

# IN THE SUPREME COURT OF THE STATE OF NEVADA

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THOMAS WILLIAM RANDOLPH,  
Appellant(s),

vs.

STATE OF NEVADA,  
Respondent(s),

Case No: 09C250966

Docket No: XXIII

**Death Penalty**

# RECORD ON APPEAL VOLUME 41

**ATTORNEY FOR APPELLANT**  
RANDALL H. PIKE  
SPECIAL PUBLIC DEFENDER  
330 S. THIRD ST., 8<sup>th</sup> FLOOR  
LAS VEGAS, NV 89155

**ATTORNEY FOR RESPONDENT**  
STEVEN B. WOLFSON,  
DISTRICT ATTORNEY  
200 LEWIS AVE.  
LAS VEGAS, NV 89101

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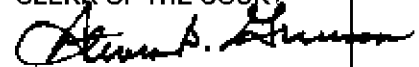
09C250966

STATE OF NEVADA VS. Thomas W Randolph

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1 RTRAN

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5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

7  
8 STATE OF NEVADA,

9 Plaintiff,

10 vs.

11 THOMAS WILLIAM RANDOLPH,

12 Defendant.

CASE NO. 09C250966-1  
SC CASE NO. 73825

DEPT. IX

13  
14 ***BEFORE THE HONORABLE JUDGE JENNIFER P. TOGLIATTI,  
DISTRICT COURT JUDGE***

15 ***FRIDAY, MAY 20, 2016***  
16 **FURTHER PROCEEDINGS: COMPETENCY**

17 **APPEARANCES:**

18 For the State:

BARTER PACE, ESQ.  
Deputy District Attorney

19  
20 For the Defendant:

PATRICK CLARK, ESQ.  
MICHAEL HYTE, ESQ.  
Special Public Defenders

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25 **RECORDED BY: YVETTE SISON, COURT RECORDER**

1 Las Vegas, Nevada, Friday, May 20, 2016 at 9:19 a.m.

2  
3 THE COURT: Thomas Randolph, C250966. The record should reflect the  
4 presence of Mr. Randolph in custody. Drs. Slagle and Glovinsky find the –

5 THE DEFENDANT: I need headphones, Judge.

6 THE COURT: -- find that the Defendant meets the criteria to be considered  
7 competent to proceed with adjudication. Counsel will you state your appearance  
8 please.

9 MR. PATRICK: Clark Patrick and Michael Hyte for Mr. Randolph.

10 THE DEFENDANT: Clark, I need headphones.

11 THE COURT: Okay. What's your position?

12 MR. PATRICK: I'm sorry, Judge. Do we have the headphones? Mr.  
13 Randolph is very hard of hearing.

14 THE COURT: Drs. Slagle and Glovinsky find the Defendant meets the criteria  
15 to be considered competent to proceed. What's your position?

16 MR. PATRICK: Your Honor, we have no challenge; however, I'm concerned  
17 that we will probably be back here before too long.

18 Mr. Randolph was doing fine and was competent until in February,  
19 three months before trial, CCDC through Naphcare unilaterally decided that the  
20 medication that has been working for Mr. Randolph for 22 years was no longer to  
21 their liking. They changed his medication, rendering him incompetent due to the  
22 withdrawal from the opioids.

23 Even Dr. Slagle, when finding him competent, mentioned in his report  
24 that Mr. Randolph needs to be on pain management that works, and what – where  
25 we're at now is –

1 THE COURT: I didn't hear what – the last thing you said.

2 MR. PATRICK: Oh, I'm sorry; Mr. Randolph needs to be a pain management  
3 system that works for him so that we can get him ready for trial.

4 We tried to explain to Naphcare that everything was fine until February  
5 when they changed. They're not listening to us. They're not listening to anybody,  
6 so while he's competent now, I think unless we get something changed to get him  
7 back on the medications that – you know, Dr. Roitman who has seen him several  
8 times, recommends he be on – and even Dr. Slagle, while finding him competent  
9 recommends he's on – recommends he goes back to the opioids. I have a strange  
10 feeling that we will probably be back here again.

11 But, with all that said, we have no challenge because I think it's – you  
12 know, it's – where we're at, is where we're at.

13 THE COURT: Do you have any response?

14 MR. PACE: I really don't. I guess we should just transfer it back to District  
15 Court, Department 23, who's in charge of the case and let them deal with the  
16 Defendant's medication issues for opioids. I've never seen opioids ever in a report -  
17 -

18 THE COURT: Have a direct relationship to somebody's competency –

19 MR. PACE: -- competence, yes.

20 THE COURT: -- so that's interesting. I think that Mr. Pace is right. I'm  
21 generally tasked with competent or not competent; and so I think this is something  
22 that could be raised and should be raised in front of department – what department  
23 did you say, 23?

24 MR. PACE: Department 23, Your Honor.

25 THE COURT: If she wants to get involved in that and have the records and

1 everything that I don't have here today, to be able to order things, and I don't want to  
2 delay the process to do so, so I'm going to find, since there's no challenge, the  
3 Defendant competent pursuant to NRS 178.420, and encourage you to address this  
4 to the assigned District Court Judge, who will have your client appear on –

5 THE CLERK: May 25<sup>th</sup> at 9:30 a.m.

6 MR. PATRICK: Your Honor, may I – I'm out of the jurisdiction that day. May  
7 we do one more –

8 THE COURT: Sure.

9 THE CLERK: June 1<sup>st</sup> at 9:30 a.m.

10 MR. PATRICK: Very good.

11 THE COURT: Thank you.

12 MR. PATRICK: And we have been discussing this with Judge Miley, Your  
13 Honor.

14 THE COURT: Okay.

15 MR. PATRICK: I just wanted to have a record here also.

16 THE COURT: Okay.

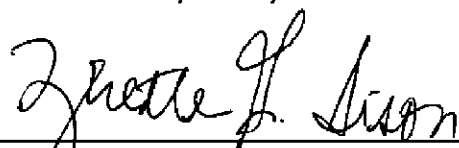
17 MR. PATRICK: Thank you.

18 THE COURT: Thank you.

19 [Proceedings concluded at 9:24 a.m.]  
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ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.

  
\_\_\_\_\_  
Yvette G. Sison  
Court Recorder/Transcriber

# Certification of Copy and Transmittal of Record

State of Nevada }  
County of Clark } SS:

Pursuant to the Supreme Court order dated November 22, 2017, I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the supplemental trial court record for the case referenced below. The record comprises volume forty-one with pages numbered 8601 through 8605.

STATE OF NEVADA,

Plaintiff(s),

vs.

THOMAS W. RANDOLPH,

Defendant(s),

Case No: 09C250966

Dept. No: XXIII

**Death Penalty**

now on file and of record in this office.

**IN WITNESS THEREOF**, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 4 day of December 2017.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk