

IN THE SUPREME COURT OF THE STATE OF NEVADA

RALPH EDMOND GOAD,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

**Appeal from a Judgment of Conviction in Case CR19-0999
The Second Judicial District Court of the State of Nevada
Honorable David Hardy, District Judge**

JOINT APPENDIX VOLUME NINE

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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
7 IN AND FOR THE COUNTY OF WASHOE.

8 * * *

9 THE STATE OF NEVADA,

10 Plaintiff,

Case No. CR19-0999

11 v.

Dept. No. D15

12 RALPH EDMOND GOAD,

13 Defendant.

14 _____/
15 LADIES AND GENTLEMEN OF THE JURY:

16 It is my duty as judge to instruct you in the law that
17 applies to this case, and it is your duty as jurors to follow the law
18 as I shall state it to you, regardless of what you may think the law
19 is or ought to be. On the other hand, it is your exclusive province
20 to determine the facts in the case, and to consider and weigh the
21 evidence for that purpose. The authority thus vested in you is not
22 an arbitrary power, but must be exercised with sincere judgment,
23 sound discretion, and in accordance with the rules of law stated to
24 you.

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26 Instruction No. 1

1 If in these instructions, any rule, direction or idea is
2 stated in varying ways, no emphasis thereon is intended by me and
3 none must be inferred by you. For that reason, you are not to single
4 out any certain sentence, or any individual point or instruction, and
5 ignore the others, but you are to consider all the instructions as a
6 whole and to regard each in the light of all the others.

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26 Instruction No. 2

1 The defendant in this matter, RALPH EDMOND GOAD, is being
2 tried upon an Indictment which was filed on the 12th day of June,
3 2019, in the Second Judicial District Court, charging the said
4 defendant, RALPH EDMOND GOAD, with:

5 MURDER WITH THE USE OF A DEADLY WEAPON, a violation of NRS
6 200.010 and 200.030 and NRS 193.165, a category a felony, (50001) in
7 the manner following, to wit:

8 That the said defendant, RALPH EDMOND GOAD, on or about
9 January 22, 2019, within the County of Washoe, State of Nevada, did
10 willfully, unlawfully, and with malice aforethought, deliberation,
11 and premeditation, kill and murder Theodore Gibson, a human being, by
12 means of stabbing the said victim with a deadly weapon, which was a
13 knife, scissors, or other sharp force instrument, thereby inflicting
14 mortal injuries upon Theodore Gibson from which he died on or about
15 January 22, 2019; or,

16 That the said defendant, RALPH EDMOND GOAD, on or about
17 January 22, 2019, within the County of Washoe, State of Nevada, did
18 willfully and unlawfully kill Theodore Gibson in the perpetration or
19 attempted perpetration of a robbery and/or burglary in that the
20 killing occurred when the defendant did enter Theodore Gibson's room
21 or apartment at 33 Park Street #205, Reno, with the intent to commit
22 larceny, robbery, assault, or battery and thereafter did take or
23 attempt to take personal property from the person of Theodore Gibson
24 or from his presence against Theodore Gibson's will by means of force
25 of violence or fear of injury to the person, and in the course of the
26 crime did stab Theodore Gibson with a deadly weapon, which was a

1 knife, scissors, or other sharp force instrument, inflicting mortal
2 injuries upon Theodore Gibson from which he died on or about January
3 22, 2019.
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8 To the charge stated in the Indictment, the
9 defendant, RALPH EDMOND GOAD, pled "NOT GUILTY."
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26 Instruction No. 3

1 The elements of the crime of Murder are:

2 1. The defendant did willfully and unlawfully;

3 2. kill a human being;

4 3. with malice aforethought, either express or implied.

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26 Instruction No. 4

1 Malice aforethought, as used in the definition of murder,
2 means the intentional doing of a wrongful act without legal cause or
3 excuse, or what the law considers adequate provocation. The
4 condition of mind described as malice aforethought may arise, not
5 alone from anger, hatred, revenge or from particular ill will, spite
6 or grudge toward the person killed, but may also result from any
7 unjustifiable or unlawful motive or purpose to injure another, which
8 proceeds from a heart fatally bent on mischief, or with reckless
9 disregard of consequences and social duty.

10 Malice aforethought may be inferred from the intentional
11 use of a deadly weapon in a deadly and dangerous manner.

12 "Aforethought" does not imply deliberation or the lapse of
13 considerable time. It only means the required mental state must
14 precede rather than follow the act.

1 Express malice is that deliberate intention to unlawfully
2 take away the life of a fellow creature, which is manifested by
3 external circumstances capable of proof.

4 Malice may be implied when no considerable provocation
5 appears or when all the circumstances of the killing show an
6 abandoned and malignant heart.

1 Murder is divided into two degrees.

2 Murder of the first degree is murder which is (1) willful,
3 deliberate and premeditated, or (2) committed in the perpetration or
4 attempted perpetration of the felony crimes of Robbery and/or
5 Burglary.

6 Murder of the second degree is all other kinds of murder.
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26 Instruction No. 7

1 Murder of the first degree is murder which is perpetrated
2 by means of any kind of willful, deliberate, and premeditated
3 killing. All three elements--willfulness, deliberation, and
4 premeditation--must be proven beyond a reasonable doubt before an
5 accused can be convicted of first-degree murder.

6 Willfulness is the intent to kill. There need be no
7 appreciable space of time between formation of the intent to kill and
8 the act of killing.

9 Deliberation is the process of determining upon a course of
10 action to kill as a result of thought, including weighing the reasons
11 for and against the action and considering the consequences of the
12 action.

13 A deliberate determination may be arrived at in a short
14 period of time. But in all cases the determination must not be
15 formed in passion, or if formed in passion, it must be carried out
16 after there has been time for the passion to subside and deliberation
17 to occur. A mere unconsidered and rash impulse is not deliberate,
18 even though it includes the intent to kill.

19 Premeditation is a design, a determination to kill,
20 distinctly formed in the mind by the time of the killing.

21 Premeditation need not be for a day, an hour, or even a
22 minute. It may be as instantaneous as successive thoughts of the
23 mind. For if the jury believes from the evidence that the act
24 constituting the killing has been preceded by and has been the

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1 result of premeditation, no matter how rapidly the act follows the
2 premeditation, it is premeditated.

3 The law does not undertake to measure in units of time the
4 length of the period during which the thought must be pondered before
5 it can ripen into an intent to kill which is truly deliberate and
6 premeditated. The time will vary with different individuals and
7 under varying circumstances.

8 The true test is not the duration of time, but rather the
9 extent of the reflection. A cold, calculated judgment and decision
10 may be arrived at in a short period of time, but a mere unconsidered
11 and rash impulse, even though it includes an intent to kill, is not
12 deliberation and premeditation as will fix an unlawful killing as
13 murder of the first degree.

1 The Indictment alleges two alternative theories of MURDER
2 OF THE FIRST DEGREE, as allowed by law. The second paragraph of the
3 Indictment alleges the defendant committed the murder during the
4 perpetration or attempted perpetration of the felony crimes of
5 Robbery and/or Burglary, pursuant to the felony murder rule.

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25 Instruction No. 9
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1 Whenever death occurs during the perpetration or attempted
2 perpetration of certain felonies, the killing constitutes MURDER OF
3 THE FIRST DEGREE. The offenses of Robbery and Burglary are such
4 felonies, and therefore a killing which is committed in the
5 perpetration or attempted perpetration of a Robbery and/or Burglary
6 is First Degree Murder. This is the felony murder rule.

7 In regard to the felony murder alternative, the State is
8 not required to prove that the killing was committed with malice,
9 premeditation, or deliberation. An unlawful killing of a human being,
10 whether intentional, unintentional, or accidental, which is committed
11 in the perpetration or attempted perpetration of Robbery and/or
12 Burglary is first degree murder.

13 Therefore, the elements of FELONY MURDER OF THE FIRST
14 DEGREE, as alleged in this case are:

- 15 1) The defendant did willfully and unlawfully;
16 2) perpetrate or attempt to perpetrate the crime of
17 Robbery and/or Burglary; and
18 3) the killing of Theodore Gibson occurred during the
19 perpetration or attempted perpetration of the Robbery and/or
20 Burglary.

1 The crime of ROBBERY consists of the following elements:

2 (1) The defendant willfully and unlawfully;

3 (2) Take personal property from the person of another, or
4 in his presence;

5 (3) By means of force or violence or fear of immediate or
6 future injury to:

7 (a) his person or property; or

8 (b) the person or property of a member of his family; or

9 (c) the person or property of anyone in his company at
10 the time of the robbery.

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12 A taking is by means of force or fear of force if fear is
13 used to:

14 (a) obtain or retain possession of the property;

15 (b) prevent or overcome resistance to the taking; or

16 (c) facilitate escape.
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1 The crime of BURGLARY consists of the following elements:

- 2 1. The defendant enters any room, apartment or other
3 building;
4 2. With the intent to commit larceny, robbery, assault or
5 battery on any person or any felony.

6
7 Entry by breaking or other force is not an element of the
8 offense of burglary. Burglary occurs and is complete when any room,
9 apartment, or other building is entered with the intent to commit
10 larceny, robbery, assault or battery on any person or any felony,
11 even if entry is made with the consent of the owner, even if the
12 larceny, robbery, assault or battery, or any felony is not committed
13 thereafter.

14 "Entry" of a room, apartment or other building includes the
15 entrance of the intruder, or the insertion of any part of his body
16 penetrating the space within the outer boundary of the room or
17 apartment.

1 "Assault" means:

- 2 1. Intentionally placing another person in reasonable
3 apprehension of immediate bodily harm; or
4 2. Unlawfully attempting to use physical force against another
5 person.

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7 "Battery" consists of any willful and unlawful use of force or
8 violence upon the person of another.

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10 "Larceny" consists of intentionally stealing, taking and
11 carrying away the personal goods or property owned by another person.

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26 Instruction No. 13

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2 To constitute the crime of Murder there must be in addition to
3 the death an unlawful act which was a proximate cause of the death.
4 The proximate cause of a death is a cause which, in natural and
5 continuous sequence, produces the death, and without which the death
6 would not have occurred.

7 There may be more than one proximate cause of a death.
8 When the conduct of two or more persons is a substantial factor in
9 bringing about the death of the victim, each person is a proximate
10 cause of the death. A criminal defendant will not be relieved of
11 criminal liability for Murder when his action was a substantial
12 factor in bringing about the death of the victim, even if the actions
13 of another person also contribute to bringing about the death.
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1 The Indictment in this case charges Open Murder, which
2 includes the offense of Murder in the First Degree and also
3 necessarily includes the lesser included offenses of Murder in the
4 Second Degree. The defendant may only be convicted of one of these
5 offenses.

6 You should first examine the evidence as it applies to
7 Murder in the First Degree. If you unanimously agree that the
8 defendant is guilty of Murder in the First Degree, you should sign
9 the appropriate Verdict form and request the bailiff to return you to
10 court.

11 If you cannot agree that the defendant is guilty of Murder
12 in the First Degree, you should then examine the evidence as it
13 applies to Murder in the Second Degree. If you unanimously agree
14 that the defendant is guilty of Murder in the Second Degree, you
15 should sign the appropriate Verdict form and ask the bailiff to
16 return you to court.

17 The defendant, of course, can be found Not Guilty of the
18 offense enumerated.

1 The State has alleged alternative theories of murder, as
2 allowed by law. Specifically the State has alleged that the
3 defendant committed murder:

4 1. As a willful, deliberate and premeditated act; or

5 2. During the perpetration or attempted perpetration of a
6 Robbery and/or Burglary.

7 You must unanimously agree that the defendant is guilty of
8 murder based upon one or more of the above two alternative theories.
9 However, it is not necessary that you unanimously agree upon the
10 specific theory by which the murder was committed.

11 In other words, if six of you agree that the defendant
12 committed the murder by as a willful, deliberate and premeditated
13 act, and six of you agree that the defendant committed the murder
14 during the perpetration or attempted perpetration of a robbery, then
15 you may properly find the defendant guilty of murder.

16 The elements of each of these two different alternative
17 theories of murder are set forth elsewhere in these instructions.
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1 The State has alleged alternative theories of felony
2 murder, as allowed by law. Specifically, the State has alleged that
3 the killing of Theodore Gibson occurred in the perpetration or
4 attempted perpetration of either a burglary or a robbery.

5 You must unanimously agree that the defendant is guilty of
6 felony murder based upon one or both of the above two alternative
7 theories. However, it is not necessary that you unanimously agree
8 upon the specific felony by which the murder was committed.

9 In other words, if six of you agree that Theodore Gibson's
10 killing occurred in the perpetration or attempted perpetration of a
11 burglary, and six of you agree that Theodore Gibson's killing
12 occurred in the perpetration or attempted perpetration of a robbery,
13 then you may properly make a finding of guilt based upon first degree
14 murder.

15 The elements of each of these two alternative felonies and the
16 elements of first degree felony murder are set forth elsewhere in
17 these instructions.

1 If you find the defendant committed the offense of First
2 Degree Murder or Second Degree Murder then you must further determine
3 whether a deadly weapon was used during the commission of the
4 offense. You should indicate your finding by checking the
5 appropriate box on the verdict form.
6

7 The burden is on the State to prove beyond a reasonable
8 doubt that a deadly weapon was used during the commission of the
9 offense. However, the State is not required to prove that the
10 specific deadly weapon at issue was recovered, nor is the State
11 required to produce the subject deadly weapon at trial.

12 A deadly weapon is defined as follows:

13 1) Any weapon, device, instrument, material or substance
14 which, under the circumstances in which it is used,
15 attempted to be used or threatened to be used, is readily
16 capable of causing substantial bodily harm or death.

17 [2) Any instrument which, if used in the ordinary manner
18 contemplated by its design and construction, will or is
19 likely to cause substantial bodily harm or death.
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2 As it relates to the deadly weapon instruction,
3 "substantial bodily harm" means:

- 4 (1) Bodily injury which creates a substantial risk of
5 death or which causes serious, permanent disfigurement
6 or protracted loss or impairment of the function of
7 any bodily member or organ; or
8 (2) Prolonged physical pain.
9

10 "Prolonged physical pain" means physical suffering or
11 injury that lasts longer than the pain immediately resulting from the
12 wrongful act. In a battery, for example, the wrongdoer would not be
13 liable for "prolonged physical pain" for the touching itself.
14 However, the wrongdoer would be liable for any lasting physical pain
15 resulting from the touching.
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1 It is the duty of attorneys on each side of a case to object
2 when the other side offers testimony or other evidence which counsel
3 believes is not admissible.

4 When the court has sustained an objection to a question, the
5 jury is to disregard the question and may draw no inference from the
6 wording of it or speculate as to what the witness would have said if
7 permitted to answer.

1 There are two types of evidence from which a jury may
2 properly arrive at a verdict. One is direct evidence, such as the
3 testimony of an eyewitness. The other is circumstantial evidence,
4 the proof of a chain of circumstances pointing to the existence or
5 nonexistence of a fact in issue.

6 The law makes no distinction between direct and
7 circumstantial evidence, but requires that before convicting a
8 defendant, the jury be satisfied of the defendant's guilt beyond a
9 reasonable doubt from all the evidence in the case.

1 Nothing that counsel say during the trial is evidence in the
2 case.

3 The evidence in a case consists of the testimony of the
4 witnesses and all physical or documentary evidence which has been
5 admitted.
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26 Instruction No. 22

1 In every crime there must exist a union or joint operation
2 of act and intent.

3 The burden is always upon the prosecution to prove both act
4 and intent beyond a reasonable doubt.

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26 Instruction No. 23

1 Intent may be proved by circumstantial evidence. It rarely
2 can be established by any other means. While witnesses may see and
3 hear and thus be able to give direct evidence of what a defendant
4 does or fails to do, there can be no eyewitness account of a state of
5 mind with which the acts were done or omitted, but what a defendant
6 does or fails to do may indicate intent or lack of intent to commit
7 the offense charged.

1 Every person charged with the commission of a crime shall be
2 presumed innocent unless the contrary is proved by competent evidence
3 beyond a reasonable doubt.
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Instruction No. 25

1 The burden rests upon the prosecution to establish every
2 element of the crime with which the defendant is charged, and every
3 element of the crime must be established beyond a reasonable doubt.
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26 Instruction No. 26

1 A reasonable doubt is one based on reason. It is not mere
2 possible doubt, but is such a doubt as would govern or control a
3 person in the more weighty affairs of life. If the minds of the
4 jurors, after the entire comparison and consideration of all the
5 evidence, are in such a condition that they can say they feel an
6 abiding conviction of the truth of the charge, there is not a
7 reasonable doubt. Doubt to be reasonable, must be actual, not mere
8 possibility or speculation.

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2 A defendant has an absolute constitutional right not
3 to testify. Thus, the decision as to whether he should
4 testify is left to the defendant on the advice and counsel
5 of his attorney. Do not consider, for any reason at
6 all, the fact that the defendant did not testify. Do not
7 discuss that fact during your deliberations or let it
8 influence your decision in any way.
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26 Instruction No. 28

1 Neither the prosecution nor the defense is required to call
2 as witnesses all persons who may appear to have some knowledge of the
3 matters in question in this trial.
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26 Instruction No. 29

1 To the jury alone belongs the duty of weighing the evidence
2 and determining the credibility of the witnesses. The degree of
3 credit due a witness should be determined by his or her character,
4 conduct, manner upon the stand, fears, bias, impartiality,
5 reasonableness or unreasonableness of the statements he or she makes,
6 and the strength or weakness of his or her recollections, viewed in
7 the light of all the other facts in evidence.

8 If the jury believes that any witness has willfully sworn
9 falsely, they may disregard the whole of the evidence of any such
10 witness.

1 A person is qualified to testify as an expert witness
2 if he or she has special knowledge, skill, training, or
3 education sufficient to qualify him or her as an expert on
4 the subject to which he or she is versed and which is
5 material to the case.

6
7 Duly qualified experts may give their opinions on
8 questions in controversy at a trial. To assist you in
9 deciding such questions, you may consider the opinion with
10 the reasons given for it, if any, by the expert who gives
11 the opinion. You may also consider the qualifications and
12 credibility of the expert witness.

13 You are not, however, bound by the opinion of an
14 expert witness. You should give expert opinion the weight
15 to which you deem it entitled. You may accept or reject
16 the expert opinion if, in your judgment, the expert
17 opinion is unsound or unreasonable.

1 Although you are to consider only the evidence in the case
2 in reaching a verdict, you must bring to the consideration of the
3 evidence your everyday common sense and judgment as reasonable men
4 and women. Thus, you are not limited solely to what you see and hear
5 as the witnesses testify. You may draw reasonable inferences which
6 you feel are justified by the evidence, keeping in mind that such
7 inferences should not be based on speculation or guess.

8 A verdict may never be influenced by sympathy, passion,
9 prejudice, or public opinion. Your decision should be the product of
10 sincere judgment and sound discretion in accordance with these rules
11 of law.

1 The penalty provided by law for the offense charged is not
2 to be considered by the jury in arriving at a verdict.
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26 Instruction No. 33

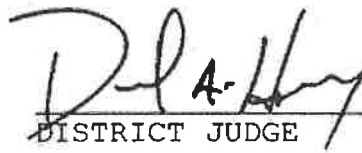
1 If, during this trial, I have said or done anything which
2 has suggested to you that I am inclined to favor the position of
3 either party, you will not be influenced by any such suggestion.

4 I have not expressed, nor intended to express any opinion as
5 to which witnesses are or are not worthy of belief, what facts are or
6 are not established, or what inference should be drawn from the
7 evidence. If any expression of mine has seemed to indicate an
8 opinion relating to any of these matters, I instruct you to disregard
9 it.

1 It is your duty as jurors to consult with one another and to
2 deliberate, with a view of reaching an agreement, if you can do so
3 without violence to your individual judgment. You each must decide
4 the case for yourself, but should do so only after a consideration of
5 the case with your fellow jurors, and you should not hesitate to
6 change an opinion when convinced that it is erroneous. However, you
7 should not be influenced to vote in any way on any question submitted
8 to you by the single fact that a majority of the jurors, or any of
9 them, favor such a decision. In other words, you should not
10 surrender your honest convictions concerning the effect or weight of
11 evidence for the mere purpose of returning a verdict or solely
12 because of the opinion of the other jurors.

1 Upon retiring to the jury room you will select one of your
2 number to act as foreperson, who will preside over your deliberations
3 and who will sign a verdict to which you agree.

4 When all twelve (12) of you have agreed upon a verdict, the
5 foreperson should sign and date the same and request the Bailiff to
6 return you to court.

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9 DISTRICT JUDGE

10 Given 8-9-2019
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1 **CODE 3755**

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6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF WASHOE**
8

9 **STATE OF NEVADA,**

10 **Plaintiff,**

Case No. CR19-0999

11 **vs.**

Dept. No. 15

12 **RALPH EDMOND GOAD,**

13 **Defendant.**
14 _____/

15 **DEFENDANT'S OFFERED AND REJECTED JURY INSTRUCTIONS**

16 **SEE ATTACHED**

17 **///**

18 **///**

19 **///**

20 **///**

21 **///**

22 **///**

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24 **///**

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1 You alone must judge the credibility or believability of the
2 witnesses. In deciding whether testimony is true and accurate,
3 use your common sense and experience. You must judge the
4 testimony of each witness by the same standards, setting aside
5 any bias or prejudice you may have.

6 You may believe all, part, or none of any witness's
7 testimony. In evaluating a witness's testimony, you may
8 consider anything that reasonably tends to prove or disprove
9 the truth or accuracy of that testimony. Some factors that you
10 may consider are:

- 12 • How well could the witness see, hear, or otherwise perceive
13 the things about which the witness testified?
- 14 • How well was the witness able to remember and describe what
15 happened?
- 16 • What was the witness's behavior while testifying?
- 17 • Did the witness understand the questions and answer them
18 directly?
- 19 • Was the witness's testimony influenced by a factor such as
20 bias or prejudice, a personal relationship with someone
21 involved in the case, or a personal interest in how the
22 case is decided?
- 23 • What was the witness's attitude about the case or about
24 testifying?

Offered & Rejected ~~DATA~~

- 1 • Did the witness make a statement in the past that is
- 2 consistent or inconsistent with his or her testimony?
- 3 • How reasonable is the testimony when you consider all the
- 4 other evidence in the case?
- 5
- 6 • Did other evidence prove or disprove any fact about which
- 7 the witness testified?
- 8 • Did the witness admit to being untruthful?
- 9 • What is the witness's character for truthfulness?
- 10 • Has the witness been convicted of a felony?
- 11 • Has the witness engaged in other conduct that reflects on
- 12 his or her believability?
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26 Instruction No. _____

1 The testimony of a law enforcement official or a police
2 officer should be considered by you just as any other evidence
3 in the case, and in evaluating his or her credibility you
4 should use the same guidelines which apply to the testimony of
5 any witness. In no event should you give either greater or
6 lesser credence to the testimony of any witness merely because
7 he or she is, or was, a law enforcement official or police
8 officer.
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Offered & Rejected ~~DAH~~

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26 Instruction No. _____

ORIGINAL

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF WASHOE.

* * *

THE STATE OF NEVADA,

Plaintiff,

Case No. CR19-0999

v.

Dept. No. D15

RALPH EDMOND GOAD,

Defendant.

VERDICT

We, the jury in the above entitled case, find the Defendant
RALPH EDMOND GOAD, as follows:

MURDER WITH THE USE OF A DEADLY WEAPON

(Please select only one box)

- ☐ Not Guilty of MURDER WITH THE USE OF A DEADLY WEAPON
☒ Guilty of FIRST DEGREE MURDER
☐ Guilty of SECOND DEGREE MURDER

(If you find **RALPH EDMOND GOAD** not guilty please sign and date the
verdict form. If you find **RALPH EDMOND GOAD** guilty of FIRST DEGREE
MURDER or SECOND DEGREE MURDER please proceed to and answer Question
1.)

Question 1: If you find **RALPH EDMOND GOAD** guilty of FIRST DEGREE MURDER or SECOND DEGREE MURDER, do you find that **RALPH EDMOND GOAD** used a deadly weapon?

(Please select only one box)

☒ Yes☐ No

DATED this 9th day of August, 2019.



FOREPERSON

1 CODE 3980

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6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
7 IN AND FOR THE COUNTY OF WASHOE.

8 * * *

9 THE STATE OF NEVADA,

10 Plaintiff,

Case No. CR19-0999

11 v.

Dept. No. 15

12 RALPH GOAD,

13 Defendant.

14 _____/
15 STIPULATION AND WAIVER OF JURY PENALTY HEARING
16 PURSUANT TO NRS 175.552(2)


17 COMES NOW, the Defendant, RALPH GOAD, both personally and
18 through defense counsel JAMES SLOCUM, ESQ., and the State of Nevada,
19 by and through Deputy District Attorney AMOS STEGE, and hereby
20 stipulate and agree as follows:

21 That pursuant to NRS 175.552(2), the State and the
22 Defendant, RALPH GOAD, agree that the jury penalty hearing shall be
23 waived. The parties agree that sentencing in this matter shall be
24 conducted by the Court.

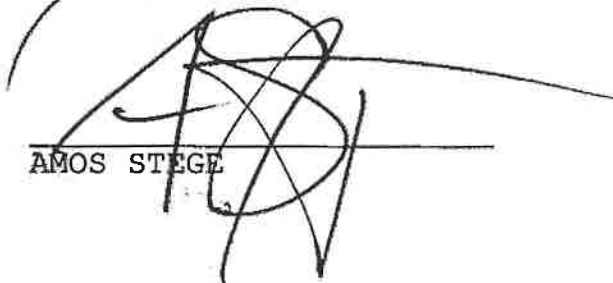
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1 Defendant RALPH GOAD believes that this Stipulation and
2 waiver of jury sentencing in this case is in his best interest.

3 
4 _____
5 RALPH GOAD

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7 _____
8 JAMES SLOCUM, ESQ.

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10 _____
11 AMOS STEGE

1 CODE 3370

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5 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
6 IN AND FOR THE COUNTY OF WASHOE.

7 * * *

8 THE STATE OF NEVADA,

9 Plaintiff,

Case No. CR19-0999

10 v.

Dept. No. 15

11 RALPH GOAD,

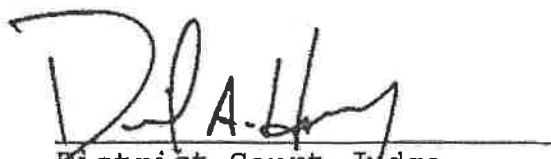
12 Defendant.
13 _____/

14
15 ORDER

16
17 The above stipulation is hereby ratified and approved.

18 Pursuant to the parties' stipulation, the Jury Penalty
19 Hearing is hereby waived. NRS 175.552(2). Sentencing shall be
20 conducted by the Court.

21 IT IS FURTHER ORDERED the Division of Parole and Probation
22 shall conduct a pre-sentence investigation, and submit a pre-sentence
23 investigation report to the Court, with copies to the State and
24 defense counsel.

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26 
District Court Judge

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SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE
THE HONORABLE DAVID A. HARDY, DISTRICT JUDGE

---o0o---

STATE OF NEVADA,)	Case No. CR19-0999
)	
)	Dept. No. 15
Plaintiff,)	
vs.)	
)	TRANSCRIPT OF PROCEEDINGS
RALPH EDMOND GOAD,)	
)	
Defendant.)	

SENTENCING
OCTOBER 2, 2019, RENO, NEVADA

APPEARANCES:

For the Plaintiff:	AMOS R. STEGE, ESQ. Deputy District Attorney One S. Sierra Street, 4th Floor Reno, Nevada 89520
For the Defendant:	JENNIFER ARIAS MAYHEW, ESQ. Deputy Public Defender 350 South Center St., 6th Floor Reno, Nevada 89520
The Defendant:	RALPH EDMOND GOAD
Reported by:	JULIE ANN KERNAN, CCR #427, CP, RPR Computer-Aided Transcription

1 RENO, NEVADA; WEDNESDAY, OCTOBER 2, 2019; 1:35 P.M.

2 ---o0o---

3

4 THE COURT: This is CR19-0999, the State
5 versus Ralph Edmond Goad. Your appearances, please.

6 MR. STEGE: Amos Stege for the State.

7 MS. MAYHEW: Good afternoon, your Honor.
8 Jennifer Mayhew on behalf of Mr. Goad who is present and
9 in custody.

10 THE COURT: Hello, Mr. Goad. You're fine.
11 Thank you.

12 MS. BANES: Julie Banes on behalf of the
13 Division.

14 THE COURT: Thank you. Counsel, I'm familiar
15 with this proceeding, of course. Mr. Goad was found
16 guilty of murder by jury verdict. I've read the file
17 materials, Presentence Investigation report.

18 I want to begin with just the State's
19 position. Without argument, tell me what you'll be
20 requesting so I can frame it as I listen to the defense.

21 MR. STEGE: Life without parole, consecutive
22 eight to 20.

23 THE COURT: Thank you. Mr. Goad, your
24 attorney will speak for you in a moment. In fact,

1 she'll make arguments on your behalf.

2 You have the right to address the Court. I
3 have read in the Presentence Investigation the comments
4 you made to the Division of Parole and Probation. But
5 you have the right to say anything else you wish, and
6 this is the time to do so. Would you like to say
7 anything?

8 THE DEFENDANT: Oh, no, thanks.

9 THE COURT: Nothing. Okay. Thank you. Ms.
10 Mayhew. Would you like your attorney to speak for you?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: And nothing that you want to say?

13 THE DEFENDANT: No.

14 THE COURT: All right. Thank you. Be seated,
15 please. Counsel?

16 MS. MAYHEW: Thank you, your Honor. We are in
17 receipt of the Presentence Investigation report that was
18 filed in this case on September 18th, 2019.

19 We do have some factual corrections that we'd
20 want to bring to your Honor's attention, particularly on
21 page 3, under military service, I did speak to Mr. Goad
22 at length with regards to this Presentence Investigation
23 report, and we just want to make it clear for your Honor
24 that with regards to his participation, or attempting to

1 participate in the Air Force in 1965 he was denied entry
2 due to health issues, not necessarily mental health
3 issues.

4 THE COURT: And is this reported from your
5 client or independently corroborated?

6 MS. MAYHEW: Your Honor, it's reported from my
7 client.

8 THE COURT: Okay. Thank you.

9 MS. MAYHEW: And your Honor, with regards to
10 page 5 of the offense synopsis, first paragraph, second
11 sentence, I do think that obviously that particular
12 sentence was discussed at the trial. I don't
13 necessarily think it's necessary for the offense
14 synopsis and I'd ask for it to be stricken.

15 THE COURT: Second paragraph, first sentence.

16 MS. MAYHEW: I apologize. First paragraph,
17 sentence on page 5.

18 THE COURT: Beginning "The defendant then
19 exited the victim's room"?

20 MS. MAYHEW: Correct, your Honor.

21 THE COURT: All right.

22 MS. MAYHEW: And with regards to page 6 first
23 paragraph, last sentence in that first paragraph, with
24 regards where it starts "He gets angry," that's not

1 something that I wouldn't -- when speaking with Mr. Goad
2 that wasn't necessarily something that he said, and I
3 don't recall seeing it in the record in this case. I
4 don't think it's necessary for the offense synopsis and
5 I'd ask for that to be stricken as well.

6 THE COURT: Thank you.

7 MS. MAYHEW: And I have no other further
8 comments with regards to the Presentence Investigation
9 report itself.

10 With regards to argument, your Honor, Mr. Goad
11 would like to preserve his right to appeal. That is his
12 right, and he wishes to exercise that right to appeal.

13 So for the purposes of sentencing, we are not
14 going to get into the facts, and I don't want to in any
15 way interfere with his right.

16 So but for the purposes of sentence, we would
17 be asking that you concur with Parole and Probation's
18 recommendation of life with a minimum parole eligibility
19 after a minimum of 20 years.

20 However, we were -- we will not agree with
21 regards to the weapon enhancement. They are asking for
22 36 to 240 months. We would be asking for the minimum on
23 the weapons enhancement, and I will explain why we're
24 asking for that.

1 We understand the reasons, and the facts of
2 this case, as your Honor sat through a week of trial and
3 are very familiar with the facts of this case, they
4 might tend to suggest a reason for a higher weapons
5 enhancement that will run consecutive to the murder.

6 However, I would like to bring to your Honor's
7 attention, and your Honor is also fully aware of Mr.
8 Goad's age, and is also fully aware of his physical
9 condition and his possible medical conditions. And I
10 will further explain that.

11 When you look at Mr. Goad's age, he is sitting
12 in front of you a 73-year-old male. The average male
13 lives to be 76 to 79 years old. Given Mr. Goad's age,
14 his medical condition, he was diagnosed with melanoma
15 approximately ten years ago, it has been left untreated,
16 he has physical pain from the end treatment of the
17 melanoma.

18 He definitely has had his share of alcohol
19 use. He started using alcohol when he was 18 years old,
20 and has been drinking daily since then. That, coupled
21 with the melanoma, coupled with his age, is wearing on
22 him.

23 I think your Honor saw a little glimpse of
24 that during the trial. And I can tell you that your

1 Honor has to look at what is a reasonable sentence for
2 Mr. Goad, for this particular person. And I think when
3 you look at Mr. Goad and his circumstances, his age, his
4 medical conditions, and where he is in terms of his
5 life, in all candor, your Honor, he's probably not going
6 to see his parole eligibility. And we are asking that
7 he be eligible for parole in 21 years. He'll be 94 and
8 there -- and I've had those discussions with my client
9 because those are important discussions to have with
10 clients who are facing this type of charge. And he's
11 fully aware that he will not be making it to that time.

12 In looking at his history, his criminal
13 history, he had a felony 53 years ago. He was 19 to
14 about 20 years old, I think 19 for the offense and 20
15 when he was convicted. He has gone 53 years without any
16 other criminal history.

17 He lived a very, I think, happy life for the
18 time that he was with his wife, Sara, who died in 2010.
19 They'd been married for 27 years and they traveled the
20 country, they were -- he puts it soulmates. And I think
21 that when she died it created a very deep sense of
22 loneliness, and I think that that also has taken a toll
23 on Mr. Goad, coupled with everything else that I've
24 already went over.

1 And he never had any children. He worked odd
2 jobs. Unfortunately, he had to stop working back in
3 1981, and he started collecting Social Security, and I
4 think he just found comfort in his surroundings, comfort
5 where he could find it, given the amount of loneliness
6 and solitude that he found after his wife passed away.

7 He's sitting in front of you contemplating
8 that this is going to be the rest of his life. He
9 understands that he doesn't have that much time left.
10 And I think we all understand that, even the State will
11 understand that. He just would like to live his life
12 the rest of the days that he has in prison with whatever
13 comfort that he can find from either other people, maybe
14 a program, things that he is able to find that with or
15 from, but this is a case where he's gonna die in prison.

16 THE COURT: So you've put words to what we all
17 understand in many ways this is an academic sentence.
18 I'm trying to go underneath the duration and understand
19 why it matters. As a matter of math, you're correct,
20 but does the sentence affect classification, the way in
21 which his sentence is served? Is there some distinction
22 between those inmates without parole eligibility and
23 those with parole eligibility?

24 MS. MAYHEW: My understanding that there is a

1 distinction, your Honor, and the distinction stems from
2 people who don't have the possibility of parole, they
3 don't have some of the, I guess, population or the same
4 community structure in the prison. My understanding is
5 that you are more -- there's more solitude with people
6 who don't have the possibility of parole versus people
7 who do have the possibility of parole.

8 So I think when you look at it that way, I
9 know what the State's going to say is, like, why do we
10 care. But I think for the matter of Mr. Goad and it
11 being a reasonable sentence for a person in his
12 circumstance, and where he is in his life looking to the
13 next step of his life being -- coming to terms with
14 where he's at, I don't know if that's the right way to
15 put it, but I think that having the possibility of
16 parole matters in this case.

17 THE COURT: Well, I yield to the Department of
18 Corrections. It has the sovereignty to determine where
19 and how he spends his time. So if it is or is not a
20 classification distinction for the duration of the
21 sentence, then I'm thinking about whether the parole
22 eligibility after 20 years gives the Department of
23 Corrections an opportunity to displace an inmate at age
24 94 without the responsibilities of care and whether I'm

1 projecting it too far into the future, I'm just trying
2 to understand how this becomes really relevant as
3 opposed to distinctions without a difference.

4 MS. MAYHEW: Understood, your Honor. I'm
5 trying to weigh to respond to your specific insight as
6 to how that -- kind of displacing that responsibility on
7 Nevada Department of Corrections is kind of where I
8 think are you coming from.

9 THE COURT: Well, I'm just wondering how Mr.
10 Goad would live -- at age 94, how he would live. We saw
11 how he lived at the time of this crime. It was right on
12 the razor's edge. And it may not be relevant for my
13 decision.

14 We know the standard, counsel, I can't rely
15 upon anything highly suspect or impalpable, but I'm just
16 trying to understand why does it matter. Is it -- is it
17 important to the State that there be a symbolic
18 statement made against this type of conduct? Is it
19 important to your client that there be some symbolism in
20 hope?

21 MS. MAYHEW: I understand where your Honor's
22 coming from. I think it matters from our perspective.
23 I can't speak to Mr. Stege, I don't know what his
24 position is with regards to that, whether your Honor's

1 correct or whether or not it's a statement, I'm not
2 sure.

3 But for the purposes of what we're arguing,
4 Mr. Goad, I mean -- we're talking 21 years. That's a
5 lengthy period of time. Mr. Goad has -- has very -- has
6 a lot of medical issues that he knows he's not going to
7 be around for the 21 years that we're speaking of.

8 The amount of alcohol he's consumed daily
9 since he was 18 years old, except for the time that he
10 was in prison for those five years, but he continued to
11 drink after that, I mean, there's just -- I don't think
12 that we're talking of a situation where that's going to
13 happen, given that we're looking at 21 years down the
14 line.

15 But in terms of your Honor's questions as how
16 he's going to live, I mean, obviously, he would be on
17 parole, he wouldn't really have -- he would probably to
18 go some sort of housing provided by the parole committee
19 or the board. He would still qualify for the Social
20 Security and they would be able to provide services to
21 get that up and running, but I am not quite sure that's
22 going to end up happening anyways.

23 THE COURT: Okay. Thank you.

24 MS. MAYHEW: Thank you.

1 THE COURT: Mr. Stege, without describing, can
2 you construct a first degree murder that would fall
3 within a life after 20?

4 MR. STEGE: I don't understand that question,
5 your Honor.

6 THE COURT: Sure. You're arguing this be life
7 in prison without parole.

8 MR. STEGE: Yes.

9 THE COURT: Can you imagine a murder
10 conviction in which you would concede life in prison
11 with parole eligibility after 20 years?

12 MR. STEGE: Yes.

13 THE COURT: You can.

14 MR. STEGE: Yes

15 THE COURT: And you can distinguish this case
16 from whatever fact pattern would fall within the lesser
17 sentencing.

18 MR. STEGE: The -- well, in my practice -- I
19 would call it the middle term, right? The middle term,
20 yes. And I've gotten that, I've argued for that and
21 I've agreed to that in cases.

22 THE COURT: Okay. So why is this -- why is
23 this conviction worthy of life without?

24 MR. STEGE: There's a number of reasons why.

1 The nature of this killing is -- if we're punishing mens
2 rea, it's among the worst, right? This is a prolonged
3 -- there's no question about his mens rea, right? He is
4 killing the heck out of Mr. Gibson. He's -- 250 times,
5 that would -- my only correction to this PSI is to say
6 250 times the man was stabbed. And quite personal.
7 Right? This is a -- the victim's a guy you could push
8 him over and kill him. Right? This is a few defensive
9 wounds. And then he's going for the man's face, and
10 he's going for his back. None of that individually is
11 fatal.

12 So here you have a 76-year-old man, probably
13 lonely as well too, your Honor. This case is
14 remarkable. There's media here today, which is
15 surprising. Most of my cases I have family members
16 here, friends who can speak to the life of a victim.
17 And I -- the Court may be familiar, I'm kind of a fan of
18 cases with under God victims. And this -- and this is a
19 man who hardly anyone knew him, you know, he's -- his
20 family, to contact his family they had to reach out to,
21 like, different degrees of sanguination. They found a
22 man in, I think it's Austin, Nevada who had never met
23 him, but he knows that he's related to him by blood.

24 And so why is this different? It's different

1 because he -- the mens rea is different in this case.
2 And his age is really an aggravator.

3 THE COURT: I want to focus before you go to
4 the next aggravator this mens rea. As you read the PSI,
5 and Mr. Goad's statement that --

6 MR. STEGE: He doesn't think he did it.

7 THE COURT: He doesn't think he did it. I
8 want to be careful because the defense counsel, Ms.
9 Mayhew, is absolutely correct that Mr. Goad does not
10 have to stand in the well of this court and make
11 inculpatory statements while he perfects his appeal.
12 And I can't punish Mr. Goad for failing to acknowledge
13 his participation.

14 MR. STEGE: Right. But allocution is kind of
15 different than --

16 THE COURT: Right.

17 MR. STEGE: -- than admissions.

18 THE COURT: But if I were to say or even think
19 as part of the process oh, Mr. Goad continues to deny it
20 I'm, therefore --

21 MR. STEGE: Right.

22 THE COURT: -- going to, I can't do that.
23 But I can read what he told the presentence
24 investigator.

1 MR. STEGE: Right.

2 THE COURT: He's declining any participation
3 and memory. And I just want to know how that strikes
4 you. Did you believe that?

5 MR. STEGE: No. No. No. This is a man faced
6 with overwhelming evidence. You know, I don't know why
7 -- why does he deny it to the police when they're
8 showing him video, right? They have video there saying
9 guy, there's no one else, it's you. And he's claiming
10 they doctored the video.

11 The jury's verdict was rather swift and to the
12 point. I mean, the evidence is overwhelming that he is
13 the killer. So the reasons for holding onto, you know,
14 sort of denying guilt, that's not really -- I have
15 theories but it's not really my place to come up and
16 talk about why he might not want to admit having
17 murdered his friend, really, I mean, the overkill is one
18 of the main reasons the Court should go to life without.

19 THE COURT: I'm sorry I interrupted. You were
20 just transitioning into age.

21 MR. STEGE: I want to be careful with my tone
22 here and my words here with the Court, but I think we
23 too often in general cases go right to our sort of it's
24 formulaic what's the person's age and their criminal

1 history sort of as predictive of what the sentence
2 should be.

3 And age, I think, matters in -- and I will use
4 the term youth and experience. This is the opposite.
5 This is the opposite of youth and the opposite of
6 inexperience. If anyone knows better, it's a man who's
7 made it this far in life. Right? He is fully aware of
8 the consequences of his actions, fully aware that he
9 should not murder. And in his -- they now ask for the
10 lower term or a low-end sentence when in the man's
11 statement he says if we go to trial, I'll take the death
12 penalty or whatever else the penalty is.

13 So I don't think -- because if you argue old
14 age is a mitigator, when is age not a mitigator, right?
15 It's us poor middle-aged people who have -- I mean,
16 they're on both sides of that, right? They're not
17 youthful and inexperienced, but they're not old. And I
18 guess the argument is frailty. And I want to push back
19 on this issue of frailty in its own right.

20 THE COURT: I'll hear from you in a moment,
21 Ms. Mayhew. I'm come back to you for rebuttal.

22 MR. STEGE: Because the argument was that the
23 Court is fully aware, fully aware of his physical and
24 medical issues. I don't think the Court is fully aware

1 of those, not at least in an evidentiary regard. We had
2 some slight hint of that during trial with his apparent
3 inability to communicate with counsel.

4 Now, this is -- I'm saying this for -- the
5 thing I'm about to say is for two reasons. One is to
6 push back on that for any post conviction issue, but as
7 well as for sentencing.

8 When all that was going on, I was in
9 discussions with the deputies assigned to Mr. Goad. And
10 I asked them, without telling me what's going on with
11 his attorneys, is he on these days where he's not
12 talking able to talk to you for you to be able to do
13 your job? The answer was yes. So whether the Court's
14 fully aware, I don't think that's -- the Court has
15 evidence before this to do that.

16 Now, under our statutes the Court has the
17 prerogative, and the defense can ask for this and bring
18 forth evidence to the Court, but that the Court can
19 order a physical or mental exam of a defendant. So I
20 think they're sort of hiding behind this idea that the
21 man's old, right? The man's old, therefore, he must be
22 frail, et cetera. But not too frail, I mean, it's kind
23 of a canned argument, but not to stab this guy this many
24 times, right? And he seemed plenty active, a

1 ten-year-old diagnosis that is really hearsay.

2 But this question of the Court said is it
3 academic. I'd say it's -- well, it's beyond academic.
4 I have the sense that these types of arguments don't go
5 real far sometimes with courts, the idea of general
6 deterrence. I think courts, some judges sort of lose
7 sight of the fact that that -- the idea of deterrence, I
8 think, really holds our -- the fabric of our society
9 together. I think we lose track of that because I think
10 -- because we don't see your average law-abiding person
11 in court. We don't understand how those people,
12 ordinary people in our society expect you do the crime,
13 you do the time.

14 And this is -- this is on the high end, Judge.
15 This mens rea, the brutality of this crime is on the
16 high end, and it's not merely academic that this man
17 will die in prison.

18 THE COURT: Well, why do you say that, Mr.
19 Stege? Statistically.

20 MR. STEGE: Right.

21 THE COURT: It's a bet we would take.

22 MR. STEGE: Yeah. He will. I'm not saying he
23 won't.

24 THE COURT: So why is this not academic

1 whether I gave him the 50 years, life without, parole
2 eligible after 20. Statistically he's going to die in
3 prison.

4 MR. STEGE: Right. So why should that cut
5 against the State is the question. Why should that --
6 when on a speedy trial when the evidence was
7 overwhelming against the man, when this is -- if you lay
8 out all murder cases, right, the murder cases the Court
9 has had or that I've had, and say where is this if
10 you're going to stratify the crimes. This is high end.
11 This is at the high end. And why should it cut against
12 the State and why should it cut against this man who
13 bled to death, who bled to death in his apartment, a
14 similarly-situated man, a man probably equally lonely,
15 more frail than this man. When he could have cut --

16 THE COURT: I'm going to talk out loud for a
17 moment and have you respond and then I -- it's unusual,
18 but I'm giving to the defense an opportunity for
19 rebuttal because she said something that you wanted to
20 correct or something.

21 MR. STEGE: Well.

22 THE COURT: So you asked -- you asked about
23 when -- when does our age and experience or youth and
24 inexperience --

1 MR. STEGE: Cease and then turn --

2 THE COURT: Right.

3 MR. STEGE: -- into wisdom and experience or
4 old age and wisdom.

5 THE COURT: Well, I don't know when, but it
6 does. If you think about the day we're born, we are
7 completely dependent. And then we transition
8 incrementally to independence. And if we live long
9 enough, we begin the incremental transition to
10 dependence. And for those who live a long time, often
11 through no fault of their own, although I'm not
12 suggesting that from Mr. Goad, there is complete
13 dependence again. There are cognitive declines. There
14 are environmental influences which do exist here. I
15 don't know. I don't know where he is on that continuum.

16 MR. STEGE: Right.

17 THE COURT: He may be past the point where his
18 age works as a mitigator as opposed to an aggravator.

19 MR. STEGE: Right. And then that frailty
20 argument, I want the Court to go along with me on this
21 that there's not -- you don't really have evidence on
22 it. I mean, they're sort of asking you to presume
23 because of his age there must be all this frailty and,
24 you know, he's a person who will be eligible for

1 compassionate release.

2 The State, my understanding, the only people
3 who get segregated out in terms of classification is
4 your death penalty, inmates, everyone else, they're
5 classified otherwise and there's nothing that wouldn't
6 change whether this is life without or life with. And
7 compassionate release is always available for the
8 Department of Corrections, but.

9 I think another point -- I'm sorry, but this
10 idea of bar setting by the Department of Probation and
11 Parole. Their -- have nothing to do with the trial.
12 It's helpful in a lot of cases for them to sort of run
13 their shorthand or their math that they say to get to
14 this, but we're in the trial and we -- I mean, we know
15 how violent this case was. And that's why the argument
16 to the deadly weapon strikes me as completely off base
17 that it should.

18 Now, the division, they -- they've had this
19 formula they run, no one really knows if it's been
20 validated, it's just sort of out there for a long time,
21 it's a formula, and I'm sorry to the young lady sitting
22 next to me, has no part in that. But we have a statute
23 that says what you should do with a deadly weapon, and
24 that tells the Court what to consider. That, I don't

1 think, is reflected in their Matrix.

2 And one of those, which is a reason why I have
3 a hard time in many murder cases seeing anything less
4 than a high-end sentence because one of those factors in
5 193.165 is the whole facts and circumstances of the
6 crime, criminal history, but the impact of the crime on
7 the victim. It's hard -- I mean this -- 250, Judge,
8 it's -- I have a hard time seeing how I'm not -- I think
9 I had a lot of impact on the jury, I think it should on
10 the Court. The -- across all cases deadly weapon
11 enhancement applies to all sorts of cases, but this is
12 the most serious and this is the most grievous when you
13 stab the man's eyes.

14 THE COURT: I want to give you a chance to --
15 to be a little more persuasive on the deterrence theory
16 because really smart scholars study criminologic
17 theories and different theories come in and out of
18 favor.

19 I'm not -- I don't understand the role of
20 general deterrence, did Mr. Goad, at the time he thought
21 about murder think about Washoe County and it's tough on
22 crime reputation as a form of deterrence.

23 MR. STEGE: That's specific deterrence.

24 THE COURT: Right?

1 MR. STEGE: Right? As a general -- here's a
2 proposition.

3 THE COURT: Well, specific deterrence for me
4 is whether he is going to leave prison and individually
5 commit another crime. As I understand general
6 deterrence, it's community reputation that we will not
7 stand for crime and we will punish it accordingly.

8 MR. STEGE: And the reason a lot of people
9 don't do murder is because they know the consequence is
10 severe. Those are people we never see, your Honor.
11 Those are people on the street. They read -- they'll
12 read about this trial and they'll say yeah, right
13 results. 250 times, that's a guy who should be in
14 prison for the rest of his life, and that's righteous
15 and that's our society's okay with.

16 THE COURT: So your request on the consecutive
17 weapons enhancement is?

18 MR. STEGE: Eight to 20.

19 THE COURT: Eight to 20.

20 MR. STEGE: I challenge in an academic way the
21 Court to apply those factors, apply 250 stab wounds to
22 the face, back, arms, and come out less than eight to
23 20, much less to the minimum suggested by Ms. Mayhew.

24 And perhaps a final way to see this, your

1 Honor, is Mr. Goad perhaps -- had a regular life, within
2 the spectrum of average, and he did murder his friend,
3 and he will die in prison, but perhaps his life can
4 stand for -- you know, his time in prison can stand for,
5 you know, it's right. If you do something terrible to
6 someone like this, you should get, as he suggested he
7 would take the death penalty if convicted. It stands
8 for that proposition that for everybody, if you do
9 something like this you get the appropriate penalty.

10 THE COURT: Thank you. Ms. Mayhew.

11 MS. MAYHEW: Thank you. Mr. Stege, the reason
12 I stood up, your Honor, specifically he actually just
13 repeated it was with regards to the death penalty,
14 that's not in the offense synopsis. In fact, Mr. Goad
15 specifically said to interrogators over the course of
16 several hours that he did not commit this crime. Take
17 me to trial, prove it, fine. There is no reference of
18 any death penalty and so I think this argument by the
19 State should not be considered by your Honor and that's
20 the reason why I initially stood up.

21 With regards to what your Honor has to take
22 into account is reasonable and appropriate, Mr. Stege
23 has acknowledged at least twice during the -- these
24 proceedings that Mr. Goad will die in prison. So your

1 Honor is correct when you -- you asked that question
2 well, isn't this purely academic? And at the end of the
3 day it kind of is because he -- this is what the State
4 is asking for is something that's just never gonna
5 happen. I mean, you're looking at a 73-year-old man who
6 does have medical issues and who has been drinking every
7 single day since he was 18 years old.

8 THE COURT: So was it a strategic decision not
9 to present any of that evidence at sentencing? I don't
10 want anyone to read this transcript and infer that I am
11 questioning your strategy, but there is a -- there is a
12 hole here in the evidence presented and that is it's
13 phenomenally described to Mr. Stege. Dependence,
14 independence, and then some frailty cognitive declines
15 in this case consequential to environmental and probably
16 organic influences, but I don't have -- I don't have any
17 mitigating evidence right now that I can rely upon.

18 I hear that he has a ten-year diagnosis for a
19 single medical event, but if he has been drinking since
20 1966, or before then, actually, how is it affected his
21 cognition? Is there something that helps explain what
22 the State emphasizes, which is the -- which is the
23 horrific nature of this murder.

24 MS. MAYHEW: Understood, your Honor. But even

1 if you put that aside and just look at his age because
2 that presented, your Honor, is concrete, he is 73 years
3 old, and age in this specific case is a mitigator, not
4 an aggravator for the purposes of just doing the math.
5 And looking at whether or not at the end the day life
6 with the possibility, he will not get out or have the
7 possibility of getting out 21 years from now. That is a
8 significant amount of time for somebody like Mr. Goad in
9 his 73-year-old age.

10 And so even if you just put aside the medical
11 issue just for a moment, you're looking at a 73-year-old
12 man. And the life span of an average male is 76 to 79.

13 Now, sure, he could be a Superman and live to
14 be a hundred, I'm sure most people would love that, but
15 that's not what we have in front of your Honor, it's
16 just not. And so I think when you just look at it
17 logistically. And you look at it from an academic
18 perspective, that's just not the case here if you just
19 look at his age and where he is in his life.

20 And when you look at somebody in addition to
21 that, he's spent 53 years with no criminal history.
22 1966 was when he was 19, young, naive, I'm sure,
23 committing -- being convicted of that felony, so you
24 have somebody who over the span of 53 years has been

1 law-abiding and doing everything that he is expected to
2 do as a member of this society. That is something that
3 your Honor should take into account as well.

4 THE COURT: I am listening and I'm thinking
5 about that because the State suggested that sometimes
6 our arguments begin on both sides, they become
7 formulaic. But sometimes the first offense is so
8 significant that it supplants all of the absence of the
9 criminal history and so I'm just thinking about that as
10 you're arguing, because we went from zero to first
11 degree murder. There wasn't an incremental increase of
12 criminality, of criminal behavior.

13 I'm just looking at the file here to -- to
14 revisit other cases, specifically the involuntary
15 commitment from 2016, which gives me some insight into
16 mental health vigor or infirmity.

17 It appears that Mr. Goad was the subject of
18 one, two, three, four, five, five separate proceedings
19 in which somebody sought to have him involuntarily
20 committed because of mental health concerns that he may
21 be a harm to himself or others. And doesn't that
22 mitigate some of the mens rea that you're describing if
23 there was some type of organic influence?

24 MR. STEGE: I think it's kind of a reach to --

1 to bring -- were those alcohol related, right? This
2 guy's a long-time alcoholic. We don't know if they're
3 organic or something else, but that's really not before
4 the Court. But let's say it is, I know the Court won't
5 let me out that's easy.

6 This is what I'm talking about when I'm
7 talking about mens rea. And I contemplated in my
8 closing argument I want to play a Metrodome every
9 second, for every stab wound, right, to get up to 250.
10 The complete lack of connection to the moral fiber that
11 binds this society together, that happens with each --
12 each time you do that taking away the life of a fellow
13 creature, that there must be and there is and no
14 evidence contrary that there is something in the way of
15 him appreciating the consequences of what he's doing --

16 THE COURT: Right.

17 MR. STEGE: -- understanding that.

18 THE COURT: So that can be a very strong
19 aggravator.

20 MR. STEGE: Yes.

21 THE COURT: That he just has malevolence in
22 his blood. But such brutality can also be explained not
23 by malevolence but by infirmity and wellness, which is
24 why I'm looking at these --

1 MR. STEGE: Yeah.

2 THE COURT: -- petitions are for involuntary
3 commitment. Because I have -- I have to contextualize
4 --

5 MR. STEGE: Yeah.

6 THE COURT: -- the facts. Either they're so
7 horrible as you described, life without is a privilege
8 for him.

9 MR. STEGE: Right.

10 THE COURT:: Or they are so horrible that
11 there has to be some other explanation.

12 MR. STEGE: We might never know, your Honor.
13 What explanation do you propose? Or does -- more
14 importantly, does Ms. Mayhew on behalf of Mr. Goad
15 suggest.

16 THE COURT: Well, I want to be careful on this
17 topic because I don't want to receive a petition two
18 years from now that says there should have been
19 different type of evidence presented at sentencing
20 because I'm not suggesting there should have been, I'm
21 just acknowledging that I don't have full certainty
22 about what --

23 MR. STEGE: Right.

24 THE COURT: -- motivated Mr. Goad. I'm not

1 talking about defense performance which I had that was
2 exemplary throughout this trial.

3 MR. STEGE: Right. And I'm asking the Court
4 not to spot them that, right, to sort of -- the Court --
5 I sense the Court wanting to sort of give that to them
6 well, there must be something there without sort of the
7 Court searching for that, which I don't object to the
8 Court, of course, taking the widest view possible, but
9 the idea you're sort of trying to spot that or fill that
10 piece in for the defendant when it's -- it's not there
11 or there's no evidence it's not there.

12 THE COURT: You're right, I'm trying to
13 understand what is on its surface --

14 MR. STEGE: Right.

15 THE COURT: -- just this brutal malevolent
16 mens. Rea, but if not that, then what. Then does that
17 then what answer give the justification for the 20-year
18 parole.

19 MR. STEGE: Right. And if there is a
20 condition or diagnosis, right, how is it related to,
21 right, as a feature of that diagnosis if it's not plain,
22 being an alcoholic, is a feature of that analogous or
23 transferable to the murder.

24 THE COURT: Okay.

1 MS. MAYHEW: Your Honor, and if I could just
2 comment on the discussion you had with Mr. Stege. And I
3 believe he does have a history with NNAMHS. Included in
4 the PSI is he has been diagnosed with depression,
5 anxiety. Also contained, I believe I was trying to
6 locate it, but I believe it also indicates that he was
7 on Cymbalta, I don't know if your Honor recalls that was
8 the prescription that he was removed from, that he's
9 taken at the jail, and during the course of trial
10 stopped taking and was placed back on, and Cymbalta is
11 for anxiety and depression.

12 THE COURT: Right.

13 MS. MAYHEW: So a lot of the hospitalizations
14 I can deduce is from that depression anxiety that he's
15 been suffering from.

16 THE COURT: And I guess I just want to amplify
17 that the depression and anxiety and history with NNAMHS
18 is set forth in the PSI.

19 MS. MAYHEW: Correct, your Honor.

20 THE COURT: Mr. Goad, if you and your attorney
21 will stand, please. We've talked a lot about whether
22 any of this matters, Mr. Goad, but it matters to all of
23 us that we do the right thing, and your attorney has
24 argued on your behalf which is her responsibility, she

1 has done a fine job of presenting your interests.

2 The State has argued its interests on behalf
3 of our community and our system of laws, and I've
4 thought about the different arguments. It may not
5 matter statistically that you receive either life
6 without parole or life with parole eligibility after 20
7 years because of your age and some of your health
8 conditions. But it matters that we try and do it the
9 right way.

10 And on one side I see that probability that
11 Mr. Goad's life is defined by a road he chose so many
12 decades ago, a road that he did not see coming, and
13 that's his addiction, exacerbated by environmental
14 influences, and the only physical consequences of such
15 chronic alcohol use, that and some of his encourages and
16 demands, some of the diagnoses and hope contextualize
17 how he arrives here on this day.

18 And then to the other side there are some very
19 significant aggravators. Mr. Theodore Gibson was your
20 friend. And that relationship is -- is important to
21 remember that you were frequently a guest in his home
22 and you shared time with him. You supported each other
23 because of that friendship born of location and
24 isolating circumstances.

1 The instrumentality of murder is very brazen.
2 It is graphic and horrendous that Mr. Gibson may well
3 have -- I'm not trying to be melodramatic here, but
4 sometimes in our literature we hear about death by a
5 thousand wounds. There is something very significant
6 and startling about -- about the number of penetrations
7 and the instrument used.

8 And I'm struck by -- I'm struck by what
9 happened during that time between Mr. Gibson's death and
10 Mr. Goad's departure from Washoe County. We revisit the
11 evidence. There was the window, and the air
12 conditioning. There was the frequent return while Mr.
13 Gibson lay deceased. There were the financial
14 influences.

15 And I appreciate that Ms. Mayhew is the voice,
16 the supportive presence for Mr. Goad. Each accused
17 deserves nothing worse. But today the State is not just
18 representing a community that stands essentially in
19 abstention for Mr. Theodore Gibson who has nobody to
20 speak on his behalf.

21 So that system has worked and I have reached a
22 decision. Mr. Goad is adjudicated guilty of the offense
23 pursuant to a jury verdict. He is adjudicated guilty of
24 First Degree Murder With the Use of a Deadly Weapon.

1 He will pay a \$25 Administrative Assessment
2 fee, a \$3.00 DNA Administrative Assessment, a \$1,000
3 attorney's fee, extradition charges of \$231.20, a DNA
4 test fee of \$150.

5 Having considered all arguments both
6 mitigating and aggravating it is the judgment of this
7 Court that Mr. Goad be imprisoned for the duration of
8 his life in the Nevada Department of Corrections without
9 the possibility of parole.

10 He will additionally serve consecutively a
11 term of 36 to 240 months for the weapons enhancement as
12 set forth by the Division of Parole and Probation.

13 COURT CLERK: Credit.

14 THE COURT: Credit for time served in the
15 amount of 210 days.

16 Mr. Goad, I don't know what else to say. I
17 always try to find a way as someone walks out of the
18 room to have some semblance of hope, to maintain some
19 level of dignity for the duration of their lives.

20 I hope that for you. I hope that while you
21 are in prison you can interact with the officials, with
22 fellow inmates in such a way that creates meaning for
23 them that honors the time you have left here on earth.
24 Good luck to you, sir.

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We'll be in recess.

(Proceedings concluded.)

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1 STATE OF NEVADA)

2 COUNTY OF WASHOE)

3 I, JULIE ANN KERNAN, official reporter of
4 the Second Judicial District Court of the State of
5 Nevada, in and for the County of Washoe, do hereby
6 certify:

7 That as such reporter I was present in
8 Department No. 15 of the above court on Wednesday,
9 October 2, 2019, at the hour of 1:35 p.m. of said day,
10 and I then and there took verbatim stenotype notes of
11 the proceedings had and testimony given therein upon the
12 Sentencing of the case of STATE OF NEVADA, Plaintiff,
13 vs. RALPH EDMOND GOAD, Defendant, Case No. CR19-0999.

14 That the foregoing transcript, consisting of
15 pages numbered 1 through 35, both inclusive, is a full,
16 true and correct transcript of my said stenotype notes,
17 so taken as aforesaid, and is a full, true and correct
18 statement of the proceedings of the above-entitled
19 action to the best of my knowledge, skill and ability.

20
21 DATED: At Reno, Nevada, this 25th day of March, 2020.

22
23 /s/ Julie Ann Kernan

24 JULIE ANN KERNAN, CCR #427

1 **CODE 1850**

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5 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
6 **IN AND FOR THE COUNTY OF WASHOE**
7

8 **STATE OF NEVADA,**

9 **Plaintiff,**

10 **vs.**

Case No. CR19-0999

11 **RALPH EDMOND GOAD,**

Dept. No. 15

12 **Defendant.**
13 _____ /

14 **JUDGMENT OF CONVICTION**

15 The Defendant having been found guilty by jury and no legal cause being shown as to why
16 judgment should not be pronounced against him, the Court rendered judgment as follows:

17 1. That Ralph Edmond Goad is guilty of the crime of MURDER WITH THE USE OF
18 A DEADLY WEAPON, a violation of NRS 200.010 and NRS 200.030 and NRS 193.165, a
19 category a felony, as charged in the Indictment, and that he be punished by imprisonment in the
20 Nevada Department of Corrections for a term of Life Without the Possibility of Parole plus a
21 consecutive term of a minimum of 36 months to a maximum of 240 months in the Nevada
22 Department of Corrections for the Deadly Weapon enhancement, with 210 days credit for time
23 served.

24 2. It is further ordered that the aggregated sentence is imprisonment in the Nevada
25 Department of Corrections for a term of Life Without the Possibility of Parole.

26 3. It is further ordered that the Defendant shall pay the statutory \$25.00 administrative
27 assessment fee, \$3.00 as an administrative assessment for obtaining a biological specimen and
28 conducting a genetic marker analysis, \$150.00 as a DNA testing fee, and submit to a DNA analysis

1 to determine the presence of genetic markers, if not previously ordered, \$231.20 as extradition
2 costs, and reimburse Washoe County the sum \$1,000.00 for legal representation.

3 4. Ralph Edmond Goad is hereby advised:

4 **Any fine, fee or administrative assessment imposed today (as reflected**
5 **in this Judgment of Conviction) constitutes a lien, as defined in**
6 **Nevada Revised Statutes (NRS 176.275). Should you not pay these**
7 **finest, fees, or assessments, collection efforts may be undertaken**
8 **against you.**

9 Dated this 4th day of October, 2019.

10 
11 _____
12 DISTRICT JUDGE

1 CODE NO. 2515
2 WASHOE COUNTY PUBLIC DEFENDER
3 KATHRYN REYNOLDS, State Bar Number 10955
4 350 South Center Street, 5th Floor
5 Reno, Nevada 89501
6 (775) 337-4882
7 kreynolds@washoecounty.us
8 Attorney for Defendant

9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
10
11 IN AND FOR THE COUNTY OF WASHOE

12 THE STATE OF NEVADA,

13 Plaintiff,

14 vs.

Case No. CR19-0999

15 RALPH EDMOND GOAD,

Dept. 15

16 Defendant.
17 _____/

18 **NOTICE OF APPEAL**

19 Defendant, Ralph Edmond Goad, appeals to the Supreme Court of Nevada
20 from the judgment of conviction entered in this action on October 3, 2019.

21 The undersigned hereby affirms, pursuant to NRS 239B.030, that this
22 document does not contain the social security number of any person.

23 DATED: November 4, 2019.

24 JOHN L. ARRASCADA
25 WASHOE COUNTY PUBLIC DEFENDER

26 By: /s/ Kathryn Reynolds
KATHRYN REYNOLDS, Deputy

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RALPH EDMOND GOAD (#1223816)
Northern Nevada Correctional Center
PO Box 7000
Carson City, Nevada 89702

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AARON D. FORD
Attorney General State of Nevada
100 N. Carson Street
Carson City, Nevada 89701

DATED this 4th day of November 2019.

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