctor: A Oakland, Arash MD  
7 01/22/16 1955 DR ALBAR Order Source: VERBAL & VERIFIED q  
8 01/22/16 1955 DR ALBAR Order's 35 has been cancelled by ALBAR  
9 01/22/16 1955 interface Order cancelled by PAK  
10 01/22/16 1955 interface order's status changed from IN PAC to CNC by PAK  
11 01/22/16 2015 DR ALBAR Signed by A15: A Oakland, Arash MD

PERMANENT MEDICAL RECORD COPY

DLN DATE: 01/22/16  
MVA ICD: 0116  
MVA USER: HPE.FEED

MEDITECH FACILITY: 10757  
LUL - Discharge Report

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PATIENT: JENSEN, BRITTNEY  
ACCOUNT NO: 00012766312

A/S: 35 F  
LOC: 2. ERI  
RM:  
BD:

ADMIT: 01/22/16  
DISCH/DEP: 01/23/16  
STATUS: 12  
UNIT NO: 0002318058

ATTEND DR: Asekord, Anash MD  
REPORT STATUS: FINAL

Cancel comment: Cancelled by Pharmacy

Electronically Signed by: Asekord, Anash MD on 01/22/16 at 04:18:16

Order Date: 01/22/16  
Category: Procedure Name

Order Number: 20160122-5433  
Date: 01/22/16  
Time: 15:53  
Pri: 5  
Qty: 1  
Ord Source: CWP  
Status: CWP  
Ordered By: A. FAR

Other Provider:  
RK: 31342333

Sig Lvl Provider:

Start: 01/22/16 15:53  
Stop: 01/22/16 15:54

LORazepam Inj (Ativan Inj)

Dose: 1 MG

Route: IV

Direction: XIFB

#### Order's Audit Trail of Events

- 01/22/16 15:54 [0001 JXH10] Order ENTER by EDH/UM
- 01/22/16 15:54 [0001 JXH10] Ordering Doctor: Asekord, Anash MD
- 01/22/16 15:54 [0001 JXH10] Order Source: VERBAL & VERIFIED q
- 01/22/16 15:54 SCHEDULER DISCONTINUE by PBA
- 01/22/16 15:54 interface order's status changed from TRANS to CWP by PBA
- 01/22/16 15:54 [0001 JXH10] order acknowledged
- 01/22/16 15:54 [0001 JXH10] order signed by Asekord, Anash MD

Electronically Signed by: Asekord, Anash MD on 01/22/16 at 04:18:16

Order Date: 01/22/16

Category: Procedure Name

Order Number: 20160122-0173  
Date: 01/22/16  
Time: 15:22  
Pri: 5  
Qty: 1  
Ord Source: CWP  
Status: CWP  
Ordered By: A. FAR

Other Provider:

Sig Lvl Provider:

Press <Enter> for Order Details below.

Reason:

RESUTLED

Ellin Re:

ORDER FOR EGIN must be symptoms or confirmed diagnosis NOT rule out.

#### Order's Audit Trail of Events

- 01/22/16 21:36 [0001 JXH10] Order ENTER by EDH/UM
- 01/22/16 21:36 [0001 JXH10] Ordering Doctor: Asekord, Anash MD
- 01/22/16 21:36 [0001 JXH10] Order Source: VERBAL & VERIFIED q
- 01/22/16 21:36 interface order's status changed from TRANS to LOGGED by PAD
- 01/22/16 22:42 interface order's status changed from LOGGED to IN PMO by PAD
- 01/22/16 22:43 interface order's service time edited, old value 31:35
- 01/22/16 22:55 interface order's status changed from IN PMO to CWP by FAR
- 01/22/16 22:55 [0001 JXH10] order signed by Asekord, Anash MD

Electronically Signed by: Asekord, Anash MD on 01/22/16 at 04:18:16

## PERMANENT MEDICAL RECORD COPY

BY DATE: 01/22/16  
BY TIME: 01:10  
BY USER: HP.FEED

MEDICAL FACILITY: LORTS  
LULY - Discharge Report

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PATIENT: JENSEN, BRITTNEY  
ACCOUNT NO: D00112766312

A/S: 35 F  
LOC: 3. ER1  
RN:  
BD:

ADMIT: 01/22/16  
DISCHARGE: 01/23/16  
STATUS: IP  
UNIT NO: D002318050

ATTEND DR: A Jackson, Anash, MD  
REPORT STATUS: FINAL

Order Date: 01/22/16

—Service—

Category: Procedure Name  
MED CODE: 75

Order Number: 20100122-5529 Date: 01/22/16 Time: 21:42 Pri: 5 Qty: 1 Ord Source: CAC Status: Ordered By: ALBARE

Other Provider:  
RX: 31/4275n

Sig Lvl Provider:

Start: 01/22/16 2:45 STA: CAC  
Stop: 01/22/16 2:44

HYPODermic/ARAP 2025 Tab (Lortas 5 Tab)

Dose: 1 EA

Route: PO

Direction: X110

Cancel Comments: 20

Order's Audit Trail of Events

- 1 01/22/16 21:43 DRUG JPHIC Order LR LR in LOR/AM
- 2 01/22/16 21:43 DRUG JPHIC Ordering Doctor: A Jackson, Anash, MD
- 3 01/22/16 21:43 DRUG JPHIC Order Source: VERBAL & VERIFIED q
- 4 01/22/16 21:43 interface order's status changed from TRANS to IN PRO by PHA
- 5 01/22/16 21:44 SCHEDULER DISCONTINUE in PHA
- 6 01/22/16 21:44 interface order's status changed from IN PRO to COMP by PHA
- 7 01/22/16 21:53 DRUG JPHIC Order DR in ED/PH
- 8 01/22/16 21:53 DRUG JPHIC Ordering Doctor: A Jackson, Anash, MD
- 9 01/22/16 21:53 DRUG JPHIC Order Source: VERBAL & VERIFIED q
- 10 01/22/16 21:53 DRUG JPHIC Order's Sx has been cancelled by ALBARE
- 11 01/22/16 21:53 interface Order cancelled by PHA
- 12 01/22/16 21:53 interface order's status changed from COMP to CANCEL by PHA
- 13 01/22/16 21:53 DRUG JPHIC CANCEL
- 14 01/22/16 21:53 DRUG JPHIC CANCELLATION COMMENTS:
- 15 01/22/16 21:53 DRUG JPHIC Cx
- 16 01/22/16 21:53 interface Order cancelled by PHA
- 17 01/23/16 00:15 DRUG ALBARE Cancelled By: A Jackson, Anash, MD

Electronic Prescription for: ALBARE, Anash, MD; on 01/23/16; Date: 01/23/16

Order Date: 01/22/16

—Service—

Category: Procedure Name  
N/A N/A - Restraints

Order Number: 20100122-2071 Date: 01/22/16 Time: 21:42 Pri: 7 Qty: 1 Ord Source: JHC Status: Ordered By: ALBARE

Other Provider:

Sig Lvl Provider:

Type of Restraint:

Violent Restraint Time Limit:

Non-violent Restraint Time Limit:

Violent/Self Destructive

4 hours

(Group response undefined)

Clinical justification of restraint:

Physical aggression

Restraint device:

Soft Vx 4

Criteria for release of restraints:

No destructive behavior

Restraint order date:

01/22/16

Restraint order time:

2205

Restraint order expiration date:

01/23/16

Restraint order expiration time:

0105

Order's Audit Trail of Events

- 1 01/22/16 21:46 DRUG JPHIC Order ENTER in ED/PH
- 2 01/22/16 21:46 DRUG JPHIC Ordering Doctor: A Jackson, Anash, MD

PERMANENT MEDICAL RECORD COPY

DL DATE: 01/25/16  
MUN LPL: 0110  
RUI USSE, HP: FEED

MEDITECH FACILITY: D0057  
JUL - Discharge Report

PAGE 12

PATIENT: JENSEN BRITTNEY  
ACCOUNT NO: D00112766312

A/S: 25 F  
LOC: D, ERI  
RM:  
RD:

ADMIT: 01/22/16  
DISCH/DEP: 01/23/16  
STATUS: 1R  
UNIT NO: D002318070

ATTEND DR: A Jackson, Arash MD  
REPORT STATUS: FINAL

2 01/22/16 2146 OMR, JPHIC Order Source, VERBAL & VERIFIED q  
4 01/22/16 2146 Interface Order's status changed from INACTIVE to ACTIVE by MUR  
5 01/22/16 2205 OMR, JPHIC Order ECCT in EDWCH  
6 01/22/16 2205 OMR, JPHIC Ordering Doctor: A Jackson, Arash MD  
7 01/22/16 2205 OMR, JPHIC Order Source, VERBAL & VERIFIED q  
8 01/22/16 2205 OMR, JPHIC Query: Restraint Device  
9 01/22/16 2205 OMR, JPHIC o/c response set: Soft 6JE  
10 01/22/16 2205 OMR, JPHIC new response set: Soft 4 & 4  
11 01/22/16 2205 OMR, JPHIC Query: Restraint order time.  
12 01/22/16 2205 OMR, JPHIC o/c response - 2146  
13 01/22/16 2205 OMR, JPHIC new response - 2205  
14 01/22/16 2205 OMR, JPHIC Query: Restraint order expiration time.  
15 01/22/16 2205 OMR, JPHIC o/c response - 0116  
16 01/22/16 2205 OMR, JPHIC new response - 0302  
17 01/23/16 0416 DR (A, B, C) S-1616 by A Jackson, Arash MD

Electronically signed by A Jackson, Arash MD on 01/23/16 at 0416

Order Date: 01/22/16

—Service—

Category Procedure Name  
PH1, C0257 P-015 HED

Order Number Date Time Pri Qty Ord Source Status Ordered By  
2016122-5536 01/22/16 2151 R 1 disp CHP

Other Provider :  
RX: 31342764

Std Lvl Provider :

Start: 01/22/16 2151 DNE CHP  
Stop:

ophthalmic Inj (Boric acid Inj)  
Dose: 0 MG  
Route: Ocular

Direction: STR-MUR

Order's Audit Trail of Events

1 01/22/16 2149 PHA ORDER Order ENTER in PHA  
2 01/22/16 2149 PHA ORDER Ordering Doctor  
3 01/22/16 2149 PHA ORDER Order Source DISPENSE  
4 01/22/16 2149 STX YED DISCONTINUE in PHA  
5 01/22/16 2149 R106936 SECTION in PHA  
6 01/22/16 2149 R106936 SIG LRP  
7 01/22/16 2149 R106936 Order Source, DISPENSE

Order Date: 01/22/16

—Service—

Category Procedure Name  
PH1, C0257 P-015 HED

Order Number Date Time Pri Qty Ord Source Status Ordered By  
2016122-5537 01/22/16 2151 R 1 disp CHP

Other Provider :  
RX: 31342769

Std Lvl Provider :

Start: 01/22/16 2151 DNE CHP  
Stop:

Haloperidol Lactate Inj (Halol Inj)  
Dose: 0 MG  
Route: Ocular

Direction: STR-YED

Order's Audit Trail of Events

1 01/22/16 2149 PHA ORDER Order ENTER in PHA  
2 01/22/16 2149 PHA ORDER Ordering Doctor  
3 01/22/16 2149 PHA ORDER Order Source DISPENSE  
4 01/22/16 2149 STX YED DISCONTINUE in PHA  
5 01/22/16 2149 R106936 SECTION in PHA

PERMANENT MEDICAL RECORD COPY

RX DATE: 01/22/16 RX TIME: 01:00 RX USER: HPI.FEED	MEDITECH FACILITY: COES7 JULY - Discharge Report	PAGE 13
PATIENT: JENSEN BRITTNEY ACCOUNT NO: E00112766312	A/S: 29 F LOC: 3.ER1 RN: BD:	ADMIT: 01/22/16 DISCH/DEP: 01/23/16 STATUS: IP UNIT NO: D002318850
ATTEND DR: Asekand,Arash MD REPORT STATUS: FINAL		

6 01/22/16 2149 RIDES26 SGTCHN  
 7 01/22/16 2149 BHRF26 Order Source: MSP NG

Order Date: 01/22/16      —Service—  
 Category: Procedure Name      Order Number      Date      Time      Pri      Qty      Ord Source      Status      Ordered By  
 PEJ.COES7 MEDICATION      20160122-9546-01/22/16 2151 5      V      CMP      ALEAK  
 Other Provider:      Sig LV1 Provider:      Start: 01/22/16 2151      STA      CHP  
 RX: 31342771      Stop: 01/22/16 2152  
 (Haloperidol) (ectate Int (IM) (col In))  
 Dose: 5 MG  
 Route: IV      Direction: XIED

Order's Audit Trail of Events  
 1 01/22/16 2151 DRUR, JAHIC Order ENTER in EDHCRM  
 2 01/22/16 2151 DRUR, JAHIC Ordering Doctor: Asekand,Arash MD  
 3 01/22/16 2151 DRUR, JAHIC Order Source: VERBAL & VERIFIED q  
 4 01/22/16 2151 Interface: order's status changed from TRANS to IN PRO by PHA  
 5 01/22/16 2152 DRUR, JAHIC order acknowledged  
 6 01/22/16 2152 SCHEDULER DISCONTINUE in PHA  
 7 01/22/16 2152 Interface: order's status changed from IN PRO to CMP by PHA

ElectronicallY Entered By: ALEAK Date: 01/22/16 Time: 01:00

Order Date: 01/22/16      —Service—  
 Category: Procedure Name      Order Number      Date      Time      Pri      Qty      Ord Source      Status      Ordered By  
 PEJ.COES7 MEDICATION      20160122-9546-01/22/16 2151 5      V      CMP      ALEAK  
 Other Provider:      Sig LV1 Provider:      Start: 01/22/16 2151      STA      CHP  
 RX: 31342772      Stop: 01/22/16 2152  
 d,phenhydramINE (1) (Orally) (q)  
 Dose: 50 MG  
 Route: IV      Direction: XIED

Order's Audit Trail of Events  
 1 01/22/16 2151 DRUR, JAHIC Order ENTER in EDHCRM  
 2 01/22/16 2151 DRUR, JAHIC Ordering Doctor: Asekand,Arash MD  
 3 01/22/16 2151 DRUR, JAHIC Order Source: VERBAL & VERIFIED q  
 4 01/22/16 2151 Interface: order's status changed from TRANS to IN PRO by PHA  
 5 01/22/16 2152 DRUR, JAHIC order acknowledged  
 6 01/22/16 2152 SCHEDULER DISCONTINUE in PHA  
 7 01/22/16 2152 Interface: order's status changed from IN PRO to CMP by PHA

ElectronicallY Entered By: ALEAK Date: 01/22/16 Time: 01:00

## PERMANENT MEDICAL RECORD COPY





BIN RATE: 01/22/16	MEDITECH FACILITY: 10057	PAGE 15
MIN TIME: 01/10	10057 - Discharge Report	
PATIENT: JENSEN, BRITTNEY	A/S: 25 F	ADMIT: 01/22/16
ACCOUNT NO: 00112766312	LOC: C.ERL	DISCH/DEP: 01/23/16
ATTEND DR: Jackson, Arash MD	RN:	STATUS: IR
REPORT STATUS: FINAL	SD:	UNIT NO: 0002318056

Order Date: 01/22/16 —Service—  
 Category Procedure Name Order Number Date Time Pri Qty Ord Source Status Ordered By  
 NRS PHNS Vital Signs + 20100122-3011 01/22/16 2324 E IFR ALBAR  
 Other Provider: Sig Lvl Provider:  
 Press <Enter> for Order Details Below

VS - temperature: Twice a day & PRN  
 Neuro Checks:  
 Frequent

Order's Audit Trail of Events  
 1 01/22/16 2324 DR ALBAR Order LN LR in PCN  
 2 01/22/16 2324 DR ALBAR Order from set BEHAVIORAL HEALTH HOLDING  
 3 01/22/16 2324 DR ALBAR Ordering Doctor: Jackson, Arash MD  
 4 01/22/16 2324 DR ALBAR Order Source: FROM  
 5 01/22/16 2324 DR ALBAR Order Status: TRANS to ACTIVE  
 6 01/22/16 2324 interface order's status changed from TRANS to ACTIVE by IFR

Electronically Entered by Jackson, Arash MD on 01/22/16 at 2324

Order Date: 01/22/16 —Service—  
 Category Procedure Name Order Number Date Time Pri Qty Ord Source Status Ordered By  
 NRS PHNS Precautions + 20100122-3012 01/22/16 2324 E IFR ALBAR  
 Other Provider: Sig Lvl Provider:  
 Press <Enter> for Order Details Below

Precautions:  
 Current: Suicide  
 Suicide risk assessment  
 will be done with cdx  
 behavior change

Order's Audit Trail of Events  
 1 01/22/16 2324 DR ALBAR Order LN LR in PCN  
 2 01/22/16 2324 DR ALBAR Order from set BEHAVIORAL HEALTH HOLDING  
 3 01/22/16 2324 DR ALBAR Ordering Doctor: Jackson, Arash MD  
 4 01/22/16 2324 DR ALBAR Order Source: FROM  
 5 01/22/16 2324 DR ALBAR Order Status: TRANS to ACTIVE  
 6 01/22/16 2324 interface order's status changed from TRANS to ACTIVE by IFR

Electronically Entered by Jackson, Arash MD on 01/22/16 at 2324

Order Date: 01/22/16 —Service—  
 Category Procedure Name Order Number Date Time Pri Qty Ord Source Status Ordered By  
 NRS PHNS Evaluate: severity 20100122-3013 01/22/16 2324 E IFR ALBAR  
 Other Provider: Sig Lvl Provider:  
 Press <Enter> for Order Details Below

Current: Evaluate clinical severity every 2 hours

### PERMANENT MEDICAL RECORD COPY

DT: DATE: 01/22/16 RUN TYPE: D11C RUN USER: HP.FEED	MEDITECH FACILITY: 100237 JULY - Discharge Report	PAGE: 16
PATIENT: JENSEN BRITTNEY ACCOUNT NO: 000112766312	A/S: 29-F LOC: CLERK RV: SD:	ADMIT: 01/22/16 DISCH/DEP: 01/23/16 STATUS: IP UNIT NO: 0002318050
ATTEND DR: A Jackson, Arish MD REPORT STATUS: FINAL		

Order's Audit Trail of Events

- 01/22/16 2324 DR:ALBAR Order ENTER in PCN
- 01/22/16 2324 DR:ALBAR Order from set BEHAVIORAL HEALTH HOLDING\*
- 01/22/16 2324 DR:ALBAR Ordering Doctor: A Jackson, Arish MD
- 01/22/16 2324 DR:ALBAR Order Source: EPOCH
- 01/22/16 2324 DR:ALBAR was signed by A Jackson, Arish MD on 01/22/16 at 2324
- 01/22/16 2324 interface order's status changed from TRAIL to ACTIVE by MUR

Electronically signed by A Jackson, Arish MD on 01/22/16 at 2324

Order Date: 01/22/16

Category	Procedure Name	Order Number	Date	Time	Pri	Qty	Ord Source	Status	Ordered By
H & PMS	Order: specify	20160122-0037	01/22/16	2324	E		TRN	TRN	A BAR

Other Provider: Sig Lvl Provider:  
Press Enter for Order Details Below

Current: Confirm home med list. Phys exam review home med list and order medications based upon the medical screening exam.

Order's Audit Trail of Events

- 01/22/16 2324 DR:ALBAR Order ENTER in PCN
- 01/22/16 2324 DR:ALBAR Order from set BEHAVIORAL HEALTH HOLDING\*
- 01/22/16 2324 DR:ALBAR Ordering Doctor: A Jackson, Arish MD
- 01/22/16 2324 DR:ALBAR Order Source: EPOCH
- 01/22/16 2324 DR:ALBAR was signed by A Jackson, Arish MD on 01/22/16 at 2324
- 01/22/16 2324 interface order's status changed from TRAIL to ACTIVE by MUR

Electronically signed by A Jackson, Arish MD on 01/22/16 at 2324

Order Date: 01/22/16

Category	Procedure Name	Order Number	Date	Time	Pri	Qty	Ord Source	Status	Ordered By
PCS	REGULAR DIET	20160122-0037	01/22/16	8			TRN	TRN	A BAR

Other Provider: Sig Lvl Provider:

\*Please edit diet details as appropriate before submitting\*

Paper/Plastic Setup:  
Fluid Restriction Amount ml/24hrs:

Tube Feeding:  
THERAPY:

Advance Diet As Tolerated From Above Diet to this Main Diet:

ADAT Modification (if different from above):  
Enter above to ADAT info. Comments if diff from orders:

Isolation (Group response undefined)

Order's Audit Trail of Events

- 01/22/16 2324 DR:ALBAR Order ENTER in PCN
- 01/22/16 2324 DR:ALBAR Order from set BEHAVIORAL HEALTH HOLDING\*

PERMANENT MEDICAL RECORD COPY

BIRTH DATE: 01/25/16 MEDTECH FACILITY: 10057 PAGE 17  
 MIN LVL: 0110 JULY - Discharge Report  
 RN USER: HP-FEED

PATIENT: JENSEN BRITTNEY A/S: 28 F ADMIT: 01/22/16  
 ACCOUNT NO: D00112766312 LOC: DIERL DISCH/DEP: 01/23/16  
 ATTEND DR: A. Beland, Arash MD RN: STATUS: 1R  
 REPORT STATUS: FINAL BD: UNIT NO: D002318050

3 01/22/16 2324 DR ALBAR Ordering Section: A. Beland, Arash MD  
 4 01/22/16 2324 DR ALBAR Order Source: EPOCH  
 5 01/22/16 2324 DR ALBAR Status: 1R

Electronic Signature: [Signature] Date: 01/22/16

Order Date: 01/22/16 —Service—  
 Category Procedure Name Order Number Date Time Pri Qty Ord Source Status Ordered By  
 MED CODE MEDICATION 20160122-SC24 01/22/16 2330 R E CMP ALBAR  
 Other Provider : Sig Lvl Provider :  
 RX: 31342959 Start: 01/22/16 2330 PRN: CMP  
 Stop:

Calcium 442 mg (Thiazine) (mg)  
 Dose: 100 MG  
 Route: IV Direction: C30H P4H  
 PRN Reason: ANITATION

Order's Audit Trail of Events

1 01/22/16 2324 DR ALBAR Order ENTER in PCN  
 2 01/22/16 2324 DR ALBAR Order from set: BEHAVIORAL HEALTH HOLDING  
 3 01/22/16 2324 DR ALBAR Ordering Section: A. Beland, Arash MD  
 4 01/22/16 2324 DR ALBAR Order Source: EPOCH  
 5 01/22/16 2324 DR ALBAR Status: 1R  
 6 01/22/16 2324 DR ALBAR Status changed from TRANS to LOGGED by PHA  
 7 01/22/16 2330 DR ALBAR EDIT in P4S  
 8 01/22/16 2330 DR ALBAR EDIT in P4S  
 9 01/22/16 2330 DR ALBAR Order from: A. Beland, Arash MD Unit Source: EPOCH  
 10 01/22/16 2330 DR ALBAR VERIFIED in P4S  
 11 01/22/16 2330 DR ALBAR Status changed from LOGGED to IN P4S by PHA  
 12 01/22/16 0517 DR ALBAR DISCONTINUE in P4S  
 13 01/22/16 0517 DR ALBAR Order's status changed from IN P4S to CMP by PHA

Electronic Signature: [Signature] Date: 01/22/16

Order Date: 01/22/16 —Service—  
 Category Procedure Name Order Number Date Time Pri Qty Ord Source Status Ordered By  
 MED CODE MEDICATION 20160122-SC25 01/22/16 2330 R E CMP ALBAR  
 Other Provider : Sig Lvl Provider :  
 RX: 31342951 Start: 01/22/16 2330 PRN: CMP  
 Stop:

d-phenylephrine 500 (Benadryl) (500)  
 Dose: 50 MG  
 Route: IV Direction: C30H P4H  
 PRN Reason: INEOMIA

Order's Audit Trail of Events

1 01/22/16 2324 DR ALBAR Order ENTER in PCN  
 2 01/22/16 2324 DR ALBAR Order from set: BEHAVIORAL HEALTH HOLDING  
 3 01/22/16 2324 DR ALBAR Ordering Section: A. Beland, Arash MD  
 4 01/22/16 2324 DR ALBAR Order Source: EPOCH  
 5 01/22/16 2324 DR ALBAR Status: 1R  
 6 01/22/16 2324 DR ALBAR Status changed from TRANS to LOGGED by PHA  
 7 01/22/16 2330 DR ALBAR EDIT in P4S

PERMANENT MEDICAL RECORD COPY

RIN DATE: 01/25/16	MEDICAL FACILITY: 00057	PAGE 1/8
RIN TYPE: 0100	July - Discharge Report	
RIN USER: HP-FEED		
PATIENT: JENSEN BRITTNEY	A/S: 25 F	ADMIT: 01/22/16
ACCOUNT NO: 000112766312	LOC: C-ERI	DISCH/REP: 01/23/16
ATTEND DR: Albekord, Arash MD	RM:	STATUS: 18
REPORT STATUS: FINAL	SU:	UNIT NO: 000318030

8 01/22/16 2337 OPHALDS EDIT  
 9 01/22/16 2337 OPHALDS Edit Dr: Albekord, Arash MD Edit Source: EPCH  
 10 01/22/16 2337 OPHALDS VERIFIED in P-A  
 11 01/22/16 2337 interface order's status changed from LOGGED to IN PRO by PHA  
 12 01/23/16 0517 DISCHARGE DISCONTINUE in PHA  
 13 01/23/16 0517 interface order's status changed from IN PRO to COMP by PHA

Electronically signed by: Albekord, Arash MD; DR: 01/23/16; 0517

Order Date: 01/22/16 Service  
 Category Procedure Name Order Number Date Time Pri Qty Ord Source Status Ordered By  
 MED CODE MEDICATION 20160122-5026 01/22/16 2330 R E COMP A-LEAK  
 Other Provider: Sig Lvl Provider: Start: 01/22/16 2330 PRN CHP  
 RX: 31342952 Stop:  
 d phenhydramINE Inj (Benadryl Inj)  
 Dose: 50 MG  
 Route: IV Direction: QSH PRN  
 PRN Reason: JMOH/LA

Order's Audit Trail of Events:

1 01/22/16 2324 DR:ALBAR Order ENTER in POM  
 2 01/22/16 2324 DR:ALBAR Order from set: BEHAVIORAL HEALTH HOLDING\*  
 3 01/22/16 2324 DR:ALBAR Ordering Section: Albekord, Arash MD  
 4 01/22/16 2324 DR:ALBAR Order Source: EPCH  
 5 01/22/16 2324 DR:ALBAR Signed by: Albekord, Arash MD; DR: 01/22/16; 2324  
 6 01/22/16 2324 interface order's status changed from LOGG to LOGGING by PHA  
 7 01/22/16 2337 OPHALDS EDIT in PHA  
 8 01/22/16 2337 OPHALDS EDIT  
 9 01/22/16 2337 OPHALDS Edit Dr: Albekord, Arash MD Edit Source: EPCH  
 10 01/22/16 2337 OPHALDS VERIFIED in P-A  
 11 01/22/16 2337 interface order's status changed from LOGGED to IN PRO by PHA  
 12 01/23/16 0517 DISCHARGE DISCONTINUE in PHA  
 13 01/23/16 0517 interface order's status changed from IN PRO to COMP by PHA

Electronically signed by: Albekord, Arash MD; DR: 01/23/16; 0517

Order Date: 01/22/16 Service  
 Category Procedure Name Order Number Date Time Pri Qty Ord Source Status Ordered By  
 MED CODE MEDICATION 20160122-5027 01/22/16 2330 R F COMP A-LEAK  
 Other Provider: Sig Lvl Provider: Start: 01/22/16 2330 PRN CHP  
 RX: 31342953 Stop:  
 d phenhydramINE Inj (Benadryl Inj)  
 Dose: 50 MG  
 Route: IV Direction: QSH PRN  
 PRN Reason: JMOH/LA

Order's Audit Trail of Events:

1 01/22/16 2324 DR:ALBAR Order ENTER in POM  
 2 01/22/16 2324 DR:ALBAR Order from set: BEHAVIORAL HEALTH HOLDING\*  
 3 01/22/16 2324 DR:ALBAR Ordering Section: Albekord, Arash MD  
 4 01/22/16 2324 DR:ALBAR Order Source: EPCH

PERMANENT MEDICAL RECORD COPY

BIL DATE: 01/22/16 MY FPL: 0116 MY USER: HP2.FEED		MEDITECH FACILITY: LOCS7 JULY - Discharge Report		PAGE 19
PATIENT: JENSEN,BRITTNEY ACCOUNT NO: EC0112766312		A/S: SS-F L00: 2,ER1 RM: BD:	ADMIT: 01/22/16 DISCH/DEP: 01/23/16 STATUS: IR UNIT NO: 0002318050	
ATTEND DR: A Albeckord,Arash MD REPORT STATUS: FINAL				

6 01/22/16 2324 DR,ALBAR Signed by Albeckord,Arash MD  
 7 01/22/16 2324 interface order's status changed from LOGS to LOGSII by PHA  
 8 01/22/16 2337 OPHALDS EDIT in P-A  
 9 01/22/16 2337 OPHALDS EDIT  
 10 01/22/16 2337 OPHALDS Edit Dr: Albeckord,Arash MD Exit Source: EPOF  
 11 01/22/16 2337 OPHALDS VERIFIED in P-A  
 12 01/22/16 2337 interface order's status changed from LOGS to IN PRC by PHA  
 13 01/22/16 0517 DISCHARGE DISCONTINUE in PRC  
 14 01/23/16 0517 interface order's status changed from IN PRC to CHP by PHA

Electronically signed by Albeckord,Arash MD on 01/22/16 at 23:24

Order Date: 01/22/16	—Service—				
Category: Procedure Name	Order Number:	Date:	Time	Per Qty	Ord Source Status
MED CODE: MEDICATION	20160122-5026	01/22/16	2330	R	E CHP
Other Provider:	Sig Lvl	Provider:	Start:	01/22/16 2330	PRN CHP
PK: 31842955			Stop:		
Haloperidol Tab (Halidol Tab) Dose: 0.5 MG Route: PO PRN Reason: AGITATION					
Direction: CHP PHA					

Order's Audit Trail of Events

1 01/22/16 2324 DR,ALBAR Order ENTER in PRC  
 2 01/22/16 2324 DR,ALBAR Order from set: BEHAVIORAL HEALTH HOLDING  
 3 01/22/16 2324 DR,ALBAR (Signing Doctor: Albeckord,Arash MD)  
 4 01/22/16 2324 DR,ALBAR Order Source: EPOF  
 5 01/22/16 2324 DR,ALBAR Signed by Albeckord,Arash MD  
 6 01/22/16 2324 interface order's status changed from TRVS to LOGGED by PHA  
 7 01/22/16 2335 OPHALDS EDIT in P-A  
 8 01/22/16 2335 OPHALDS EDIT  
 9 01/22/16 2335 OPHALDS Edit Dr: Albeckord,Arash MD Exit Source: EPOF  
 10 01/22/16 2335 OPHALDS VERIFIED in P-A  
 11 01/22/16 2335 interface order's status changed from LOGS to IN PRC by PHA  
 12 01/23/16 0517 DISCHARGE DISCONTINUE in PRC  
 13 01/23/16 0517 interface order's status changed from IN PRC to CHP by PHA

Electronically signed by Albeckord,Arash MD on 01/22/16 at 23:24

Order Date: 01/22/16	—Service—				
Category: Procedure Name	Order Number:	Date:	Time	Per Qty	Ord Source Status
FLU CODE: FLUORINATION	20160122-5026	01/22/16	2330	R	L CHP
Other Provider:	Sig Lvl	Provider:	Start:	01/22/16 2330	PRN CHP
PK: 31842954			Stop:		
Haloperidol Tablets (Halidol Tab) Dose: 0.5 MG Route: PO PRN Reason: AGITATION					
Direction: CHP PHA					

PERMANENT MEDICAL RECORD COPY

DR DATE: 01/22/16 RPT LVL: 0110 RPT USER: HP2,FEED	MEDICAL FACILITY: 10025 10025 - Discharge Report	PAGE 20
PATIENT: JENSEN BRITTNEY ACCOUNT NO: 00012766312	A/S: 25 F LAC: 2. ER1 RN: BD:	ADMIT: 01/22/16 DISCH/DEP: 01/23/16 STATUS: 12 UNIT NO: D002318050
ATTEND DR: A. Bekard, Arash MD REPORT STATUS: FINAL		

Order's Audit Trail of Events

1	01/22/16 2324 DR ALBAR	Order ENTER in PRC
2	01/22/16 2324 DR ALBAR	Order from set BEHAVIORAL HEALTH HOLDING
3	01/22/16 2324 DR ALBAR	Ordering Doctor: A. Bekard, Arash MD
4	01/22/16 2324 DR ALBAR	Order Source: EPOH
5	01/22/16 2324 DR ALBAR	Signed by A. Bekard, Arash MD
6	01/22/16 2324 Interface	Order's status changed from TRANS to LOGGED by PMA
7	01/22/16 2324 DR ALBAR	EDIT in PMA
8	01/22/16 2324 DR ALBAR	EDIT
9	01/22/16 2324 DR ALBAR	EDIT DR: A. Bekard, Arash MD
10	01/22/16 2324 DR ALBAR	EDIT Source: EPOH
11	01/22/16 2324 DR ALBAR	VERIFIED in PMA
12	01/22/16 2324 Interface	Order's status changed from LOGGED to IN PRC by PMA
13	01/23/16 0517 DISCHARGE	DISCONTINUE in PMA
14	01/23/16 0517 Interface	Order's status changed from IN PRC to COMP by PMA

Electronic Signature of A. Bekard, Arash MD: 01/22/16 2324

Order Date: 01/22/16	Service	
Category: Procedure Name	Order Number: 20160122-8030	Date: 01/22/16
REQ: 00002	Time: 2330	Pri: 2
Other Provider:	Sig Lvl: Provider:	City: E
PRN: 31342967	Start: 01/22/16 2330	Ord Source: EPOH
	Stop:	Status: 12
Ordering Doctor: A. Bekard, Arash MD	Direction: CHD PMA	Ordered By: A. BAR
Doses: 2 MG		
Route: PO		
PRN Reason: ASSESSMENT		

Order's Audit Trail of Events

1	01/22/16 2324 DR ALBAR	Order ENTER in PRC
2	01/22/16 2324 DR ALBAR	Order from set BEHAVIORAL HEALTH HOLDING
3	01/22/16 2324 DR ALBAR	Ordering Doctor: A. Bekard, Arash MD
4	01/22/16 2324 DR ALBAR	Order Source: EPOH
5	01/22/16 2324 DR ALBAR	Signed by A. Bekard, Arash MD
6	01/22/16 2324 Interface	Order's status changed from TRANS to LOGGED by PMA
7	01/22/16 2324 DR ALBAR	EDIT in PMA
8	01/22/16 2324 DR ALBAR	EDIT
9	01/22/16 2324 DR ALBAR	EDIT DR: A. Bekard, Arash MD
10	01/22/16 2324 DR ALBAR	VERIFIED in PMA
11	01/22/16 2324 Interface	Order's status changed from LOGGED to IN PRC by PMA
12	01/23/16 0517 DISCHARGE	DISCONTINUE in PRC
13	01/23/16 0517 Interface	Order's status changed from IN PRC to COMP by PMA

Electronic Signature of A. Bekard, Arash MD: 01/22/16 2324

Order Date: 01/22/16	Service	
Category: Procedure Name	Order Number: 20160122-8031	Date: 01/22/16
REQ: 00002	Time: 2330	Pri: 2
Other Provider:	Sig Lvl: Provider:	City: E
		Ord Source: EPOH
		Status: 12
		Ordered By: A. BAR

PERMANENT MEDICAL RECORD COPY

Patient: JENSEN, BRITTNEY

MRN: D002318050 Encounter: D00112766312

Page 20 of 25

BJA DATE: 01/22/16 JMS TML: 0110 RJA USER: HP:FEED	MEDITECH FACILITY: DRESZ JULY - Discharge Report	PAGE 21
PATIENT: JENSEN, BRITTNEY ACCOUNT NO: D00112766312 ATTEND DR: Asekord, Arash MD REPORT STATUS: FINAL	A/S: 25 F LOC: 01 ERL RV: BD:	ADMIT: 01/22/16 DISCH/DEP: 01/23/16 STATUS: 12 UNIT NO: D002318050

RX: 31242988      Start: 01/22/16 2330      PRN CHP  
 Stop:

LORazepam Inj (Ativan Inj)  
 Dose: 2 MG  
 Route: IV      Direction: C2H PRN  
 PRN Reason: ACITATION

Order's Audit Trail of Events

- 1 01/22/16 2324 DR ALBAR Order En ER in PCN
- 2 01/22/16 2324 DR ALBAR Order from set: BEHAVIORAL HEALTH HOLDING\*
- 3 01/22/16 2324 DR ALBAR Ordering Doctor: Asekord, Arash MD
- 4 01/22/16 2324 DR ALBAR Order Source: EPOH
- 5 01/22/16 2324 DR ALBAR Signed by Asekord, Arash MD
- 6 01/22/16 2324 Interface order's status changed from TRANS to LOGGED by PHA
- 7 01/22/16 2336 DRHALDS EDIT in P-A
- 8 01/22/16 2336 DRHALDS EDIT
- 9 01/22/16 2336 DRHALDS Edit Dr: Asekord, Arash MD      Edit Source: EPOH
- 10 01/22/16 2336 DRHALDS VERIFIED in P-A
- 11 01/22/16 2336 Interface order's status changed from LOGGED to IN PRG by PHA
- 12 01/23/16 0517 DISCHARGE DISCONTINUE in PHA
- 13 01/23/16 0517 Interface order's status changed from IN PRG to COMP by PHA

Electronically signed by Asekord, Arash MD on 01/22/16 at 2324

Order Date: 01/22/16	Service	
Category: Procedure Name	Order Number	Date
PRN CODE: 31	31242988	01/22/16 2330
Other Provider:	Sig Lvl Provider:	Time Pri Qty Ord Source St. us
RX: 31242988		Start: 01/22/16 2330      PRN CHP
		Stop:

LORazepam Inj (Ativan Inj)  
 Dose: 2 MG  
 Route: IV      Direction: C2H PRN  
 PRN Reason: ACITATION

Order's Audit Trail of Events

- 1 01/22/16 2324 DR ALBAR Order En ER in PCN
- 2 01/22/16 2324 DR ALBAR Order from set: BEHAVIORAL HEALTH HOLDING\*
- 3 01/22/16 2324 DR ALBAR Ordering Doctor: Asekord, Arash MD
- 4 01/22/16 2324 DR ALBAR Order Source: EPOH
- 5 01/22/16 2324 DR ALBAR Signed by Asekord, Arash MD
- 6 01/22/16 2324 Interface order's status changed from TRANS to LOGGED by PHA
- 7 01/22/16 2336 DRHALDS EDIT in P-A
- 8 01/22/16 2336 DRHALDS EDIT
- 9 01/22/16 2336 DRHALDS Edit Dr: Asekord, Arash MD      Edit Source: EPOH
- 10 01/22/16 2336 DRHALDS VERIFIED in P-A
- 11 01/22/16 2336 Interface order's status changed from LOGGED to IN PRG by PHA
- 12 01/23/16 0517 DISCHARGE DISCONTINUE in PHA
- 13 01/23/16 0517 Interface order's status changed from IN PRG to COMP by PHA

Electronically signed by Asekord, Arash MD on 01/22/16 at 2324

PERMANENT MEDICAL RECORD COPY



MR DATE: 01/22/16  
MR LVL: 0110  
RUS USER: HP2.FEED

MEDETECH FACILITY\*\* 10057  
JULY - Discharge Report

PAGE 22

PATIENT: JENSEN, BRITTNEY  
ACCOUNT NO: 00012766312  
ATTEND DR: Albeckord, Arash MD  
REPORT STATUS: FINAL

A/S: 25 F  
LOC: C.ERL  
RAC:  
SD:

ADMIT: 01/22/16  
DISCH/DEP: 01/23/16  
STATUS: IN  
UNIT NO: 0002318030

Order Date: 01/22/16  
Category Procedure Name  
NEI CODE MEDICATION  
Other Provider:  
RX: 31342000

---Service---  
Order Number Date Time Pri Qty Ord Source Status Ordered By  
20160122-5033 01/22/16 2300 R E CDR A.ERL  
Sig Lvl Provider:  
Start: 01/22/16 2300 PRN CDR  
Stop:

Accommodation: Top City (no) "cb)

Order: 1000 00

Route: 01

Direction: CDR PRN

PRN Reason: HOLD "XIN 1-3-10

Order's Audit Trail of Events

1	01/22/16 2324 DR ALBAR	Order ENTER in PCH
2	01/22/16 2324 DR ALBAR	Order from set: BEHAVIORAL HEALTH HOLDING*
3	01/22/16 2324 DR ALBAR	Ordering Doctor: Albeckord, Arash MD
4	01/22/16 2324 DR ALBAR	Order Source: EPOCH
5	01/22/16 2324 DR ALBAR	Order by: A.ERL
6	01/22/16 2324 interface	order's status changed from TRANS to LOGGED by PHA
7	01/22/16 2333 DRHALDS	EDIT in P-A
8	01/22/16 2335 DRHALDS	EDIT
9	01/22/16 2335 DRHALDS	Edit Dr: Albeckord, Arash MD Edit Source: EPOCH
10	01/22/16 2335 DRHALDS	VERIFIED in P-A
11	01/22/16 2335 interface	order's status changed from LOGGED to IN PRC by PHA
12	01/23/16 0517 DISCONTINUE	DISCONTINUE in PHA
13	01/23/16 0517 interface	order's status changed from IN PRC to COMP by PHA

Electronically signed by: Albeckord, Arash MD on 01/22/16 at 2300:00 (31342000)

Order Date: 01/22/16  
Category Procedure Name  
NEI CODE MEDICATION  
Other Provider:  
RX: 31342000

---Service---  
Order Number Date Time Pri Qty Ord Source Status Ordered By  
20160122-5034 01/22/16 2300 R F CDR A.ERL  
Sig Lvl Provider:  
Start: 01/22/16 2300 PRN CDR  
Stop:

Accommodation: Lab (HST10) lab)

Order: 800 00

Route: 01

Direction: CDR PRN

PRN Reason: HOLDING DR H 4-5-10

Order's Audit Trail of Events

1	01/22/16 2324 DR ALBAR	Order ENTER in PCH
2	01/22/16 2324 DR ALBAR	Order from set: BEHAVIORAL HEALTH HOLDING*
3	01/22/16 2324 DR ALBAR	Ordering Doctor: Albeckord, Arash MD
4	01/22/16 2324 DR ALBAR	Order Source: EPOCH
5	01/22/16 2324 DR ALBAR	Order by: A.ERL
6	01/22/16 2324 interface	order's status changed from TRANS to LOGGED by PHA
7	01/22/16 2335 DRHALDS	EDIT in P-A
8	01/22/16 2335 DRHALDS	EDIT
9	01/22/16 2335 DRHALDS	Edit Dr: Albeckord, Arash MD Edit Source: EPOCH
10	01/22/16 2335 DRHALDS	VERIFIED in P-A
11	01/22/16 2335 interface	order's status changed from LOGGED to IN PRC by PHA
12	01/23/16 0517 DISCONTINUE	DISCONTINUE in PHA
13	01/23/16 0517 interface	order's status changed from IN PRC to COMP by PHA

Electronically signed by: Albeckord, Arash MD on 01/22/16 at 2300:00 (31342000)

PERMANENT MEDICAL RECORD COPY

RN DATE: 01/22/16 RN TIME: 01:00 RN USER: HP.FEED		MEDITECH FACILITY: LDCS JULY - Discharge Report		Page 23
PATIENT: JENSEN, BRITTNEY ACCOUNT NO: 000112766312		A/S: 28 F LSC: 2.ERL RW: ED:	ADMIT: 01/22/16 DISCH/DEP: 01/23/16 STATUS: IN UNIT NO: 0002318050	
ATTEND DR: A. Sekord, Anash MD REPORT STATUS: FINAL				

Order Date: 01/22/16  
 Category: Procedure Name  
 MED. CODE: MEDICATION  
 Other Provider: Sig Lvl Provider:  
 RX: 01340001

—Service—  
 Order Number: 20160122-5030-01/22/16 2330 R  
 Date: 01/22/16 2330 R  
 Time: 2330 R  
 Pri: R  
 Qty: R  
 Ord Source: E  
 Status: CMP  
 Ordered By: A. ERL

Start: 01/22/16 2330  
 Stop:

(Zofran) Tab (Zofran) Tab  
 Dose: 50 MG  
 Route: PO  
 PRN Reason: SEVERE PAIN 1-10/10  
 Direction: OAH P51

Order's Audit Trail of Events

1	01/22/16 2324 00 ALBAR	Order ENTER in PCH	
2	01/22/16 2324 00 ALBAR	Order from set BEHAVIORAL HEALTH HOLDING	
3	01/22/16 2324 00 ALBAR	Ordering Doctor: A. Sekord, Anash MD	
4	01/22/16 2324 00 ALBAR	Order Source: EPOCH	
5	01/22/16 2324 00 ALBAR	Signed by: A. Sekord, Anash MD	
6	01/22/16 2324 Interface	Order's status changed from TRANS to LOADED by PRA	
7	01/22/16 2335 00HALDS	EDIT in PRA	
8	01/22/16 2335 00HALDS	EDIT in PRA	
9	01/22/16 2335 00HALDS	Full Order Attached, Anash MD	Ord Source: EPOCH
10	01/22/16 2335 00HALDS	VERIFIED in PRA	
11	01/22/16 2335 00HALDS	VIEWED LAB TEST RESULTS in PRA	
12	01/22/16 2335 00HALDS	VIEWED LAB TEST RESULTS	
13	01/22/16 2335 00HALDS	Test Group: RACREAT	
14	01/22/16 2335 00HALDS	01/22/16 2335 CREAT	0.74 E.53-0.81 mgd.
15	01/22/16 2335 Interface	Order's status changed from LOADED to IN PRC by PRA	
16	01/23/16 0517 DISCHARGE	DISCONTINUE in PRA	
17	01/23/16 0517 Interface	Order's status changed from IN PRC to CMP by PRA	

Electronically signed by: A. Sekord, Anash MD on 01/22/16 at 2330

Order Date: 01/22/16  
 Category: Procedure Name  
 MED. CODE: MEDICATION  
 Other Provider: Sig Lvl Provider:  
 RX: 01340003

—Service—  
 Order Number: 20160122-5036-01/22/16 2330 R  
 Date: 01/22/16 2330 R  
 Time: 2330 R  
 Pri: R  
 Qty: R  
 Ord Source: E  
 Status: CMP  
 Ordered By: A. ERL

Start: 01/22/16 2330  
 Stop:

Ondansetron ODT Tab (Zofran) ODT Tab  
 Dose: 4 MG  
 Route: PO  
 PRN Reason: NAUSEA  
 Direction: OAH P51

Order's Audit Trail of Events

1	01/22/16 2324 00 ALBAR	Order ENTER in PCH	
2	01/22/16 2324 00 ALBAR	Order from set BEHAVIORAL HEALTH HOLDING	
3	01/22/16 2324 00 ALBAR	Ordering Doctor: A. Sekord, Anash MD	
4	01/22/16 2324 00 ALBAR	Order Source: EPOCH	
5	01/22/16 2324 00 ALBAR	Signed by: A. Sekord, Anash MD	
6	01/22/16 2324 Interface	Order's status changed from TRANS to LOADED by PRA	
7	01/22/16 2335 00HALDS	VERIFIED in PRA	
8	01/22/16 2335 Interface	Order's status changed from LOADED to IN PRC by PRA	
9	01/23/16 0517 DISCHARGE	DISCONTINUE in PRA	

PERMANENT MEDICAL RECORD COPY

BN DATE: 01/22/16 BN TIME: 01:10 RX USER: HP:FEED	MEDITECH FACILITY: OMEN? JULY - Discharge Report	PAGE 24
PATIENT: JENSEN BRITTNEY ACCOUNT NO: E0012766312	A/S: 25 F LOC: C.ERI RN: BD:	ADMIT: 01/22/16 DISCH/DEP: 01/23/16 STATUS: IN UNIT NO: D002318058
ATTEND DR: A. Beckord, A. Arash MD REPORT STATUS: FINAL		

10 01/23/16 0517 interface order's status changed from IN PRC to CNFP by PHA

Electronically Signed By: A. Beckord, A. Arash MD 01/22/16 05:23:40

Order Date: 01/22/16	Service	
Category: Procedure Name	Order Number: 20160122-SC37	Date: 01/22/16
MED CODE: MEDICATION	Time: 2330	Pri: R
Other Provider:	Qty: 1	Ord Source: E
RX: 31242958	Start: 01/22/16	Status: CNF
	Stop:	Ordered By: A. Beckord
Nagresol Hydroxide Susp (HITK OF Nagresol Suspension)		
Dose: 30 ML	Direction: GAILY PRN	
Route: TI	PRN Reason: CONSTIPATION	

Order's Audit Trail of Events

- 1 01/22/16 2324 DR ALBAR Order ENTER in PCH
- 2 01/22/16 2324 DR ALBAR Order for set: BEHAVIORAL HEALTH HOLDING\*
- 3 01/22/16 2324 DR ALBAR Ordering Doctor: A. Beckord, A. Arash MD
- 4 01/22/16 2324 DR ALBAR Order Source: EPOCH
- 5 01/22/16 2324 DR ALBAR Order Signed by: A. Beckord, A. Arash MD
- 6 01/22/16 2324 interface order's status changed from TRANS to LOGGED by PHA
- 7 01/22/16 2335 OPHALYS Edit in PHA
- 8 01/22/16 2335 OPHALYS Edit
- 9 01/22/16 2335 OPHALYS Edit On: A. Beckord, A. Arash MD Exit Source: EPOCH
- 10 01/22/16 2335 OPHALYS VERIFIED in PHA
- 11 01/22/16 2335 OPHALYS VITAL LAB TEST RESULTS in PHA
- 12 01/22/16 2335 OPHALYS VIEWED LAB TEST RESULTS
- 13 01/22/16 2335 OPHALYS Test Group: RACREAT
- 14 01/22/16 2335 OPHALYS 01/22/16 2053 CRENT 0.74 0.50-0.89 mg/d.
- 15 01/22/16 2335 interface order's status changed from OBGFC to IN PRC by PHA
- 16 01/23/16 0517 DISCHARGE DISCONTINUE in PHA
- 17 01/23/16 0517 interface order's status changed from IN PRC to CNFP by PHA

Electronically Signed By: A. Beckord, A. Arash MD 01/22/16 05:23:40

Order Date: 01/22/16	Service	
Category: Procedure Name	Order Number: 20160122-SC38	Date: 01/22/16
MED CODE: MEDICATION	Time: 2330	Pri: R
Other Provider:	Qty: 1	Ord Source: E
RX: 31242958	Start: 01/22/16	Status: CNF
	Stop:	Ordered By: A. Beckord
Lamotrigine Tab 1-5000 1ab		
Dose: 20 MG	Direction: BID PRN	
Route: TI	PRN Reason: DYSPESIA	

Order's Audit Trail of Events

- 1 01/22/16 2324 DR ALBAR Order ENTER in PCH
- 2 01/22/16 2324 DR ALBAR Order for set: BEHAVIORAL HEALTH HOLDING\*
- 3 01/22/16 2324 DR ALBAR Ordering Doctor: A. Beckord, A. Arash MD
- 4 01/22/16 2324 DR ALBAR Order Source: EPOCH
- 5 01/22/16 2324 DR ALBAR Order Signed by: A. Beckord, A. Arash MD

PERMANENT MEDICAL RECORD COPY

MR DATE: 01/25/16	MEDITECH FACILITY - DORS?		PAGE 25
MR FPL: 0100	JULY - Discharge Report		
MR USER: HP, FEED			
PATIENT: JENSEN BRITTNEY	A/S: 28 F	ADMIT: 01/22/16	
ACCOUNT NO: 000112766312	L301 CLERK	DISCH/DEP: 01/23/16	
ATTEND DR: A. Sekord, Albari MD	RM:	STATUS: IP	
REPORT STATUS: FINAL	BD:	UNIT NO: 0002318050	

6 01/22/16 2324 interface: order's status changed from TRANS to LOGGED by PHR  
 7 01/22/16 2334 PHRDI X: IDI in PHR  
 8 01/22/16 2335 DPHALDS EDIT  
 9 01/22/16 2336 DPHALDS Edit Dr. Albari, Albari MD Edit Source: EPCH  
 10 01/22/16 2336 DPHALDS VERIFIED in PHR  
 11 01/22/16 2336 interface: order's status changed from LOGGED to IN PHR by PHR  
 12 01/23/16 0517 DISCHARGE DISCONTINUE in PHR  
 13 01/23/16 0517 interface: order's status changed from IN PHR to UNP by PHR

Electronic Order: 01/22/16 2324 interface: order's status changed from TRANS to LOGGED by PHR

Order Date	Category	Procedure Name	Order Number	Date	Time	Pri	Qty	Ord Source	Status	Ordered By
01/22/16	N.S. PHR	Discharge Communication	20160122 0010	01/22/16	2334			E	IPR	A. BAR

Other Provider: Sig Lvl Provider:  
Press <Enter> for Order Details Below

Comment: FOR NON-LEGAL HOLD PATIENTS ONLY  
 safe discharge when:  
 - awake, alert, oriented  
 - able to articulate with steady gait  
 - tolerate oral intake  
 - maintain risk assessment

#### Order's Audit Trail of Events

1 01/22/16 2324 interface: Order IN PHR in PHR  
 2 01/22/16 2324 DR ALBAR: Order from set: BEHAVIORAL HEALTH HOLDING  
 3 01/22/16 2324 DR ALBAR: Ordering Doctor: Albari, Albari MD  
 4 01/22/16 2324 DR ALBAR: Order Source: EPCH  
 5 01/22/16 2324 interface: order's status changed from TRANS to ACTIVE by PHR

Electronic Order: 01/22/16 2324 interface: order's status changed from TRANS to ACTIVE by PHR

\*\* DEV END OF REPORT \*\*

PERMANENT MEDICAL RECORD COPY



CLARK MEDIC WEST (NV)  
PRE-HOSPITAL CARE REPORT

Case #: 160018862

Unit ID: 1558

Date: 1/22/2016

SERVICE	DISPATCH INFORMATION	TIME S
FROM: 358 E DESERT INN RD CLARK COUNTY, NV 89109 (HOME/RESIDENCE)	CALLER: CAD/CAD RESPONSE MODE: LIGHTS AND SIREN TRANSPORT MODE: NO LIGHTS AND SIREN ALS ASSESSMENT: MWA PARAMEDIC DISPOSITION: TRANSPORTED - TO HOSPITAL	CALL RECEIVED: 18:55:10 DISPATCHED: 18:55:32 ENROUTE: 18:55:53 AT SCENE: 18:58:38
TO: SUNRISE HOSPITAL CNTR 3128 SOUTH MARYLAND PARKWAY LAS VEGAS, NV 89109 (HOSPITAL - ED) ROOM/DEPT: ED DESTINATION DECISION: CLOSEST/MOST APPROPRIATE		AT PT SIDE: 19:12:00 TRANSPORT: 19:25:13 ARRIVAL: 19:26:05 AVAILABLE: 20:39:00 BEST MILES: 6.4 TOTAL MILES: 6.4
<b>PATIENT DEMOGRAPHICS</b>		
NAME: JENSEN, BRITTNEY ADDRESS: 358 E DESERT INN RD APT/SUITE # 111 CITY, STATE ZIP: LAS VEGAS, NV 89109 USA PHONE: (408)369-1574 CELL PHONE: SSN: XXXX-XX-3723 INSURANCE POLICY GROUP AMERGROUP D00015967BA		DOB: 12/20/1980 AGE: 29 GENDER: FEMALE ETHNICITY: CAUCASIAN
RESPONSIBLE PARTY: JENSEN, BRITTNEY PHONE: HOSPITAL MRN: HOSPITAL FID:		NAME OF EMPLOYER: Z EMPLOYER PHONE: SUPERVISOR: SUPERVISOR PHONE:
<b>MEDICAL HISTORY</b>		
HISTORY OBTAINED FROM: NOT OBTAINED MEDICAL HISTORY: UNKNOWN/ INABLE TO OBTAIN ALLERGIES: NOT KNOWN ALLERGY DESCRIPTION:		
<b>HISTORY OF PRESENT ILLNESS:</b>		
<b>CHIEF COMPLAINTS</b> PT. STATED COMPLAINT: ASSAULT, CHIEF COMPLAINT CATEGORY: MULTIPLE TRAUMATIC INJURIES, CHIEF COMPLAINT CATEGORY: MULTIPLE TRAUMATIC INJURIES, CHIEF COMPLAINT CATEGORY: MULTIPLE TRAUMATIC INJURIES, ONSET: ACUTE		
<b>TRAUMA TRIAGE</b>		
ACTIVATION LEVEL:		

Case #: 160018862  
PCR#: 2016012219471346460  
Device: VIL/MW/MED537

Date of Service: 01/22/2016  
Patient: Brittney Jensen

Page: 1 of 7  
Printed: 1/25/2016 4:35:33 PM

**PHYSICAL FINDINGS**

WEIGHT: 230 LBS: 104 KG

**PHYSICAL ASSESSMENT****HEAD:****LEFT EYE**

POSITIVE: CONTUSION/ECCHYMOSIS, EDEMA/SWELLING - TRAUMATIC, FRACTURE - POSSIBLE, HEMORRHAGE/LACERATION, PAIN/TENDERNESS - ON PALPATION

**RIGHT PARIETAL SKULL/SCALP**

POSITIVE: BLEEDING - CONTROLLED, PAIN/TENDERNESS - ON PALPATION, ABRASION

**OCCIPITAL SKULL/SCALP**

POSITIVE: BLEEDING - CONTROLLED, ABRASION

**NECK:****ANTERIOR NECK**

POSITIVE: ABRASION

**EXTREMITIES:****RIGHT ARM**

POSITIVE: CONTUSION/ECCHYMOSIS

CHEST: SYMMETRIC WITH BILATERAL CHEST RISE/FALL, NO CREPITUS

ABDOMEN: SOFT, NON-TENDER, NON-DISTENDED

PELVIS: STABLE, NO CREPITUS OR DEFORMITY

BACK: NO CREPITUS, DEFORMITY, PAIN

**IMPRESSION**

PRIMARY IMPRESSION: TRAUMA - HEAD INJURY

SECONDARY IMPRESSION: TRAUMA - SOFT TISSUE

**VITAL SIGNS**

TIME	BLOOD PRESSURE	PULSE	RESP	GLASGOW COMA SCALE				EKG	SPO2	BLOOD GLUCOSE	PAIN SCALE
				E	V	M	TOTAL				
19:12	126/82 (97)	128	22	4	4	6	14				10/10
19:22											10/10
19:25	126/88 (97)	133	22	4	4	6	14				

**TREATMENTS**

PTA	TIME	CAREGIVER	PROCEDURE
	19:12	RUGGIS-KOTT, AMANDA, MW4	PAIN SCALE - 10 ON A SCALE OF 10
	19:12	RUGGIS-KOTT, AMANDA, MW4	VITAL SIGNS -  GLASGOW COMA SCALE: GCS EYES: 4; GCS VERBAL: 4; GCS MOTOR: 6; GCS SCORE: 14  VITALS: BP: 126/82; PULSE: 128; PULSE REGULARITY: REGULAR; PULSE STRENGTH: NORMAL; PULSE TAKEN AT: CARDIAC MONITOR; RESPIRATORY RATE: 22; RESPIRATORY DEPTH: SHALLOW; RESPIRATORY EFFORT: NORMAL
	19:22	RUGGIS-KOTT, AMANDA, MW4	PAIN SCALE - 10 ON A SCALE OF 10
	19:25	RUGGIS-KOTT, AMANDA, MW4	VITAL SIGNS -  GLASGOW COMA SCALE: GCS EYES: 4; GCS VERBAL: 4; GCS MOTOR: 6; GCS SCORE: 14  VITALS: BP: 126/88; PULSE: 133; PULSE REGULARITY: REGULAR; PULSE STRENGTH: NORMAL; PULSE TAKEN AT: CARDIAC MONITOR; RESPIRATORY RATE: 22; RESPIRATORY DEPTH: SHALLOW; RESPIRATORY EFFORT: NORMAL

Case #: 160018242  
 PC#: 2019012219471330463  
 Device: WIAVAMED537

Date of Service: 01/22/2016  
 Patient: Brittany Jensen

Page: 2 of 7  
 Printed: 1/25/2018 4:30:23 PM

**NARRATIVE**

CREW CALLED TO APARTMENT COMPLEX FOR A 29 YEAR OLD FEMALE WHO WAS ASSAULTED. CREW HELD SHORT WITH CCFO FOR APPROX 10 MINUTES PRIOR TO LIVINGD-CLEARING THE SCENE. CREW ENTERED APARTMENT TO FIND PATIENT SITTING UP BY A CHAIR, CRYING HYSTERICALLY AND SCREAMING THAT HER HEAD HURTS. PATIENT WAS A/O X 4, GCS 15. PATIENT HAD VISUAL GROSS TRAUMA TO THE FACE, LEFT EYE SHOWED SIGNIFICANT CONTUSIONS AND SWOLLEN ALMOST COMPLETELY SHUT. PATIENT HAD BLOOD TRAILS ON HER FOREHEAD FROM HAIR TORN FROM HER SCALP. PATIENT SHOWED ABRASIONS TO HER NECK WHERE HER HYPOTHRIO ALLEGEDLY TRIED TO STRANGLE HER WITH UNKNOWN OBJECT. BETWEEN BOUTS OF HYSTERIA, PATIENT ANSWERED QUESTIONS APPROPRIATELY, ALTHOUGH SHE ADMITS TO ETCH CONSUMPTION PRIOR TO OUR ARRIVAL.

TRANSFERRED PATIENT TO AMBULANCE VIA GURNEY IN SEMI FOWLER'S POSITION. PATIENT WENT BACK AND FORTH FROM WANTING TO GO, BECAUSE "HER HEAD HURTS SO BAD" AND FIGHTING TO GET OFF THE GURNEY TO RUN BACK INTO HER APARTMENT. VITALS OBTAINED AND WITHIN NORMAL PARAMETERS, PUPILS EQUAL AND REACTIVE, BLOOD GLUCOSE OF 100, NO FURTHER TREATMENTS RENDERED DUE TO EXTREME PATIENT AGITATION. AS WE APPROACHED THE HOSPITAL AND ATTEMPTED TO GAIN MORE INFORMATION, PATIENT BEGAN ANSWERING QUESTIONS IN APPROPRIATELY, INFORMING US THAT IT WAS 1928, GCS WAS 14 AT THIS POINT. PATIENT DENIES ANY PAIN ASIDE FROM HER HEAD, DRUG USE, SHORTNESS OF BREATH, NAUSEA OR VOMITING, AND ANY PRIOR MEDICAL HISTORY.

TRANSPORTED PATIENT CODE 2 TO SURVIVE TRAUMA ACCOMPANIED BY ONE CCFO RIDER AND METRO FOLLOWING BEHIND AMBULANCE. TRANSFERRED CARE TO TRAUMA RM.

**FOLLOW-UP CARE**

FOLLOW-UP: 2

FOLLOW-UP DATE:

FOLLOW-UP TIME:

FOLLOW-UP CARE: 2

**RUN COMPLETION****OTHER CAREGIVERS**

CAREGIVER NAME:

CERTIFICATION:

AGENCY: LVMPD

ROLE:

PRIVACY PRACTICES: THE NOTICE OF PRIVACY PRACTICES WAS UNABLE TO BE PROVIDED

Case #: 160013802  
PCR: 2016012219471390460  
Device: WRMWAMEDS37

Call of Service: 017220316  
Patient: Brittany Jensen

Page: 3 of 7  
Printed: 1/26/2019 4:30:23 PM

1                                    **IN THE SUPREME COURT OF THE STATE OF NEVADA**

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3 JAMES COOPER,                                    )                    No. 72091

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30                                    **APPELLANT'S APPENDIX VOLUME I PAGES 001-242**

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39 Attorney for Appellant

40 ADAM LAXALT  
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44 (702) 687-3538

45 Counsel for Respondent

46                                    **CERTIFICATE OF SERVICE**

47                                    I hereby certify that this document was filed electronically with the Nevada  
48 Supreme Court on the 22<sup>nd</sup> day of January, 2018. Electronic Service of the  
49 foregoing document shall be made in accordance with the Master Service List as follows:

50 ADAM LAXALT  
51 STEVEN S. OWENS

52 SHARON G. DICKINSON  
53 HOWARD S. BROOKS

54                                    I further certify that I served a copy of this document by mailing a true and  
55 correct copy thereof, postage pre-paid, addressed to:

56 JAMES COOPER, 1174054  
57 c/o THREE LAKES VALLEY CONSERVATION CAMP  
58 P.O. BOX 208  
59 INDIAN SPRINGS, NV 89070

60 BY   
61 Employee, Clark County Public Defender's Office