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Elizabeth A. Brown
Clerk of Supreme Court

IN THE SUPREME COURT OF THE STATE OF NEVADA

In the Matter of

THE HONORABLE JENNIFER HENRY, Case No. 80212
Hearing Master for The Eighth Judicial
District Court, Family Division, County of
Clark, State of Nevada,

Appellant.

_____ /

Appeal from the Nevada Commission on Judicial Discipline

RESPONDENT'S AMENDED APPENDIX

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Transcript of Juvenile Hearing on October 10, 2016, Respondent's Exhibit A at Disciplinary Hearing	RA001
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Time	Speaker	Content
11:00:07	Jennifer Henry	" AB , and this is on for entry of plea on Petitions 1 and 2. I'll take appearances please."
11:00:16	Karen James	"Karen James on behalf of the District Attorney's Office."
11:00:18	Michelle [?]	"Michelle [unintelligible]. [Unintelligible] and Probation."
11:00:20	Aaron Grigsby	"Aaron Grigsby, Bar # 9043 here on behalf of the Subject Minor who is at liberty and present. She also has her parents [unintelligible]."
11:00:26	JH	"Okay and so you are..." <ul style="list-style-type: none"> • AB - Mom • AB - Father • AB - Grandfather "Okay, thank you. Do we have a resolution?"
11:00:36	AG	"Yes, Your Honor. With the Court's permission that matter has been resolved, the Subject Minor is going to admit to Count #1 of Petition #1 with Petition #2 being dismissed. The restitution [unintelligible]. The State will retain the right to argue all facts and circumstances including dismissed counts. If there's restitution recovered, dismissed counts with no conversion community service."
11:00:54	JH	"Okay."
11:00:55	KJ	"That's correct, Your Honor."
11:00:56	JH	"And it's AB "
11:00:56	AB	"Yes." AB
11:00:57	JH	"Okay, so AB , I'm hearing that the attorneys have worked out something we call a deal. The deal is if you want to take it you're going to be admitting to Petition 1, Count 1, the Obstructing an Officer. That is a misdemeanor level offense. In exchange for telling me what it is that you did, I would dismiss the other Petition. Did you and your attorney discuss this deal?"
11:01:12	AB	"Yes."
11:01:13	JH	"And did you understand the deal?" - "Yes." (AB). "And did you and your attorney agree you should take the deal?" - "Yes." (AB). "And do you want to?" - "Yes." (AB).
11:01:20	JH	"Okay. So when you take this deal, you're going to be admitting. When you admit, you give up the right to go to what's called a 'contested hearing,' also known as a 'trial.' Trial happens when you tell me that you've done nothing wrong. Then the District Attorney would have to prove with evidence that you did in fact commit one or all of the offenses that are listed in these Petitions. The way that the District Attorney proves that is she brings witnesses in in her case and she questions them, and a witness is a person who has information about what happened. Anybody that is questioned by the District Attorney in her case, you and your attorney would get to question that person, too. We call that cross-examination of a witness. Then with the help of your attorney you could put on a defense, and a defense is when you call your own set of witnesses to testify for you, and you can also choose to speak in your own case, but the law says that you're not required to say anything. So this is the process that you agree to give up today when you take this deal and admit. Do you understand that?"
11:02:03	AB	"Yes."
11:02:04	JH	"Alright. Do you have any questions about the petition or what you're going to be admitting to?" - "No." (AB). "What about the trial process you're giving up today, any questions?" - "No." (AB). "Is anybody forcing you to admit?" - "No." (AB). "And you do understand that there will be some orders and consequences?" - "Yes." (AB). "And do you understand that no one can promise you what those orders and consequences are going to be because that's what a judge decides?" - "Yes." (AB).

		"Okay, so with regards to Obstructing an Officer, a misdemeanor, are you admitting or denying that?"
11:02:26	AB	"Admitting."
11:02:27	JH	"Okay and what did you do?"
11:02:28	AB	"I ran from the police officer."
11:02:31	JH	"Okay, why did a police officer approach you? Where were you? What were you doing?"
11:02:35	AB	"Umm, I was outside with some friends, and they were smoking, and the police came into the neighborhood and I ran."
11:02:46	JH	"Okay so you were just with a bunch of kids on the sidewalk or something, and they were smoking?"
11:02:50	AB	"Yeah."
11:02:52	JH	<i>Looking around to the DA and Grigsby</i> - "Was somebody in that group wanted? That seems sort of odd, Do we know why the group was approached?"
11:02:59	AG	"They were around a car."
11:03:02	KJ	"It was 3:40 in the morning, too, Your Honor."
11:03:03	JH	"That's a problem. Okay, alright. So I'm going to accept the admission to Petition 1, Count 1 the Obstructing an Officer, the misdemeanor. Count 2, or Petition Number 2 will be dismissed pursuant to negotiations. Is there a recommendation today?"
11:03:17	Michelle	"Yes. The recommendations are: continue on formal probation with GPS, level of supervision to be determined by Probation. 48 hours of community service. A letter of apology to the officer, CAP, random UAs, Reset Your Life, must attend school, curfew, and any other conditions deemed necessary."
11:03:55	JH	"You said continue on probation, you mean six months of probation?"
11:03:59	Michelle	"Yeah six months of probation. I believe she's already been compliant on GPS."
11:04:02	JH	"Okay but you want to continue the GPS?"
11:04:04	Michelle	"Just until..."
11:04:05	JH	"A level can be determined, okay."
11:04:06	Michelle	"Correct."
11:04:09	KJ	"Your Honor, you were here in court on the 19 th when the Father made some concerning statements regarding the subject minor, and that was why you placed her on home management with an upgrade to GPS when available, so I'm concerned about her access to social media based on what the Father had previously said, Your Honor. And with that, I'd submit it."
11:04:38	AG	"And Your Honor, I guess I... first I, I'd ask the Court that um... What she's admitting to really is a Obstructing/Running from an Officer, 48 hours of community service seems quite excessive for a first time... What's alleged in the petition, Petition 1 and Petition 2, what she's admitting to, 48 hours of community service seems to be excessive. I would ask this Court to lower it to 40. Apparently she's been on a GPS since the... since this came into the system, so what is that? The 19 th of last month. I'd ask the court to uhh... I mean, there hasn't... I'm not hearing that there's been any issue with the GPS or compliance. I'd ask the court to remove the GPS today. It seems like we're asking for lots of classes. Once again, this is an Obstructing, so I'd ask the Court to you know, either Impulse, or Reset Your Life, or even a Critical Thinking.. Impulse, uh critical thinking class, but once again for this offense one class seems to be appropriate and seems to be following the norm. And last, the random UAs and the request for social media don't seem to be related to... rationally related to the allegations in the petition, unless there's some more information that I don't have, which we know there could be because I was never given the SAS, but from what I see those two don't seem to be rationally related to what she was either charged with or is admitting to, so I'd ask the court not to impose those recommendations."
11:06:16	KJ	"Well, Your Honor, based on what the Subject Minor even admitted - she said they were smoking. What she failed to mention is that they were smoking marijuana. And that's one of the other reasons - the police smelled marijuana. They did recover marijuana, there were numerous juveniles. Umm, and he said that he was going to charge all of them because of the marijuana that was found and drug paraphernalia. Umm, those charges weren't filed because it was a constructive possession case with three, four, five, six, seven, eight, nine juveniles involved. However, I don't think that does away with the need for having her submit to UAs and go to a

		chemical awareness program while she's on probation in light of the facts of the instructing charge what she's admitted.
11:07:08	AG	"The facts she's admitting is she was there and that she ran. She even in the allocution, she didn't say she was smoking, she said her friends were smoking. Umm, and unless there's some more information that I'm not aware of, the request for the random UAs and of the no social media don't seem to be rationally related to what she's admitting to and what, at least I'm aware, what the situation is so, I'd ask the Court not to impose those requirements."
11:07:34	KJ	"Well, Your Honor, I would just say that the Father certainly can keep her from all social media, as part of being the Father, and I would just remind him that he has that option as a parent since he is present. And he was present and informed the Court and the State of his concerns about what his daughter might be on the verge of getting into."
11:07:55	JH	Begins to respond to KJ, but Grigsby starts talking at the same time. I believe she says "And I remember our conversation..."
11:07:56	AG	"Actually I would concede that as a parent you always have the right to establish what the child can and can't do, I just don't think it would be appropriate to be a condition of..."
11:08:03	JH	"Well, and Counsel I appreciate your advocacy for your client, but there was a conversation at the first court appearance that was somewhat troubling. But let me find out from the family, what do you guys want to add today? What are your concerns, and what do you think needs to happen?"
11:08:18	Father	"I'm fine with the State's presentation. I believe she should be banned from social media for a period of time. I'm starting to think she should remain on her GPS for a period of time. I think that's the one, one of the reasons that she's not been able to leave is because she's monitored and I think that that's a good thing. Counsel - just he's not really aware of all of the things that she's been under. I can certainly appreciate him standing up for her but I think as a family we [unintelligible]."
11:08:47	JH	"Okay. Mom did you want to say anything?"
11:08:50	Mother	"Just the social media is a big deal to us. Umm, she has stolen phones to get on social media and that's how the people come and pick her up and that's when she runs. So that's why we're depending on an order from you."
11:09:07	JH	"Okay. Umm, since she's been under this Court's eye, any additional issues? Or it's gotten better?"
11:09:15	Mother?	"Umm, she... well, I mean she hasn't ran. But her grades are bad, and her teachers have emailed us saying she's on her phone at school. But she doesn't have a phone, so we don't know where she got that. But just basically her grades at school... She's been at home with the GPS, but that's the only reason why she's there."
11:09:38	JH	"Okay. Grandpa, anything?"
11:09:40	Grandpa	"No. I'd rather not."
11:09:41	JH	Addressing AB: "Okay. What's going on with the phone at school?"
11:09:45	AG	"Just - the Court's indulgence for a second." He consults with AB. "Yeah, like I said, my client unfortunately... disagrees with her parents, the statements that her family is making in regards to the phone and the rest of the st... and she opposes, and like I said we ask you to make the changes that we, the recommendations as we requested."
11:10:21	JH	"Well, this won't be a violation of probation, and this Court has the ability to inquire it, so I can make appropriate recommendations and orders, so I'm just asking what was going on with you at school with the cell phone?"
11:10:32	AG	Starts before JH finishes her question: "Well, but she.. She just.. She disagrees that that's happened."
11:10:36	JH	"Okay."
11:10:36	AG	"She's disagreeing with that."
11:10:36	JH	"Well, I would like to hear it from her."
11:10:37	AG	"And, Your Honor, I would like to..."
11:10:39	JH	"Counsel, I would like to hear it from her please."
11:10:41	AG	"Yes, respectfully Your Honor, I don't want her admitting something that may get her into any other trouble, and so -"
11:10:47	JH	"Counsel, this is -"

11:10:47	AG	"I believe I have..."
11:10:48	JH	"This is a first appearance. She's not on probation, so it's an innocent question so this court can make appropriate decisions."
11:10:54	AG	"And I also believe as her attorney I can answer the question for you, especially since I have spoken with my client and directed -"
11:10:59	JH	"Counsel, I'm asking that your client answer the question. Enough."
11:11:03	AG	"And..."
11:11:03	JH	"Enough."
11:11:04	AG	"Your Honor..."
11:11:04	JH	"Enough."
11:11:05	AG	"I'm asking for a review in front of Judge Voy on this."
11:11:06	JH	"Enough."
11:11:08	AG	"I'm asking that this case be passed so that Judge Voy can review."
11:11:09	JH	"Let me make my recommendations first, Counsel."
11:11:11	AG	"Make your recommendations, but I'm at this point..."
11:11:13	JH	"Counsel, enough."
11:11:13	AG	"I'm instructing my client not to answer." Fine, I'm instructing my client not to answer at this point.
11:11:17	JH	"Okay. [REDACTED] what was going on with you and the phone? Did you have a phone at school?"
11:11:22	AG	To AB: "You don't have to answer the question if you don't want to."
11:11:24	JH	"Counsel, enough!"
11:11:25	AG	"I'm advising my client, and I have the right to do that."
11:11:27	JH	"We'll take a recess until you can follow the directives of the Court. We're in recess."
11:11:31	AG	"Recess all day, I have advise - I have a right to advise my client."

AB
Video "11h02m52s" - [REDACTED] Hearing

Time	Speaker	Content
11:12:16	JH	"Alright, we're back on the record. So Counsel, I've asked your client a question. You have made your position, I still asked her a question. I have had enough."
11:12:24	AG	"Your Honor, and I have..."
11:12:25	JH	"No response is necessary."
11:12:27	AG	"And Your Honor, I have to advocate for my client. I believe that... I've directed her not to answer the question. And she doesn't want to answer the question."
11:12:32	JH	"Okay, let me ask your client. [REDACTED], will you answer my question?" AB does not say anything.
11:12:40	AG	"Now, Your Honor, I'm advising my client..."
11:12:41	JH	"Mr. Grigsby."
11:12:42	AG	"I'm doing... I'm doing my... I'm, I'm doing my legal duty. This is why I'm here, is to advise my client, and that's what I'm doing. I understand that Court doesn't agree with it but that's what I'm doing, and like I said if we want to go over to Judge Voy and he orders me not to do this, great."
11:12:57	JH	"Okay, then I'm asking that Judge Voy review this video tape. I'm going to also have Mr. Christianson review this video tape for your presentation today. This is what the Court's going to do. The Court is going to put [REDACTED] on 9 months of probation. Umm, if she would've answered my question it would've been six months, but you're obstructing this Court's ability to follow through on its duties. I have taken an oath to make these recommendations. I have trying to make my findings; I am trying to make my recommendations, and I find that you are obstructing this court in doing so. So at this point, if you'd like to answer my question [REDACTED] I'm happy to put you on six months of probation. If I can't get any answers, then I'm going to have to assume that your family is right in what you are attempting to do, and that you're on the verge of getting yourself into some big ugly trouble in this community. So I'm asking you why did you have a cell phone at school... Mr. Grigsby. Mr. Grigsby."

11:13:50	AG	"I'm going to request a review. I'm going to request a review. You're basically telling my client you're going to give her more probation time if she doesn't..."
11:13:56	JH	"Because I as a... I as a judicial officer have the ability to do what I need to do to make my recommendations and when you're obstructing my ability to get any answers I can't make an informed decision. I get that you are trying to advocate for your client, but when you do this over and over again, you are obstructing this court process and flowing appropriately. You are also doing... making prejudice, prejudicial comments towards this Court and you're also delaying the administration of justice appropriately. This is not an isolated incident, and you know that."
11:14:30	AG	"Your Honor... I ask..."
11:14:32	JH	<p>"Alright, this Court is done, you can send this over to Judge Voy now. Please send this case over to Judge Voy now."</p> <p>To the family in the audience: "I apologize to you. I do really recommend based on the discussion that Dad and I have had that social media is an issue because she is a flight risk and she's also, also at risk for being what we call an SEY, a sexually exploited youth. I'm truly concerned for her welfare, and I know you are, and I'm trying to do the best I can. But when I cannot get the cooperation I need because in my opinion Counsel's interfering at this particular point ummm... I'm sorry. So I'm going to send this over to the Juvenile Judge to deal with this, the rest of the situation. So I'm sorry for any inconvenience you're having right now."</p> <p>To AG: "Alright, enough. You can go now."</p>

CERTIFICATE OF SERVICE BY ELECTRONIC FILING

I hereby certify that I am an employee of the LAW OFFICE OF THOMAS C. BRADLEY, and that on the 22nd day of July, 2020, I did serve by way of electronic filing, a true and correct copy of the above and foregoing **RESPONDENT'S AMENDED APPENDIX** on the following:

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