

**IN THE FOURTH JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA**

RECORD OF COURT PROCEEDINGS

Present - Honorable ALVIN R. KACIN, District Judge,
and Officers of the Court.

STATE OF NEVADA,

Plaintiff,

Date: 06/13/16

VS.

Case No.: CR-FO-16-0304

Dept: 2 – County Jail

THOMAS WILLIAM MOONEY,

Defendant.

State of Nevada represented by Jeff Slade, Esq.
Defendant present, in custody, and represented by
Brian Green, Esq.

Division of Parole and Probation represented by Sara Macias.
Court Clerk, Angelina DeMars, present.
Lisa Manley present as Court Reporter.

ARRAIGNMENT – NOT GUILTY

The Court noted the presence of the parties.

This was the date and time set for an arraignment on the Criminal Information filed May 11, 2016 charging COUNT 1: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; IN THE ALTERNATIVE TO COUNT 1, COUNT 2: POSSESSION OF AN EXPLOSIVE OR INCENDIARY DEVICE, A CATEGORY D FELONY AS DEFINED BY NRS 202.262; COUNT 3: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; IN THE ALTERNATIVE TO COUNT 3, COUNT 4: POSSESSION OF AN EXPLOSIVE OR INCENDIARY DEVICE, A CATEGORY D FELONY AS DEFINED BY NRS 202.262; COUNT 5: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN

EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; IN THE ALTERNATIVE TO COUNT 5, COUNT 6: POSSESSION OF AN EXPLOSIVE OR INCENDIARY DEVICE, A CATEGORY D FELONY AS DEFINED BY NRS 202.262; COUNT 7: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; IN THE ALTERNATIVE TO COUNT 7, COUNT 8: POSSESSION OF AN EXPLOSIVE OR INCENDIARY DEVICE, A CATEGORY D FELONY AS DEFINED BY NRS 202.262; COUNT 9: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; IN THE ALTERNATIVE TO COUNT 9, COUNT 10; POSSESSION OF AN EXPLOSIVE OR INCENDIARY DEVICE, A CATEGORY D FELONY AS DEFINED BY NRS 202.262; COUNT 11: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; IN THE ALTERNATIVE TO COUNT 11, COUNT 12: POSSESSION OF AN EXPLOSIVE OR INCENDIARY DEVICE, A CATEGORY D FELONY AS DEFINED BY NRS 202.262; COUNT 13: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; IN THE ALTERNATIVE TO COUNT 13, COUNT 14: POSSESSION OF AN EXPLOSIVE OR INCENDIARY DEVICE, A CATEGORY D FELONY AS DEFINED BY NRS 202.262; COUNT 15: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; IN THE ALTERNATIVE TO COUNT 15, COUNT 16: POSSESSION OF AN EXPLOSIVE OR INCENDIARY DEVICE, A CATEGORY D FELONY AS DEFINED BY NRS 202.262; COUNT 17: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; IN THE ALTERNATIVE TO COUNT 17, COUNT 18: POSSESSION OF AN EXPLOSIVE OR INCENDIARY DEVICE, A CATEGORY D FELONY AS DEFINED BY NRS 202.262; COUNT

19: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; IN THE ALTERNATIVE TO COUNT 19, COUNT 20: POSSESSION OF AN EXPLOSIVE OR INCENDIARY DEVICE, A CATEGORY D FELONY AS DEFINED BY NRS 202.262; COUNT 21: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; IN THE ALTERNATIVE TO COUNT 21, COUNT 22: POSSESSION OF AN EXPLOSIVE OR INCENDIARY DEVICE, A CATEGORY D FELONY AS DEFINED BY NRS 202.262; COUNT 23: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; IN THE ALTERNATIVE TO COUNT 23, COUNT 24: POSSESSION OF AN EXPLOSIVE OR INCENDIARY DEVICE, A CATEGORY D FELONY AS DEFINED BY NRS 202.262; COUNT 25: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; COUNT 26: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; COUNT 27: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; COUNT 28: POSSESSION OF A FIREARM BY A PERSON PREVIOUSLY CONVICTED OF A FELONY OFFENSE, A CATEGORY B FELONY AS DEFINED BY NRS 202.360; COUNT 29: POSSESSION OF A FIREARM BY A PERSON PREVIOUSLY CONVICTED OF A FELONY OFFENSE, A CATEGORY B FELONY AS DEFINED BY NRS 202.360; AND COUNT 30: POSSESSION OF A FIREARM BY A PERSON PREVIOUSLY CONVICTED OF A FELONY OFFENSE, A CATEGORY B FELONY AS DEFINED BY NRS 202.360.

A certified copy of the Criminal Information was presented to the Defendant.

The name of the Defendant was correctly stated.

The Defendant advised that he reviewed the Criminal Information with his attorney, and was satisfied with legal representation to date.

Defense counsel waived the formal reading of the Criminal Information.

The Court read the charging portion of the Criminal Information and asked the Defendant to enter a plea.

The Defendant entered a plea of not guilty to the charges.

The Court advised the Defendant of the right to be tried within 60 days from today's date.

The Defendant did not waive the sixty-day rule.

The Court advised that it would set a 4-day trial and call 150 prospective jurors.

The Defendant was remanded to the custody of the Elko County Sheriff's Department.

Court adjourned.

**IN THE FOURTH JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA**

RECORD OF COURT PROCEEDINGS

Present - Honorable ALVIN R. KACIN, District Judge,
and Officers of the Court.

STATE OF NEVADA,

VS.

Plaintiff,

Date: 08/08/16

Case No.: CR-FO-16-0304

Dept: 2 – County Jail

THOMAS WILLIAM MOONEY,

Defendant.

State of Nevada represented by David Buchler, Esq.

Defendant present, in custody, and represented by

Brian Green, Esq.

Division of Parole and Probation represented by Sara Macias.

Court Clerk, Angelina DeMars, present.

Lisa Manley present as Court Reporter.

EARLY CASE CONFERENCE

The Court noted the presence of the parties.

The matter was before the Court for an early case conference on a Criminal Information filed May 11, 2016. The Court inquired about the status of the case.

The State informed the Court that it would be proceeding to trial. The State advised that it had filed a Motion to Bifurcate and the Defense had filed a Motion to Suppress. The State noted that it would be responding to the Motion to Suppress.

The Court stated that matter had been set for trial October 4-7, 2016 with a Pretrial Motion hearing set for September 8, 2016. The Court inquired how much time the parties would need to argue the Motions.

Defense counsel advised it would need approximately 2 hours for the Pretrial Motions hearing. Counsel stated that it would file a non-opposition regarding the bifurcation. Defense counsel noted that an Offer of Proof had also been filed.

The Court directed the parties to be prepared to discuss the bifurcation, Motion to Suppress and the Offer of Proof at the Pretrial hearing.

Further discussion was held regarding the issues noted in the Motion to Suppress.

The Defendant was remanded to the custody of the Elko County Sheriff's Department.

Court adjourned.

**IN THE FOURTH JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA**

RECORD OF COURT PROCEEDINGS

Present - Honorable ALVIN R. KACIN, District Judge,
and Officers of the Court.

STATE OF NEVADA,

VS.

Plaintiff,

Date: 09/07/16

Case No.: CR-FO-16-0304

Dept: 2

THOMAS WILLIAM MOONEY,

Defendant.

State of Nevada represented by David Buchler, Esq.
Defendant present, in custody, and represented by
Brian Green, Esq.
Court Clerk, Angelina DeMars, present.
Lisa Manley present as Court Reporter.

HEARING ON PRETRIAL MOTIONS

The Court noted the presence of the parties.

The matter was before the Court for a hearing on Pretrial Motions.

The Court noted that the only Motion filed was the Motion to suppress evidence filed by the Defense and opposed by the State.

The State noted that there was also a Motion to bifurcate.

Defense counsel stated that it was not opposed the Court granting the Motion to bifurcate. Counsel stated that an Offer of Proof concerning impeachment of the Defendant with prior felony convictions had also been filed and it would not oppose that pleading either.

Discussion was held regarding the bifurcation process.

The Court inquired if the parties would request additional voir dire of the jury and the alternates prior to beginning the second part of the trial.

The State didn't feel that there was anything preventing the parties from examining the prospective jurors regarding firearms during the first phase of the trial.

Defense counsel addressed the Court.

The Court directed the parties to research the matter and submit a Brief to the Court prior to trial.

Discussion was held regarding the Offer of Proof.

The Court inquired about the names of the witnesses the parties intended to call.

Both parties advised the Court.

The Court invoked the Rule of Exclusion and had the courtroom cleared. The Court inquired how the parties wished to proceed.

Defense counsel stated that it would present its case first since it was his Motion.

The Court inquired if the parties wished the Court to review the Preliminary Hearing transcripts in determining the Motion.

Neither party objected.

Discussion was held regarding what the witnesses would testify to.

The Court noted that it had reviewed the Briefs, but not the transcript.

The State did not object to the Court reviewing the entire transcript of the Preliminary Hearing.

The Court directed the Defense to call its first witness.

Deputy Brian Shoaf was sworn and examined on direct by Defense Counsel. The witness identified the Defendant. The parties stipulated to the identification of the Defendant. Direct examination continued. Cross examination by the State. Re-direct by Defense. Defense counsel offered Plaintiff's Exhibit 1, Transcript from Preliminary Hearing, for identification purposes. Re-direct continued. Re-cross by the State. Witness examined by the Court. Follow up by Defense counsel. No follow up by the State. Witness was admonished and retained.

Court took a brief recess.

Court reconvened and noted the presence of the parties.

Aline Mooney was sworn and examined on direct by Defense counsel. The witness identified the Defendant. The State stipulated to the identification of the Defendant. Direct examination continued. Re-direct. No re-direct. Witness examined by the Court. No follow up by either party. Witness was admonished and retained.

Defense rested.

William E Mooney Jr was sworn and examined on direct by the State. The witness identified the Defendant. Direct examination continued. No cross examination. Witness examined by the Court. Follow up by the State. Follow up by the Defense. Witness was admonished and retained.

The State requested to have Deputy Shoaf's testimony used for impeachment purposes of William E Mooney Jr's testimony.

Defense counsel did not object.

The State rested.

Defense counsel did not present any rebuttal.

The Court directed the parties to present argument.

Defense counsel argued that the Deputy had violated the Defendant's right to privacy upon entering the room in the manner that he did. Counsel stated that the Deputy needed to secure a warrant before proceeding into the Defendant's room

The State argued that the Deputies actions were justified and the Deputy did not violate any of the Defendant's rights by being in the common area and peering into the Defendant's bedroom. The State advised that it was their position that the Defendant's parents had permission to enter the Defendant's room which was located in their home. The State further argued that the Mooney's invited the Deputy into their home and requested that the Deputy look at the Defendant's room.

Defense counsel presented rebuttal argument.

The Court advised that it would take the matter under consideration.

The Defendant was remanded to the custody of the Elko County Sheriff's Department.

Court adjourned.

**IN THE FOURTH JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA**

RECORD OF COURT PROCEEDINGS

Present - Honorable ALVIN R. KACIN, District Judge,
and Officers of the Court.

STATE OF NEVADA,

VS.

Plaintiff,

Date: 10/03/16

Case No.: CR-FO-16-0304

Dept: 2

THOMAS WILLIAM MOONEY,

Defendant.

State of Nevada represented by David Buchler, Esq.
Defendant present, in custody, and represented by
Brian Green, Esq.
Court Clerk, Angelina DeMars, present.
Lisa Manley present as Court Reporter.

STATUS HEARING

The Court noted the presence of the parties.

The matter was before the Court for a status hearing.

The Court inquired if the parties were ready to proceed to trial tomorrow.

The State advised that an Amended Notice of Experts regarding explosive experts and was unsure if the Defense intended to challenge that Notice.

Defense counsel stated that at this point it would not challenge the Notice, but it may challenge some of the evidence presented.

The Court stated that the hearing was scheduled for today because it would not be available before the trial started tomorrow to discuss any issues. The Court made a record of the case and inquired if there were any other issues the parties wished to discuss.

Neither party offered anything.

Discussion was held regarding the second portion of the trial and transportation of the Defendant.

The Court inquired if Defense counsel had any Jury Instructions it would be offering.

Defense counsel stated that it did not.

The Court inquired if the parties were hoping to get the second portion of the trial to the jury and the alternates by Thursday.

The State advised that it hoped to move through its case quickly.

Discussion was held regarding the number of jurors called, the seating arrangement and the oath given to the panel.

The State wanted to make a record that it had submitted a brief regarding bifurcation and did not see an objection from Defense regarding the firearm evidence being presented without entering the prior conviction.

Defense counsel agreed and further discussion was held regarding testimony provided by the Defendant should he decide to testify.

The Defendant was remanded to the custody of the Elko County Sheriff's Department.

Court adjourned.

**IN THE FOURTH JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA**

RECORD OF COURT PROCEEDINGS

Present - Honorable ALVIN R. KACIN, District Judge,
and Officers of the Court.

STATE OF NEVADA,

VS.

Plaintiff,

Date: 10/04/16 – 10/07/16

Case No.: CR-FO-16-0304

Dept: 2

THOMAS WILLIAM MOONEY,

Defendant.

State of Nevada represented by David Buchler, Esq.
Defendant present, in custody, and represented by
Brian Green, Esq.
Court Clerk, Angelina DeMars, present.
Lisa Manley present as Court Reporter.

JURY TRIAL

Day One – October 4, 2016

Court convened at 9:26 am.

This was the date and time set for a jury trial on a Criminal Information filed May 11, 2016 charging COUNT 1: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; IN THE ALTERNATIVE TO COUNT 1, COUNT 2: POSSESSION OF AN EXPLOSIVE OR INCENDIARY DEVICE, A CATEGORY D FELONY AS DEFINED BY NRS 202.262; COUNT 3: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; IN THE ALTERNATIVE TO COUNT 3, COUNT 4: POSSESSION OF AN EXPLOSIVE OR INCENDIARY DEVICE, A CATEGORY D FELONY AS DEFINED BY NRS 202.262; COUNT 5: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR

INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; IN THE ALTERNATIVE TO COUNT 5, COUNT 6: POSSESSION OF AN EXPLOSIVE OR INCENDIARY DEVICE, A CATEGORY D FELONY AS DEFINED BY NRS 202.262; COUNT 7: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; IN THE ALTERNATIVE TO COUNT 7, COUNT 8: POSSESSION OF AN EXPLOSIVE OR INCENDIARY DEVICE, A CATEGORY D FELONY AS DEFINED BY NRS 202.262; COUNT 9: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; IN THE ALTERNATIVE TO COUNT 9, COUNT 10: POSSESSION OF AN EXPLOSIVE OR INCENDIARY DEVICE, A CATEGORY D FELONY AS DEFINED BY NRS 202.262; COUNT 11: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; IN THE ALTERNATIVE TO COUNT 11, COUNT 12: POSSESSION OF AN EXPLOSIVE OR INCENDIARY DEVICE, A CATEGORY D FELONY AS DEFINED BY NRS 202.262; COUNT 13: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; IN THE ALTERNATIVE TO COUNT 13, COUNT 14: POSSESSION OF AN EXPLOSIVE OR INCENDIARY DEVICE, A CATEGORY D FELONY AS DEFINED BY NRS 202.262; COUNT 15: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; IN THE ALTERNATIVE TO COUNT 15, COUNT 16: POSSESSION OF AN EXPLOSIVE OR INCENDIARY DEVICE, A CATEGORY D FELONY AS DEFINED BY NRS 202.262; COUNT 17: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; IN THE ALTERNATIVE TO COUNT 17, COUNT 18: POSSESSION OF AN EXPLOSIVE

OR INCENDIARY DEVICE, A CATEGORY D FELONY AS DEFINED BY NRS 202.262; COUNT 19: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; IN THE ALTERNATIVE TO COUNT 19, COUNT 20: POSSESSION OF AN EXPLOSIVE OR INCENDIARY DEVICE, A CATEGORY D FELONY AS DEFINED BY NRS 202.262; COUNT 21: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; IN THE ALTERNATIVE TO COUNT 21, COUNT 22: POSSESSION OF AN EXPLOSIVE OR INCENDIARY DEVICE, A CATEGORY D FELONY AS DEFINED BY NRS 202.262; COUNT 23: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; IN THE ALTERNATIVE TO COUNT 23, COUNT 24: POSSESSION OF AN EXPLOSIVE OR INCENDIARY DEVICE, A CATEGORY D FELONY AS DEFINED BY NRS 202.262; COUNT 25: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; COUNT 26: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; COUNT 27: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261.

The Court stated that a prospective juror had provided documentation that he would not be available to sit on the jury through the entire trial. The Court advised that it had met with counsel and neither party objected to excusing the prospective juror.

The Court thanked and excused John Stanley Cooper for cause.

The Court introduced counsel to the prospective jurors and defense counsel introduced the Defendant.

All prospective jurors were present except as follows: Darold D Acord, Brigitte Angelica Anderson, Steven L Bessert, Linda M Bingaman, Dialina Rose Blackhat, Jerome Brown, Cheryl Coronado, Lynda Cull, Debra Dobbs, Zuleyka Esparza, Gregory Ford, Charles Allen Freeland, Spencer Lyndon Fuller, Paul Gloeckner, Ryan Gregory, Tracey Guerrero, Brock Guzouskis, Tandy L Haslem, Pamela Heskett, Pamela A Jensen, Romolo Madrid, Crystella Martinez, Chad Moore, Darlene Mullon, Silvia Orozco, Christopher Mark Ottoboni, Sushilaben Patel, Chet Rykovich, Miguel Salazar, Zachary Tyler Smith, Dwight Dwayne Stoneman, Susanne Takacs, Fidel Valdez, M Justin Vega, Nadia Villegas-Garcia, Cory Vorwaller, Vernon Wagner and Susan A Zazueta.

The Court instructed the Jury Commissioner to send a letter to all the prospective jurors who failed to appear.

The Clerk read the Criminal Information in its entirety.

The Court informed the jury venire of the presumption of innocence pursuant to NRS 175.191 and of the definition of a reasonable doubt pursuant to NRS 175.211.

Prospective juror Erin Molly Souza (Hanauska) was excused for cause.

The Court admonished the prospective jurors pursuant to NRS 175.121.

Court recessed at 10:11 am for the morning break.

Court reconvened at 10:30 am and noted the presence of the parties.

The Court made a statement to the jury venire describing the importance of their service as prospective jurors.

All prospective jurors were sworn on their voir dire.

The Clerk called the following 24 names: Bernard Richard Addenbrooke, Mauriana Gonzalez, Jane Meranda, Maria Esther Aguilar, Dixie Lee Rizzi, Chantal Colette Longyear, Rebecca L Beckstead, Rex Jackson, Sean DeFevre, Keren Ibarra-Castellanos, Sidney Lou Wintermote, Jennifer E MacDonald, Ardith Healy, Edward McKinzie, Katherine Lynn Dimick, James Ricaporte, Lacie Connin, Malcolm S Carter, Lucretianne Morrell, Charles Glen Boyd, David E Nash, Stephanie Oravec, Karla Kay Wehner and Tonya Marie Dockery.

The Court explained the jury selection process and asked general questions of the potential jurors.

Keren Ibarra-Castellanos was excused for cause and replaced by Courtney Bolton.

Jane Meranda was excused for cause and replaced by Georgette Janz.

Rex Jackson was excused for cause and replaced by Shamen Martinez.

Shamen Martinez was excused for cause and replaced by Marivic Canlas Kinkelaar.

Marivic Canlas Kinkelaar was excused for cause and replaced by Brenda Perkins.

Brenda Perkins was excused for cause and replaced by Dirk S Danninger.

Sean DeFevre was excused for cause and replaced by Frank Hernandez.

Lacie Connin was excused for cause and replaced by Judith Rosado.

Frank Hernandez was excused for cause and replaced by Ray O Zumwalt.

Mauriana Gonzalez was excused for cause and replaced by Elizabeth Ann Brian.

Elizabeth Ann Brian was excused for cause and replaced by Dixie Swisher-Larsen.

Dixie Swisher-Larsen was excused for cause and replaced by Jennilin S Kinsman.

Jennilin S Kinsman was excused for cause and replaced by Zane Stephen Wright.

Lucretianne Morrell was excused for cause and replaced by Lisa M Eriksen.

Lisa M Eriksen was excused for cause and replaced by Tania Soto-Rodriguez.

Tania Soto-Rodriguez was excused for cause and replaced by Levi Zachary Martin.

Jennifer E MacDonald was excused for cause and replaced by Zachary Robinson.

Maria Esther Aguilar was excused for cause and replaced by David R Montrose

The Court admonished the prospective jurors pursuant to NRS 175.121.

The Court excused the prospective jurors at 12:05 pm for the lunch recess.

Court continued at 12:07 pm outside the presence of the prospective jurors except James Ricaporte.

Mr. Ricaporte addressed the Court regarding a personal issue.

James Ricaporte was excused for cause.

Court recessed at 12:10 pm for the lunch recess.

Court reconvened at 1:20 pm and noted the presence of the parties.

The Court noted that James Ricaporte had been excused for cause. Mr. Ricaporte was replaced by Beverlee Ann Mylrea.

Chantal Colette Longyear was excused for cause and replaced by Devon Deibert.

Levi Zachary Martin was excused for cause and replaced by Karen Bauer.

Karen Bauer was excused for cause and replaced by Gordon Sloan.

Courtney Bolton was excused for cause and replaced by Martin Joe Larraneta Jr.

Martin Joe Larraneta Jr. was excused for cause and replaced by Sandra Butts.

The Court concluded general questions.

The potential jurors introduced themselves.

The State examined the potential jurors on supplemental examination.

Rebecca L Beckstead was excused for cause and replaced by Clarissa L Carney.

The Court asked general questions and had Ms. Carney introduce herself.

The State continued to examine the potential jurors on supplemental examination.

Ray O Zumwalt was excused for cause and replaced by Cheryl D Poll.

The Court asked general questions and had Ms. Poll introduce herself.

The State continued to examine the potential jurors on supplemental examination.

Zane Stephen Wright was excused for cause and replaced by Melanie G Cossette.

The Court asked general questions and had Ms. Cossette introduce herself.

The Court admonished the prospective jurors pursuant to NRS 175.121.

The Court excused the prospective jurors at 2:49 pm for the afternoon recess.

Court continued at 2:51 pm outside the presence of the prospective jurors except Cheryl D Poll.

Ms. Poll addressed the Court regarding a personal issue.

Court recessed at 2:56 pm for the afternoon recess.

Court reconvened at 3:16 pm and noted the presence of the parties.

Beverlee Ann Mylrea was excused for cause and replaced by Pamela Williams.

The Court asked general questions and had Ms. Williams introduce herself.

The State continued to examine the potential jurors on supplemental examination.

The State passed the panel for cause.

Defense counsel examined the potential jurors on supplemental examination.

Ardith Healy was excused for cause and replaced by Rachelle L Jund.

The Court asked general questions and had Ms. Jund introduce herself.

Defense counsel continued to examine the potential jurors on supplement examination.

Defense counsel challenged Georgette Janz for cause. The State examined Ms. Janz on voir dire. Defense counsel withdrew its challenge.

Defense counsel continued to examine the potential jurors on supplement examination.

Defense counsel challenged Charles Glen Boyd for cause. The State examined Mr. Boyd on voir dire.

The Court overruled the challenge.

Defense counsel continued to examine the potential jurors on supplement examination.

Defense counsel passed the panel for cause.

The State passed the panel for cause.

The Court thanked and excused the remaining potential jurors in the audience.

The Court explained the peremptory challenge process to the prospective jury panel, and admonished and excused the panel so that counsel could exercise their peremptory challenges.

The Court admonished the prospective jurors pursuant to NRS 175.121.

Court recessed at 4:00 pm for the purpose of exercising peremptory challenges.

Court reconvened at 4:16 pm with counsel and the Defendant present outside the presence of the jury for the purpose of exercising peremptory challenges.

The State's first peremptory challenge was juror number 1, Bernard Richard Addenbrooke.

Defense counsel's first peremptory challenge was juror number 20, Charles Glen Boyd.

The State's second peremptory challenge was juror number 4, Devon Deibert.

Defense counsel's second peremptory challenge was juror number 2, Georgette Janz.

The State's third peremptory challenge was juror number 12, Judith Rosado.

Defense counsel's third peremptory challenge was juror number 18, Malcolm S Carter.

The State's fourth peremptory challenge was juror number 8, Karla Kay Wehner.

Defense counsel's fourth peremptory challenge was juror number 14, Edward McKinzie.

The State's alternate peremptory challenge was juror number 24, Rachelle L Jund.

Defense counsel's alternate peremptory challenge was juror number 21, Cheryl D Poll.

The potential jurors entered the courtroom at 4:26 pm.

The Clerk called the names of the 12 trial jurors and the 2 alternates, to wit: Stephanie Oravec, Dixie Lee Rizzi, Zachary Robinson, Sandra Butts, Tonya Marie Dockery, David E Nash, Sidney Lou Wintermote, Clarissa L Carney, Katherine Lynn Dimick, Gordon Sloan, David R Montrose, Dirk S Danninger, Melanie G Cossette and Pamela Williams.

The Court thanked and excused those not called to serve as jurors.

The 12 jurors and the 2 alternates were sworn by the Clerk to try the case.

The Court admonished the jury and the alternates pursuant to NRS 175.121 and informed them of their right to take notes pursuant to NRS 175.131.

The Court advised that it would read Jury Instructions 1 and 2 at this time.

Counsel concurred, and stipulated that the Court Reporter would not report the reading of Jury Instructions 1 and 2.

The Court read Jury Instructions 1 and 2.

The Court admonished the prospective jury pursuant to NRS 175.121.

Court recessed at 4:54 pm for the day.

Day Two – October 5, 2016

Court reconvened at 8:43 am and noted the presence of the parties and counsel stipulated to the presence of the jury and the alternates.

Mr. Buchler presented an opening statement on behalf of the State.

Mr. Green reserved the right to make an opening statement until after the presentation of the State's case.

The Court directed the State to call its first witness.

William E Mooney Jr. was sworn and examined on direct by the State. The witness identified the Defendant. Direct examination continued. The State offered Plaintiff's Exhibit 4, photo - dresser/bedroom, for identification purposes. Direct examination continued. The State moved for the admission of Plaintiff's Exhibit 4. There being no objection, the Court **ORDERED** Plaintiff's Exhibit 4 admitted. Direct examination continued. No cross examination by the Defense. The witness was retained. The Court admonished the witness and directed him to remain available via telephone.

Deputy Brian Shoaf was sworn and examined on direct by the State. The State offered the witness as an expert in the area of explosives. The Court inquired if Defense counsel wished to voir dire the witness. Defense counsel declined. The Court granted the State's request and advised that it would permit the witness to provide expert testimony in the area of recognition and disposition of explosive devices. Direct examination continued. The Court noted that the statements and the witness's testimony would come in to show the witnesses state of mind and not for the truth of the statement. Direct examination continued. The State offered Plaintiff's Exhibit 4, photo - dresser/bedroom, for identification purposes. Direct examination continued. Cross examination by the Defense. Re-direct by

the State. The State offered Plaintiff's Exhibit 36, photo - ice packs and bill bottles, for identification purposes. Direct examination continued. The State moved for the admission of Plaintiff's Exhibit 36. There being no objection, the Court **ORDERED** Plaintiff's Exhibit 36 admitted. The Court published Plaintiff's Exhibits 4 and 36 to the jury. The State offered Plaintiff's Exhibit 21, photo - items on shelf, for identification purposes. Direct examination continued. The State moved for the admission of Plaintiff's Exhibit 21. There being no objection, the Court **ORDERED** Plaintiff's Exhibit 21 admitted. The State offered Plaintiff's Exhibit 22, photo - items on shelf, for identification purposes. Direct examination continued. The State moved for the admission of Plaintiff's Exhibit 22. There being no objection, the Court **ORDERED** Plaintiff's Exhibit 22 admitted. The State offered Plaintiff's Exhibit 23, photo - items on shelf, for identification purposes. Direct examination continued. The State moved for the admission of Plaintiff's Exhibit 23. There being no objection, the Court **ORDERED** Plaintiff's Exhibit 23 admitted. Direct examination continued. The State offered Plaintiff's Exhibit 8, photo - CO2 cartridges, for identification purposes. Direct examination continued. The State moved for the admission of Plaintiff's Exhibit 8. There being no objection, the Court **ORDERED** Plaintiff's Exhibit 8 admitted. The Court published Plaintiff's Exhibits 21, 22, 23 and 8 to the jury. Re-cross by the Defense. The Defense offered Plaintiff's Exhibit 8, CO2 cartridges, for identification purposes. Re-cross continued. The Court inquired if there were any jury questions for the witness. Three questions were submitted and asked. The Court advised that one question would not be asked. Follow up by the State. Follow up by the Defense. The witness was retained. The Court admonished the witness and directed him to remain available via telephone.

The Court inquired if there were any jury questions for the previous witness, William Mooney. No questions were submitted.

Tanya Yell was sworn and examined on direct by the State. The State offered Plaintiff's Exhibit 68, video CD/DVD - audio phone call, for identification purposes. Direct examination continued. The State offered Plaintiff's Exhibit 69, redacted version of Exhibit 68, for identification purposes. Direct examination continued. The State offered Plaintiff's Exhibit 3, photos- Facebook page, for identification purposes. Direct examination continued. The State moved for the admission of Plaintiff's Exhibit 3. There being no objection, the Court **ORDERED** Plaintiff's Exhibit 3 admitted. The Court published Plaintiff's Exhibit 3 to the jury. Cross examination by the Defense. No re-direct. The Court

inquired if there were any jury questions for the witness. No questions were submitted. The witness was retained. The Court admonished the witness and directed her to remain available via telephone.

Detective Nick Stake was sworn and examined on direct by the State. The State requested to wait until the jury and the alternates were finished reviewing the published exhibits. The Court granted the request.

After a brief time, the Court admonished the prospective jury pursuant to NRS 175.121.

Court recessed at 10:20 am for the morning break.

Court continued outside the presence of the jury and the alternates for the purpose of canvassing Detective Nick Stake regarding the safety of the weapons that would be admitted by the State.

The Court inquired if the weapons were all safe.

The State advised that the weapons and the ammunition had all been checked for safety.

The Court directed the parties to secure the weapons with a safety strap.

The State canvassed Detective Nick Stake regarding his experience with the weapons.

Further discussion was held regarding the weapons and the ammunition.

Court recessed at 10:33 am.

Court reconvened at 10:54 am and noted the presence of the parties and counsel stipulated to the presence of the jury and the alternates.

The State advised that it would like to call Lieutenant Mike Silva at this time.

Lieutenant Mike Silva was sworn and examined on direct by the State. The State offered Plaintiff's Exhibit 68, video CD/DVD - audio phone call, for identification purposes. Direct examination continued. The State offered Plaintiff's Exhibit 69, redacted version of Exhibit 68, for identification purposes. Direct examination continued. The State offered Plaintiff's Exhibit 41, Detective Nick Stake's supplemental narrative, for identification purposes. Direct examination continued. Cross examination by the Defense. No re-direct. The Court inquired if there were any jury questions for the witness. One question was submitted and asked. Follow up by the State. The witness identified the Defendant. No follow up by the Defense. The witness was retained. The Court admonished the witness and directed him to remain available via telephone.

Detective Nick Stake resumed the stand and was reminded that he was still under oath. Direct examination by the State. The State offered the witness as an explosives expert in the area of

manufacturing, identification and utilization of explosives. The Court inquired if Defense counsel wished to voir dire the witness. Defense counsel declined. The Court granted the State's request and advised that it would permit the witness to provide expert testimony in the area of identification, manufacturing and utilization of improvised explosive devices. The State requested follow up to determine the witness's qualifications in the area of commercially manufactured explosives. The Court granted the request. Follow up by the State. Follow up by the Defense. The Court advised that it would permit the witness to provide expert testimony in the area of identification, manufacturing and utilization of improvised explosive devices (homemade explosive devices). Direct examination continued. The State offered Plaintiff's Exhibit 4, photo – dresser/bedroom, for identification purposes. Direct examination continued. The witness identified the Defendant. Direct examination continued. The Court verified that the witness was classified to handle the weapons and that the weapons were in a safe and secure. Direct examination continued. The State offered Plaintiff's Exhibit 59, Harrington Shotgun, for identification purposes. Direct examination continued. The State moved for the admission of Plaintiff's Exhibit 59. There being no objection, the Court **ORDERED** Plaintiff's Exhibit 59 admitted. The State offered Plaintiff's Exhibit 60, Kalashnikov Rifle Model WASR-10-63, for identification purposes. Direct examination continued. The State moved for the admission of Plaintiff's Exhibit 60. There being no objection, the Court **ORDERED** Plaintiff's Exhibit 60 admitted. The State offered Plaintiff's Exhibit 61, Marlin Rifle Model 81TS, for identification purposes. Direct examination continued. The State moved for the admission of Plaintiff's Exhibit 61. There being no objection, the Court **ORDERED** Plaintiff's Exhibit 61 admitted. Direct examination continued. The State offered Plaintiff's Exhibit 27, photo - items in black bag, for identification purposes. Direct examination continued. The State moved for the admission of Plaintiff's Exhibit 27. There being no objection, the Court **ORDERED** Plaintiff's Exhibit 27 admitted. Direct examination continued. The State offered Plaintiff's Exhibit 58, ammunition – bag of shotgun shells, for identification purposes. Direct examination continued. The State moved for the admission of Plaintiff's Exhibit 58. There being no objection, the Court **ORDERED** Plaintiff's Exhibit 58 admitted. The State offered Plaintiff's Exhibit 57, ammunition – bag of AK magazines, for identification purposes. Direct examination continued. The State moved for the admission of Plaintiff's Exhibit 57. There being no objection, the Court **ORDERED** Plaintiff's Exhibit 57 admitted. Direct examination continued. The State offered Plaintiff's Exhibit 56, ammunition – bag of AK ammo, for identification purposes. Direct examination

continued. The State moved for the admission of Plaintiff's Exhibit 56. There being no objection, the Court **ORDERED** Plaintiff's Exhibit 56 admitted. The State offered Plaintiff's Exhibit 67, hobby fuse, for identification purposes. Direct examination continued. The State moved for the admission of Plaintiff's Exhibit 67. There being no objection, the Court **ORDERED** Plaintiff's Exhibit 67 admitted. The State offered Plaintiff's Exhibit 62, steel epoxy adhesive stick glue, for identification purposes. Direct examination continued. The State moved for the admission of Plaintiff's Exhibit 62. There being no objection, the Court **ORDERED** Plaintiff's Exhibit 62 admitted. The State offered Plaintiff's Exhibit 47, miscellaneous manuals, handbooks and books, for identification purposes. Direct examination continued. The State moved for the admission of Plaintiff's Exhibit 47. There being no objection, the Court **ORDERED** Plaintiff's Exhibit 47 admitted. Direct examination continued. The State offered Plaintiff's Exhibit 63, jar of BB's, for identification purposes. Direct examination continued. The State moved for the admission of Plaintiff's Exhibit 63. There being no objection, the Court **ORDERED** Plaintiff's Exhibit 63 admitted. Direct examination continued. The State offered Plaintiff's Exhibit 21, photo - items on shelf, for identification purposes. Direct examination continued. The State offered Plaintiff's Exhibit 23, photo - items on shelf, for identification purposes. Direct examination continued. The State offered Plaintiff's Exhibit 5, photo - steel pipe and ends, for identification purposes. Direct examination continued. The State offered Plaintiff's Exhibit 65, steel pipe, for identification purposes. Direct examination continued. The State moved for the admission of Plaintiff's Exhibit 65. There being no objection, the Court **ORDERED** Plaintiff's Exhibit 65 admitted. The State offered Plaintiff's Exhibit 6, photo - brass pipe, ends and plastic baggies, for identification purposes. Direct examination continued. The State offered Plaintiff's Exhibit 7, photo - steel pipe, for identification purposes. Direct examination continued. The State moved for the admission of Plaintiff's Exhibit 6. The State moved for the admission of Plaintiff's Exhibit 7. The State offered Plaintiff's Exhibit 8, CO2 cartridges, for identification purposes. Direct examination continued. There being no objection, the Court **ORDERED** Plaintiff's Exhibit 6 and 7 admitted. The State offered Plaintiff's Exhibit 9, photo - plastic baggie, for identification purposes. Direct examination continued. The State moved for the admission of Plaintiff's Exhibit 9. There being no objection, the Court **ORDERED** Plaintiff's Exhibit 9 admitted. The State offered Plaintiff's Exhibit 10, photo - steel pipe, CO2 cartridge, for identification purposes. Direct examination continued. The State moved for the

admission of Plaintiff's Exhibit 10. There being no objection, the Court **ORDERED** Plaintiff's Exhibit 10 admitted.

The Court admonished the prospective jury pursuant to NRS 175.121.

Court recessed at 12:03 pm for the lunch recess.

Court reconvened at 1:19 pm and noted the presence of the parties and counsel stipulated to the presence of the jury and the alternates.

Detective Nick Stack resumed the stand and was reminded that he was still under oath. Direct examination continued. The State offered Plaintiff's Exhibit 3, photos- Facebook page, for identification purposes. Direct examination continued. The State offered Plaintiff's Exhibit 68, video CD/DVD – Audio phone call, for identification purposes. Direct examination continued. The State offered Plaintiff's Exhibit 69, Redacted version of Exhibit 68, for identification purposes. Direct examination continued. The State offered Plaintiff's Exhibit 37, photo - match heads in pipe, for identification purposes. Direct examination continued. The State moved for the admission of Plaintiff's Exhibit 37. There being no objection, the Court **ORDERED** Plaintiff's Exhibit 37 admitted. The Court published Plaintiff's Exhibit 37 to the jury. Direct examination continued. Cross examination by the Defense. Defense counsel offered Plaintiff's Exhibit 36, photo - ice packs and pill bottles, for identification purposes. Cross examination continued. Defense counsel offered Plaintiff's Exhibit 65, steel pipe, for identification purposes. Cross examination continued. Re-direct. Re-cross. The Court inquired if there were any jury questions for the witness. Three questions were submitted and asked. Follow up by the State. Follow up by the Defense. Defense counsel offered Plaintiff's Exhibit 3, photos – Facebook page, for identification purposes. Follow up by the Defense continued. The witness was retained. The Court admonished the witness and directed him to remain available via telephone.

The Court admonished the prospective jury pursuant to NRS 175.121.

Court recessed at 2:10 pm for the afternoon break.

Court reconvened at 2:21 pm and noted the presence of the parties and counsel stipulated to the presence of the jury and the alternates.

Officer Steven Spring was sworn and examined on direct by the State. The State offered the witness as an expert in the area of recognition and disposition of explosive devices. The Court inquired if Defense counsel wished to voir dire the witness. Witness examined on voir dire by the Defense. Defense counsel did not offer an objection. The Court granted the State's request and advised that it

would permit the witness to provide expert testimony in the area of recognition and disposition of explosive devices. Direct examination continued. The Court noted that the statements and the witness's testimony would come in to show the witnesses state of mind and not for the truth of the statement. Direct examination continued. The State offered Plaintiff's Exhibit 4, photo – dresser/bedroom, for identification purposes. Direct examination continued. The State offered Plaintiff's Exhibit 21, photo – items on shelf, for identification purposes. Direct examination continued. The State offered Plaintiff's Exhibit 22, photo – items on shelf, for identification purposes. Direct examination continued. The State offered Plaintiff's Exhibit 23, photo – items on shelf, for identification purposes. Direct examination continued. The State offered Plaintiff's Exhibit 36, photo – ice packs and pill bottles, for identification purposes. Direct examination continued. The State offered Plaintiff's Exhibit 6, photo – brass pipe, ends and plastic baggies, for identification purposes. Direct examination continued. The State offered Plaintiff's Exhibit 7, photo – steel pipe, for identification purposes. Direct examination continued. The State offered Plaintiff's Exhibit 65, steel pipe, for identification purposes. Direct examination continued. The State offered Plaintiff's Exhibit 9, photo – plastic baggie, for identification purposes. Direct examination continued. The State offered Plaintiff's Exhibit 10, photo – steel pipe, CO2 cartridges, for identification purposes. Direct examination continued. The State offered Plaintiff's Exhibit 64, Crossman 12 gram CO2 cartridge, for identification purposes. Direct examination continued. The State offered Plaintiff's Exhibit 8, photo – CO2 cartridges, for identification purposes. Direct examination continued. The State moved for the admission of Plaintiff's Exhibit 64. The State offered Plaintiff's Exhibit 24, photo – items in drawer, for identification purposes. Direct examination continued. The State moved for the admission of Plaintiff's Exhibit 24. There being no objection, the Court **ORDERED** Plaintiff's Exhibit 24 admitted. The State offered Plaintiff's Exhibit 25, photo – items on shelf, for identification purposes. Direct examination continued. The State moved for the admission of Plaintiff's Exhibit 25. The State offered Plaintiff's Exhibit 26, photo – 2 brass pipes, for identification purposes. Direct examination continued. The State moved for the admission of Plaintiff's Exhibit 25 and 26. There being no objection, the Court **ORDERED** Plaintiff's Exhibit 25 and 26 admitted. The State offered Plaintiff's Exhibit 35, photo – dresser drawer with items, for identification purposes. Direct examination continued. The State moved for the admission of Plaintiff's Exhibit 35. There being no objection, the Court **ORDERED** Plaintiff's Exhibit 35 admitted. Direct examination continued. The State offered Plaintiff's Exhibit 33, photo – jar with duct tape, for identification

purposes. Direct examination continued. The State moved for the admission of Plaintiff's Exhibit 28 and 33. The State offered Plaintiff's Exhibit 29, photo – dish in towel, for identification purposes. Direct examination continued. The State moved for the admission of Plaintiff's Exhibit 29. The Court requested a moment to verify the Plaintiff's Exhibits that had been offered and admitted. There being no objection the Court **ORDERED** Plaintiff's Exhibit 33 and 28 admitted. There being no objection the Court **ORDERED** Plaintiff's Exhibit 64 admitted. The State offered Plaintiff's Exhibit 31, photo – jars on shelf, for identification purposes. Direct examination continued. The State moved for the admission of Plaintiff's Exhibit 31. There being no objection the Court **ORDERED** Plaintiff's Exhibit 31 admitted. The State offered Plaintiff's Exhibit 39, photo – misc items, for identification purposes. The State moved for the admission of Plaintiff's Exhibit 39. There being no objection the Court **ORDERED** Plaintiff's Exhibit 39 admitted. The State offered Plaintiff's Exhibit 30, photo – Clorox bottles, for identification purposes. Direct examination continued. The State offered Plaintiff's Exhibit 66, Petroleum Jelly in a baggie, for identification purposes. Direct examination continued. The State moved for the admission of Plaintiff's Exhibit 30. There being no objection the Court **ORDERED** Plaintiff's Exhibit 30 admitted. Direct examination continued. The State moved for the admission of Plaintiff's Exhibit 66. There being no objection the Court **ORDERED** Plaintiff's Exhibit 66 admitted. Direct examination continued. The State offered Plaintiff's Exhibit 71-76, Ahura reports, for identification purposes. Direct examination continued. The State moved for the admission of Plaintiff's Exhibit 71-76. There being no objection, the Court **ORDERED** Plaintiff's Exhibit 71-76 admitted. The State offered Plaintiff's Exhibit 67, hobby fuse, for identification purposes. Direct examination continued. There being no objection, the Court **ORDERED** Plaintiff's Exhibit 67 admitted. Direct examination continued. The State offered Plaintiff's Exhibit 3, photos – Facebook page, for identification purposes. The State requested to publish Plaintiff's Exhibits 24-26, 28-31, 33, 35 and 39 to the jury. The Court granted the State's request and the Exhibits were given to the jury and the alternates. The State passed the witness.

The Court admonished the prospective jury pursuant to NRS 175.121.

Court recessed at 3:40 pm for the afternoon break.

Court reconvened at 3:54 pm and noted the presence of the parties and counsel stipulated to the presence of the jury and the alternates.

Officer Steven Spring resumed the stand and was reminded that he was still under oath. Cross examination by the Defense. Re-direct. Re-cross. The Court inquired if there were any jury questions for the witness. One question was submitted and asked. Follow up by the State. Follow up by the Defense. The witness was retained. The Court admonished the witness and directed him to remain available via telephone.

The Court inquired if the State wished to call another witness today.

The State advised that it did not and stated that it would recall a couple witnesses tomorrow and then rest.

The Court advised the jury and the alternates that it had legal issues to deal with regarding the case and would release them early today.

The Court admonished the prospective jury pursuant to NRS 175.121.

Court excused the jury and the alternates at 4:20 pm for the day

Court continued outside the presence of the jury and that alternates for the purpose of discussing a recording that the State wished to play that was 35 minutes in length.

The State advised that the recording was of an interview between Detective Stake and the Defendant. The State noted that there was an original recording and a redacted recording.

The Court inquired what was redacted.

The State advised that it would be portions of the interview regarding controlled substance. The State noted that there was an issue with the timers on the recordings and the office was trying to solve that problem.

Defense counsel requested the portion of the call regarding prior convictions be redacted as well.

The State confirmed that anything having to do with controlled substances, prior convictions and prior bad acts was being removed.

The Court inquired if the State could provide Defense counsel with a copy of the recording to review.

The State advised that it had provided the times of the recording that would be used and had provided an original copy to him.

Further discussion was held regarding how the recording would be played and what would be redacted from the recording.

Defense counsel stated that there was a transcript of the recording and stated that it would possibly use that to refresh someone's memory.

The State advised that it would stipulate to the use of the transcript.

The Court noted that Defense counsel did not provide a Notice of witnesses and inquired if he wished to do so.

Defense counsel advised the Court of its intentions regarding its witnesses.

The Court noted that the law clerk had provided jury instructions for both phases of the case and stated that they had not been finalized and advised the parties to review them.

Court recessed at 4:32 pm for the day.

Day Three – October 6, 2016

Court reconvened at 8:43 am and noted the presence of the parties and counsel stipulated to the presence of the jury and the alternates.

The Court directed the State to call its next witness.

Detective Nick Stake was recalled to the stand and reminded that he was still under oath. Direct examination by the State. The State offered Plaintiff's Exhibit 1, Video CD/DVD – telephone call, for identification purposes. Direct examination continued. The State offered Plaintiff's Exhibit 2, redacted version of Exhibit 1, for identification purposes. Direct examination continued. The State moved for the admission of Plaintiff's Exhibit 2. There being no objection, the Court **ORDERED** Plaintiff's Exhibit 2 admitted. The State requested to play Plaintiff's Exhibit 2 for the jury and the alternates. Defense did not object. The Court granted the requested. Counsel stipulated that the Court Reporter would not report the recording. The State advised that a transcript of the recording had been marked into evidence for the parties to follow along with. Defense counsel requested a sidebar.

Sidebar on the record.

The State played Plaintiff's Exhibit 2 for the jury and the alternates. Direct examination continued. The State offered Plaintiff's Exhibit 8, photo – CO2 cartridges, for identification purposes. Direct examination continued. The State offered Plaintiff's Exhibit 69, Video CD/DVD – audio phone call, for identification purposes. Direct examination continued. The State moved for the admission of Plaintiff's Exhibit 69. There being no objection, the Court **ORDERED** Plaintiff's Exhibit 69 admitted. The State requested to play Plaintiff's Exhibit 69 for the jury and the alternates. Defense did not object.

The Court granted the requested. Counsel stipulated that the Court Reporter would not report the recording. The State played Plaintiff's Exhibit 69 for the jury and the alternates. Direct examination continued. Cross examination by the Defense. Defense counsel offered Plaintiff's Exhibit, 46A, redacted version of Detective Nick Stack's interview transcript, for identification purposes. Cross examination continued. Re-direct. Re-cross. The Court inquired if there were any jury questions for the witness. No questions were submitted. The witness was retained. The Court admonished the witness and directed him to remain available via telephone.

The State rested its case-in-chief at 10:06 am.

The Court admonished and excused the jury and the alternates from the courtroom.

Court recessed at 10:07 am for the morning break.

Court reconvened at 10:27 am and noted the presence of the parties. Court continued outside the presence of the jury and the alternates.

The Court inquired if the Defense was ready to proceed.

Defense Counsel stated that it was ready and advised that it intended to call two witnesses.

The Court canvassed the Defendant regarding his right to testify.

The Defendant advised that he had had sufficient time to discuss the matter with his attorney and was comfortable with his decision.

Discussion was held regarding the Defendant's prior felony conviction and issues surrounding the bifurcation portion of the trial.

The jury and the alternates entered the courtroom at 10:42 am and counsel stipulated to the presence of the jury and the alternates.

Mr. Green presented an opening statement on behalf of the Defendant.

The Court directed Defense counsel to its first witness.

William E Mooney Jr. was called to the stand and reminded that he was still under oath. Direct examination by the Defense. Defense counsel offered Plaintiff's Exhibit 8, photo – CO2 cartridges, for identification purpose. Direct examination continued. No cross examination. The Court inquired if there were any jury questions for the witness. No questions were submitted. The witness was retained. The Court admonished the witness and directed him to remain in the court house.

Thomas William Mooney, the Defendant, was sworn and examined on direct by the Defense. Cross examination by the State. The State offered Plaintiff's Exhibit 46A, redacted version of

Detective Nick Stack's interview transcript, for identification purposes. Cross examination continued. Re-direct. Defense counsel offered Plaintiff's Exhibit 3, photos – Facebook page, for identification purposes. Re-direct continued. Re-cross. The Court inquired if there were any jury questions for the witness. Four questions were submitted and asked. Follow up by the Defense. Follow up by the State. The witness stepped down.

Defense counsel rested its case in chief at 11:30 am.

The Court inquired if the State had any rebuttal to present.

The State declined.

The Court advised that the evidentiary portion of the trial was closed and further advised that it would recess for the day in order for the Court and counsel to finalize the Jury Instructions.

The Court admonished the jury and the alternates.

Court recessed at 11:35 am for the day.

Day Four – October 7, 2016

Court reconvened at 8:42 am with counsel and the Defendant present outside the presence of the jury and the alternates for the purpose of settling the Jury Instructions.

The Court noted it had a packet of Jury Instructions numbered 1 through 49 and advised that copies had been provided to counsel.

The Court further noted it had 15 Forms of Verdict and inquired if the parties had been provided with copies.

Both parties stated that they had received a draft of the forms of verdict; however, they had not been provided with the updated versions.

The Court inquired if the parties had received copies of the Jury Instructions.

Both parties stated that they had.

The Court inquired if either party objected to the Jury Instructions provided.

Neither party objected.

The Court inquired if either party had any Jury Instructions to offer.

Neither party offered any.

The Court advised that it would provide copies of the Jury Instructions for each juror to follow along during the reading of the Instructions.

The Court advised that it would take a brief recess to obtain copies of the Forms of Verdict.

The Court inquired if the parties were ready to proceed with closing statements.

Both parties stated that they would.

Defense counsel inquired about the jury question that was submitted late and not asked.

Discussion was held regarding the late question.

The Court stated that it would address the late question submitted when the jury and the alternates return and would advise that based on the rules of trial the question would not be asked.

Court recessed at 8:48 am.

Court reconvened at 9:00 am with counsel and the Defendant present outside the presence of the jury and the alternates for the purpose of settling the Forms of Verdict.

The Court noted it had a packet of 15 Forms of Verdict.

The Court inquired if either party objected to the Forms of Verdict provided.

Neither party objected.

The Court inquired if either party had any proposed Forms of Verdict to offer.

Neither party offered any Forms of Verdict.

Court recessed at 9:04 am.

The jury and the alternates entered the courtroom at 9:10 am and counsel stipulated to the presence of the jury and the alternates.

The Court stated that a late jury question had been submitted and that due to the evidence portion of the case being closed it would not ask the question.

Counsel stipulated that the reading of the Instructions need not be reported.

The Court advised that the Instructions and Verdict Forms had been settled in Open Court.

The Court read Jury Instructions No. 3 through No. 49.

Defense counsel requested a brief recess.

The Court admonished the jury and the alternates.

Court recessed at 10:11 am for the morning break.

Court reconvened at 10:21 am and noted the presence of the parties and counsel stipulated to the presence of the jury and the alternates.

Mr. Buchler presented closing argument on behalf of the State.

Mr. Green presented closing argument on behalf of the Defendant.

Mr. Buchler gave rebuttal argument.

The Court disclosed that Melanie G Cossette and Pamela Williams were the alternate jurors and instructed them to remain available via telephone.

The Bailiff was sworn and the jury was released at 11:07 am to begin deliberations.

The Court continued outside the presence of the jury and the alternates to discuss the Jury Instructions and forms of verdict regarding the remaining charges.

Defense counsel advised that it had discussed the remaining charges with the Defendant and stated that the Defendant would like to change his plea. Counsel stated that there was not a memorandum of plea agreement and informed the Court of the terms the Defendant wished to agree to.

Discussion was held regarding the possibility of a plea agreement.

Court recessed at 11:12 am.

Court reconvened at 12:58 pm with counsel and the Defendant present outside the presence of the jury for the purpose of reviewing a question that had been submitted by the jury.

The Court read the question into the record.

The State advised the Court that title for COUNTS 17 and 18 were correct; however, the charging body for COUNT 17 should be under COUNT 18 and vice versa.

Defense counsel concurred with the State and was also amazed that it hadn't been caught before now.

The Court inquired how the parties wished to proceed.

Defense counsel stated that it would be a lengthy change to make via interlineation and inquired if the State wanted to file an Amended Information making a clear record of it. Counsel stated that it would not object. Defense counsel stated that if that was done it would need to file Amended Jury Instructions that pertained to those two counts.

The Court stated that it could advise the jury of the clerical error.

Defense counsel inquired if the jury instructions would then have to be amended.

The Court inquired if either party had knowledge if the Court could direct the jury to acquit the Defendant on charges 17 and 18.

Defense counsel advised that it had researched the issue and stated that the Court could advise the jury to find the Defendant not guilty, but could not dismiss a case.

The State advised that it had not researched the matter and requested the Court instruct the jury switch the charging language for those two counts.

The Court inquired about the position of the Defense.

Defense counsel stated that it would like nothing more than to have a dismissal entered on those two counts. Other than that it would defer to the Court.

The Court stated that it would advise the jury that the Court would look into the matter and instructed the jury to continue deliberation on other charges. The Court inquired if either party objected.

Neither party objected.

The Court advised that it would take a brief recess and directed the parties to research the issue.

Court adjourned at 1:10 pm.

Court reconvened at 1:20 pm with counsel and the Defendant present outside the presence of the jury for the purpose of reviewing the response the Court had drafted to the question submitted by the jury earlier. The Court inquired if either party objected to the response.

Neither party objected.

Court recessed at 1:21 pm.

A call was received at 2:37 pm that the jury had reached a verdict.

Court reconvened at 2:49 pm at the call of the jury.

The Court noted the presence of the parties and advised that due to the late hour it would sever the remaining three charges.

Defense counsel addressed the Court and advised that it was not prepared to proceed with a change of plea regarding the remaining charges.

The State informed the Court that an agreement had been reached regarding the remaining charges and the second part of the trial would not be needed.

The Court advised it would be out of the office on Monday, but would be available the rest of next week if the parties wished to have a hearing.

The Defense inquired if the Court would be available Wednesday.

The Court noted that it might be and stated that it would have the judicial assistant confirm it with the parties.

The State noted that it had a copy of the Second Amended Criminal Information.

The Court stated that it would address that issue once the verdicts had been read.

The jury entered the courtroom at 2:52 pm.

The Clerk called the roll of the jury.

The Court asked the jury if they had reached a verdict.

The foreperson, Stephanie Oravec, advised that a verdict had been reached and provided the Forms of Verdict for the Court's review.

The Court requested that the Clerk read the Verdict into the record.

The Clerk read the Verdict: **GUILTY OF COUNT 1: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; GUILTY OF COUNT 3: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; GUILTY OF COUNT 5: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; GUILTY OF COUNT 7: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; GUILTY OF COUNT 9: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; GUILTY OF COUNT 11: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; GUILTY OF COUNT 13: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; GUILTY OF COUNT 15: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN**

EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; GUILTY OF COUNT 17: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; GUILTY OF COUNT 19: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; GUILTY OF COUNT 21: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; GUILTY OF COUNT 23: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; GUILTY OF COUNT 26: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; GUILTY COUNT 27: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261.

Both the State and Defense counsel waived the polling of the jury.

The Court thanked and excused the jury at 3:09 pm.

Defense counsel informed the Court that it would be calling witnesses to testify at sentencing.

The Court advised the parties that sentencing would need to be held on a non-Law & Motion Day and advised that the judicial assistant would contact the parties to set the matter. The Court **ORDERED** a Presentence Investigation Report due two weeks before the sentencing date.

The Court **FURTHER ORDERED** the Defendant remanded to the custody of the Elko County Sheriff.

Court adjourned at 3:14 pm.

**IN THE FOURTH JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA**

RECORD OF COURT PROCEEDINGS

Present - Honorable ALVIN R. KACIN, District Judge,
and Officers of the Court.

STATE OF NEVADA,

Plaintiff,

Date: 10/31/16

VS.

Case No.: CR-FO-16-0304

Dept: 2 – County Jail

THOMAS WILLIAM MOONEY,

Defendant.

State of Nevada represented by Chad Thompson, Esq.

Defendant present, in custody, and represented by

Brian Green, Esq.

Division of Parole and Probation represented by Sara Macias.

Court Clerk, Angelina DeMars, present.

Lisa Manley present as Court Reporter.

CHANGE OF PLEA – GUILTY PLEA AGREEMENT

The Court noted the presence of the parties.

This was the date and time set for a change of plea arraignment on the Second Amended Criminal Information filed October 7, 2016 charging COUNT 1: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; IN THE ALTERNATIVE TO COUNT 1, COUNT 2: POSSESSION OF AN EXPLOSIVE OR INCENDIARY DEVICE, A CATEGORY D FELONY AS DEFINED BY NRS 202.262; COUNT 3: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; IN THE ALTERNATIVE TO COUNT 3, COUNT 4: POSSESSION OF AN EXPLOSIVE OR INCENDIARY DEVICE, A CATEGORY D FELONY AS DEFINED BY NRS 202.262; COUNT 5: POSSESSION

OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; IN THE ALTERNATIVE TO COUNT 5, COUNT 6: POSSESSION OF AN EXPLOSIVE OR INCENDIARY DEVICE, A CATEGORY D FELONY AS DEFINED BY NRS 202.262; COUNT 7: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; IN THE ALTERNATIVE TO COUNT 7, COUNT 8: POSSESSION OF AN EXPLOSIVE OR INCENDIARY DEVICE, A CATEGORY D FELONY AS DEFINED BY NRS 202.262; COUNT 9: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; IN THE ALTERNATIVE TO COUNT 9, COUNT 10: POSSESSION OF AN EXPLOSIVE OR INCENDIARY DEVICE, A CATEGORY D FELONY AS DEFINED BY NRS 202.262; COUNT 11: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; IN THE ALTERNATIVE TO COUNT 11, COUNT 12: POSSESSION OF AN EXPLOSIVE OR INCENDIARY DEVICE, A CATEGORY D FELONY AS DEFINED BY NRS 202.262; COUNT 13: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; IN THE ALTERNATIVE TO COUNT 13, COUNT 14: POSSESSION OF AN EXPLOSIVE OR INCENDIARY DEVICE, A CATEGORY D FELONY AS DEFINED BY NRS 202.262; COUNT 15: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; IN THE ALTERNATIVE TO COUNT 15, COUNT 16: POSSESSION OF AN EXPLOSIVE OR INCENDIARY DEVICE, A CATEGORY D FELONY AS DEFINED BY NRS 202.262; COUNT 17: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS

DEFINED BY NRS 202.261; IN THE ALTERNATIVE TO COUNT 17, COUNT 18: POSSESSION OF AN EXPLOSIVE OR INCENDIARY DEVICE, A CATEGORY D FELONY AS DEFINED BY NRS 202.262; COUNT 19: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; IN THE ALTERNATIVE TO COUNT 19, COUNT 20: POSSESSION OF AN EXPLOSIVE OR INCENDIARY DEVICE, A CATEGORY D FELONY AS DEFINED BY NRS 202.262; COUNT 21: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; IN THE ALTERNATIVE TO COUNT 21, COUNT 22: POSSESSION OF AN EXPLOSIVE OR INCENDIARY DEVICE, A CATEGORY D FELONY AS DEFINED BY NRS 202.262; COUNT 23: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; IN THE ALTERNATIVE TO COUNT 23, COUNT 24: POSSESSION OF AN EXPLOSIVE OR INCENDIARY DEVICE, A CATEGORY D FELONY AS DEFINED BY NRS 202.262; COUNT 25: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; COUNT 26: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; COUNT 27: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; COUNT 28: POSSESSION OF A FIREARM BY A PERSON PREVIOUSLY CONVICTED OF A FELONY OFFENSE, A CATEGORY B FELONY AS DEFINED BY NRS 202.360; COUNT 29: POSSESSION OF A FIREARM BY A PERSON PREVIOUSLY CONVICTED OF A FELONY OFFENSE, A CATEGORY B FELONY AS DEFINED BY NRS 202.360; COUNT 30: POSSESSION OF A

FIREARM BY A PERSON PREVIOUSLY CONVICTED OF A FELONY OFFENSE, A CATEGORY B FELONY AS DEFINED BY NRS 202.360.

A certified copy of the Second Amended Criminal Information was presented to the Defendant.

The name of the Defendant was correctly stated.

The Defendant advised that he reviewed the Second Amended Criminal Information with his attorney, and was satisfied with legal representation to date.

Defense counsel waived the formal reading of the Second Amended Criminal Information.

The Court read the charging portion of the Second Amended Criminal Information. The Court made a record that the Defendant had been found guilty by a jury with regard to COUNTS 1-27. The Court asked the Defendant to enter a plea with regard to COUNTS 28-30.

The Defendant entered a plea of guilty to COUNT 28: POSSESSION OF A FIREARM BY A PERSON PREVIOUSLY CONVICTED OF A FELONY OFFENSE, A CATEGORY B FELONY AS DEFINED BY NRS 202.360; COUNT 29: POSSESSION OF A FIREARM BY A PERSON PREVIOUSLY CONVICTED OF A FELONY OFFENSE, A CATEGORY B FELONY AS DEFINED BY NRS 202.360; COUNT 30: POSSESSION OF A FIREARM BY A PERSON PREVIOUSLY CONVICTED OF A FELONY OFFENSE, A CATEGORY B FELONY AS DEFINED BY NRS 202.360.

The Court canvassed the Defendant regarding his personal information.

The Court noted that a 19-page Memorandum of Plea Agreement was filed October 25, 2016 and canvassed the Defendant concerning the agreement.

The Court canvassed the Defendant regarding the elements of the crime, the potential defenses, and his constitutional rights.

Defense counsel placed the terms of the Plea Agreement on the record. All parties concurred.

The State cited the elements of the crimes and the potential penalties involved.

The Court advised the Defendant that sentencing was wholly within the discretion of the Court.

The Court reviewed the Defendant's Constitutional Rights and the Defendant waived the same.

The Defendant presented an explanation of the crimes alleged in the Second Amended Criminal Information.

The Court found that the Defendant's plea was offered voluntarily, knowledgeably, and intelligently, with full knowledge of his Constitutional Rights, and there was a factual basis for the plea, and the Defendant understood the consequences of his plea.

Discussion was held regarding the sentencing date on the counts the Defendant was found guilty of during trial.

The Court **ORDERED** a Presentence Investigation Report two weeks before sentencing. The Court advised that the judicial assistant would contact the parties with a sentencing date.

The Court instructed the Defendant to cooperate with the Division in the preparation of the presentence investigation report. If he did not do so, he could be found in contempt.

The Defendant was remanded to the custody of the Elko County Sheriff's Department.

Court adjourned.

ROUGH DRAFT

**IN THE FOURTH JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA**

RECORD OF COURT PROCEEDINGS

Present - Honorable ALVIN R. KACIN, District Judge,
and Officers of the Court.

STATE OF NEVADA,

Plaintiff,

Date: 01/25/17

VS.

Case No.: CR-FO-16-0304

Dept: 2

THOMAS WILLIAM MOONEY,

Defendant.

State of Nevada represented by David Buchler, Esq.
Defendant present, in custody, and represented by
Brian Green, Esq.

Division of Parole and Probation represented by Marni Pool.
Court Clerk, Angelina DeMars, present.
Lisa Manley present as Court Reporter.

SENTENCING HEARING - CONTINUED

The Court noted the presence of the parties.

This was the date and time set for sentencing.

The Court inquired if the parties were ready to proceed.

Defense counsel advised that it was not and stated that it would request a continuance. Counsel stated that it had contacted the doctor regarding his report and the indications that the Defendant maybe bipolar. Defense counsel stated that it had not had a chance to review the report and offered an explanation to the Court. Counsel advised that it was working on getting the Defendant accepted into a program.

The Court inquired how long the sentencing would take if continued.

Defense counsel stated that it should only take approximately 15-20 minutes.

The Court inquired about the State's position and if it had any evidence to present.

The State noted it had one piece of evidence to present, objected to a continuance and was ready to proceed today.

Defense counsel offered an explanation as to why it took the doctor so long to get back to counsel.

The Court inquired how long of a continuance would be requested.

Defense counsel requested three weeks.

The Court advised it would continue the matter for one month, but that was it. The Court stated that the judicial assistant would contact the parties to reset the matter.

The Defendant was remanded to the custody of the Elko County Sheriff's Department.

Court adjourned.

**IN THE FOURTH JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA**

RECORD OF COURT PROCEEDINGS

Present - Honorable ALVIN R. KACIN, District Judge,
and Officers of the Court.

STATE OF NEVADA,

VS.

Plaintiff,

Date: 02/28/17

Case No.: CR-FO-16-0304

Dept: 2

THOMAS WILLIAM MOONEY,

Defendant.

State of Nevada represented by David Buchler, Esq.

Defendant present, in custody, and represented by

Brian Green, Esq.

Division of Parole and Probation represented by Marni Pool.

Court Clerk, Angelina DeMars, present.

Lisa Manley present as Court Reporter.

SENTENCING HEARING

The Court noted the presence of the parties.

This was the date and time set for a continued sentencing.

The Court inquired if either party had evidence to present for sentencing.

The State advised that it had one photo to offer and then argument. The State offered Plaintiff's Exhibit 1, photo of guns and ammunition, for admission. There being no objection, the Court **ORDERED** Plaintiff's Exhibit 1 admitted.

Defense counsel advised that it would call one witness.

The Court directed Defense counsel to proceed.

Dr. Herbert F Coard III was sworn and examined on direct by the Defense. Defense counsel requested the witness be permitted to perform testimony as an expert witness in the area of clinical psychology. There being no objection, the Court **GRANTED** the request. Direct examination

continued. Cross examination by the State. Re-direct by the Defense. No re-cross. The witness was excused.

Both parties rested the evidence portion of the hearing.

All parties advised they were in receipt of the Presentence Investigation Report with the recommendation of the Division of Parole and Probation.

The Court corrected the sentencing date via interlineation. The Court inquired about the credit for time served.

The Division of Parole and Probation advised the Defendant had credit for 361 days previously served.

Both parties concurred with the change made by the Court and the credit for time served.

The State did not make any corrections to the report.

Defense counsel did not make any corrections to the report.

The State presented its position for sentencing.

Defense counsel presented a recommendation on behalf of the Defendant.

The Court advised the Defendant of his right to make a statement on his own behalf.

The Defendant addressed the Court.

The Court addressed the parties.

After being canvassed by the Court, both parties advised that there was no cause why formal judgment should not be entered at this time.

The Court **ORDERED** a Judgment of Conviction be entered against the Defendant finding the Defendant guilty of COUNT 1: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; COUNT 3: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; COUNT 5: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; COUNT 7: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO

MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; COUNT 9: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; COUNT 11: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; COUNT 13: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; COUNT 15: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; COUNT 17: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; COUNT 19: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; COUNT 21: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; COUNT 23: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; COUNT 26: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261; COUNT 27: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A CATEGORY B FELONY AS DEFINED BY NRS 202.261 by a jury entered October 7, 2016 and COUNT 28:

POSSESSION OF A FIREARM BY A PERSON PREVIOUSLY CONVICTED OF A FELONY OFFENSE, A CATEGORY B FELONY AS DEFINED BY NRS 202.360; COUNT 29: POSSESSION OF A FIREARM BY A PERSON PREVIOUSLY CONVICTED OF A FELONY OFFENSE, A CATEGORY B FELONY AS DEFINED BY NRS 202.360; COUNT 30: POSSESSION OF A FIREARM BY A PERSON PREVIOUSLY CONVICTED OF A FELONY OFFENSE, A CATEGORY B FELONY AS DEFINED BY NRS 202.360 by a guilty plea entered October 31, 2016.

The matter being submitted;

The Court **ORDERED** the Defendant to pay a \$25.00 administrative assessment fee, \$3.00 GMA administrative assessment fee, and as to COUNTS 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 26 and 27 be sentenced to serve a maximum of 72 months in the Nevada Department of Corrections with minimum parole eligibility after 28 months. Said sentences are to be ran concurrent with each other; as to COUNTS 28, 29 and 30 be sentenced to serve a maximum of 60 months in the Nevada Department of Corrections with minimum parole eligibility after 24 months. Said sentences are to be ran consecutive to the previous COUNTS and concurrent to each other. The Court **FURTHER ORDERED** the aggregate sentence be a maximum of 132 months in the Nevada Department of Corrections with minimum parole eligibility after 52 months. The Court **ORDERED** the Defendant to receive credit for 361 days previously served.

The Defendant was remanded to the custody of the Elko County Sheriff's Department.

Court adjourned.

NEVADA, STATE OF

CRFO160000304-001

EXHIBIT #	EXHIBIT DESCRIPTION	LOCATE	LOGGED	BY	DISP
1 - PRELIM	VIDEO CD	ENV V	5/10/16	ADE	
2 - PRELIM	COURT RECORDS - SUPERIOR COURT OF AZ	ENV V	5/10/16	ADE	
3 - PRELIM	PHOTOS FROM FACEBOOK PAGE	ENV V	5/10/16	ADE	
4 - PRELIM	PHOTO - DRESSER/BEDROOM	ENV V	5/10/16	ADE	
5 - PRELIM	PHOTO - STEEL PIPE & ENDS	ENV V	5/10/16	ADE	
5A - PRELIM	PHOTO - BRASS PIPE, ENDS & PLASTIC BA	ENV V	5/10/16	ADE	
5B - PRELIM	PHOTO - STEEL PIPE	ENV V	5/10/16	ADE	
5C - PRELIM	PHOTO - C02 CARTRIDGES	ENV V	5/10/16	ADE	
6 - PRELIM	PHOTO - PLASTIC BAGGIE	ENV V	5/10/16	ADE	
6A - PRELIM	PHOTO - STEEL PIPE, C02 CARTRIDGES, B	ENV V	5/10/16	ADE	
6B - PRELIM	PHOTO - EPOXY	ENV V	5/10/16	ADE	
7 - PRELIM	PHOTO - EXPLOSIVES & DEMOLITIONS FIEL	ENV V	5/10/16	ADE	
7A - PRELIM	PHOTO - INCENDIARIES FIELD MANUAL	ENV V	5/10/16	ADE	
7B - PRELIM	PHOTO - MILITARY EXPLOSIVES TECHNICAL	ENV V	5/10/16	ADE	
7C - PRELIM	PHOTO - IMPROVISED MUNITIONS HANDBOOK	ENV V	5/10/16	ADE	
7D - PRELIM	PHOTO - GUERRILLA WARFARE & SPECIAL FO	ENV V	5/10/16	ADE	
8 - PRELIM	PHOTO - RIFLE	ENV V	5/10/16	ADE	
8A - PRELIM	PHOTO - RIFLE IN CASE	ENV V	5/10/16	ADE	
8B - PRELIM	PHOTO - SHOTGUN	ENV V	5/10/16	ADE	
8C - PRELIM	PHOTO - BELT W/ BULLETS AND SHELLS	ENV V	5/10/16	ADE	
9 - PRELIM	PHOTO - ITEMS ON SHELF	ENV V	5/10/16	ADE	
9A - PRELIM	PHOTO - ITEMS ON SHELF	ENV V	5/10/16	ADE	
9B - PRELIM	PHOTO - ITEMS ON SHELF	ENV V	5/10/16	ADE	
9C - PRELIM	PHOTO - ITEMS IN DRAWER	ENV V	5/10/16	ADE	
9D - PRELIM	PHOTO - ITEMS ON SHELF	ENV V	5/10/16	ADE	
9E - PRELIM	PHOTO - 2 BRASS PIPES	ENV V	5/10/16	ADE	
9F - PRELIM	PHOTO - ITEMS IN BLACK BAG	ENV V	5/10/16	ADE	
10 - PRELIM	PHOTO - JARS IN CHEST	ENV V	5/10/16	ADE	
10A - PRELIM	PHOTO - DISH IN TOWEL	ENV V	5/10/16	ADE	
10B - PRELIM	PHOTO - CLOROX BOTTLES	ENV V	5/10/16	ADE	
11 - PRELIM	PHOTO - JARS ON SHELF	ENV V	5/10/16	ADE	
11A - PRELIM	PHOTO - BOWL W/ BROWN SUBSTANCE	ENV V	5/10/16	ADE	
11B - PRELIM	PHOTO - JAR W/ DUCT TAPE	ENV V	5/10/16	ADE	
11C - PRELIM	PHOTO - PETROLEUM JELLY IN BAG	ENV V	5/10/16	ADE	
11D - PRELIM	PHOTO - DRESSER DRAWER W/ ITEMS	ENV V	5/10/16	ADE	
11E - PRELIM	PHOTO - ICE PACKS & PILL BOTTLES	ENV V	5/10/16	ADE	
11F - PRELIM	PHOTO - MATCH HEADS IN PIPE	ENV V	5/10/16	ADE	
11G - PRELIM	PHOTO - FUSE	ENV V	5/10/16	ADE	
11H - PRELIM	PHOTO - MISC ITEMS	ENV V	5/10/16	ADE	
12 - PRELIM	DEPUTY SHOAF NARRATIVE	ENV V	5/10/16	ADE	
13 - PRELIM	DETECTIVE STAKE SUPPLEMENTAL NARRATIV	ENV V	5/10/16	ADE	
14 - PRELIM	OFFICER SPRING INITIAL REPORT	ENV V	5/10/16	ADE	
15 - PRELIM	DETECTIVE MOORE SUPPLEMENTAL REPORT	ENV V	5/10/16	ADE	
1- HRG 09/07/16	TRANSCRIPT FROM PRELIMINARY HEARING H	ENV V	9/08/16	ADE	
2- HRG 09/07/16	DEPUTY BRIAN SHOAF'S REPORT	ENV V	9/08/16	ADE	
3- TRL 10/05/16	PHOTOS- FACEBOOK PAGE	BOX V	9/30/16	ADE	E
4- TRL 10/05/16	PHOTO- DRESSER/BEDROOM	BOX V	9/30/16	ADE	E
5- TRL 10/05/16	PHOTO- STEEL PIPE AND ENDS	BOX V	9/30/16	ADE	
6- TRL 10/05/16	PHOTO- BRASS PIPE, ENDS AND PLASTIC B	BOX V	9/30/16	ADE	E
7- TRL 10/05/16	PHOTO- STEEL PIPE	BOX V	9/30/16	ADE	E

NEVADA, STATE OF CRFO160000304-001

EXHIBIT #	EXHIBIT DESCRIPTION	LOCATE	LOGGED	BY	DISP
8- TRL 10/05/16	PHOTO- CO2 CARTRIDGES	BOX V	9/30/16	ADE	E
9- TRL 10/05/16	PHOTO- PLASTIC BAGGIE	BOX V	9/30/16	ADE	E
10-TRL 10/05/16	PHOTO- STEEL PIPE, CO2 CARTRIDGES	BOX V	9/30/16	ADE	E
11-TRL 10/05/16	PHOTO- EPOXY	BOX V	9/30/16	ADE	
12-TRL 10/05/16	PHOTO- EXPLOSIVES AND DEMOLITIONS FIE	BOX V	9/30/16	ADE	
13-TRL 10/05/16	PHOTO- INCENDIARIES TECHNICAL MANUAL	BOX V	9/30/16	ADE	
14-TRL 10/05/16	PHOTO- MILITARY EXPLOSIVES TECHNICAL	BOX V	9/30/16	ADE	
15-TRL 10/05/16	PHOTO- IMPROVISED MUNITIONS MANUAL	BOX V	9/30/16	ADE	
16-TRL 10/05/16	PHOTO- GUERRILLA WARFARE AND SPECIAL	BOX V	9/30/16	ADE	
17-TRL 10/05/16	PHOTO- RIFLE	BOX V	9/30/16	ADE	
18-TRL 10/05/16	PHOTO- RIFLE IN CASE	BOX V	9/30/16	ADE	
19-TRL 10/05/16	PHOTO- SHOTGUN	BOX V	9/30/16	ADE	
20-TRL 10/05/16	PHOTO- BELT WITH BULLETS AND SHELLS	BOX V	9/30/16	ADE	
21-TRL 10/05/16	PHOTO- ITEMS ON SHELF	BOX V	9/30/16	ADE	E
22-TRL 10/05/16	PHOTO- ITEMS ON SHELF	BOX V	9/30/16	ADE	E
23-TRL 10/05/16	PHOTO- ITEMS ON SHELF	BOX V	9/30/16	ADE	E
24-TRL 10/05/16	PHOTO- ITEMS IN DRAWER	BOX V	9/30/16	ADE	E
25-TRL 10/05/16	PHOTO- ITEMS ON SHELF	BOX V	9/30/16	ADE	E
26-TRL 10/05/16	PHOTO- 2 BRASS PIPES	BOX V	9/30/16	ADE	E
27-TRL 10/05/16	PHOTO- ITEMS IN BLACK BAG	BOX V	9/30/16	ADE	E
28-TRL 10/05/16	PHOTO- JARS IN CHEST	BOX V	9/30/16	ADE	E
29-TRL 10/05/16	PHOTO- DISH IN TOWEL	BOX V	9/30/16	ADE	E
30-TRL 10/05/16	PHOTO- CLOROX BOTTLES	BOX V	9/30/16	ADE	E
31-TRL 10/05/16	PHOTO- JARS ON SHELF	BOX V	9/30/16	ADE	E
32-TRL 10/05/16	PHOTO- BOWL WITH BROWN SUBSTANCE	BOX V	9/30/16	ADE	
33-TRL 10/05/16	PHOTO- JAR WITH DUCT TAPE	BOX V	9/30/16	ADE	E
34-TRL 10/05/16	PHOTO- PETROLEUM JELLY IN BAG	BOX V	9/30/16	ADE	
35-TRL 10/05/16	PHOTO- DRESSER DRAWER WITH ITEMS	BOX V	9/30/16	ADE	E
36-TRL 10/05/16	PHOTO- ICE PACKS WITH PILL BOTTLES	BOX V	9/30/16	ADE	E
37-TRL 10/05/16	PHOTO- MATCH HEADS IN PIPE	BOX V	9/30/16	ADE	E
38-TRL 10/05/16	PHOTO- FUSE	BOX V	9/30/16	ADE	
39-TRL 10/05/16	PHOTO- MISC ITEMS	BOX V	9/30/16	ADE	E
40-TRL 10/05/16	DEPUTY BRIAN SHOAF'S NARRATIVE	BOX V	9/30/16	ADE	
41-TRL 10/05/16	DETECTIVE NICK STAKE'S SUPPLEMENTAL N	BOX V	9/30/16	ADE	
42-TRL 10/05/16	OFFICER STEVEN SPRING'S INITIAL REPOR	BOX V	9/30/16	ADE	
43-TRL 10/05/16	DETECTIVE RICK MOORE'S SUPPLEMENTAL R	BOX V	9/30/16	ADE	
44-TRL 10/05/16	PRELIMINARY HEARING TRANSCRIPT	BOX V	9/30/16	ADE	
45-TRL 10/05/16	HEARING ON MOTION TRANSCRIPT	BOX V	9/30/16	ADE	
46-TRL 10/05/16	DETECTIVE NICK STACK'S INTERVIEW TRAN	BOX V	9/30/16	ADE	
47-TRL 10/05/16	MISC MANUALS, HANDBOOKS AND BOOKS	BOX V	9/30/16	ADE	E
48-TRL 10/05/16	NO EXHIBIT MARKED	BOX V	9/30/16	ADE	
49-TRL 10/05/16	NO EXHIBIT MARKED	BOX V	9/30/16	ADE	
50-TRL 10/05/16	NO EXHIBIT MARKED	BOX V	9/30/16	ADE	
51-TRL 10/05/16	NO EXHIBIT MARKED	BOX V	9/30/16	ADE	
52-TRL 10/05/16	NO EXHIBIT MARKED	BOX V	9/30/16	ADE	
53-TRL 10/05/16	NO EXHIBIT MARKED	BOX V	9/30/16	ADE	
54-TRL 10/05/16	NO EXHIBIT MARKED	BOX V	9/30/16	ADE	
55-TRL 10/05/16	NO EXHIBIT MARKED	BOX V	9/30/16	ADE	
56-TRL 10/05/16	AMMUNITION - BAG OF AK AMMO	BOX V	9/30/16	ADE	E
57-TRL 10/05/16	AMMUNITION - BAG OF AK MAGAZINES	BOX V	9/30/16	ADE	E

NEVADA, STATE OF

CRFO160000304-001

EXHIBIT #	EXHIBIT DESCRIPTION	LOCATE	LOGGED	BY	DISP
58-TRL 10/05/16	AMMUNITION - BAG OF SHOTGUN SHELLS AN	BOX V	9/30/16	ADE	E
59-TRL 10/05/16	HARRINGTON SHOTGUN	BOX V	9/30/16	ADE	E
60-TRL 10/05/16	KALASHNIKOV RIFLE, MODEL WASR-10	BOX V	9/30/16	ADE	E
61-TRL 10/05/16	MARLIN RIFLE, MODEL 81TS	BOX V	9/30/16	ADE	E
62-TRL 10/05/16	STEEL EPOXY ADHESIVE STICK GLUE	BOX V	9/30/16	ADE	E
63-TRL 10/05/16	JAR OF BB'S	BOX V	9/30/16	ADE	E
64-TRL 10/05/16	CROSSMAN 12 GRAM CO2 CARTRIDGE	BOX V	9/30/16	ADE	E
65-TRL 10/05/16	STEEL PIPE	BOX V	9/30/16	ADE	E
66-TRL 10/05/16	PETROLEUM JELLY IN A BAGGIE	BOX V	9/30/16	ADE	E
67-TRL 10/05/16	HOBBY FUSE	BOX V	9/30/16	ADE	E
70-TRL 10/05/16	CERTIFIED PRIOR FROM MARICOPA COUNTY	BOX V	9/30/16	ADE	
68-TRL 10/05/16	VIDEO CD/DVD - AUDIO PHONE CALL	BOX V	10/05/16	ADE	
69-TRL 10/05/16	REDACTED VERSION OF EXHIBIT 68	BOX V	10/05/16	ADE	E
71-TRL 10/05/16	AHURA REPORT FOR POLYSTYRENE	BOX V	10/05/16	ADE	E
72-TRL 10/05/16	AHURA REPORT FOR POTASSIUM CHLORATE	BOX V	10/05/16	ADE	E
73-TRL 10/05/16	AHURA REPORT FOR POTASSIUM CHLORATE	BOX V	10/05/16	ADE	E
74-TRL 10/05/16	AHURA REPORT FOR SODIUM CHLORATE	BOX V	10/05/16	ADE	E
75-TRL 10/05/16	AHURA REPORT FOR POTASSIUM CHLORATE	BOX V	10/05/16	ADE	E
76-TRL 10/05/16	AHURA REPORT FOR AMMONIUM NITRATE	BOX V	10/05/16	ADE	E
1- TRL 10/05/16	VIDEO CD/DVD - TELEPHONE CALL	BOX V	10/06/16	ADE	
2- TRL 10/05/16	REDACTED VERSION OF EXHIBIT 1	BOX V	10/06/16	ADE	E
77-TRL 10/05/16	CERTIFIED BOOKING SHEET	BOX V	10/06/16	ADE	
78-TRL 10/05/16	CERTIFIFED PRIOR FROM MARICOPA COUNTY	BOX V	10/07/16	ADE	
1- HRG 02/28/17	PHOTO OF GUNS AND AMMUNITION	ENV V	2/28/17	ADE	E

Case No. CR-FO-16-0000304

Dept. No. 2

FILED

2017 MAR 30 AM 8:54

ELKO COUNTY DISTRICT COURT

IN THE FOURTH JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO

THOMAS WILLIAM MOONEY,

Appellant,

vs.

FAST TRACK DOCUMENTS

STATE OF NEVADA,


Respondent,

The following copies of documents have been sent to the Supreme Court on March 30, 2017, pursuant to the Supreme Court Rule 250 6(a):

1. Notice of Appeal filed on March 29, 2017
2. Case Appeal Statement filed on March 29, 2017
3. Request for Rough Draft Transcript filed on March 29, 2017
4. Case History begun March 6, 2016
5. Order to Allow Appellant to Proceed in Forma Pauperis March 10, 2017
6. Stipulation to Allow Appellant to Proceed in Forma Pauperis March 10, 2017
7. Judgment of Conviction filed on March 1, 2017
8. Court Minutes – Arraignment Not Guilty held on June 13, 2016
9. Court Minutes - Early Case Conference held on August 8, 2016
10. Court Minutes - Hearing on Pre Trial Motions held on September 7, 2016
11. Court Minutes – Status Hearing held on October 3, 2016
12. Court Minutes - Jury Trial held on October 4-7, 2016
13. Court Minutes – Change of Plea held on October 31, 2017
14. Court Minutes – Sentencing Hearing held on January 25, 2017
15. Court Minutes – Sentencing Hearing held on February 28, 2017
16. Plaintiff's Exhibits

Dated March 30, 2017

Submitted by:


JONT L ALLEN
DEPUTY CLERK

Case No. CR-FO-16-0000304

Dept. No. 2

FILED

2017 MAR 30 AM 8:56

ELKO CO DISTRICT COURT

IN THE FOURTH JUDICIAL DISTRICT COURT
OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO

CLERK _____ DEPUTY JA

THOMAS WILLIAM MOONEY,

Appellant,

vs.

CLERK'S CERTIFICATION

STATE OF NEVADA,

Respondent,
_____ /

I, CAROL FOSMO, the duly elected, acting and qualified County Clerk and Ex-Officio Clerk of the District Court of the Fourth Judicial District of the State of Nevada, in and for the County of Elko, do hereby certify that the annexed are true, full and correct copies of certain documents in Case No. CR-FO-16-0000304, Dept. 2, THOMAS WILLIAM MOONEY, Appellant, vs. STATE OF NEVADA, Respondent, as appears on file and of record in my office.

WITNESS My Hand and Seal of said Court on March 30, 2017.

CAROL FOSMO, ELKO COUNTY CLERK

By

Joni Allen
JONI ALLEN, DEPUTY CLERK

CERTIFICATE OF SERVICE

I hereby certify that I caused to be sent electronically and/or mailed a certified copy of the annexed documents in Case No. CR-FO-16-0000304, Dept. 2, THOMAS WILLIAM MOONEY, Appellant, vs. STATE OF NEVADA, Respondent, as appears on file and of record in this Court, to the following:

Brian Green, ESQ
cbrown@elkocountynv.net

David Buchler ESQ
csmith@elkocountynv.net
ksullivan@elkocountynv.net
gjordan@elkocountynv.net
srice@elkocountynv.net
mwheeler@elkocountynv.net

Adam Paul Laxalt
Nevada Attorney General
Attn: Criminal Division
100 North Carson Street
Carson City, NV 89701-4717

DATED this 28, day of MARCH, 2017.


JON ALLEN, Deputy Clerk

1 CASE NO. CR-FO-16-0304

2 DEPT. NO. 2

FILED

2017 MAR 29 PM 3:32

ELKO COUNTY DISTRICT COURT

Electronically Filed
Apr 05 2017 08:46 a.m.

Elizabeth A. Brown
Clerk of Supreme Court

3
4
5 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
6 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO
7

8 THE STATE OF NEVADA,

9 Plaintiff,

10 vs.

11 THOMAS WILLIAM MOONEY,

12 Defendant.
13
14

NOTICE OF APPEAL


15 TO: The Elko County District Attorney's Office.

16 NOTICE is hereby given that the above-named Defendant, THOMAS WILLIAM
17 MOONEY, hereby appeals to the Supreme Court of Nevada from the JUDGMENT OF
18 CONVICTION entered in this action on the 1st day of March, 2017.
19

20 This appeal is to all issues of law and fact.

21 DATED this 29th day of March, 2017.
22

23 KRISTON N. HILL, ESQ.
ELKO COUNTY PUBLIC DEFENDER
24

25 By: 
26 BENJAMIN C. GAUMOND, ESQ.
Nevada Bar Number 8081
27 Deputy Elko County Public Defender
28 569 Court Street (Physical Address)
571 Idaho Street (Mailing Address)
29 Elko, Nevada 89801

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CERTIFICATE OF SERVICE

I hereby certify, pursuant to the provisions of NRAP 25(d), that I am an employee of the Elko County Public Defender's Office, and that on the 29th day of March, 2017, I served the foregoing NOTICE OF APPEAL by hand-delivering a copy of said document to the following:

THE HONORABLE ALVIN KACIN
District Court Judge, Department 2, Elko County Courthouse
571 Idaho Street
Elko, Nevada 89801

ELKO COUNTY DISTRICT ATTORNEY'S OFFICE
540 Court Street, 2nd Floor, Elko, Nevada 89801



CERTIFICATE OF MAILING

I hereby certify, pursuant to the provisions of NRAP 25(d), that I am an employee of the Elko County Public Defender's Office, and that on the 29th day of March, 2017, I mailed, postage prepaid, a copy of the foregoing NOTICE OF APPEAL to the following:

CLERK OF THE SUPREME COURT
Supreme Court Building
201 South Carson Street
Carson City, Nevada 89701-4702

ADAM P. LAXALT, NEVADA ATTORNEY GENERAL
100 North Carson Street
Carson City, Nevada 89701-4717



1 CASE NO. CR-FO-16-0304

2 DEPT. NO. 2

FILED

2017 MAR 29 PM 3: 32

ELKO COUNTY DISTRICT COURT

CLERK _____ DEPUTY 

3
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6 IN THE FOURTH JUDICIAL DISTRICT COURT
7 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO
8

9)
10 THE STATE OF NEVADA,)

11 Plaintiff)

12 vs.)

13 THOMAS WILLIAM MOONEY,)

14 Defendant.)
15

CASE APPEAL STATEMENT

16 **1. Name of appellant filing case appeal statement:** The name of the Appellant is
17 Thomas William Mooney.
18

19 **2. Identify the judge issuing the decision, judgment, or order appealed from:**
20 The judge who issued the JUDGMENT OF CONVICTION was the Honorable Alvin Kacin,
21 Fourth Judicial District Court of the State of Nevada, in and for the County of Elko, Department
22 Two.
23

24 **3. Identify of each appellant and the name and address of counsel for each**
25 **appellant.** The sole appellant in this case is Thomas William Mooney. Counsel for appellant are
26 Kriston N. Hill, Elko County Public Defender; Brian D. Green, Elko County Deputy Public
27 Defender; and Benjamin C. Gaumond, Elko County Deputy Public Defender; 571 Idaho Street
28 (mailing), 569 Court Street (physical), Elko, Nevada, 89801.
29

1 **4. Identify each respondent and the name and address of appellate counsel, if**
2 **known, for each respondent.** The sole respondent in this case is the State of Nevada. Counsel
3 for the Respondent are Tyler J. Ingram, Elko County District Attorney; and David A. Buchler,
4 Deputy Elko County District Attorney, 540 Court Street, 2nd Floor, Elko, Nevada 89801.

5 **5. Indicate whether any attorney identified above in response to questions 3 or**
6 **4 is not licensed to practice law in the State of Nevada:** Attorneys for the Appellant and
7 Respondent are all licensed to practice law in the State of Nevada.

8 **6. Indicate whether appellant was represented by appointed or retained counsel**
9 **in the district court:** The Office of the Elko County Public Defender was appointed to represent
10 Appellant in the district court.

11 **7. Indicate whether appellant was represented by appointed or retained counsel**
12 **on appeal:** Appellant is represented by appointed counsel on appeal from the Office of the Elko
13 County Public Defender.

14 **8. Indicate whether appellant was granted leave to proceed in forma pauperis,**
15 **and the date of entry of the district court order granting such leave:** On the 10th day of
16 March, 2017, the District Court ordered that Appellant be allowed to proceed in forma pauperis
17 on appeal.

18 **9. Indicate the date the proceedings commenced in the district court:** The
19 Criminal Information was filed in the District Court on the 11th day of May, 2016.

20 **10. Provide a brief description of the nature of the action and result in the**
21 **district court, including the type of judgment or order being appealed and the relief**
22 **granted by the district court:** Thomas William Mooney appeals from the JUDGMENT OF
23 CONVICTION that the District Court issued on the 1st day of March, 2017. The district court
24

1 sentenced Thomas William Mooney to a term of twenty-eight to seventy-two (28-72) months in
2 the Nevada Department of Corrections on Counts 1-27 to run concurrently with one another, and
3 twenty-four to sixty (24-60) months in the Nevada Department of Corrections on Counts 28-30 to
4 run concurrently with one another, it was further ordered that the sentences for Counts 28-30 shall
5 run consecutively to the sentences for Counts 1-27, with credit for three hundred sixty-one (361)
6 days served as of the 28th day of February, 2017. The twenty-five dollar (\$25.00) administrative
7 assessment fee was ordered.
8

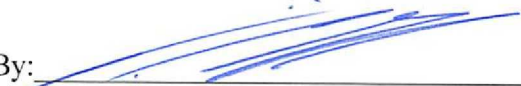
9
10 **11. Indicate whether the case has previously been the subject of an appeal or**
11 **original writ proceeding in the Supreme Court and, if so, the caption and Supreme Court**
12 **docket number of the original proceeding:** The case has never been the subject of an appeal or
13 writ proceeding in the Supreme Court.
14

15 **12. Indicate whether this appeal involves child custody or visitation:** This appeal
16 does not involve child custody or visitation.
17

18 **13. If this is a civil case, indicate whether this appeal involves the possibility of**
19 **settlement:** This is not a civil case.
20

21 DATED this 29th day of March, 2017.

22 KRISTON N. HILL, ESQ.
23 ELKO COUNTY PUBLIC DEFENDER

24 By: 
25 BENJAMIN C. GAUMOND, ESQ.
26 NV Bar Number 8081
27 Deputy Elko County Public Defender
28 569 Court Street (Physical Address)
29 571 Idaho Street (Mailing Address)
Elko, Nevada 89801
(775)-738-2521 (phone)
(775)-738-9154 (facsimile)
bgaumond@elkocountynv.net

[illegible]

Elko County Public Defender's Office, and that on this 29th day of March, 2017, I served the foregoing CASE APPEAL STATEMENT by hand-delivering a copy of said document to the

THE HONORABLE ALVIN KACIN
District Judge, Department II
Elko County Courthouse
Elko, Nevada 89801

ELKO COUNTY DISTRICT ATTORNEY'S OFFICE
540 Court Street
2nd Floor
Elko, Nevada 89801

W

CERTIFICATE OF MAILING

the foregoing CASE APPEAL STATEMENT to the following:

CLERK OF THE SUPREME COURT
Supreme Court Building
201 South Carson Street
Carson City, Nevada 89701-4702

ADAM P. LAXALT, NEVADA ATTORNEY GENERAL
100 North Carson Street
Carson City, Nevada 89701-4717

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FILED

2017 MAR 29 PM 3:32

ELKO COUNTY DISTRICT COURT

CLERK _____ DEPUTY *AK*

1 CASE NO. CR-FO-16-0304

2 DEPT. NO. 2

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5 IN THE FOURTH JUDICIAL DISTRICT COURT
6 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO

7
8 THE STATE OF NEVADA,

9 Plaintiff,

10 vs.

11 THOMAS WILLIAM MOONEY,

12 Defendant.

REQUEST FOR ROUGH DRAFT

TRANSCRIPTS

13
14 TO: Ms. Lisa Manley, Court Reporter for Department Two of District Court.

15 THOMAS WILLIAM MOONEY, Defendant above-referenced, requests
16 preparation of a rough draft transcript of certain portions of the proceedings before the
17 district court as follows:

- 18 (1) Date of the proceedings: June 13, 2016.
19 Transcript requested: Arraignment hearing.
20
21 (2) Date of the proceedings: October 31, 2016.
22 Transcript requested: Change of plea hearing.
23
24 (3) Date of the proceedings: February 28, 2017.
25 Transcript requested: Sentencing hearing.

26 This notice requests a transcript of only those portions of the district court
27 proceedings that counsel reasonably and in good faith believes are necessary to
28 determine whether appellate issues are present. Voir dire examination of jurors,
29 opening statements and closing arguments of trial counsel, and the reading of jury
instructions shall not be transcribed unless specifically requested above.

1 I recognize that I must serve a copy of this form on the above named court
2 reporter and opposing counsel, and that the above named court reporter shall have
3 twenty (20) days from the receipt of this notice to prepare and submit to the district
4 court the rough draft transcript requested herein.

5 DATED this 29th day of March, 2017.

6 KRISTON N. HILL, ESQ.
7 ELKO COUNTY PUBLIC DEFENDER

8 By: 

9 BENJAMIN C. GAUMOND, ESQ.
10 NV Bar Number 8081
11 Deputy Elko County Public Defender
12 569 Court Street (Physical Address)
13 571 Idaho Street (Mailing Address)
14 Elko, Nevada 89801
15 (775)-738-2521 (phone)
16 (775)-738-9154 (facsimile)
17 bgaumond@elkocountynv.net

18 CERTIFICATE OF SERVICE

19 I hereby certify, pursuant to the provisions of NRAP 25(d) that I am an employee
20 of the Elko County Public Defender's Office, and that on this 29 day of March, 2017, I
21 served the foregoing REQUEST FOR ROUGH DRAFT TRANSCRIPTS by hand-
22 delivering a copy of said document to the following:

23 THE HONORABLE ALVIN KACIN
24 District Judge, Department II
25 Elko County Courthouse
26 Elko, Nevada 89801

MS. LISA MANLEY
Court Reporter
Elko County Courthouse
Elko, Nevada 89801

27 ELKO COUNTY DISTRICT ATTORNEY
28 540 Court Street
29 Second Floor
Elko, Nevada 89801

Elko County
Public Defender

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CERTIFICATE OF MAILING

I hereby certify, pursuant to the provisions of NRAP 25(d), that I am an employee of the Elko County Public Defender's Office, and that on this 29th day of March, 2017, I mailed, postage prepaid, the foregoing REQUEST FOR ROUGH DRAFT TRANSCRIPTS to the following:

CLERK OF THE SUPREME COURT
Supreme Court Building, 201 S. Carson Street, Carson City, Nevada 89701-4702

ADAM P. LAXALT, NEVADA ATTORNEY GENERAL
100 N. Carson Street, Carson City, Nevada 89701-4717



PGM ID-DSPDOC
DATE 3/30/17

ELKO COUNTY COURT SYSTEM
CASE#: EC DC CR-FO-16-0000304

PAGE 1
TIME 8:11

TYPE: FELONY - AGAINST PROPERTY

STATUS: CLOSED

3/02/17

-----JUDGE-----
CURRENT: KACIN, ALVIN R

--PARTY #--

PL 001: NEVADA, STATE OF
VS.

-----ATTORNEYS-----
BUCHLER, DAVID A

DF 002: MOONEY, THOMAS WILLIAM
DOB: 2/07/90
AK : MOONEY TOM
AK : MOONEY TOM

GREEN, BRIAN D

CHARGE 1: FO EXPLOSIVE-COMPONENTS NRS 202.261
DISPOSITION: JUDG OF CONV - JURY DATE: 3/01/17

CHARGE 2: FO POSS OF EXPLOSIVE CLASS:D NRS 202.262
DISPOSITION: JURY VERDICT-NOT GLT DATE: 10/07/16

CHARGE 3: FO EXPLOSIVE-COMPONENTS NRS 202.261
DISPOSITION: JUDG OF CONV - JURY DATE: 3/01/17

CHARGE 4: FO POSS OF EXPLOSIVE CLASS:D NRS 202.262
DISPOSITION: JURY VERDICT-NOT GLT DATE: 10/07/16

CHARGE 5: FO EXPLOSIVE-COMPONENTS NRS 202.261
DISPOSITION: JUDG OF CONV - JURY DATE: 3/01/17

CHARGE 6: FO POSS OF EXPLOSIVE CLASS:D NRS 202.262
DISPOSITION: JURY VERDICT-NOT GLT DATE: 10/07/16

CHARGE 7: FO EXPLOSIVE-COMPONENTS NRS 202.261
DISPOSITION: JUDG OF CONV - JURY DATE: 3/01/17

CHARGE 8: FO POSS OF EXPLOSIVE CLASS:D NRS 202.262
DISPOSITION: JURY VERDICT-NOT GLT DATE: 10/07/16

CHARGE 9: FO EXPLOSIVE-COMPONENTS NRS 202.261
DISPOSITION: JUDG OF CONV - JURY DATE: 3/01/17

CHARGE 10: FO POSS OF EXPLOSIVE CLASS:D NRS 202.262
DISPOSITION: JURY VERDICT-NOT GLT DATE: 10/07/16

CHARGE 11: FO EXPLOSIVE-COMPONENTS NRS 202.261
DISPOSITION: JUDG OF CONV - JURY DATE: 3/01/17

CHARGE 12: FO POSS OF EXPLOSIVE CLASS:D NRS 202.262
DISPOSITION: JURY VERDICT-NOT GLT DATE: 10/07/16

CHARGE 13: FO EXPLOSIVE-COMPONENTS NRS 202.261
DISPOSITION: JUDG OF CONV - JURY DATE: 3/01/17

CHARGE 14: FO POSS OF EXPLOSIVE CLASS:D NRS 202.262
DISPOSITION: JURY VERDICT-NOT GLT DATE: 10/07/16

CHARGE 15: FO EXPLOSIVE-COMPONENTS NRS 202.261

PGM ID-DSPDOC
DATE 3/30/17

ELKO COUNTY COURT SYSTEM
CASE#: EC DC CR-FO-16-0000304

PAGE 2
TIME 8:11

DISPOSITION: JUDG OF CONV - JURY DATE: 3/01/17

CHARGE 16: FO POSS OF EXPLOSIVE CLASS:D NRS 202.262
DISPOSITION: JURY VERDICT-NOT GLT DATE: 10/07/16

CHARGE 17: FO EXPLOSIVE-COMPONENTS NRS 202.261
DISPOSITION: JUDG OF CONV - JURY DATE: 3/01/17

CHARGE 18: FO POSS OF EXPLOSIVE CLASS:D NRS 202.262
DISPOSITION: JURY VERDICT-NOT GLT DATE: 10/07/16

CHARGE 19: FO EXPLOSIVE-COMPONENTS NRS 202.261
DISPOSITION: JUDG OF CONV - JURY DATE: 3/01/17

CHARGE 20: FO POSS OF EXPLOSIVE CLASS:D NRS 202.262
DISPOSITION: JURY VERDICT-NOT GLT DATE: 10/07/16

CHARGE 21: FO EXPLOSIVE-COMPONENTS NRS 202.261
DISPOSITION: JUDG OF CONV - JURY DATE: 3/01/17

CHARGE 22: FO POSS OF EXPLOSIVE CLASS:D NRS 202.262
DISPOSITION: JURY VERDICT-NOT GLT DATE: 10/07/16

CHARGE 23: FO EXPLOSIVE-COMPONENTS NRS 202.261
DISPOSITION: JUDG OF CONV - JURY DATE: 3/01/17

CHARGE 24: FO POSS OF EXPLOSIVE CLASS:D NRS 202.262
DISPOSITION: JURY VERDICT-NOT GLT DATE: 10/07/16

CHARGE 25: FO EXPLOSIVE-COMPONENTS NRS 202.261
DISPOSITION: JURY VERDICT-NOT GLT DATE: 10/07/16

CHARGE 26: FO EXPLOSIVE-COMPONENTS NRS 202.261
DISPOSITION: JUDG OF CONV - JURY DATE: 3/01/17

CHARGE 27: FO EXPLOSIVE-COMPONENTS NRS 202.261
DISPOSITION: JUDG OF CONV - JURY DATE: 3/01/17

CHARGE 28: FP EX-FELON POSS FREARM NRS 202.360
DISPOSITION: JUDG OF CONV - PLEA DATE: 3/01/17

CHARGE 29: FP EX-FELON POSS FREARM NRS 202.360
DISPOSITION: JUDG OF CONV - PLEA DATE: 3/01/17

CHARGE 30: FP EX-FELON POSS FREARM NRS 202.360
DISPOSITION: JUDG OF CONV - PLEA DATE: 3/01/17

CHARGE 31: A DC GEN ANALYSIS ASSMT DC GEN ANALYSIS
DISPOSITION: JUDG OF CONV - JURY DATE: 3/01/17

MAJOR EVENTS

5/11/16 ARRAIGNMENT (DC)

FOR: 6/13/16 9:00 DC2SEC 002

PGM ID-DSPDOC
DATE 3/30/17

ELKO COUNTY COURT SYSTEM
CASE#: EC DC CR-FO-16-0000304

PAGE 3
TIME 8:11

6/10/16 FILE CHECKED OUT BY:		DEMARS	000
6/30/16 JURY TRIAL -- DAY 1 SET: 6/29/16	FOR: 10/04/16	9:00 DC2SEC	002
6/30/16 JURY TRIAL AD'L DAYS	FOR: 10/05/16	9:00 DC2SEC	002
6/30/16 JURY TRIAL AD'L DAYS	FOR: 10/06/16	9:00 DC2SEC	002
6/30/16 JURY TRIAL AD'L DAYS	FOR: 10/07/16	9:00 DC2SEC	002
6/30/16 HEARING ON MOTION	FOR: 9/07/16	13:30 DC2SEC	002
6/30/16 EARLY CASE CONF.	FOR: 8/08/16	9:00 DC2SEC	002
7/14/16 FILE CHECKED IN BY:		RODRIGUEZ	000
8/04/16 FILE CHECKED OUT BY:		DEMARS	000
8/08/16 FILE CHECKED IN BY:		PECK	000
8/10/16 FILE CHECKED OUT BY:		MERKLEY	000
8/10/16 FILE CHECKED IN BY:		PECK	000
9/01/16 FILE CHECKED OUT BY:		DEMARS	000
9/16/16 FILE CHECKED IN BY:		PECK	000
9/29/16 FILE CHECKED OUT BY:		RODRIGUEZ	000
10/10/16 FILE CHECKED IN BY:		DEMARS	000
10/26/16 CHANGE OF PLEA	FOR: 10/31/16	8:30 DC2SEC	002
10/26/16 FILE CHECKED OUT BY:		DEMARS	000
11/02/16 SENTENCING	FOR: 1/25/17	13:30 DC2SEC	002
11/02/16 FILE CHECKED IN BY:		MERKLEY	000
1/20/17 FILE CHECKED OUT BY:		DEMARS	000
1/26/17 SENTENCING	FOR: 2/28/17	10:30 DC2SEC	002
1/26/17 FILE CHECKED IN BY:		PECK	000
2/24/17 FILE CHECKED OUT BY:		DEMARS	000
3/01/17 FILE CHECKED IN BY:		RODRIGUEZ	000
3/02/17 FILE CLOSED		JAKEMAN	000

PGM ID-DSPDOC
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3/10/17 FILE CHECKED OUT BY: PECK 000
3/10/17 FILE CHECKED IN BY: PLUNKETT 000
3/02/17 DATE CLOSED DISPOSITION: FILE CLOSED

FILING DATE	EVENT	COMMENT	PROCEEDINGS	EVENT DATE	ENTRY PERSON/P
3/06/16	BOOKING INFORMTN RPT				MERKLEY 002
3/08/16	APPL FOR APPT ATTY APPLICATION FOR APPOINTMENT OF ATTORNEY				MERKLEY 002
3/08/16	ORD APPOINTING ATTY				MERKLEY 002
3/09/16	CRIMINAL COMPLAINT				MERKLEY 001
3/10/16	BAIL REDUCTION FORM				MERKLEY 002
3/11/16	BOOKING INFORMTN RPT REVISED				MERKLEY 002
3/17/16	AMENDED COMPLAINT				MERKLEY 001
3/17/16	BAIL ADJUSTMENT				MERKLEY 002
3/18/16	BOOKING INFORMTN RPT				MERKLEY 002
3/24/16	STIP & ORD - CONT PRELIM				MERKLEY 000
3/30/16	SECOND AM COMPLAINT				MERKLEY 001
5/06/16	COMMITMENT				MERKLEY 002
5/06/16	ORD BINDING OVER -DC				MERKLEY 000
5/06/16	BOOKING INFORMTN RPT				MERKLEY 002
5/09/16	FILE OPEN - DC CRIM FILE OPENED - DC CRIMINAL				RODRIGUEZ002
5/09/16	RECORD OF CT PROC.				MERKLEY 000
5/11/16	CRIMINAL INFORMATION Certified copy issued				RODRIGUEZ001
5/11/16	ARRAIGNMENT (DC)			FOR: 6/13/16 9:00	DC2SEC 002
6/10/16	FILE CHECKED OUT BY:				DEMARS 000

PGM ID-DSPDOC
DATE 3/30/17

ELKO COUNTY COURT SYSTEM
CASE#: EC DC CR-FO-16-0000304

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DC 2 for review/signature

6/13/16 HRG - DC2-ARRAIGN	DEMARS	002
6/13/16 TRANSCRIPT-PRELIM HEARING HELD ON MAY 5, 2016 (FILE CHECKED OUT SENT PLEADING TO DC 2)	PECK	000
6/22/16 REQUEST - DISCLOSURE BY DEF OF EVIDENCE RELATING TO DEFENSE PLEADING PLACED IN DC2 PICK UP BOX @3:10	RODRIGUEZ	001
6/30/16 JURY TRIAL -- DAY 1 SET: 6/29/16 JURY TRIAL - DAY 1	FOR: 10/04/16 9:00 DC2SEC	002
6/30/16 JURY TRIAL AD'L DAYS JURY TRIAL ADDITIONAL DAYS	FOR: 10/05/16 9:00 DC2SEC	002
6/30/16 JURY TRIAL AD'L DAYS JURY TRIAL ADDITIONAL DAYS	FOR: 10/06/16 9:00 DC2SEC	002
6/30/16 JURY TRIAL AD'L DAYS JURY TRIAL ADDITIONAL DAYS	FOR: 10/07/16 9:00 DC2SEC	002
6/30/16 HEARING ON MOTION -HEARING ON PRETRIAL MOTIONS	FOR: 9/07/16 13:30 DC2SEC	002
6/30/16 EARLY CASE CONF.	FOR: 8/08/16 9:00 DC2SEC	002
7/14/16 PRETRIAL ORDER	RODRIGUEZ	000
7/14/16 FILE CHECKED IN BY:	RODRIGUEZ	000
8/03/16 OFFER OF PROOF CONCERNING IMPEACHMENT OF DEF W/ PRIOR FELONY CONVICTIONS	RODRIGUEZ	001
8/03/16 MOTION TO BIFURCATE	RODRIGUEZ	001
8/03/16 NOTICE OF INTENT TO USE EXPERT WITNESSES	RODRIGUEZ	001
8/04/16 FILE CHECKED OUT BY: DC 2 for review/signature	DEMARS	000
8/05/16 MOT TO SUPPRESS EVIDENCE (FILE CHECKED OUT SENT PLEADING TO DC 2)	PECK	001
8/08/16 HRG - DC2 CRHRG EARLY CASE CONFERENCE	DEMARS	002

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8/08/16 FILE CHECKED IN BY:	PECK	000
8/10/16 SUBMISSION OF ORDER ORDER SENT TO JUDGE FOR SIGNATURE - STIP & ORDER FOR EXTENSION OF TIME FOR STATE'S RESPONSE	MERKLEY	000
8/10/16 FILE CHECKED OUT BY: DC 2 for review/signature	MERKLEY	000
8/10/16 FILE CHECKED IN BY:	PECK	000
8/10/16 STIPULATION & ORDER FOR EXTENSION OF TIME FOR STATE'S RESPONSE	PECK	000
8/22/16 OPPOSITION TO MOTION TO SUPPRESS EVIDENCE	RODRIGUEZ	001
9/01/16 FILE CHECKED OUT BY: DC 2 for review/signature	DEMARS	000
9/02/16 REPLY TO OPPOSITION TO MOTION TO SUPPRESS EVIDENCE SENT PLEAD TO DC 2 FILE CKOUT	ANTONUCCI	002
9/07/16 HRG - DC2 CRHRG HRG ON PRETRIAL MOTIONS	DEMARS	002
9/14/16 TRANSCRIPT-PRE-TRIAL PRE-TRIAL MOTIONS HEARING HELD ON 9/07/16 TRANSCRIPT PLACED IN DC2 PICK UP BOX @11:18	RODRIGUEZ	000
9/16/16 FILE CHECKED IN BY:	PECK	000
9/16/16 ORD DENYING MOTION TO SUPPREESS	PECK	000
9/21/16 MOT FOR CONTINUANCE OF TRIAL	RODRIGUEZ	001
9/23/16 BRIEF RE: THE PROCEDURE OF BIFURCATED TRIALS	RODRIGUEZ	001
9/23/16 NOTICE OF WITNESSES	RODRIGUEZ	001
9/28/16 NOTICE OF WITHDRAWAL OF MOTION TO CONTINUE	RODRIGUEZ	001
9/28/16 AMENDED NOTICE OF WITNESSES	RODRIGUEZ	001
9/28/16 AMENDED NOTICE	RODRIGUEZ	001

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OF INTENT TO USE EXPERT WITNESSES

9/29/16 FILE CHECKED OUT BY:	RODRIGUEZ000
DC 2 for review/signature	
BY KEPA @9:00	
9/29/16 HEARING	FOR: 10/03/16 16:00 DC2SEC 002
-hearing to discss the filing of the amended notice o	
f intent to use expert witnesses	
9/29/16 ADDENDUM	RODRIGUEZ001
TO AMENDED NTC OF INTENT TO USE EXPERT WITNESSES	
PLEADING PLACED IN DC2 PICK UP BOX @12:00 9/30/16	
10/03/16 HRG - DC2 CRHRG	MERKLEY 002
10/04/16 HRG - DC2-JURY TRIAL	DEMARS 002
10/04/16 JURY TRIAL BEGAN	DEMARS 002
10/04/16 ADDENDUM	MERKLEY 001
SECOND ADDENDUM TO AMENDED NOTICE OF INTENT TO USE	
EXPERT WITNESS - PLACED IN DC2 BOX @ 10:14 AM	
10/04/16 JURY PANEL	DEMARS 000
FILED IN OPEN COURT AT 4:29 PM	
10/05/16 JURY QUESTIONS	DEMARS 002
ONE QUESTION SUBMITTED BY JUROR #6 AND ASKED	
FILED IN OPEN COURT AT 10:00 AM	
10/05/16 JURY QUESTIONS	DEMARS 002
ONE QUESTION SUBMITTED BY JUROR #8 AND ASKED	
FILED IN OPEN COURT AT 10:00 AM	
10/05/16 JURY QUESTIONS	DEMARS 002
ONE QUESTION SUBMITTED BY JUROR #12 AND ASKED	
FILED IN OPEN COURT AT 10:00 AM	
10/05/16 JURY QUESTIONS	DEMARS 002
ONE QUESTION SUBMITTED BY JUROR #10 AND NOT ASKED	
FILED IN OPEN COURT AT 10:00 AM	
10/05/16 JURY QUESTIONS	DEMARS 002
ONE QUESTION SUBMITTED BY JUROR #12 ADN ASKED	
FILED IN OPEN COURT AT 11:05 AM	
10/05/16 JURY QUESTIONS	DEMARS 002
ONE QUESTION SUBMITTED BY JUROR #6 AND ASKED	
FILED IN OPEN COURT AT 2:02 PM	
10/05/16 JURY QUESTIONS	DEMARS 002

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ONE QUESTION SUBMITTED BY JUROR #8 AND ASKED
FILED OPEN COURT AT 2:02 PM

10/05/16 JURY QUESTIONS	DEMARS	002
ONE QUESTION SUBMITTED BY JUROR #12 AND ASKED FILED IN OPEN COURT AT 2:02 PM		
10/05/16 JURY QUESTIONS	DEMARS	002
ONE QUESTION SUBMITTED BY JUROR #3 AND ASKED FILED IN OPEN COURT AT 4:15 PM		
10/06/16 JURY QUESTIONS	DEMARS	002
ONE QUESTION SUBMITTED BY JUROR #8 AND ASKED FILED IN OPEN COURT AT 11:22 AM		
10/06/16 JURY QUESTIONS	DEMARS	002
ONE QUESTION SUBMITTED BY JUROR #8 AND ASKED FILED IN OPEN COURT AT 11:22 AM		
10/06/16 JURY QUESTIONS	DEMARS	002
ONE QUESTION SUBMITTED BY JUROR #12 AND ASKED FILED IN OPEN COURT AT 11:22 AM		
10/06/16 JURY QUESTIONS	DEMARS	002
ONE QUESTION SUBMITTED BY JUROR #13 AND ASKED FILED IN OPEN COURT AT 11:22 AM		
10/07/16 JURY QUESTIONS	DEMARS	002
ONE QUESTION SUBMITTED BY JUROR #6 AFTER THE DEF LEFT THE STAND AND WAS NOT ASKED FILED IN OPEN COURT AT 10:24 AM		
10/07/16 JURY INSTRUCTIONS	DEMARS	002
JURY INSTRUCTIONS 1-49 FILED IN OPEN COURT AT 11:51 AM		
10/07/16 JURY NOTES	DEMARS	000
JURY QUESTION RCVD DURING DELIBERATION FILED IN OPEN COURT 1:11 PM		
10/07/16 JURY NOTES	DEMARS	000
INITIAL RESPONSE TO FIRST JURY QUESTION DURING DELIBERATION ON COUNT 1 THROUGH 27. FILED IN OPEN COURT AT 1:23 PM		
10/07/16 AMENDED CR INFO	DEMARS	001
FILED IN OPEN COURT AT 2:13 PM COPIES PROVIDED TO BOTH PARTIES DEFENSE COUNSEL WAIVED PREPARATION OF CERTIFIED COPY		
10/07/16 VOLUME CREATED	DEMARS	001
VOL 2		

PGM ID-DSPDOC
DATE 3/30/17

ELKO COUNTY COURT SYSTEM
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10/07/16 JURY NOTES	DEMARS	002
SECOND RESPONSE TO FIRST JURY QUESTION DURING DELIBERATION ON COUNT 1 THROUGH 27. FILED IN OPEN COURT AT 2:19 PM		
10/07/16 JURY VERDICT-GUILTY	DEMARS	002
GUILTY OF COUNT 1 FILED IN OPEN COURT AT 3:10 PM		
10/07/16 JURY VERDICT-GUILTY	DEMARS	002
GUILTY OF COUNT 3 FILED IN OPEN COURT AT 3:10 PM		
10/07/16 JURY VERDICT-GUILTY	DEMARS	002
GUILTY OF COUNT 5 FILED IN OPEN COURT AT 3:10 PM		
10/07/16 JURY VERDICT-GUILTY	DEMARS	002
GUILTY OF COUNT 7 FILED IN OPEN COURT AT 3:10 PM		
10/07/16 JURY VERDICT-GUILTY	DEMARS	002
GUILTY OF COUNT 9 FILED IN OPEN COURT AT 3:10 PM		
10/07/16 JURY VERDICT-GUILTY	DEMARS	002
GUILTY OF COUNT 11 FILED IN OPEN COURT AT 3:10 PM		
10/07/16 JURY VERDICT-GUILTY	DEMARS	002
GUILTY OF COUNT 13 FILED IN OPEN COURT AT 3:10 PM		
10/07/16 JURY VERDICT-GUILTY	DEMARS	002
GUILTY OF COUNT 15 FILED IN OPEN COURT AT 3:10 PM		
10/07/16 JURY VERDICT-GUILTY	DEMARS	002
GUILTY OF COUNT 17 FILED IN OPEN COURT AT 3:10 PM		
10/07/16 JURY VERDICT-GUILTY	DEMARS	002
GUILTY OF COUNT 19 FILED IN OPEN COURT AT 3:10 PM		
10/07/16 JURY VERDICT-GUILTY	DEMARS	002
GUILTY OF COUNT 21 FILED IN OPEN COURT AT 3:10 PM		
10/07/16 JURY VERDICT-GUILTY	DEMARS	002
GUILTY OF COUNT 23		

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DATE 3/30/17

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FILED IN OPEN COURT AT 3:10 PM

10/07/16 JURY VERDICT-NOT GLT NOT GUILTY OF COUNT 25 FILED IN OPEN COURT AT 3:10 PM	DEMARS	002
10/07/16 JURY VERDICT-GUILTY GUILTY OF COUNT 26 FILED IN OPEN COURT AT 3:10 PM	DEMARS	002
10/07/16 JURY VERDICT-GUILTY GUILTY OF COUNT 27 FILED IN OPEN COURT AT 3:10 PM	DEMARS	002
10/07/16 SECOND AM CR INFO	DEMARS	001
10/10/16 FILE CHECKED IN BY: VOL 1 & 2	DEMARS	000
10/25/16 MEMO OF PLEA AGREEMENT # OF PAGES 19	PECK	002
10/26/16 CHANGE OF PLEA CHANGE OF PLEA	FOR: 10/31/16 8:30 DC2SEC	002
10/26/16 FILE CHECKED OUT BY: DC 2 for review/signature	DEMARS	000
10/31/16 HRG - DC2-COP/ARRAIG	DEMARS	002
11/02/16 SENTENCING SENTENCING	FOR: 1/25/17 13:30 DC2SEC	002
11/02/16 FILE CHECKED IN BY: VOL 2	MERKLEY	000
11/03/16 TRANS CONF RPT - P&P	DEMARS	002
1/17/17 CONFIDENTIAL REPORT MENTAL HEALTH EVALUATION	PECK	002
1/20/17 FILE CHECK ACCURACY FILE CHECKED FOR ACCURACY	DEMARS	000
1/20/17 FILE CHECKED OUT BY: DC 2 for review/signature	DEMARS	000
1/23/17 SUBMISSION SUBMISSION OF LETTERS IN SPRT OF DEFENDANT PLEADING PLACED IN DC2 PICK UP BOX @10:39	RODRIGUEZ	002
1/25/17 HRG - DC2-SENTENCE	DEMARS	002

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1/26/17 SENTENCING FOR: 2/28/17 10:30 DC2SEC 002
SENTENCING

1/26/17 FILE CHECKED IN BY: PECK 000
VOL 1 & 2

1/31/17 FILE CHECK ACCURACY PECK 000
FILE CHECKED FOR ACCURACY

2/24/17 FILE CHECKED OUT BY: DEMARS 000
DC 2 for review/signature
VOL 1 & 2

2/28/17 HRG - DC2-SENTENCE DEMARS 002

3/01/17 FILE CHECKED IN BY: RODRIGUEZ000
VOL 1 AND 2

3/01/17 JUDG OF CONV - JURY JAKEMAN 002
CTS 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 26,
27, POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR
INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN
EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A FELONY
AS DEFINED BY NRS 202.261 (NOC 51429), PURSUANT TO
JURY VERDICT: 28-72 months NDOC for all counts, CTS
28, 29, 30 PURSUANT TO GUILTY PLEA: 24-60 months
NDOC for Cts 28-30, sentences for Cts 1-27
concurrent to one another, Cts 28-30 concurrent to
one another, Cts 28-30 consecutive to Cts 1-27,
maximum aggregate 132 months & minimum 52 months,
credit for 361 days served as of 2/28/17, \$25 admin
fee, \$3 genetic analysis fee (8 pgs) (cert copy
issued)

3/02/17 PAYMENT/AR UPDATE JAKEMAN 002
DISPOSITION: Current A/R Account Info

A/R SOURCE BALANCES		A/R ACCOUNT BALANCES	
Amount Due	\$28.00	Amount Due	\$28.00
Amount Paid	.00	Amount Paid	.00
Susp/Wrt Off	.00	Susp/Wrt Off	.00
SRC NOW DUE	.00	TOT NOW DUE	.00
Last Pmt Date	0/00/00	Last Pmt Date	0/00/00
Last Pmt Amt	.00	Last Pmt Amt	.00
Next Due Date	4/01/17	Past Due	.00
		Min Mon Pmt	\$28.00

3/02/17 TRANSFER TO A/R TRANSFER TO A/R JAKEMAN 002

3/02/17 TRANS CONF RPT - DPS JAKEMAN 002
JOC faxed to DPS

3/02/17 FILE CLOSED JAKEMAN 000

PGM ID-DSPDOC
DATE 3/30/17

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3/10/17 STIPULATION TO ALLOW APPELLANT TO PROCEED ON APPEAL IN FORMA PAUPERIS	PECK	002
3/10/17 SUBMISSION OF ORDER ORDER SENT TO JUDGE FOR SIGNATURE ORDER TO ALLOW APPELLANT TO PROCEED ON APPEAL IN FORMA PAUPERIS	PECK	000
3/10/17 FILE CHECKED OUT BY: DC 2 for review/signature	PECK	000
3/10/17 FILE CHECKED IN BY:	PLUNKETT	000
3/10/17 ORD IN FORMA PAUPERI	PLUNKETT	000
3/29/17 NOTICE OF APPEAL	RODRIGUEZ	002
3/29/17 REQUEST - RD TRNSCPT	RODRIGUEZ	002
3/29/17 CASE APPEAL STATEMNT	RODRIGUEZ	002

1 CASE NO. CR-FO-16-0304

2 DEPT. 2

FILED

2017 MAR 10 PM 4:06

ELKO CO DISTRICT COURT

CLERK _____ DEPUTY JS

3
4
5
6 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
7 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO

8
9 THOMAS WILLIAM MOONEY,

10 Appellant,

11 v.

12 THE STATE OF NEVADA,

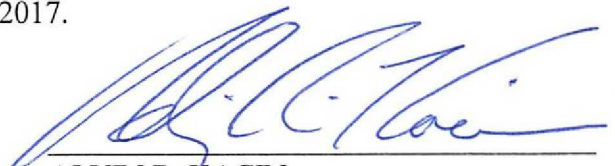
13 Respondent.

ORDER TO ALLOW APPELLANT TO
PROCEED ON APPEAL IN FORMA
PAUPERIS

14
15 It appearing to the Court that THOMAS WILLIAM MOONEY is timely filing a Notice of
16 Appeal and the parties have filed a Stipulation to Proceed on Appeal in Forma Pauperis and good
17 cause appearing therefore,
18

19 IT IS THEREFORE ORDERED that the Appellant be allowed to proceed in his appeal in
20 forma pauperis.

21
22 SO ORDERED this 10 day of March, 2017.

23
24 

25 ALVIN R. KACIN
26 DISTRICT COURT
27
28
29

1 CASE NO. CR-FO-16-0304

2 DEPT. 2

FILED

2017 MAR 10 AM 9:05

ELKO CO DISTRICT COURT

CLERK _____ DEPUTY pl

3
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5
6 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
7 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO

8
9 THOMAS WILLIAM MOONEY,

10 Appellant,

11 v.

12 THE STATE OF NEVADA,

13 Respondent.

STIPULATION TO ALLOW
APPELLANT TO PROCEED ON
APPEAL IN FORMA PAUPERIS

14
15 COMES NOW the Appellant, THOMAS WILLIAM MOONEY, by and through his
16 attorney, BRIAN D. GREEN, Deputy Public Defender, and the Plaintiff, by and through DAVID A.
17 BUCHLER, of the Elko County District Attorney's Office and hereby stipulate to allow Appellant
18 to proceed on appeal in forma pauperis.
19

20 DATED this 8th day of March, 2017.

DATED this 9 day of March, 2017.

21 KRISTON N. HILL
22 ELKO COUNTY PUBLIC DEFENDER
23 569 Court Street
24 Elko, NV 89801

TYLER J. INGRAM
ELKO COUNTY DISTRICT ATTORNEY
540 Court Street, Second Floor
Elko, NV 89801

25 By: Brian D. Green
26 BRIAN D. GREEN
27 Deputy Public Defender
28 State Bar No. 4621
29

By: David A. Buchler
DAVID A. BUCHLER
Deputy District Attorney
State Bar No. 11070

1 CASE NO. CR-EP-16-0304

2 DEPT. NO. 2

FILED

2017 MAR -1 PM 3:27

ELKO CO DISTRICT COURT

CLERK DEPUTY *Be*

3
4
5
6 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
7 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO /

8
9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

12 THOMAS WILLIAM MOONEY,
13 AKA: TOM MOONEY,

14 Defendant.

JUDGMENT OF CONVICTION

(Incarceration {Prison} / Jury Verdict and
Guilty Plea)

15
16 On October 7, 2016, the above-named Defendant, THOMAS WILLIAM MOONEY,
17 AKA TOM MOONEY (date of birth: 02/07/1990 {age: 27}, place of birth: Reno, Nevada) was
18 found guilty by a jury verdict of the crimes of: **COUNT 1: POSSESSION OF A COMPONENT**
19 **OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE**
20 **AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A FELONY AS DEFINED BY**
21 **NRS 202.261. (NOC 51429); COUNT 3: POSSESSION OF A COMPONENT OF AN**
22 **EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN**
23 **EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A FELONY AS DEFINED BY NRS**
24 **202.261. (NOC 51429); COUNT 5: POSSESSION OF A COMPONENT OF AN EXPLOSIVE**
25 **OR INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR**
26 **INCENDIARY DEVICE OR DEVICES, A FELONY AS DEFINED BY NRS 202.261. (NOC**
27 **51429); COUNT 7: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR**
28 **INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR**
INCENDIARY DEVICE OR DEVICES, A FELONY AS DEFINED BY NRS 202.261. (NOC
51429); COUNT 9: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR

1 INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR
2 INCENDIARY DEVICE OR DEVICES, A FELONY AS DEFINED BY NRS 202.261. (NOC
3 51429); COUNT 11: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR
4 INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR
5 INCENDIARY DEVICE OR DEVICES, A FELONY AS DEFINED BY NRS 202.261. (NOC
6 51429); COUNT 13: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR
7 INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR
8 INCENDIARY DEVICE OR DEVICES, A FELONY AS DEFINED BY NRS 202.261. (NOC
9 51429); COUNT 15: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR
10 INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR
11 INCENDIARY DEVICE OR DEVICES, A FELONY AS DEFINED BY NRS 202.261. (NOC
12 51429); COUNT 17: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR
13 INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR
14 INCENDIARY DEVICE OR DEVICES, A FELONY AS DEFINED BY NRS 202.261. (NOC
15 51429); COUNT 19: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR
16 INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR
17 INCENDIARY DEVICE OR DEVICES, A FELONY AS DEFINED BY NRS 202.261. (NOC
18 51429); COUNT 21: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR
19 INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR
20 INCENDIARY DEVICE OR DEVICES, A FELONY AS DEFINED BY NRS 202.261. (NOC
21 51429); COUNT 23: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR
22 INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR
23 INCENDIARY DEVICE OR DEVICES, A FELONY AS DEFINED BY NRS 202.261. (NOC
24 51429); and COUNT 27: POSSESSION OF A COMPONENT OF AN EXPLOSIVE OR
25 INCENDIARY DEVICE WITH THE INTENT TO MANUFACTURE AN EXPLOSIVE OR
26 INCENDIARY DEVICE OR DEVICES, A FELONY AS DEFINED BY NRS 202.261. (NOC
27 51429), which crimes occurred on or about the 5th day of March, 2016.
28

1 On October 31, 2016, Defendant entered pleas of guilty to the crimes of: **COUNT 28:**
2 **POSSESSION OF A FIREARM BY A PERSON PREVIOUSLY CONVICTED OF A FELONY**
3 **OFFENSE, A CATEGORY B FELONY AS DEFINED BY NRS 202.360.1. (NOC 51460);**
4 **COUNT 29: POSSESSION OF A FIREARM BY A PERSON PREVIOUSLY CONVICTED**
5 **OF A FELONY OFFENSE, A CATEGORY B FELONY AS DEFINED BY NRS 202.360.1.**
6 **(NOC 51460); and COUNT 30: POSSESSION OF A FIREARM BY A PERSON**
7 **PREVIOUSLY CONVICTED OF A FELONY OFFENSE, A CATEGORY B FELONY AS**
8 **DEFINED BY NRS 202.360.1. (NOC 51460),** which crimes occurred on or about the 5th day
9 of March, 2016.

10 At the time said Defendant entered his pleas of guilty, this Court informed him of the
11 privilege against compulsory self-incrimination, his right to a speedy trial, his right to a trial by
12 jury, and his right to confront his accusers, in addition to other rights set forth in his
13 memorandum of plea agreement. At said time Defendant was also advised of the maximum
14 penalty for the crimes to which he would plead guilty and the elements of those crimes. After
15 being so advised, the Defendant stated that he understood these rights and that he still
16 desired this Court to accept his pleas of guilty.

17 As a result of the foregoing, this Court on Tuesday, February 28, 2017, finds the
18 above-named Defendant guilty of the crimes of **COUNT 1: POSSESSION OF A**
19 **COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO**
20 **MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A FELONY**
21 **AS DEFINED BY NRS 202.261. (NOC 51429); COUNT 3: POSSESSION OF A**
22 **COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO**
23 **MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A FELONY**
24 **AS DEFINED BY NRS 202.261. (NOC 51429); COUNT 5: POSSESSION OF A**
25 **COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO**
26 **MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A FELONY**
27 **AS DEFINED BY NRS 202.261. (NOC 51429); COUNT 7: POSSESSION OF A**
28 **COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO**
MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A FELONY

1 AS DEFINED BY NRS 202.261. (NOC 51429); COUNT 9: POSSESSION OF A
2 COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO
3 MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A FELONY
4 AS DEFINED BY NRS 202.261. (NOC 51429); COUNT 11: POSSESSION OF A
5 COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO
6 MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A FELONY
7 AS DEFINED BY NRS 202.261. (NOC 51429); COUNT 13: POSSESSION OF A
8 COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO
9 MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A FELONY
10 AS DEFINED BY NRS 202.261. (NOC 51429); COUNT 15: POSSESSION OF A
11 COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO
12 MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A FELONY
13 AS DEFINED BY NRS 202.261. (NOC 51429); COUNT 17: POSSESSION OF A
14 COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO
15 MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A FELONY
16 AS DEFINED BY NRS 202.261. (NOC 51429); COUNT 19: POSSESSION OF A
17 COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO
18 MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A FELONY
19 AS DEFINED BY NRS 202.261. (NOC 51429); COUNT 21: POSSESSION OF A
20 COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO
21 MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A FELONY
22 AS DEFINED BY NRS 202.261. (NOC 51429); COUNT 23: POSSESSION OF A
23 COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO
24 MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A FELONY
25 AS DEFINED BY NRS 202.261. (NOC 51429); COUNT 26: POSSESSION OF A
26 COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO
27 MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A FELONY
28 AS DEFINED BY NRS 202.261. (NOC 51429); COUNT 27: POSSESSION OF A

1 COMPONENT OF AN EXPLOSIVE OR INCENDIARY DEVICE WITH THE INTENT TO
2 MANUFACTURE AN EXPLOSIVE OR INCENDIARY DEVICE OR DEVICES, A FELONY
3 AS DEFINED BY NRS 202.261. (NOC 51429); COUNT 28: POSSESSION OF A FIREARM
4 BY A PERSON PREVIOUSLY CONVICTED OF A FELONY OFFENSE, A CATEGORY B
5 FELONY AS DEFINED BY NRS 202.360.1. (NOC 51460); COUNT 29: POSSESSION OF A
6 FIREARM BY A PERSON PREVIOUSLY CONVICTED OF A FELONY OFFENSE, A
7 CATEGORY B FELONY AS DEFINED BY NRS 202.360.1. (NOC 51460); and COUNT 30:
8 POSSESSION OF A FIREARM BY A PERSON PREVIOUSLY CONVICTED OF A FELONY
9 OFFENSE, A CATEGORY B FELONY AS DEFINED BY NRS 202.360.1. (NOC 51460), for
10 which he was found guilty and hereby sentences said Defendant on this 28th day of
11 February, 2017, as follows:

12
13 **IT IS HEREBY ORDERED** that the Defendant shall pay a genetic
14 administrative assessment of \$3.00.

15 **For Count 1, the Defendant is hereby sentenced to serve a maximum**
16 **term of 72 months in the Nevada Department of Corrections with a**
minimum parole eligibility after 28 months served.

17 **For Count 3, the Defendant is hereby sentenced to serve a maximum**
18 **term of 72 months in the Nevada Department of Corrections with a**
19 **minimum parole eligibility after 28 months served.**

20 **For Count 5, the Defendant is hereby sentenced to serve a maximum**
21 **term of 72 months in the Nevada Department of Corrections with a**
minimum parole eligibility after 28 months served.

22 **For Count 7, the Defendant is hereby sentenced to serve a maximum**
23 **term of 72 months in the Nevada Department of Corrections with a**
24 **minimum parole eligibility after 28 months served.**

25 **For Count 9, the Defendant is hereby sentenced to serve a maximum**
26 **term of 72 months in the Nevada Department of Corrections with a**
minimum parole eligibility after 28 months served.

27 **For Count 11, the Defendant is hereby sentenced to serve a**
28 **maximum term of 72 months in the Nevada Department of**
Corrections with a minimum parole eligibility after 28 months served.

1 For Count 13, the Defendant is hereby sentenced to serve a
2 maximum term of 72 months in the Nevada Department of
3 Corrections with a minimum parole eligibility after 28 months served.

4 For Count 15, the Defendant is hereby sentenced to serve a
5 maximum term of 72 months in the Nevada Department of
6 Corrections with a minimum parole eligibility after 28 months served.

7 For Count 17, the Defendant is hereby sentenced to serve a
8 maximum term of 72 months in the Nevada Department of
9 Corrections with a minimum parole eligibility after 28 months served.

10 For Count 19, the Defendant is hereby sentenced to serve a
11 maximum term of 72 months in the Nevada Department of
12 Corrections with a minimum parole eligibility after 28 months served.

13 For Count 21, the Defendant is hereby sentenced to serve a
14 maximum term of 72 months in the Nevada Department of
15 Corrections with a minimum parole eligibility after 28 months served.

16 For Count 23, the Defendant is hereby sentenced to serve a
17 maximum term of 72 months in the Nevada Department of
18 Corrections with a minimum parole eligibility after 28 months served.

19 For Count 26, the Defendant is hereby sentenced to serve a
20 maximum term of 72 months in the Nevada Department of
21 Corrections with a minimum parole eligibility after 28 months served.

22 For Count 27, the Defendant is hereby sentenced to serve a
23 maximum term of 72 months in the Nevada Department of
24 Corrections with a minimum parole eligibility after 28 months served.

25 For Count 28, the Defendant is hereby sentenced to serve a
26 maximum term of 60 months in the Nevada Department of
27 Corrections with a minimum parole eligibility after 24 months served.

28 For Count 29, the Defendant is hereby sentenced to serve a
maximum term of 60 months in the Nevada Department of
Corrections with a minimum parole eligibility after 24 months served.

For Count 30, the Defendant is hereby sentenced to serve a
maximum term of 60 months in the Nevada Department of
Corrections with a minimum parole eligibility after 24 months served.

1 IT IS FURTHER ORDERED that the sentences for Counts 1-27 shall
2 run concurrently with one another.

3 IT IS FURTHER ORDERED that the sentences for Counts 28-30 shall
4 run concurrently with one another.

5 IT IS FURTHER ORDERED that the sentences for Counts 28-30 shall
6 run consecutively to the sentences for Counts 1-27.

7 IT IS HEREBY FURTHER ORDERED that the aggregate sentence
8 shall be a maximum 132 months in the Nevada Department of
9 Corrections with a minimum parole eligibility after 52 months served.

10 IT IS HEREBY FURTHER ORDERED that the Defendant shall receive
11 credit for 361 days heretofore served as of February 28, 2017.

12 IT IS FURTHER ORDERED that the Defendant shall forthwith pay to the Elko County
13 Clerk the administrative assessment of \$25.00.

14 At the time said Defendant entered his plea of not guilty on June 16, 2016, at the time
15 of jury trial, at the time of his pleas of guilty on October 31, 2016, and at the time he was
16 sentenced, he was represented by Brian Green, Esq.

17 THEREFORE, the Clerk of the above-entitled Court is hereby directed to enter this
18 Judgment of Conviction as part of the record in the above-entitled matter.

19 DATED this 1 day of March, 2017.

20 

21 ALVIN R. KACIN
22 District Court Judge
23
24
25
26
27
28

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of the Fourth Judicial District
3 Court, Department 2, and that on this 1st day of March, 2017, I served by hand delivery
4 by placing a copy of said document in the agency box located in the Elko County Clerk's
5 Office, a true copy of the foregoing document to:

6 Elko County District Attorney (2)

7 Brian Green, Esq.

8 State of Nevada, Division of Parole & Probation

9 Elko County Sheriff

10 Director, Nevada Department of Corrections
11 (copy to accompany Defendant at time of transport)

12 
13 _____
14 James A. Conner

15 **CERTIFICATE OF SERVICE**

16 Pursuant to NRCP 5(b), I certify that I am an employee of the Fourth Judicial District
17 Court, Department 2, and that on this 1st day of March, 2017, I served by regular U.S.
18 Mail, a true copy of the foregoing document to:

19 Nevada Department of Corrections
20 Offender Management Division,
21 Sentence Management
22 PO Box 7011
23 Carson City, NV 89702

24 
25 _____
26 James A. Conner
27
28