

IN THE SUPREME COURT OF THE STATE OF NEVADA

CASEY ALAN JOHNS

Appellant,

v.

STATE OF NEVADA

Respondent.

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CASE NO. 83064

Appeal from a Judgment of Conviction After Jury Verdict
in Case CR20-10DC-0552
Tenth Judicial District Court of the State of Nevada, Churchill County
Honorable Thomas L. Stockard, District Judge

APPELLANT'S APPENDIX VOLUME 4

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CASE NO. 20-10DC-0552

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IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF CHURCHILL

BEFORE THE HONORABLE DISTRICT COURT JUDGE, THOMAS L. STOCKARD

THE STATE OF NEVADA,

Plaintiff,

vs.

CASEY ALAN JOHNS,

Defendant.

JAVS TRANSCRIPT OF PROCEEDINGS

VOLUME 3

TRIAL

WEDNESDAY, MAY 12, 2021

Transcribed By:

Kathy Jackson, CSR
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1 WEDNESDAY, MAY 12, 2021, FALLON, NEVADA

2 -oOo-

3 THE COURT: We're back on the record in Case
4 Number 20-0052, State of Nevada versus Casey Alan Johns. The
5 record will now reflect the presence of the parties and
6 counsel, all officers of the court.

7 And we're meeting outside the presence of the
8 jury. The close -- after we recessed yesterday, as the jury
9 left they provided a note to the bailiff. It's marked -- one
10 of the jurors did and it's marked as Court's Exhibit Number
11 2.

12 Ms. Baker, did you receive a copy of that?

13 MS. BAKER: Yes, your.

14 THE COURT: Mr. Neidert, did you receive a copy?

15 MR. NEIDERT: I did, Your Honor.

16 THE COURT: It has a number of questions and I
17 wanted to mark this for the record and then hear from both
18 counsel.

19 We'll start with you, Ms. Baker.

20 MS. BAKER: Thank you, Your Honor. So I'm just
21 going to go down the list. So the first question is were
22 drugs or alcohol involved. I believe Detective Grimes
23 indicated he believed stimulants, the defendant was on
24 stimulants.

1 THE COURT: Sure, and I don't care what the
2 evidence.

3 MS. BAKER: Right. So I think that's been
4 answered but the State can clarify that.

5 THE COURT: I mean, if you want to or not, the
6 Court isn't going to answer.

7 MS. BAKER: Or is that what you want to go
8 through?

9 THE COURT: Well, I mean, here's the thing, a lot
10 of these are fact questions and I think the jury instructions
11 will tell them. But I want to -- when we receive something
12 my practice is, and I think it's what the law requires that,
13 everybody know. I'm just asking what you want the Court to
14 do.

15 I can tell you my inclination is to do nothing
16 from the Court's perspective except read the instructions. I
17 want you to be aware this is what the jurors asked.

18 MS. BAKER: And the only thing I would add is
19 knowing that there's these questions, you know, the State's
20 perspective as we try to get these clarified, at least for
21 one, two and three through the rest of the remaining
22 witnesses, on the last question I believe that's not
23 something that, to be addressed.

24 THE COURT: And, Mr. Neidert?

1 MR. NEIDERT: Your Honor, I certainly -- I mean,
2 I think the Court would be properly instructing the jury at
3 the -- at the close of the evidence that the -- that they are
4 full from the facts and that's certainly part of what the
5 process is. And I agree with the Court that there's no need
6 for the Court to make any comment on this, just as we had the
7 question or the note from the juror yesterday. We had the
8 hearing and we determined that.

9 And with respect to the jury, they had no idea we
10 discussed it. All they know is that he sent a note out and
11 he never heard a -- he never got a response or anything
12 again. You know, obviously this is the appropriate way.
13 This is sort of we have it. I don't even think we need to
14 acknowledge it.

15 I think -- I think it's more proper to -- I mean,
16 this is one of those things had this come with a question
17 during deliberation I think the proper response would have
18 been please refer to Instruction Number One, whatever it is,
19 the number of instruction with respect to being the judge of
20 the evidence and -- and memories and those kinds of things
21 and let that response go with that. That way we're noting
22 creating a problem.

23 THE COURT: As a general rule, whether or not
24 either of you answer questions and it's good to know what's

1 in the jurors minds. They are not hearing you make that
2 record and maybe you answered that question. Maybe they
3 haven't heard it, but I'm not going to highlight evidence one
4 way or another. Whether you bring anything up that's a
5 strategic decision for the state or for the defense to decide
6 I think from the Court's perspective.

7 But and I will ask in a minute, Mr. Johns, so go
8 ahead, Mr. Johns.

9 THE DEFENDANT: Okay. So anyway I have actually
10 asked for this question to be asked on the jury because I
11 don't know if anybody else noticed in the court when
12 Mr. Malone took the stand, but he also other seen in that
13 state that nobody else noticed, if I could stand like that
14 this would have been a mistrial. That is not fair neither.
15 He also refused the drug test at Saint Mary's. It shows in
16 the record I am requesting a drug test from Mr. Malone.

17 THE COURT: Well, this isn't something that would
18 happen at this stage of the proceedings.

19 THE DEFENDANT: He said it's strategic.

20 THE COURT: But so these are the questions so you
21 guys are aware. The Court is not going to -- and,
22 Mr. Neidert, have you had a chance to discuss it with
23 Mr. Johns?

24 MR. NEIDERT: I did. I showed him the question,

1 Your Honor. With respect to his wanting the drug test, I
2 took the position this Court would likely deny that request
3 unless there's obvious signs of impairment but we can't ask
4 questions of witnesses for which we have no foundation.

5 THE COURT: Okay.

6 MR. NEIDERT: And there's no foundation what
7 Mr. Johns wanted me to ask so I did not ask that question.

8 THE COURT: And I agree. Based on my
9 observations I would not -- of these witnesses I wouldn't
10 have asked that. I wouldn't have allowed it.

11 So the other thing I wanted everyone to be aware
12 of is today our record is going to be our judicial audio
13 visual system or JAVS. And so we have the court clerk
14 monitoring and the bailiff also monitoring. And so if at any
15 time it sounds like the record may not be as clear as we
16 would want so we can get transcripts I may just alert you to
17 be more careful.

18 We have replaced the batteries in everything.
19 And so if anybody wants to use the podium with a microphone
20 that will work. We're going to change it at the lunch hour;
21 is that correct?

22 THE CLERK: Correct, Your Honor.

23 THE COURT: So everything will be fine.

24 MS. BAKER: Thank you, Your Honor.

1 THE COURT: We're going to monitor it, and I
2 think we also have a backup of that. We're making a
3 recording through JAVS and also through Zoom. So that should
4 not be a problem.

5 Is there anything else from the defense that we
6 need to discuss at this time?

7 MR. NEIDERT: The only other thing that I'm aware
8 of, Your Honor, is that at the conclusion of the testimony
9 yesterday, after we took the break, Ms. Baker made a request
10 that she has a medical expert that she wants to put on the
11 stand to get him back to work. And I agreed that even though
12 it's now my turn to do cross-examination of the officer I
13 would allow her to put the doctor on out of order, and then
14 after he's done we bring the officer back for my
15 cross-examination.

16 THE COURT: And that's -- the parties are in
17 agreement that we'll let this medical expert testify.

18 MR. NEIDERT: Yeah. She made the question and
19 agreed.

20 MS. BAKER: Yes, that is accurate, Your Honor.

21 THE COURT: Okay. I think the Court will allow
22 that too. Especially, I'll take note that we're in the
23 middle of still a pandemic and if we're keeping doctors, we
24 -- I mean, we have the power to have them here when we need

1 them but if we can get them back to work that's in everyone's
2 interest.

3 MS. BAKER: Thank you, Your Honor.

4 THE COURT: Okay. So we'll be in recess. I
5 don't think this will be an issue. Overnight there was a
6 power outage. Jurors may be late. I don't know. I mean, as
7 I understand it, the power came back on about an hour and a
8 half ago. Here's what I want everyone to be aware of. We do
9 have backup power in the building here. There is some delay.
10 It could be between 30 seconds and two minutes. So if the
11 power goes out don't -- it will come back on. We have a
12 generator. We have backup power to all of our electronics.

13 But if the power goes out we will stop. We'll
14 probably excuse the jury for the record. I will admonish
15 them and -- and if that admonishment isn't captured what I'll
16 do is if there was a failure of the electronics I'll ask you
17 when you come back on to stipulate that I correctly
18 admonished them on a recess admonishment. We'll get them to
19 the jury room. Wait for the power to come back on and then
20 resume.

21 Does anybody have any objection to that?

22 MR. NEIDERT: No, Your Honor.

23 MS. BAKER: No, Your Honor.

24 THE COURT: I don't anticipate that but because

1 it went out overnight I just thought we ought to plan for
2 that and just everybody stay seated. Don't -- you know, we
3 will recess the jury after admonishing them and then just
4 proceed when the power is resumed, okay.

5 Is there anything else?

6 MR. NEIDERT: No, Your Honor.

7 THE COURT: Anything else?

8 MS. BAKER: No, Your Honor.

9 THE COURT: When the State finishes their
10 presentation or evidence, Mr. Neidert, I will canvass
11 Mr. Johns on the right to testify and stuff. So you guys may
12 want to -- you probably won't make that decision until you
13 hear all of the State's evidence but I will do that canvass
14 outside the presence of the jury.

15 MR. NEIDERT: Okay. Thank you, Your Honor.

16 THE COURT: And, Mr. Johns.

17 THE DEFENDANT: And I agree with that. I ain't
18 going to testify.

19 THE COURT: Okay. But I'm going to -- I'm still
20 going to canvass you and make sure you understand that, all
21 your rights, okay, and we'll do that at the appropriate time.

22 We'll be in recess.

23 (Whereupon, a brief recess was taken.)

24 THE COURT: Good morning. We're back on the

1 record on Case Number 200052, State of Nevada versus Casey
2 Alan John. The record will now reflect the presence of the
3 parties and counsel, all officers of the court and the full
4 jury and the alternate jurors.

5 Will counsel stipulate to the correct seating of
6 the jurors?

7 MS. BAKER: Yes, Your Honor.

8 MR. NEIDERT: Yes, Your Honor.

9 THE COURT: Now, Ms. Baker, and, Mr. Neidert, my
10 understanding is we're going to call a witness out of order.
11 That you had completed your direct examination of Mr. Grimes
12 yesterday, and Mr. Neidert was going to start questioning,
13 but I believe we have a medical witness. In order to get him
14 back to work we're going to bring that witness in. They will
15 testify and we'll pick up with Mr. Grimes; is that correct?

16 MS. BAKER: Yes, Your Honor.

17 THE COURT: Mr. Neidert, you agreed to that?

18 MR. NEIDERT: Yes, I have, Your Honor.

19 THE COURT: Very well. We'll go ahead and
20 proceed that way.

21 MS. BAKER: Thank you, Your Honor. The State
22 would like to call Dr. Brent Aikin.

23 THE COURT: Doctor, if you would you come up to
24 the witness stand. If would you face the clerk and raise

1 your right arm to take the oath of a witness.

2 DR. BRENT AIKIN,

3 called as a witness on behalf of the

4 State having been first duly sworn,

5 was examined and testified as follows:

6

7 THE COURT: Please be seated. You may remove
8 your mask.

9 DIRECT EXAMINATION

10 BY MS. BAKER:

11 Q. Good morning.

12 A. Good morning.

13 Q. Good morning. There we go. Can you please state
14 and spell your name for the record.

15 A. My first name is Brent, B-r-e-n-t. And My last
16 name is Aikin, A-i-k-i-n.

17 Q. Okay. And there's a microphone right in front of
18 you. If you could scoot up so you can talk right into it.

19 A. Right here?

20 Q. Yes. Thank you. And how are you currently
21 employed?

22 A. I'm employed actually two ways. I'm employed by
23 Team Health as an emergency physician here in Fallon, and I
24 also work half time for Banner in an administrator role.

1 Q. And how long have you had those employments?

2 A. Oh, my. Let's see, I've been working here since
3 2003. I did take a brief break and go back to Reno for five
4 years, but other than that I've been here pretty much
5 full-time, and I've been working for Banner now for about two
6 and a half years.

7 Q. And what is your job title?

8 A. I'm the chief medical officer for Banner Lassen
9 and for Banner Churchill Community Hospital.

10 Q. Okay. And what degrees do you have for your
11 employment?

12 A. Well, I'm a physician obviously, and then I'm
13 trained in emergency medicine. I'm board certified in
14 emergency medicine.

15 Q. And how long have you worked in emergency
16 medicine?

17 A. Oh, boy, since dinosaurs roamed. Let me think.
18 That's -- I've been -- I graduated from medical school in
19 2003, so three-year residence, 2006.

20 Q. Okay. And in your employment history what kind
21 of medical jobs have you had?

22 A. Emergency medicine all the way.

23 Q. Okay. And have you testified before?

24 A. Yes, I have.

1 Q. Have you testified as an expert?

2 A. I don't believe so, no.

3 Q. Okay. Have you testified based on your medical
4 training?

5 A. Yes, absolutely.

6 Q. Okay. And what kind of cases did you testify?

7 A. Let's see, I was involved, there was an attempted
8 murder case here locally. There was a child abuse case that
9 I testified in and then actually that one didn't go to court
10 but those are the two, yeah.

11 Q. You were consulted though?

12 A. That's correct, yeah.

13 Q. Okay. And about when were those cases?

14 A. Let's see, I want to say probably about maybe
15 three years ago on the attempted murder case. The child
16 abuse case was just a year and a half ago.

17 Q. Okay.

18 MS. BAKER: And, Your Honor, at this time the
19 State requests that Dr. Aikin proceed as an expert.

20 MR. NEIDERT: I have no objection to that, Your
21 Honor.

22 THE COURT: Very well.

23 MS. BAKER: Thank you.

24 Q. Dr. Aikin, were you provided medical records to

1 review for this case?

2 A. I was.

3 Q. And do you recall from what hospitals?

4 A. These were from Banner Churchill.

5 Q. Okay. And did you review anything from Saint
6 Mary's?

7 A. I did. I looked at the records from Saint Mary's
8 as well.

9 Q. Okay. And what about Northern Nevada Medical
10 Center?

11 A. That's correct, all of those.

12 MS. BAKER: Okay. May I approach.

13 THE COURT: Yes.

14 MS. BAKER: 24, 25, 26. No, 25, 26, 27.

15 THE COURT: I believe those will be displayed on
16 the screen or no?

17 MS. BAKER: No.

18 THE COURT: No, oh, okay.

19 MS. BAKER: Let's do that.

20 May I approach the witness.

21 THE COURT: Yes.

22 Q. (BY MS. BAKER:) So, Dr. Aikin, what I'm
23 providing you is State's Exhibits 25, 26 and 27. They have
24 been previously stipulated with counsel to be admitted. Can

1 you take a look at those.

2 A. Absolutely. And this one is the first encounter,
3 correct?

4 Q. I'll just have you take a look.

5 A. Yeah, you can see that here.

6 Q. And please keep the record with the envelope.

7 A. Okay. Yeah, this one is, I believe this is the
8 Saint Mary's record or Northern Nevada record. This is a lot
9 of stuff, but I've been through all of this, so.

10 Q. Those look familiar to you?

11 A. They do.

12 Q. Those are the records that you believe you
13 reviewed?

14 A. Absolutely. Yes, ma'am.

15 MS. BAKER: Okay. May I approach.

16 THE COURT: Yes.

17 MS. BAKER: Thank you.

18 Q. So we're going to start with talking about the
19 visit at Banner. Did that visit occur on April 16th, 2020?

20 A. I believe so, yeah.

21 Q. And Banner, which Banner Hospital was that?

22 A. It's Banner Churchill, here.

23 Q. That's in Churchill County, Nevada?

24 A. Yes, ma'am.

1 Q. And what department was the medical records from?

2 A. It's from the emergency department.

3 Q. Okay. And do you remember the patient's name?

4 A. I was not involved in his care.

5 Q. Okay. So we'll just call him the patient.

6 A. Sure.

7 Q. Okay. And what was the patient being seen for?

8 A. The patient was seen for severe lacerations to
9 the right hand.

10 Q. Okay. And based on that injury can you kind of
11 explain kind of what that injury means. What a laceration
12 means.

13 A. So a laceration is essentially a cut. It's when
14 you fall off your bike when you were five years old or you
15 hit the coffee table when you were a kid and you open the
16 skin up. Those are the things that you come to us and we
17 glue it or sew it back together.

18 This was a very large laceration to the right
19 hand. It went all the way from here all the way down to
20 there.

21 Q. And that's from across the palm; is that correct?

22 A. That's correct. So we call this web space. So
23 this is web space here. And then over here on this side,
24 this is called the pisiform bone and the hook of the hand

1 meter between those two bones. So it really extended all the
2 way here across the palm or surface. This is called Kaplan's
3 line essentially and Kaplan's line is only an anatomical
4 reference just so we can describe things.

5 Q. Great. And how deep was the laceration?

6 A. Well, again, I didn't see the patient. I'm only
7 looking at the records, but it appeared from the photographs
8 that I saw that it was a full-thickness laceration, meaning
9 that it went through both, you know, obviously the skin and
10 there's five layers of the skin and it went down to the
11 subcutaneous tissues and then to those structures down below.

12 Now, in the emergency setting we don't explore
13 those. You know, there was some disfunction obviously when
14 the patient arrived. At that point we recognized immediately
15 that we need -- we're needing to get a hand surgeon or
16 somebody like that involved. All we do is we do a very
17 cursory exploration. We do a cursory neurological and motor
18 functions examination so that we can describe the injury to
19 whoever is going to be involved in it, and then we close it
20 so that it remains as sterile as possible and then we
21 transfer the patient.

22 Q. And how did -- how was the wound closed at
23 Banner?

24 A. With sutures.

1 Q. Okay.

2 A. Yeah.

3 Q. What kind of sutures?

4 A. I think they were foromicro (phonetic).

5 Q. And what does that mean?

6 A. Well, they come in -- they are essentially
7 plastic, plastic sutures, strings.

8 Q. Okay. All right. And in the medical records did
9 it indicate if the patient was in pain?

10 A. Yes. There was indication that the patient was
11 in pain. Although I reviewed the pre hospital notes as well.
12 From the pre hospital notes that would be the paramedics or
13 the EMT's that responded there was a significant amount of
14 pain on scene. The patient was administered 58 micrograms of
15 fentanyl in the ambulance. So it helped significantly
16 actually.

17 Q. Okay.

18 A. And then received more when he was in the
19 hospital of course.

20 Q. Okay. And for this type of injury is it common
21 for it to be painful?

22 A. Absolutely.

23 Q. And why is that?

24 A. Well, we have a lot of -- you know, our hands,

1 our ears, I mean these are full of receptors, you know, that
2 we use to touch and feel everyday, and anytime they are
3 disrupted it hurts. Everybody knows that. Everybody has had
4 a cut. I mean, it just hurts, it really does.

5 Q. Okay. And what other potential symptoms would
6 somebody might have with this type of injury?

7 A. Well, in this particular injury we can talk about
8 that but in general if you're asking in general.

9 Q. In general.

10 A. I look at it this way that the hand is one of the
11 -- is probably one of the most complex structures, you know,
12 in the human body. We use it for everything, in my position
13 and stuff. You know, we pick up things. We feel things. So
14 it's a very complex structure itself. Within that, just in
15 general terms, you know, you have arteries and you have veins
16 and you have tendons and you have ligaments and you have
17 bones. So in this kind of injury any one of those structures
18 can be involved.

19 Q. Okay. And in reviewing all of the medical
20 records for this patient?

21 A. Yes.

22 Q. What kind of injuries did he sustain when it
23 comes to past lacerations?

24 A. Yeah, great question. So this particular patient

1 sustained a laceration of the median nerve. And let me
2 explain what that means. I don't know if you can see this
3 but if you look at the palm or surface of the hand we
4 basically have the ulnar nerve that comes up from this side
5 out here and then comes up and intervades or sends both
6 sensory and motor fibers to the little finger and half of the
7 ring finger.

8 And so when you hit your funny bone, you know
9 like you hit your funny bone against something and your
10 whole, this part of your hand goes numb, that's the ulnar
11 nerve that you disturb, right, but it's temporary.

12 The median nerve though affects essentially these
13 three fingers and most of the thumb, not all of the thumb.
14 The radial nerve on the other side is on this surface, the
15 dorsal surface. But on the palmar surface, that's what we're
16 talking, so really it's these three fingers and part of the
17 thumb.

18 His cut, the cut that was sustained on his hand
19 went from this area here, we were talking about Kaplan's line
20 so it went from here to there and then these branches in the
21 median nerve, they start about midpalm and then they branch
22 out into each one of the fingers. And so you can see if a
23 cut is right here is going to affect these three fingers,
24 only half of this finger actually but basically these three

1 fingers.

2 I don't know if anyone in the courtroom has had
3 carpal tunnel syndrome before and you know how your fingers,
4 these three fingers go numb, that's what carpal tunnel is
5 because the median nerve actually goes through the carpal
6 tunnel, up around here and into the arm and the neck.

7 So when this particular injury occurred it was a
8 laceration. It wasn't cut fully through the nerve. It was a
9 laceration, just like we talked about like a laceration on
10 your chin. So it wasn't a full thickness. So the patient,
11 at least according to the records had some -- some sensory,
12 not much, a little bit of sensory down here but also
13 developed some motor deficits as well.

14 Fortunately, the place where he was cut which was
15 right here, the median nerve also goes over here and has a
16 motor branch that controls the thumb. And if injury at
17 thumb, now you can't pick up stuff, right, but he dodged that
18 bullet. But what he didn't dodge is these three fingers, and
19 we use these three fingers for writing, for all kinds of
20 things. That's essentially where.

21 And I look at it like this, I explain this to
22 patients all the time. It's wiring in the human body is
23 quite simply. It's just, it's like this room. We have a
24 light and we have a hot and we have a ground and we complete

1 the circuit, right.

2 What happened to this patient, he got that wire
3 cut. He got that wire cut, and the disfunction is most
4 likely permanent to some of these structures in here in terms
5 of picking things up and feeling things.

6 Q. Okay. So you say possibly permanent. Is there a
7 possibility that it can come back?

8 A. There is to some degree. Nobody really knows how
9 many patients will recover from that. It's -- I would say
10 it's probably not likely, but I'm not a hand surgeon. You
11 know, I'm an ER guy so I can't really speak to that.

12 Q. Okay. And so although we kind of touched on it,
13 I'm going to ask this question, how would this type of injury
14 be treated?

15 A. That's a very complex repair. Again, I'm not a
16 hand surgeon but I've been through the hand surgeon notes and
17 it's a very complex repair because first of all, the
18 structures were so compact, it really does, it takes a
19 microscope to get in there and look at these structures. And
20 just the dissection to get down to the area where the injury
21 and particularly the nerve, the nerve is quite deep here in
22 the hand for obvious reasons. So it is a very complex
23 repair.

24 In the operative note the surgeon talked about

1 putting a graft essentially here to try to protect that nerve
2 and allow it to regrow and to reattach. The nerves
3 themselves, in the operative note he had actually cut -- cut
4 the nerve because there were portions that were dead on each
5 side of the nerve, right, and so he had to cut that and sew
6 that back together, and then he put a sheath over it. It's
7 called a striker sheath which allows the nerve to kind of
8 have a pathway by which to reconnect together. That's
9 complex. That's very complex.

10 In addition to this case, there was also vascular
11 insult as well. I believe it was the ulnar artery or ulnar
12 vein. I don't recall. But anyway one of them had to be
13 repaired and without that, you know, obviously that supplies
14 the blood supply to those two fingers we were talking about
15 when you hit your funny bone.

16 Q. Okay.

17 A. It's a complex repair.

18 Q. All right. Thank you. And I'm going to back you
19 up just a little.

20 A. Okay.

21 Q. You said vascular.

22 A. Yes.

23 Q. I'm horrible when it comes to medical terms. Can
24 you explain that?

1 A. Yeah, the vascular system is just arteries and
2 veins.

3 Q. So one of the arteries was cut?

4 A. Yeah, I don't recall if it was an artery or a
5 vein. I think it was a vein.

6 Q. Okay. And when a vein is cut what happens?

7 A. Well, it depends on where it is. In the hand
8 it's very serious because without the vein you don't --
9 you're unable to return the deoxygenated blood, right. So
10 arteries carry oxygenated blood out to the extremities and so
11 that's great. But when you don't have a vein you have no way
12 to bring that deoxygenated blood back, and that could cause
13 serious -- it could cause loss to the hand, I mean even
14 amputations, you know, if you don't have -- if you don't have
15 vascular integrity.

16 Q. And for this type of injury, what kind of
17 bleeding would there be initially?

18 A. I'm sorry. I didn't hear you.

19 Q. What kind of bleeding would there be initially?
20 Would you expect?

21 A. I just had a case like this the other day.
22 Venous bleeding, although you would think it's not as serious
23 as arterial bleeding, it can be very difficult to control.
24 In this case it did not look like it was very difficult to

1 control by the notes but it can be very severe.

2 Q. Okay.

3 A. And lead to accumulation of blood under the skin
4 which can cause all kinds of problems in terms of healing.

5 Q. And what about the amount of blood?

6 A. There wasn't -- in this particular case there was
7 not a significant amount of blood loss.

8 Q. Okay. Okay. And was the defendant or sorry, was
9 the patient's injury consistent with a knife cut?

10 A. It appears to be it was, yes.

11 Q. And why do you say that?

12 A. Because I've been doing it for 20 years. It just
13 is. I'm sure there are other things that can do that. But
14 when the edges of a wound are that clean it's usually a knife
15 or something like that.

16 MS. BAKER: Okay. May I approach.

17 THE COURT: Yes.

18 Q. (BY MS. BAKER:) And you should be able to see
19 this on your -- this has been marked as Exhibit 2. To answer
20 your question, can you describe what you're saying about a
21 clean laceration?

22 A. Yeah, absolutely. So if you look at the margins
23 which means the outside of the wound.

24 Q. And you can mark on that.

1 A. Can I? How do I do that?

2 Q. Your finger.

3 A. Okay. So if you look here I guess -- there you
4 go, all right. Oh, that's -- if you look at that arrow so I
5 overshot the runway there. But if you look at that portion
6 of the wound, do you see how straight it is. It's absolutely
7 straight. And then as you come up to this area up here what
8 you're looking at is subcutaneous tissue or fat. So it
9 appears that it's jagged there, but it's actually not jagged.
10 That's a clean cut, and what you're seeing is subcutaneous
11 fat is kind of folded over the top there.

12 And then if you go all the way up this margin, do
13 you see how clean it is. That one little area where I put
14 the dot that's subcutaneous tissue right there and that's
15 subcutaneous tissue. It's a very -- it's a very sharp
16 instrument, whatever it was. I mean, it's just sharp.

17 Q. All right. Thank you. Go ahead and clear this.

18 Pass the witness.

19 THE COURT: Mr. Neidert?

20 CROSS-EXAMINATION

21 BY MR. NEIDERT:

22 Q. Thank you, Dr. Aikin. It looks like reviewing
23 the medical records myself that the attending physician was
24 Dr. Abrass. Is he an emergency physician at Banner

1 Churchill?

2 A. I couldn't hear you. What was the last name?

3 Q. Abrass, A-b-r-a-s-s.

4 A. Oh, Abrass, yes, he is.

5 Q. Okay. I mispronounced his name. I apologize.

6 A. Yes.

7 Q. Okay. So he's one of the doctors that works
8 under you?

9 A. That's correct.

10 Q. And so you -- so of all the doctors that you
11 reviewed you're familiar with his --

12 A. I am.

13 Q. -- work more so probably than the other
14 physicians --

15 A. Right.

16 Q. -- records that you reviewed.

17 A. Absolutely.

18 Q. And it looks like you said that he -- that, well,
19 let me back up. Is it fair to say that Banner Churchill
20 emergency's department sends more -- sends some cases on to
21 Reno for medical care if your emergency department is not
22 fully prepared to handle it?

23 A. Well, absolutely. The job of any emergency
24 department really is to stabilize a patient and then get them

1 to appropriate care. If we can keep the patient here and we
2 have the resources for that that's always our first practice
3 of course, but in this case he required a hand surgeon, so.

4 Q. And so the reason -- so he was -- so this patient
5 was transported from Churchill Banner to Saint Mary's; is
6 that correct?

7 A. That's correct.

8 Q. And is -- and the purpose of the transfer was not
9 because your facility was incapable of closing the wound but
10 rather so that a hand surgeon could get an immediate look at
11 Saint Mary's. Is that a fair statement?

12 A. Yes, that's correct. Yes.

13 Q. And that's what the -- and, in fact, that's what
14 the record referred, that Saint Mary's emergency department
15 looked at him, referred him to a hand surgeon and then
16 ultimately he had hand surgery at Northern Nevada Medical
17 Center?

18 A. That's correct.

19 Q. That's all the questions I have. Thank you very
20 much, doctor.

21 A. Thank you.

22 MS. BAKER: Nothing based on that, Your Honor.

23 THE COURT: Thank you, doctor.

24 THE WITNESS: Thank you very much.

1 THE COURT: May this witness be excused?

2 MS. BAKER: Yes, Your Honor.

3 MR. NEIDERT: Yes, Your Honor.

4 THE COURT: Mr. Neidert?

5 MR. NEIDERT: Yes.

6 (Witness excused.)

7 THE COURT: We're going to bring Mr. Grimes back
8 in. And Mr. Neidert will begin with his cross-examination.

9 MS. BAKER: Yes, Your Honor.

10

11 OFFICER GRIMES,

12 called as a witness on behalf of the

13 State having been previously sworn,

14 was examined and testified as follows:

15

16 THE COURT: Mr. Grimes, come up to witness stand.

17 Mr. Grimes, you previously took an oath as a witness and

18 you're still under oath.

19 THE WITNESS: Okay.

20 THE COURT: Mr. Neidert, you may begin.

21 MR. NEIDERT: Thank you.

22 CROSS-EXAMINATION

23 BY MR. NEIDERT:

24 Q. Good morning, Mr. Grimes. Picking up where the

1 prosecution's direct examination, I would like to ask some
2 questions about the day in question.

3 A. Okay.

4 Q. Were you the first officer at the scene that day?

5 A. I was not.

6 Q. Who was the first officer?

7 A. Officer Groom.

8 Q. So approximately in time who -- how soon or long
9 after Officer Groom arrived did you arrive?

10 A. I saw him pull in the parking lot so 40 seconds
11 maybe. I parked a little bit further back than he did.

12 Q. Okay. So, and we're talking about the Budget
13 Inn, so we're talking about the corner of Allen Road and
14 Williams, correct?

15 A. Correct.

16 Q. So were you on Williams? Were you on Allen?
17 Where were you when you first saw him?

18 A. When I first saw?

19 Q. Officer Groom.

20 A. Officer Groom, oh. So I pulled in from South
21 Allen. I pulled into the front of the Budget Inn. Officer
22 Groom actually went around me and pulled into, right in front
23 of the hotel room in question.

24 Q. And when you first arrived at the scene you --

1 you went and checked on Mr. Malone and Ms. Douglas and
2 Officer Groom stayed outside?

3 A. Yes.

4 Q. And he's the one that was staying with Mr. Johns?

5 A. Yes.

6 Q. Anything -- when you saw Mr. Johns, how did he
7 appear to you?

8 A. He appeared -- he appeared as somebody under the
9 influence of a controlled substance.

10 Q. Okay. And did he say anything?

11 A. He was making excited utterances, yelling for
12 Corey. I heard him say I stabbed him but I got stabbed
13 first.

14 Q. Okay. And was his -- and was Mr. Johns sitting?
15 Standing? What was he doing when you first saw him?

16 A. When I first saw him he was standing up, and then
17 Officer Groom had him sit down.

18 Q. Did he make any attempt to flee from you or
19 anything like that when you first arrived?

20 A. No, he did not.

21 Q. And then you went in -- so at that point in time
22 did Mr. Johns seem cooperative?

23 A. He was cooperative.

24 Q. And he stayed -- and Officer Groom stayed with

1 Mr. Johns while you went in and to Room 135 to see if there
2 was other people inside?

3 A. Correct.

4 Q. And when you were talking with the people inside
5 you testified there was a dog?

6 A. Yes.

7 Q. Did you see that dog?

8 A. Yes.

9 Q. Did you -- did you ever make an inspection of the
10 room beyond the front area of the room?

11 A. No.

12 Q. So you -- so you -- and you testified that the --
13 you had the dog, that had to move the dog away to be out of
14 the area where you arrived. Is that a fair statement?

15 A. That is fair.

16 Q. And this was a moderate to medium size dog?

17 A. It was.

18 Q. Okay. And do you know approximately how long
19 Mr. Johns -- how to put this right, how much time elapsed
20 from when you first arrived to the moment in time a decision
21 was made to place Mr. Johns under arrest? How much time?

22 A. I don't know an exact time.

23 Q. Approximation? You're trained to --

24 A. Approximately 15 minutes until he was placed

1 under arrest.

2 Q. Okay. And how long after -- and I want to
3 clarify that he was -- a decision was made to detain him
4 prior to that. Is that a fair statement?

5 A. That is fair.

6 Q. And that was made much more than 15 minutes in?

7 A. Much sooner, yes.

8 Q. And at the point in time that he was detained
9 Officer Groom placed handcuffs on him, correct?

10 A. Yes.

11 Q. And per protocol, handcuffs were placed in the
12 back because it's safer -- it's safer for officer's safety to
13 have handcuffs in back as opposed to the front. Is that a
14 fair statement?

15 A. That is fair.

16 Q. Mr. Johns was cooperative when he was -- when he
17 was detained and the handcuffs were put on at that point. Is
18 that fair?

19 A. That is fair.

20 Q. And then subsequently a decision was made to
21 place Mr. Johns under arrest?

22 A. Yes.

23 Q. And it's my understanding that the decision to
24 place Mr. Johns under -- at the time he was placed under

1 arrest was to put a spit hood on him, correct?

2 A. Correct.

3 Q. And the decision -- and let me back up. Spit
4 hoods are not part of the normal protocol of the Fallon
5 Police Department for arrest, are they, a standard arrest?

6 A. Outside of COVID, no.

7 Q. Okay. Well, outside of COVID is the practice of
8 the Fallon Police Department to require anybody that's
9 arrested to put on a mask for like what I'm wearing, correct?

10 A. I'm sorry. Can you repeat the question.

11 Q. I'm wearing a mask. It's hard to hear. Is it
12 protocol of the Fallon Police Department because of COVID
13 that anybody that's being transported by the Fallon Police
14 Department, maybe not even under arrest, to wear a mask while
15 they are being transported?

16 A. That was a policy that we had in place.

17 Q. And a spit hood and a mask are two very different
18 things. Is that a fair statement?

19 A. They are different.

20 Q. So -- so and I am asking this because you
21 qualified you said before COVID and masks, I asked how common
22 spit hoods were, and then you talked about masks. A spit
23 hood and masks are two different things?

24 A. Right, they are.

1 Q. And at the point in time Mr. Johns was detained a
2 mask was put on him?

3 A. Correct.

4 Q. So going back to the spit hood, spit hoods are
5 not part of the normal procedure for an arrest. Is that a
6 fair statement?

7 MS. BAKER: Your Honor, may we approach.

8 THE COURT: Yes.

9 Mr. Neidert, you may proceed.

10 Q. (BY MR. NEIDERT:) And when the spit hood was
11 initially put on Mr. Johns he was cooperative at that time?

12 A. He was. Yes.

13 Q. But then shortly thereafter then he became
14 cooperate -- combative. Is that a fair statement?

15 A. That is fair.

16 Q. And, in fact, you testified that you took him to
17 the ground twice?

18 A. Right.

19 Q. During the course of his arrest?

20 A. Correct.

21 Q. And were you the person leading him through that
22 period of time?

23 A. Was I the person --

24 Q. Okay. I want to -- correct me if I'm wrong

1 because I don't want to -- you're the police officer, not me.
2 When Mr. Johns is placed under arrest there's typically one
3 officer that's leading a suspect, correct, to take him to
4 wherever they are taking them when they are under arrest. Is
5 that a fair statement, sort of the directing their movement?

6 A. I would say I was directing the movement, yes.

7 Q. So you were -- so you were the one that was
8 directing Mr. John's movement?

9 A. That's fair.

10 Q. So when Mr. Johns went to the ground, he went to
11 the ground twice. So if you were the one directing his
12 movement, you would be the one who went down to the ground
13 and pick him back up again. Is that fair?

14 A. That's fair. Me and Officer Shine were working
15 together to make that happen.

16 Q. So you -- so you went to the -- so the first time
17 you went to the ground and he went all the way down because
18 you testified there were -- there were goat heads and things
19 like that on the ground which you don't want to put him on
20 concrete but that certainly, that was the safety -- you
21 figured dirt was preferable to concrete and then you realized
22 there were goat -- after the fact you realized there were
23 goat heads?

24 A. Correct. There was like the edge of the concrete

1 there so we wanted to try to avoid that.

2 Q. And so you -- so, again, he's down on the ground.
3 So you and you said Officer Shine had to go down, is on the
4 ground all the way. You're taking him down to the ground.
5 I'm assuming you mean he's down all the way down flat on his
6 stomach --

7 A. Yes.

8 Q. -- to the ground?

9 A. Yes.

10 Q. So his body and face really close to the ground,
11 correct?

12 A. Yep. Correct.

13 Q. And so the two of you have to kneel down then to
14 pick him up, correct?

15 A. I didn't kneel. I bent over.

16 Q. You had to lower your body at least to pick him
17 up?

18 A. Correct.

19 Q. Okay. And you testified he became combative. So
20 you took him to the ground a second time. Got him up a
21 second time, and then you and the other officers there you
22 identified on the scene, at that point yourself, Officer
23 Grimes, Officer Shine. Were there other officers also a part
24 of this?

1 A. It was myself, Officer Groom, Officer Shine and
2 Officer Ugaldi (phonetic).

3 Q. And I apologize. I said Officer Grime but Groom
4 and Grimes create confusion in my mind. I'm sure it does in
5 your department.

6 A. I understand, yes.

7 Q. So there were basically four officers that were
8 all at this point dealing with Mr. Johns, correct?

9 A. Correct.

10 Q. And he was struggling and -- and resisting at
11 that point in time?

12 A. Correct.

13 Q. You got him to the car?

14 A. Correct.

15 Q. At that point -- and then at some point in time
16 somebody notices what looks like a footprint on your pants.
17 Is that a fair statement?

18 A. That is fair.

19 Q. Were you the one that noticed or did somebody
20 else say, hey, take a look at that?

21 A. I believe it was Officer Groom who first saw it.

22 Q. Now, and you testified that you actually never
23 felt anything. You just noticed this imprint on your pant
24 leg?

1 A. Correct.

2 Q. That and then with you -- that and then when you
3 inspected your body, physical body that there were no
4 scratches?

5 A. Correct.

6 Q. No bruises?

7 A. Correct.

8 Q. This wasn't anything that you had to -- that you
9 sought any kind of medical attention for?

10 A. Correct, it was not.

11 Q. And obviously you never missed work or filed a
12 workers' compensation claim or anything like that?

13 A. I did not.

14 Q. And is it fair to say that without the -- if you
15 hadn't seen the dirt, this thing on your pants, you would
16 never have been aware of any contact at all?

17 A. I wouldn't say that's fair.

18 Q. Why were -- you testified you didn't feel
19 anything.

20 A. Correct. There was still contact. There was a
21 lot of contact.

22 Q. There was -- so you testified you felt contact
23 from somebody at some point but that -- that's about all you
24 can say?

1 A. I felt contact. I do not recall specifically
2 where -- I mean, I felt the contact all over because I was
3 wrestling with the defendant.

4 Q. Okay.

5 A. I do not recall the specific moment in time where
6 I was kicked in the shin.

7 Q. Okay. And -- and you testified you saw signs of
8 impairment?

9 A. Yes.

10 Q. And you went -- did you go to the hospital when
11 they -- when, along with Mr. Malone and did you -- did your
12 investigation continue on to the hospital?

13 A. My investigation continued on to the hospital
14 with the defendant.

15 Q. Okay. So did -- and you testified you saw signs
16 of impairment?

17 A. Yes.

18 Q. And, in fact, you actually expressed concern
19 enough that in your PC sheet you asked for a mental health
20 hold, correct?

21 A. Correct.

22 Q. Okay. At the hospital, because you're a trained
23 officer and you saw signs of impairment, did you -- you
24 didn't ask the hospital though to do any kind of drug screen

1 on Mr. Johns, did you?

2 A. Not at that time, no, I did not.

3 Q. Not at any time, did you?

4 A. No.

5 Q. Okay. I mean --

6 A. Sorry.

7 Q. It's not at that time -- there was no time at
8 all --

9 A. Correct, we did not.

10 Q. -- during the arrest any kind of drugs found on
11 Mr. Johns?

12 A. Nope.

13 Q. So in your mind -- let me ask it this way. In
14 your mind Mr. Johns was resisting arrest but you weren't
15 aware of anything -- any kind of a battery until some other
16 officer said, hey, look there's something on your pants?

17 A. Correct.

18 Q. Thank you. Thank you very much. I have no
19 further questions.

20 THE COURT: Ms. Baker?

21 MS. BAKER: Thank you, Your Honor.

22 REDIRECT EXAMINATION

23 BY MS. BAKER:

24 Q. So let's start with you're at Banner. In your

1 job is it regular when you go for a fit four to request for a
2 drug -- drug test at Banner?

3 A. It is not.

4 Q. And why is that?

5 A. Unless we're looking to charge the defendant with
6 a drug related crime then we don't request the drug screening
7 because we pay for it and that's not something that we need
8 to spend the tax dollars on.

9 Q. So was it needed in this case?

10 A. I don't believe it was.

11 Q. Okay. And but when he was at Banner and before
12 your observations of the defendant was he responsive?

13 A. Yes.

14 Q. Did he answer questions?

15 A. He did.

16 Q. Did he indicate to the medical staff at Banner
17 about his wishes about treatment?

18 A. He did. There was also a point in time when they
19 asked for his date of birth. They asked us, and he actually
20 answered up and gave his correct date of birth and
21 everything. He was very coherent.

22 Q. Okay. Did they want to give him a shot?

23 A. They did, yes.

24 Q. And what was his response?

1 A. He did not wish to have a shot.

2 Q. And when I say he it's the defendant?

3 A. Correct.

4 Q. And did the defendant make that clear to staff
5 that he did not want a shot?

6 A. He did.

7 Q. Okay. And, again, we'll go back to the injury of
8 the defendant.

9 MR. NEIDERT: Your Honor, I object. That goes
10 beyond the scope. I didn't ask about my client's injuries at
11 all on cross-examination.

12 THE COURT: Sustained.

13 Q. (BY MS. BAKER:) Okay. When you looked at --
14 after the altercation when you were observing your uniform
15 what were the other officers doing?

16 A. The same thing. We were all checking ourselves
17 for injuries and blood.

18 Q. And why is that?

19 A. The defendant has universal precautions. We
20 wanted to make sure that we were protecting ourselves from
21 any kind of bloodborne pathogens as well as injuries.

22 Q. Okay. So when Officer Groom noticed your pant
23 leg was he -- what was he doing when he noticed it?

24 A. He was inspecting me for the same thing that I

1 just mentioned.

2 Q. Okay. So you were looking for -- so he was
3 examining your uniform specifically and what was he
4 specifically looking for?

5 A. For injuries and blood.

6 Q. Okay.

7 A. Yep, body fluids, things like that.

8 Q. Thank you.

9 Your Honor, pass the witness.

10 THE COURT: Mr. Neidert?

11 RECROSS-EXAMINATION

12 BY MR. NEIDERT:

13 Q. I'm a little confused. You testified that you
14 believed that Mr. Johns might have been under the influence
15 of a controlled substance, correct?

16 A. Correct.

17 Q. Controlled substances unless they are by
18 prescription are illegal to consume in the State of Nevada,
19 correct?

20 A. Correct.

21 Q. So if a person is under the influence of a
22 controlled substance that's a crime, isn't it?

23 A. Correct.

24 Q. So does the Fallon Police Department have a drug

1 recognition expert?

2 A. We do.

3 Q. Did a drug recognition expert come and take a
4 look at Mr. Johns, either at the scene or likely at Banner
5 Churchill Hospital?

6 A. I did not.

7 Q. Were you aware that Mr. Johns was being
8 supervised by court services at that point in time?

9 A. I was.

10 Q. So and are you aware that court services has a
11 policy that drug test people and that using controlled
12 substances is a violation of court services supervision?

13 A. Yes.

14 Q. And so -- so you knew that controlled substances
15 are illegal. You knew that based on your training and
16 experience you saw that the evidence of use of a controlled
17 substances. You knew that Mr. Johns was being supervised by
18 court services, and yet you did not request any kind of drug
19 test. Is that -- are those all fair statements?

20 A. They are.

21 MR. NEIDERT: Thank you very much. No further
22 questions.

23 THE COURT: Ms. Baker, anything based on that?

24 MS. BAKER: Thank you, Your Honor.

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REDIRECT EXAMINATION

BY MS. BAKER:

Q. So are you aware of all conditions on court services?

A. I'm not.

Q. Are you aware committing a crime would be a violation?

A. I am.

Q. So would there -- in this case was there a need to do a drug test?

A. There was not.

Q. And why is that?

A. Mr. Johns was looking at multiple other charges. We don't generally look to stack charges. I mean, we charged Mr. Johns with the crimes that he committed against another person, so.

Q. Right. Thank you.

THE COURT: Mr. Neidert?

RECROSS-EXAMINATION

BY MR. NEIDERT:

Q. Well, in fact, your office doesn't make charging decisions. Those belong to the district attorney's office. Is that a fair statement?

A. That is not a fair statement. I mean, we do the

1 initial charges and then --

2 Q. You send the case to the district attorney's
3 office and the district attorney reviews your arrest and they
4 ultimately make the decision as to what charges to file; is
5 that correct?

6 A. Okay. Yes, that would be correct.

7 Q. And so it's ultimately the decision of the
8 district attorney and not the Fallon Police Department or any
9 other law enforcement agency to make a decision as to whether
10 to quote, unquote stack charges, is it not?

11 A. It is not.

12 Q. Basically, you're saying that the -- if the
13 policy of the Fallon Police Department to perhaps overlook
14 certain crimes if they believe they're charging the person
15 with sufficient other crimes. Is that what you're trying to
16 tell the Court?

17 A. That's fair enough, yeah.

18 Q. Okay.

19 A. There are times we decide not to charge a person
20 with a crime if they are looking at certain other crimes.

21 Q. Thank you very much, officer. I have no further
22 questions.

23 MS. BAKER: Just briefly, Your Honor.

24

1 REDIRECT EXAMINATION

2 BY MS. BAKER:

3 Q. It is the role of the Fallon Police Department
4 officers to determine what charges to arrest; is that
5 correct?

6 A. Correct.

7 Q. Thank you.

8 THE COURT: Mr. Neidert?

9 MR. NEIDERT: Nothing further.

10 THE COURT: Thank you.

11 Can this witness be excused?

12 MS. BAKER: Subject to recall, Your Honor.

13 THE COURT: Very well.

14 (Witness excused.)

15 THE COURT: Your next witness?

16 MS. BAKER: Your Honor, the next witness is
17 Detective Sergeant John Frandsen. He's going to be a while.

18 THE COURT: Okay.

19 MS. BAKER: Do you want to --

20 THE COURT: Okay. I appreciate you letting us
21 know that. Would this, Mr. Neidert, be a good time for a
22 recess?

23 MR. NEIDERT: I think it would be. I believe so.

24 THE COURT: Ladies and gentlemen of the jury,

1 we're going to take a ten-minute recess. During this recess
2 you must not discuss or communicate with anyone, including
3 fellow jurors in any way regarding the case or its merits
4 either by voice, phone, e-mail, text, internet or other means
5 of communication or social media.

6 You must not read, watch or listen to any news or
7 media accounts or commentary about the case. You must not do
8 any research such as consulting dictionaries, using the
9 internet or using reference materials. You must not make any
10 investigation, test the theory of the case, recreate any
11 aspect of the case or in any way investigate or learn about
12 the case on your own. You must not form or express any
13 opinion regarding the case until it is submitted to you for a
14 decision.

15 We'll be in recess.

16 (Whereupon, a brief recess was taken.)

17 THE COURT: We're back on the record on Case
18 Number 200553, State of Nevada versus Casey Alan Johns. The
19 record will now reflect the presence of the parties and
20 counsel, all officers of the court and the full jury and the
21 alternate jurors.

22 Will counsel stipulate to the correct seating of
23 the jury?

24 MR. NEIDERT: So stipulated, Your Honor.

1 MS. BAKER: Yes, Your Honor.

2 THE COURT: Very well. The State may call its
3 next witness.

4 MS. BAKER: Thank you. The State would like to
5 call John Frandsen.

6 THE COURT: Would you please come to the witness
7 stand.

8 THE WITNESS: Yes, sir.

9 THE COURT: Would you face the clerk and raise
10 your right arm to take the oath of a witness.

11

12 SERGEANT JOHN MICHAEL FRANDSEN,
13 called as a witness on behalf of the
14 State having been first duly sworn,
15 was examined and testified as follows

16

17 THE COURT: Please be seated.

18 THE WITNESS: Thank you, sir.

19 THE COURT: And you may remove your mask.

20 DIRECT EXAMINATION

21 BY MS. BAKER:

22 Q. Good morning.

23 A. Good morning.

24 Q. Can you please state and spell your name for the

1 record.

2 A. John Michael Frandsen. Last name is spelled
3 F-r-a-n-d-s-e-n.

4 Q. And how are you currently employed?

5 A. I'm employed by the City of Fallon Police
6 Department.

7 Q. And how long have you been at the Fallon Police
8 Department?

9 A. I've been a member of the department since 1998.

10 Q. And what is your current job title?

11 A. Currently I'm assigned to the support services
12 division as a supervisor sergeant for the detective division.

13 Q. Okay. And what is your title?

14 A. Detective sergeant.

15 Q. Okay. And how long have you been a detective
16 sergeant?

17 A. Since March of 2017.

18 Q. Okay. And what kind of training do you have for
19 your employment?

20 A. I attend the Nevada Basic POST Academy. In
21 addition to that I also hold my intermediate, advanced and
22 supervisory POST certificates. Since becoming a police
23 officer in 1998 I have amassed in excess of 2,400 hours of
24 training.

1 Q. Thank you. And were you working on April 16th,
2 2020, around 1:28 p.m.?

3 A. I was.

4 Q. Okay. And what were you doing around that time?

5 A. As the supervisor of the detective division I'm
6 not exactly positive what I was doing at that exact moment
7 but I was out and about in my assigned vehicle.

8 Q. Okay. And did you go anywhere?

9 A. I did. I overheard radio traffic of a stabbing
10 that occurred at the Budget Inn on South Allen Road so I
11 responded to that address.

12 Q. And were you directed to go there?

13 A. I was not. I self-responded to that because of
14 the nature of the call.

15 Q. Okay. Were you wearing a body cam?

16 A. I was not at the time.

17 Q. And why is that?

18 A. Simply because I was out doing routine and my
19 body camera was on the docking station at the police
20 department.

21 Q. Okay. And -- and, again, where did you report
22 to?

23 A. The Budget Inn on South Allen Road in the City of
24 Fallon.

1 Q. Okay. Is that in Churchill County, Fallon,
2 Nevada?

3 A. That is correct.

4 Q. Okay. When you arrived at the Budget Inn, what
5 did you see?

6 A. Upon my arrival medics were already on scene.
7 The -- Mr. Michael Malone who was being attended to by
8 paramedics in the back of the ambulance. The defendant,
9 Mr. Johns, was in handcuffs near Room Number 135 seated on a
10 log in front that hotel room.

11 Q. And let's talk about Mr. Malone. What did you
12 observe about Mr. Malone?

13 A. When I first saw Mr. Malone he had what appeared
14 to be a motel towel wrapped around one of his hands and he
15 was being escorted to the ambulance as I arrived.

16 Q. Okay. And what were your observations of the
17 defendant?

18 A. Mr. Johns was animated in his conversations.
19 However, he was still -- he was seated and being detained and
20 Officer Shine was in attendance with him at that point.

21 Q. Okay. And how do you know it was Casey Alan
22 Johns?

23 A. The officers that arrived on scene broadcast that
24 over the radio before my arrival.

1 Q. And when you arrived did you recognize him?

2 A. I did.

3 Q. Okay. And how do you know Mr. Johns?

4 A. Prior law enforcement contacts.

5 Q. Okay. And would you be able to recognize him if
6 you saw him again?

7 A. Absolutely.

8 Q. Okay. And would you be able to recognize him if
9 he was wearing a mask or would you need the mask to be
10 removed?

11 A. Based on his stature, his clothing, well, his
12 hairstyle, things of that nature I would probably say we
13 probably would recognize him, yes.

14 Q. Okay. And can you look around the room and see
15 if you can identify Mr. Johns.

16 A. I already indicated he was seated over here but
17 he is wearing a gray shirt. He does have a blue mask on and
18 his hair is in a ponytail.

19 MS. BAKER: May the record reflect the
20 identification of the defendant.

21 THE COURT: The record will reflect the
22 identification of Mr. Johns.

23 Q. (BY MS. BAKER:) So once you arrived and you saw
24 Mr. Johns and Mr. Malone, what did you do next?

1 A. At that point in time, one of the first things I
2 did was instruct Officer Shine to Mirandize Mr. Johns and
3 find out if he would talk about what happened.

4 Q. Okay. And then what did you do next?

5 A. And then I essentially assessed the area and the
6 scene of the incident.

7 Q. Okay.

8 A. To include the exterior and the interior of the
9 motel room.

10 Q. Okay. And which motel room again?

11 A. Motel Room Number 135. That would be the
12 southern most building. The Budget Inn is two buildings.
13 One runs a north-south direction. The other one runs
14 east-west.

15 Q. Uh-huh.

16 A. And that would be the one that's to the south,
17 and the motel room is on the bottom floor of that southern
18 most building on the northwest corner.

19 Q. Okay. And when you arrived and you were outside
20 the hotel room what did you observe?

21 A. On the sidewalk itself there were lots of
22 droplets of blood. As I approached where Mr. Johns was
23 sitting on the -- on the railroad tie or telephone pole, if
24 you will, I believe it's a telephone pole, in that general

1 area I observed items on the ground to include a folding
2 pocket knife, with a leather lanyard. Close, near Mr. Johns
3 was a baseball style cap, black and red I believe the colors
4 were. There was also a pair of sunglasses with black frames,
5 also a maroon and red bandanna, as well as a second pair of
6 sunglasses that was further to the west and to the south of
7 his location, dirt to the west of the motel room and the
8 actual building of the motel. That actual pair of sunglasses
9 had what appeared to be colored temples on the sides.

10 The knife, the bandanna appeared, they were on
11 the sidewalk in that area. I would say maybe five to six
12 feet away from Mr. Johns where he was being watched by
13 Officer Shine, close to the front part of the door on the
14 sidewalk there and they appeared to have red staining on them
15 which would be consistent to that of blood.

16 Q. Okay. Did you see any other red staining?

17 A. Yes. On the sidewalk itself we -- again, to the
18 east-west along that sidewalk in front of that motel room
19 heading back to the east there were droplets of blood spaced
20 out sporadically along that sidewalk.

21 In addition, right in front of Motel Room Number
22 135 there was a lot of pooling of blood in front of the motel
23 room door before you enter the threshold and then also on the
24 threshold of that door to the Motel Room 135.

1 MS. BAKER: May I approach.

2 THE COURT: Yes.

3 Q. (BY MS. BAKER:) We're going to go through a lot
4 so Exhibits 12 through 20. And when you arrived on scene,
5 did you take photographs?

6 A. I did.

7 Q. If shown copies of those photographs would you be
8 able to identify those?

9 A. Absolutely.

10 Q. Okay. Although this has been admitted as State's
11 Exhibit 12 I think I'm going to have to take the sleeve off.

12 Do you recognize this photograph?

13 A. I do.

14 Q. And did you take it?

15 A. I did.

16 Q. And then can you describe what we're seeing in
17 this photograph.

18 A. Essentially I started with photographs of an
19 overall location. This is actually a photograph of
20 Mr. Malone's, what was determined to be Mr. Malone's vehicle
21 and that is part almost directly into, backed into Room
22 Number 135.

23 Q. Okay. And are -- you can mark on that screen.
24 Can you show us where Room 135 would be.

1 A. If you look over just the top of the motor
2 vehicle, Room 135 is right there. That's the top of the
3 door, the entrance to Room 135.

4 Q. Okay. Thank you. State's Proposed Exhibit 13,
5 is this a photograph you took?

6 A. It is.

7 Q. And what date did you take this?

8 A. This would have been on April 16th.

9 Q. 2020?

10 A. 2020, excuse me, yes, ma'am.

11 Q. At the Budget Inn?

12 A. Correct.

13 Q. Okay. And does it --

14 A. Churchill County.

15 Q. Thank you. Does it truly and accurately reflect
16 what you saw that day?

17 A. It does.

18 MS. BAKER: Move to admit State's Propose 13.

19 THE COURT: Mr. Neidert?

20 MR. NEIDERT: I have no objection to the
21 prosecution offering that as Exhibit 12.

22 MS. BAKER: 12 was already admitted.

23 THE COURT: No objection to 13.

24 MR. NEIDERT: Yeah, no objection to 13.

1 THE COURT: 13 will be admitted.

2 Q. (BY MS. BAKER:) And can you describe what we're
3 seeing in this photograph.

4 A. This is the entrance to Room 135 of the Budget
5 Inn on South Allen Road. The door was in this position as I
6 took the photograph as I found it. If you direct your
7 attention to the bottom of the screen it's the, this area in
8 here is what I described earlier as the droplets and the
9 pooling of the red staining which has the consistency of
10 blood.

11 Q. Okay. And this is -- I don't know what I did.
12 Okay. This is what's been marked as proposed Exhibit 14.
13 Did you take this photograph?

14 A. I did.

15 Q. And did you take it on April 16th, 2020?

16 A. Correct, the same date.

17 Q. And where did you take this photograph?

18 A. This was also at the Budget Inn on South Allen.

19 Q. And does it -- sorry. And does it truly and
20 accurately reflect what you saw that day?

21 A. It does.

22 MS. BAKER: Move to admit State's Proposed
23 Exhibit 14.

24 MR. NEIDERT: No objection.

1 THE COURT: 14 is admitted.

2 Q. (BY MS. BAKER:) And can you please describe what
3 we're looking at.

4 A. This particular photograph is pictures of the red
5 staining on the concrete sidewalk in front of the building
6 that runs east-west. This picture is farther to the east of
7 Room Number 135 heading in an easterly direction.

8 Q. Okay. And where would Room 135 be?

9 A. In relationship to this picture would be to the
10 right of this picture.

11 Q. And based on your observations of these red
12 droplets what did you do?

13 A. I continued to follow them in the direction they
14 traveled.

15 Q. And where did they go?

16 A. They continued farther to the east.

17 Q. Okay. Do you know how far they continued?

18 A. I do. Sorry. They continued farther to the east
19 past Room 132 and almost all the way down to the eastern most
20 stairwell.

21 Q. Okay. And this is State's Proposed Exhibit 15.
22 Did you take this photograph?

23 A. I did.

24 Q. And when did you take it?

1 A. April 16th, 2020, at the Budget Inn.

2 Q. In Churchill County, Nevada?

3 A. Churchill County, Nevada, yes, ma'am.

4 Q. Does it accurately and truly reflect what you saw
5 that day?

6 A. It does.

7 MS. BAKER: Move to admit State's Exhibit
8 Proposed 15.

9 MR. NEIDERT: May I voir dire on this one, Your
10 Honor.

11 THE COURT: Of course.

12 VOIR DIRE EXAMINATION

13 BY MR. NEIDERT:

14 Q. This was taken in the area of the Budget Inn,
15 specifically where the Budget Inn. Do you know what, close
16 to what room?

17 A. Close to Room 135, Mr. Neidert.

18 Q. Okay. I'm just trying to clarify exactly where
19 you found it on the Budget Inn property.

20 A. Yes, sir.

21 MR. NEIDERT: Okay. Thank you.

22 Based on that I have no objection to Number 15.

23 THE COURT: 15 is admitted.

24

1 CONTINUED DIRECT EXAMINATION

2 BY MS. BAKER:

3 Q. And can you please describe what we're seeing in
4 this photograph.

5 A. As I mentioned earlier in my testimony, the -- I
6 observed a pocket knife, maroon and white bandanna and
7 sunglasses near Mr. Johns where he was seated on the
8 telephone pole and that is a close-up picture of those.

9 Q. Okay. Can you describe the knife.

10 A. The knife is a folding pocket knife. It appears
11 to have about a four-inch, approximately four-inch blade.
12 The handle of the knife is a camouflage pattern, if you will,
13 and it has a leather lanyard attached to the base. The knife
14 also has what appears to be red staining on the knife itself.

15 Q. Okay. And did you collect the -- this evidence?

16 A. I did. I collected each one of those items
17 individually.

18 Q. Okay. And can you describe that process.

19 A. Essentially I would use gloves when I collect
20 anything or do anything with hazardous materials, biohazard
21 being the blood or the apparent blood in the area. So I
22 would collect that knife using gloves. I would secure those
23 individually into a paper bag based on the fact that it is
24 blood. And if it's wet, if you secure wet blood inside

1 plastic it has a tendency to mildew or go bad. So we put
2 that in paper, each one individually, so you don't
3 cross-contaminate the items. And then they are packaged
4 separately, sealed, signed and entered into our evidence
5 vault.

6 Q. Okay. Are they assigned a number?

7 A. They are, in fact, assigned an individual
8 identifying number, correct.

9 Q. And is your investigation assigned a number?

10 A. It is.

11 Q. And what number if recall?

12 A. Fallon Police Department Case F20-02540.

13 Q. Okay. And so everything related to this case has
14 that number attached?

15 A. That is correct.

16 Q. Okay. And at any point did you remove this knife
17 from evidence?

18 A. I did.

19 Q. And do you know about when you did that?

20 A. I want to say -- I don't remember specifically
21 but I did remove the knife from evidence and I sent it to or
22 transported it in person to the Washoe County Crime Lab for
23 processing of the blood and DNA evidence on the knife.

24 Q. Okay. And did any other evidence go along with

1 this evidence?

2 A. Yes.

3 Q. And what was that evidence?

4 A. A second knife which I collected at a later point
5 after this one, as well as DNA samples from Mr. Johns, as
6 well as a DNA sample from Mr. Malone.

7 MS. BAKER: Okay. May I approach.

8 THE COURT: Yes.

9 MS. BAKER: Exhibit 29.

10 May I approach the witness.

11 THE COURT: Yes.

12 Q. (BY MS. BAKER:) Do you have gloves?

13 A. I did grab them. Let me just -- do you have
14 scissors? No, okay.

15 Q. Uh-oh, what's wrong? Do we need scissors?

16 A. No.

17 THE COURT: We don't keep those in the courtroom.

18 MS. BAKER: Yeah.

19 Q. What the State has provided is Proposed 29.

20 Before we do anything what are we looking at?

21 A. This is the -- this is the evidence packaging.
22 It's printed with information or labeled and then it's filled
23 out individually for the specific item. This particular
24 package is marked with the Fallon Police Department

1 identifier and the case number which I just read or F20-2450.
2 This is evidence item number four. The offense at the time
3 was identified as a battery with a deadly weapon. Suspect,
4 victim are identified, date and time of recovery. The person
5 recovered by, as well as a description of the item. And
6 when, date and time or date and when it was sealed.

7 And then individually every time that this piece
8 of evidence moves from our evidence locker somebody has to
9 take custody of it and sign on the chain of custody on the
10 package.

11 MS. BAKER: The State is requesting that the
12 detective open this evidence envelope. Any objection?

13 THE COURT: Mr. Neidert?

14 MR. NEIDERT: I have no objection. I would -- I
15 have some voir dire of the content at some point, but at this
16 point I have no objection to it being opened.

17 Q. (BY MS. BAKER:) Please open that envelope.

18 A. Not typically the way we open it.

19 Q. Can you remove the content. When you sealed the
20 contents in that bag what did the bag contain?

21 A. The only thing that the bag contained when I
22 sealed it was this knife right here and the lanyard.

23 Q. And is that how -- does it appear to be how you
24 observed it when you collected it?

1 A. It does.

2 Q. And the other contents, do you know what those
3 are?

4 A. Those would be extracts obtained by the lab when
5 they do the processing of the DNA.

6 MS. BAKER: Move to admit State's Proposed
7 Exhibit 29.

8 MR. NEIDERT: Request brief voir dire.

9 VOIR DIRE EXAMINATION

10 BY MR. NEIDERT:

11 Q. So you pulled two items out of the bag. You
12 pulled out the knife and you pulled out what appeared to be a
13 very small manila envelope. Is that a fair statement?

14 A. There's three items, the two additional to the
15 knife, Mr. Neidert.

16 Q. Okay.

17 A. There's a small bag here and then small manilla
18 envelope as well.

19 Q. Okay. So a small bag, so a small -- a manilla
20 envelope and a small bag?

21 A. Yes, sir.

22 Q. The small -- but the small bag -- inside of the
23 white bag --

24 A. Yes.

1 Q. -- and the manila envelope were put in there by
2 the Washoe County Crime Lab.

3 A. Yes, sir.

4 Q. Is that a fair statement?

5 A. That's correct.

6 Q. And if you look the chain of custody would you
7 tell -- usually the chain of custody on the bag would show
8 when the bag was removed from the evidence locker. Is that a
9 fair statement?

10 A. Yes, sir, it is.

11 Q. And other than you did anybody from the Churchill
12 County, excuse me, from the Fallon Police Department remove
13 or sign out that evidence?

14 A. Yes.

15 Q. Okay. And do you know who those officers are?

16 A. I absolutely do, yes, sir.

17 Q. And did they do it at your instruction?

18 A. At my instruction and/or the district attorney's
19 office, correct.

20 Q. Okay. And the other names on the bag would be
21 from Washoe County Crime Lab?

22 A. That is correct, sir.

23 Q. And those would be during the period of time that
24 they had custody and control of that?

1 A. That's correct. And it appears, to answer your
2 previous question, it would have been in July. July 17th is
3 when I transported those.

4 Q. Okay. And then you had your chain of -- well,
5 those chain of custody, are you the one that physically
6 picked it up from the Washoe County Crime Lab as well?

7 A. Yes. On also -- that actually I don't -- I'm not
8 sure if I picked it up or not to tell you the truth. It went
9 into the locker on 7-17. It came back to us. It is very
10 possible that it was mailed back to us from the Washoe County
11 Crime Lab and it was entered into evidence by police service
12 assistant Melissa Krecht (phonetic) on September 9th of 2020.

13 Q. And that tells you basically in your experience
14 that that was mailed -- most likely mailed by the crime lab
15 and the police technician from the Fallon Police Department
16 booked into evidence at that time?

17 A. That is correct, sir.

18 MR. NEIDERT: On that basis I have no objection,
19 Your Honor.

20 THE COURT: Very well. Exhibit 17 will be
21 admitted.

22 MS. BAKER: Or Exhibit 29.

23 THE COURT: 29?

24 MS. BAKER: It's --

1 THE COURT: 29, Exhibit 29 is admitted.

2 MS. BAKER: Yeah. Well, no, this is the photo
3 and then 29 is the --

4 THE COURT: Oh, okay.

5 MS. BAKER: -- item.

6 CONTINUED DIRECT EXAMINATION

7 BY MS. BAKER:

8 Q. So in looking at Exhibit 29, again, you had
9 described it as a folding knife. How does that knife fold?

10 A. It's on a pivot, if you will, essentially. And
11 like any pocket knife, if you will, it's on a pivot at one
12 end. The blade folds open and locks in place.

13 Q. Okay. And so when it unfolds, I know these are
14 kind of silly questions but we want to ask them.

15 A. It's okay.

16 Q. When it's unfolded are you able to unfold that
17 knife?

18 A. Sure.

19 Q. Can you?

20 A. Absolutely.

21 Q. So then it's straight?

22 A. Correct.

23 Q. Thank you. You can put it back together. If you
24 want to put it all back into the contents in.

1 May I approach.

2 THE COURT: Yes. Do you have a Clorox wipe, sir?

3 THE WITNESS: Yes, sir. When I unfolded that
4 some of the flakes fell. I don't know if you want to put
5 that.

6 MS. BAKER: Yes. We will exchange. Thank you.

7 THE BAILIFF: May I approach, Your Honor, with
8 the garbage?

9 Q. (BY MS. BAKER:) So at what point in the
10 investigation did you start collecting the evidence?

11 A. I can't give you a specific time but I would have
12 picked up as soon as I picked up the items or photographed
13 the items in place then I would have collected them
14 individually.

15 Q. Okay. So at any point did you enter Room 135?

16 A. I did.

17 Q. This is Proposed Exhibit 16. Did you take this
18 photograph?

19 A. I did.

20 Q. And when did you take it?

21 A. Again, the details will be on the photograph
22 itself. Specific time I can't tell you but the -- the
23 process is to take, go through and look at the scene,
24 evaluate the scene, do a walk-through and then document the

1 evidence in place with photographs and then take the
2 individual items into evidence and then so this would have
3 been prior to me collecting anything out of the room in 135.

4 Q. Okay. But you took the photograph on what date?

5 A. I took the photograph on April 16th, 2020, at the
6 Budget Inn, Room 135, South Allen Road, Churchill County.

7 Q. Thank you. And does it truly and accurately
8 reflect what you saw that day?

9 A. It does.

10 MS. BAKER: Move to admit State's Proposed
11 Exhibit 16.

12 MR. NEIDERT: No objection.

13 THE COURT: 16 will be admitted.

14 Q. (BY MS. BAKER:) And can you describe what we're
15 seeing in this photograph?

16 A. This is again the threshold to Room Number 135 at
17 the sidewalk and the floor in the motel room right at the
18 threshold of the entrance door.

19 Q. Okay. And this is marked as Proposed Exhibit 17.
20 -- this is Exhibit 17 previously admitted. Did you take this
21 photograph?

22 A. I did.

23 Q. And what are we seeing in this photograph?

24 A. This is the view inside Room 135, and the focus

1 or my picture at this point is the large red stain on the
2 bedspread, the corner of the bedspread, and you can't clearly
3 see this particular photograph. I'm not sure if it's because
4 the overhead but there's also a large red stain right at the
5 bottom of that corner of the photo in that motel room.

6 Q. Okay. And did you enter the hotel room?

7 A. I did.

8 Q. And when you entered the motel room could you
9 please describe what you were seeing.

10 A. When I entered the motel room I would have taken
11 photographs from typically left to right, the overall hotel
12 room. There was some -- there was some spots and blood to
13 the left of the entrance of the door. The largest amount of
14 blood collected was here at this bed. There was also blood
15 that was to the right.

16 Looking at this particular photograph, to the
17 right of this photograph as you enter there is a small
18 dresser, TV above that on the wall. There's a microwave,
19 refrigerator and then there's a sink along that wall with a
20 vanity. And then farther along the wall there's a small
21 retaining wall, if you will, then a closet on the opposite
22 side. Opposite of that is the back. There was also blood in
23 the area of the vanity, as well as up on the walls and I
24 believe there was some on the ceiling above the vanity as

1 well.

2 Q. Okay. And on the bed what did you observe on the
3 bed?

4 A. I had been given previously information prior to
5 entering the motel room that Deanna Douglas had retained her
6 knife, her backpack and she used that to defend herself with
7 both, and I located that folding pocket knife as well on the
8 bed.

9 MS. BAKER: May I approach.

10 THE COURT: Yes.

11 Q. (BY MS. BAKER:) Exhibit 34, what I'm showing you
12 is marked as Exhibit 34. Did you take that photograph?

13 A. I did.

14 Q. And what is this photograph of?

15 A. That's the picture of the photograph of the
16 folding knife that I found on the bed. This is I think the
17 maybe second or third photograph I took of this particular
18 knife. When I located it on the bed it was kind of -- it was
19 in plain view but it was in a fold or two of the blanket. So
20 I manipulated the blanket a bit as I progressed with the
21 photographs, and I took this photograph as well.

22 Q. Okay. And what were your observations regarding
23 this knife?

24 A. I obviously noticed that it was in the extended

1 position. I did not observe anything on the knife. However,
2 and I took photographs of both sides. So I would have turned
3 it over and I collected it.

4 Q. Okay. And your observations of the knife can
5 again go through with your naked eye what did you see.

6 A. I did not see anything. Obviously I was looking
7 for some great stain on the knife based on the situation. I
8 did not see anything on the knife on either side.

9 Q. Okay. Did you see any red staining on the
10 blanket or I believe that's a blanket, correct?

11 A. It's a leopard print blanket. I did not.

12 Q. Okay. And you examined the blanket?

13 A. I did.

14 MS. BAKER: May I approach.

15 THE COURT: Yes.

16 Q. (BY MS. BAKER:) I would like to show you what's
17 been mark as Proposed Exhibit 18. Do you recognize this
18 photograph?

19 A. I do.

20 Q. And did you take that photograph?

21 A. I did take the photograph on the same date,
22 April 16th, 2020, and that's inside Room 135 at the Budget
23 Inn.

24 Q. Okay. And does that accurately and truly reflect

1 what you saw that day?

2 A. Yes.

3 MS. BAKER: Move to admit State's Proposed
4 Exhibit 18.

5 MR. NEIDERT: No objection.

6 THE COURT: Exhibit 18 is admitted.

7 Q. (BY MS. BAKER:) And can you describe what we're
8 seeing in this photograph.

9 A. As I described earlier, as you come into the room
10 this is the western most wall. You can see the television
11 mounted on the wall. That's right above the dresser that I
12 indicated. There's the microwave with the water bottles on
13 the bottom down here sitting on top of it, refrigerator
14 underneath and then the vanity and mirror. This area of the
15 picture is the red stain that I had indicated was on the
16 wall.

17 Q. Okay. And it's hard to see on these monitors.
18 So can you describe the red stain.

19 A. Well, the red staining in and of itself I'm not
20 a -- I'm not a blood pattern analyst expert. However, based
21 on my training and experience the blood itself did have,
22 based on the fact that it hit the wall hit the top of the
23 wall and then would have run down.

24 This is consistent with what I learned later

1 looking at this that Mr. Malone suffered an arterial wound to
2 his hand which, and he also stated to one of the other
3 officers that his blood was spurting or squirting. This is
4 consistent with something of that nature.

5 Q. Okay.

6 A. It doesn't appear that it's castoff. Castoff is
7 more directional. Wherein if Mr. Malone would have pulled
8 his hand back rapidly then the blood would have been
9 directional, if you will, across the wall that hit and
10 straight down.

11 Q. Thank you. So as you proceeded in the room,
12 because we showed pictures of the bed, pictures of this,
13 where the TV is. Then, again, where did the room progress
14 to?

15 A. Past the vanity there's a small closet and
16 there's a bathroom to the left.

17 Q. All right. Did you enter the bathroom?

18 A. I attempted to.

19 Q. And what happened?

20 A. I got the living daylights scared out of me.
21 There was a dog inside.

22 Q. Were you told about the dog?

23 A. I was not told about the dog.

24 Q. All right.

1 A. I made reference to the dog in the bathroom.

2 Q. Did you?

3 A. I did.

4 Q. Okay. Did the defendant respond to that comment?

5 A. He did.

6 Q. And what was his response?

7 A. He yelled I should not call his wife a dog. And
8 I simply explained there's an actual dog in the bathroom.

9 Q. Thank you. And then after going through Room 135
10 did you make your way over to some other rooms?

11 A. Yes.

12 Q. And what room in particular did -- caught your
13 eye?

14 A. I was advised that after reviewing some video
15 surveillance that the defendant had kicked in the door to
16 Room Number 132.

17 Q. Did you go and look at Room 132?

18 A. I did.

19 Q. Did you take photographs of Room 132?

20 A. I took photographs of the door and the main
21 entrance or the full entrance of 132, yes.

22 Q. And what I'm showing you is Exhibit Proposed
23 Number 19. Did you take that photograph?

24 A. I did.

1 Q. And is it the same date and time as you took the
2 other photographs?

3 A. It is.

4 Q. And does it truly and accurately reflect what you
5 saw that day?

6 A. It does.

7 Q. And so what are we seeing -- or move to admit
8 State's Proposed Exhibit 19.

9 MR. NEIDERT: No objection.

10 THE COURT: Exhibit 19 is admitted.

11 Q. (BY MS. BAKER:) Can you please describe what
12 we're seeing in this photograph.

13 A. The focus of this photograph is the entrance door
14 to Number 135 of the Budget Inn. Again, start with an
15 overall picture to capture the area.

16 Q. Okay. Now, when we're looking at that door is
17 there something odd?

18 A. There is.

19 Q. Why is that?

20 A. The door is actually cracked open a bit, and you
21 can also see right next to the doorknob on the right little
22 portion of the door there is a shoe impression on the door
23 itself.

24 Q. Okay. I'm showing you Exhibit Proposed 20. Did

1 you take that photograph?

2 A. I did.

3 Q. And did you take it on April 16th, 2020, at the
4 Budget Inn in Churchill County, Nevada?

5 A. I did.

6 Q. And does it truly and accurately reflect what you
7 saw that day?

8 A. Yes, it does.

9 MS. BAKER: Move to admit State's Proposed 20.

10 MR. NEIDERT: No objection.

11 THE COURT: 20 is admitted.

12 Q. (BY MS. BAKER:) And can you please describe what
13 we're seeing in this photograph.

14 A. This is the window associated with Room 132. And
15 on the sidewalk between stairwell and the wall you can see
16 the screen from that particular window. It would have been
17 the left side window. In addition there are -- on the
18 sidewalk down here in this area are droplets of red staining
19 as well consistent with that of blood.

20 Q. Okay. And is that -- did you review the video
21 surveillance of the Budget Inn?

22 A. I did.

23 Q. The video surveillance from the April 16th, 2020?

24 A. Yes, ma'am.

1 Q. And is that consistent with what you saw in the
2 video?

3 A. It is.

4 MS. BAKER: May I approach.

5 THE COURT: Yes.

6 MS. BAKER: 21, 22, 23 and Number 7.

7 Q. I'm showing you what is marked as Exhibit
8 Proposed 21. Did you take that photograph?

9 A. I did.

10 Q. And did you take it on April 16th, 2020 in
11 Churchill County, Nevada, at the Budget Inn?

12 A. I did.

13 Q. And does it truly and accurately reflect what you
14 saw that day?

15 A. Yes, ma'am.

16 MS. BAKER: Move to admit State's proposed
17 Exhibit 21.

18 MR. NEIDERT: No objection.

19 THE COURT: 21 is admitted.

20 Q. (BY MS. BAKER:) What are we seeing in this
21 photograph?

22 A. This is a close-up photograph of the shoe
23 impression left on the door next to the doorknob of Room 132.
24 As you can see it's actually a double shoe impression.

1 Q. And in reviewing the video, is that consistent
2 with what you saw in the video?

3 A. Yes. I observed the defendant kick the door
4 twice.

5 Q. And when you collected evidence did you collect
6 evidence of a shoe?

7 A. I did.

8 Q. Okay. And did you observe that shoe?

9 A. I did.

10 Q. And where was that shoe found?

11 A. That shoe was found next to -- well, it was found
12 in the area where Mr. Johns was being contained. At the time
13 of his arrest and being taken into custody he became
14 combative with officers and during that struggle to get him
15 into the patrol vehicle for transportation to the hospital
16 his shoe came off.

17 Q. Okay. So when you first walked around did you
18 see where was his shoe?

19 A. Both shoes were on his feet.

20 Q. Okay. And then after the arrest is that when you
21 found the other shoe?

22 A. It was left on scene so I collected it as
23 evidence. I knew it to be his property.

24 Q. Okay. I would like to put State's 21 and 7 up.

1 Is the shoe print consistent with the shoe?

2 A. It is.

3 Q. And why is that?

4 A. If you look at the bottom down here on the
5 impression on the door right there, you also have that same
6 pattern here, and that's the most notable pattern on that
7 shoe as well as if you look to the right of it as well. So
8 the heel impression on the shoe is almost if it's matched.
9 You can also see the void here. The void is also here in
10 this photograph as well.

11 Q. All right. Thank you.

12 A. Yes, ma'am.

13 Q. And did you enter Room 132?

14 A. I just entered in the threshold to take
15 photographs of the damage to the door, yes.

16 Q. Okay. And what kind of damage did you see?

17 A. The door itself was cracked. The locking
18 mechanism for the handle itself was broke out. Those items
19 were scattered on the floor inside the hotel.

20 Q. And I would like to show you what's been marked
21 -- been marked as proposed Exhibit 22. Did you take that
22 photograph?

23 A. I did.

24 Q. And did you take it on April 16th, 2020, in

1 Churchill County, Nevada, at the Budget Inn?

2 A. Yes, ma'am.

3 Q. And does it truly and accurately reflect what you
4 saw that day?

5 A. It does.

6 MS. BAKER: Move to admit State's Proposed
7 Exhibit 22.

8 MR. NEIDERT: No objection.

9 THE COURT: It's admitted.

10 Q. (BY MS. BAKER:) Can you please describe what
11 we're seeing in this photograph.

12 A. This is the damage done to the door of Room 132,
13 the actual solid core door itself. As you can see that it's
14 missing the locking mechanism for the door handle itself.

15 Q. Okay. And in this photograph, other than the
16 locking mechanism what kind of damage are we seeing?

17 A. The solid core wood door is cracked almost all
18 the way down.

19 Q. Okay. So the cracking goes further than the
20 photograph?

21 A. It does.

22 Q. And where would it start and end?

23 A. Without looking at a larger photograph I couldn't
24 tell you specifically. I mean, it's consistent with where

1 the shoe impression from the door and the door having been
2 locked as forcefully.

3 Q. Okay.

4 May I approach.

5 THE COURT: Yes.

6 MS. BAKER: Exhibit 30. Thank you.

7 Q. Again, as you indicated earlier you reviewed the
8 surveillance video of the Budget Inn; is that correct?

9 A. Yes, ma'am.

10 Q. Okay. This has been previously marked as
11 Exhibit 30. I'm going to play you the videos. We're going
12 to play them, one straight through, and then I'm going to
13 replay them and I would like you to indicate what we're
14 seeing in those videos.

15 A. Okay.

16 Q. So the first video that's listed it ends in
17 34014. In this video what are we seeing?

18 A. This is a video of the defendant, Mr. Johns, in
19 the area of Room Number 132. The actual door to Room Number
20 132 is on his right-hand side. So he's pacing around. At
21 that point you can see that he's wearing the threaded black
22 baseball cap. He has the maroon and white bandana in his
23 hand, as well as a beverage of some sort. He's smoking a
24 cigarette, milling about, if you will.

1 Q. Okay. And about what room was this?

2 A. Around Room 132.

3 Q. Okay. And have you become familiar with the
4 Budget Inn surveillance videos?

5 A. Yes.

6 Q. Or cameras?

7 A. Yes.

8 Q. And how do they work?

9 A. You probably observed a glitch in the video.
10 This video works on motion detection. So if nothing is
11 moving the video stops. It won't start moving again until it
12 captures the motion.

13 Q. I'm going to, the same first video.

14 A. Okay. That would have been right there. So he
15 stopped at some point long enough for the video to stop
16 working. Then when he moved again it started back up.

17 Q. Okay. And we've stopped it at and it's the time
18 stamp on the bottom of when the video starts, it's 00:15 but
19 there is a time stamp on the upper right corner; is that
20 correct?

21 A. Correct.

22 Q. And what does that indicate?

23 A. So this particular video system, when we actually
24 reviewed the video we determined that they have two different

1 systems. One on the other northern building and one on the
2 southern building. This is video from the southern building.
3 This video is approximately 19 minutes off. So it's
4 19 minutes fast. This is supposedly -- supposed to be the
5 time of day, but I can't quite read that. But that time
6 stamp on this is about 19 minutes faster than the actual
7 time.

8 Q. Okay.

9 A. The northernmost building is about 12 minutes
10 off.

11 Q. Okay. And when we review this walkway, again, by
12 what room is this?

13 A. So Room 132 is -- sorry, right here, this is Room
14 132. So 135 is farther down this corridor and this is east.

15 Q. All right. And in looking at this we saw
16 pictures of what you took around Room 132.

17 A. Right.

18 Q. And there is a screen on the ground.

19 A. Correct. This would indicate that that is prior
20 to that happening because the screen was on the ground right
21 at this point when I took the pictures.

22 Q. All right. Thank you.

23 Now I'm going to be playing the video, the second
24 video which is 34206.

1 A. Your system has stopped for some reason.

2 Q. Yes. It's the -- sorry. It's the TV prompt.

3 Okay. We're going to replay this. So I stopped it at 00:09
4 because it's easier to read that than the time stamp at the
5 top.

6 A. Yes.

7 Q. What did we just observe?

8 A. Well, the defendant was standing near the window
9 of Room 132 and removed the screen. Now it's on the ground
10 on the sidewalk between the stairwell and the wall.

11 Q. So this is still 00:09 but it's just a different
12 movement, correct?

13 A. Yes. At this point in time Mr. Johns is about to
14 strike that with his right hand and in his right hand he is
15 holding a knife.

16 Q. And you're able to see the knife?

17 A. I am, yeah, at this particular juncture. Right
18 there you can see here in his hand the knife extending from
19 his hand. So based on what I'm looking at here he is
20 striking that window potentially with the back -- the back
21 handle of the knife.

22 Q. Okay. So if -- okay. So if he's striking it
23 with the back handle where was his hand gripped?

24 A. I'm assuming he's on the grip. And, again, I'm

1 assuming that that's where he's at. He's striking the window
2 with the knife in his hand at this point.

3 Q. Okay. So now we've stopped at 00:15.

4 A. Can you clear that circle.

5 Q. Oh, yeah.

6 A. Can you back it up just a few more seconds,
7 please.

8 Q. Tell me when.

9 A. Keep going. Keep going more and a little bit
10 more. So at this point if you see his arm here, his elbow,
11 initially -- may I stand, Your Honor.

12 THE COURT: Well, I want to make sure everyone
13 can pick you up in the microphone.

14 THE WITNESS: Oh, of course, sir.

15 So in the first -- when he struck the window the
16 first time it appeared his hand was moving forward this way
17 because this is the window in front of his hand. Here I
18 believe he has turned his hand around and now is striking the
19 window this direction with the point of the knife going
20 forward, if you can play that.

21 Q. (BY MS. BAKER:) Yes, and I will. But let's --
22 let's verbalize your hand movement.

23 A. Oh, I'm sorry. I apologize. So if you turn and
24 now the base of your hand, the blade of your hand with the

1 knife protruding forward, the point of the knife protruding
2 forward and the point of the knife potentially striking.

3 Q. So on the side of the pinky?

4 A. Correct. Yes, ma'am.

5 Q. And we'll go ahead and play that. Do you want me
6 to start there?

7 A. Yes. So if you play that forward.

8 Q. And do you want it slow motion or fast or normal
9 speed?

10 A. Slow. So at minimum one strike to the window
11 with the thumb side of the hand and it looks as if two
12 strikes to the window with the pinky side of the hand and an
13 overhead motion.

14 Q. Thank you. And then that's at colon or 00:14.

15 A. Yes, ma'am.

16 Q. We're going to keep going.

17 A. That would be the first strike with the right
18 foot to the door and second. Oh, sorry.

19 Q. And what's the difference between the first kick
20 and the second?

21 A. He put some weight into the second one. As you
22 can see that he stepped back and really gets it good. And,
23 of course, his entry to Room 132.

24 Q. And how long was he in Room 132?

1 A. Approximately 15 seconds.

2 Q. And we've stopped it at colon colon 36.

3 A. As he exits Room 132 you can see right here on
4 the ground right near his right foot a drop of what appears
5 to be blood at this point or similar to blood but it drops
6 straight down because he walked out of the room which would
7 indicate to me that he has suffered a laceration to his hand.

8 Q. And based on what we see in the video can you
9 correlate that to anything?

10 A. He did have a laceration to his right hand upon
11 our contact and it required some medical assistance.

12 Q. Okay. And could he have received that at any
13 point during this video?

14 A. I believe he sustained that injury after striking
15 the window or while striking the window with the knife in his
16 hand.

17 Q. And why do you think that?

18 A. He comes out of the room and he's bleeding at
19 this point in time. The velocity and the force that he
20 struck the window with the knife in his hand, it easily could
21 have slipped and lacerated his hand.

22 MS. BAKER: All right. Are we good to keep
23 going?

24 THE COURT: Yeah.

1 Q. (BY MS. BAKER:) Now I'm going to be playing
2 video number three which ends in 34417. I'm going to be
3 replaying that. So I have stopped it at colon colon or
4 00:07. What are we seeing in this?

5 A. The end of the previous video Mr. Johns was
6 observed walking northbound or excuse me, westbound towards
7 Room Number 135. At the start of this he's observed coming
8 back this direction. The window screen is still on the
9 ground at this point in time. And I know it's very difficult
10 to see on this video as he was walking eastbound but there is
11 a pattern and you can watch droplets appear as he's walking
12 which are I believe to be blood dripping from that right
13 hand. In addition, Mr. Johns turned. He has a look on his
14 face which we consider to be a thousand-yard stare
15 essentially.

16 Q. Do you see anything on his right leg?

17 A. On his right leg, in the area of the shin appears
18 potentially there's blood there. Also clearly visible in his
19 right hand is the -- is a knife.

20 Q. And if it's the folding knife how would he be
21 holding -- I mean if it's the knife that we found on scene
22 how would he be holding it?

23 A. This appears the blade is forward in his hand.
24 So that means the blade is pointing out of the thumb side of

1 his hand so he's -- the butt of the handle is at the blade
2 side of his hand or the pinky side.

3 Q. Okay. So this is State's Exhibit Proposed 23.
4 Do you recognize this?

5 A. This would be a still image captured from that
6 video that we just observed.

7 Q. And it's from the April 16th, 2020, surveillance
8 video of the Budget Inn?

9 A. That is correct.

10 Q. All right. And does it truly and accurately
11 reflect what we saw in the video?

12 A. Absolutely. Yes.

13 Q. And are you able to see this -- I mean, talk
14 about what we're seeing in this photograph.

15 A. Exactly as the previous photograph you can see
16 the droplets on the ground. Knife in his hand. It is
17 determined about his face, as well as potentially blood on
18 his right cheek.

19 Q. And the window screen?

20 A. Indeed it's still on the ground.

21 MS. BAKER: Move to admit Proposed Exhibit 23.

22 MR. NEIDERT: No objection.

23 THE COURT: 23 is admitted.

24 Q. (BY MS. BAKER:) So we're going back to the

1 surveillance video. Are you able to read the time stamp up
2 on top.

3 A. I'm sorry I cannot.

4 Q. Okay. What are we seeing? We stopped it. It's
5 still 00:07 but he's -- is he in the same position?

6 A. He's moved slightly toward the east but
7 essentially yes, the same things in this particular.

8 Q. But his legs are in different spots?

9 A. Correct.

10 Q. Okay. And what are we seeing in this still?

11 A. Obviously that the blade of the knife or the
12 knife is still in his hand. You can still see where the
13 screen is on the ground, droplets of red stains on the
14 concrete.

15 Q. Thank you.

16 A. Yes.

17 Q. And which direction is he going?

18 A. He is heading eastbound at this point in time.

19 Q. Now, I would like to show you video four ending
20 in 34449. And what did we see in the video?

21 A. Continuation from the previous video, he's
22 observed back in camera view heading westbound down to Room
23 135.

24 Q. Oh, sorry. I would like to show you the video,

1 355530, one more time, and we're going to slow it down here.
2 I stopped at 00:03. What are we seeing in this?

3 A. In the top right-hand portion of this video
4 paramedics have arrived on scene. Officers have already been
5 on scene. We're seeing Mr. Malone be brought out to the
6 ambulance for medical treatment.

7 Q. And we can -- are you able to see the ambulance?

8 A. Yes, top -- top area, right-hand portion
9 ambulance on scene.

10 Q. And what I would like to show you is video ending
11 in 33422. And, again, 33422, and we're going to slow it
12 down. Okay. I have stopped it at 00:01. What's different
13 about this video?

14 A. This is the camera view from the northern Budget
15 Inn building. So we're actually looking back at the southern
16 building, and right in the middle top portion of your screen
17 where the Budget Inn sign is at the top of the motel, right
18 to the bottom right of that is Room Number 135. That is
19 where Deanna Douglas' room was. Mr. Malone's truck is parked
20 there. And to the left and bottom floor of the Budget Inn
21 sign you can see Mr. Johns near Room 132.

22 Q. Okay. Now, again, we're talking about how the
23 surveillance video works. Why are we getting this?

24 A. Again, it's motion activated so you see a vehicle

1 pulling out on the left-hand side of the screen, backing up.
2 So that activated the video at this point in time. That's
3 what it captured at the start of the backing motion of the
4 car.

5 Q. Okay. And at 00:05 what did we observe?

6 A. Mr. Johns is observed taking the screen off the
7 window of Room 132.

8 Q. And is that consistent with the other videos that
9 we viewed?

10 A. It is. Although, the time stamp is going to be a
11 little bit different.

12 Q. Okay. So I'm stopping it. It is fast. Okay. I
13 stopped it at 00:20.

14 A. Okay.

15 Q. The video began shortly thereafter?

16 A. Correct.

17 Q. Okay. As we know from the prior videos what
18 happens after Mr. Johns take the screen off and hits the
19 window?

20 A. After he hits the window then he forces entry
21 into the room by kicking the door in.

22 Q. Okay.

23 A. It's not captured on this video. I'm assuming
24 because of the motion activation he is too far away from this

1 particular camera to capture that.

2 Q. Okay. I would like to play 33627. And I'm
3 replaying 33627 and I stopped it right at the beginning,
4 00:00. Based on your review of this what caused the video to
5 start recording?

6 A. This particular video started because of the
7 young man right here, the juvenile whom I did identify as
8 walking past the video camera which activated it.

9 Q. Okay. What are we seeing in the background?

10 A. In the background, again, to the right of the
11 Budget Inn sign, the bottom right Mr. Johns is observed on
12 the opposite side of the car that's parked to the west of
13 Mr. Malone's SUV.

14 Q. Okay. So he would be standing where?

15 A. It looks -- it appears as he's in the dirt to the
16 west of the property.

17 Q. Okay. And are we seeing any other individuals in
18 that area?

19 A. Not in that particular screen.

20 Q. 00:10, were you able to see anybody else?

21 A. Yes. At this point, to the back side of the SUV
22 I believe Mr. Malone was loading something into his vehicle
23 at that point in time.

24 Q. And what is he doing now?

1 A. It looks like he's entering into the Room 135.

2 Q. And where is Mr. Johns?

3 A. Mr. Johns is relatively in the same location on
4 the west side of the sedan, the dirt box.

5 Q. And at 00:18, what are we seeing in that corner?

6 A. Mr. Johns had moved his position from the dirt
7 box to it appears to the sidewalk, right at the entrance to
8 Room 135.

9 Q. And finally what's identified as ending in 34002
10 and replaying and I've stopped it at 00:00. What are we
11 seeing that activated the parking?

12 A. We have an individual walking through the parking
13 lot from west to east which got it within that sitting of
14 that camera to be activated.

15 Q. Okay. So I'm going to stop it at 00 -- I mean
16 I'm going to start it at 00:11 and I want you to pay
17 attention to the doorway to Room 135. Kind of describe what
18 you're seeing. Very fast, I know. Let's do it one more
19 time. I'm going to give you a little more time.

20 A. There's -- there is a person inside the doorway
21 of Room 135.

22 Q. Can you figure out who that person is?

23 A. Not based on that.

24 Q. Okay.

1 A. But the only thing, as I look closer, whoever it
2 is has a sleeveless shirt on it appears.

3 Q. Okay.

4 A. But it's quite the distance. Quite fast.

5 Q. That is correct. Thank you.

6 Court's indulgence.

7 Pass the witness, Your Honor.

8 THE COURT: Mr. Neidert, would now be a good time
9 to take a brief recess? We've been going for about an hour
10 and a half.

11 MR. NEIDERT: Probably would be, yes.

12 THE COURT: Ladies and gentlemen of the jury,
13 we're going to take a ten-minute recess. During this recess
14 you must not discuss or communicate with anyone, including
15 fellow jurors in any way regarding the case or its merits
16 either by voice, phone, e-mail, text, internet or other means
17 of communication or social media.

18 You must not read, watch or listen to any news or
19 media accounts or commentary about the case. You must not do
20 any research such as consulting dictionaries, using the
21 internet or using reference materials. You must not make any
22 investigation, test the theory of the case, recreate any
23 aspect of the case or in any other way investigate or learn
24 about the case on your own. You must not form or express any

1 opinion regarding the case until it has been submitted to
2 you.

3 We'll take a ten-minute recess.

4 (Whereupon, a brief recess was taken.)

5 THE COURT: We're back on the record on Case
6 Number 20-0552, State of Nevada versus Casey Alan Johns. The
7 record should reflect the presence of the parties and counsel
8 and all officers of the court. We're meeting outside the
9 presence of the jury and the alternate jurors.

10 It's been requested that counsel had something
11 they wanted to address with the Court.

12 MS. BAKER: Yes, Your Honor. Thank you. One of
13 the questions I wanted to ask Officer Grimes that wasn't, and
14 it was objected to because of outside the cross, redirect
15 scope was regarding Mr. Johns' right hand missing a part of
16 his pinky. So we just wanted to, just enter into a
17 stipulation that that injury was not part of this incident
18 and that the only injury on the hand was that one cut that
19 was treated.

20 MR. NEIDERT: And, Your Honor, I told Ms. Baker I
21 would enter into that stipulation and this isn't to draw
22 attention to any part of Mr. Johns' body. But the only
23 issue -- we'll put it out with exact verbiage, but we're not
24 objecting the only injury being treated was the one to

1 whatever finger it was to his hand.

2 THE COURT: So are we proposing that the Court
3 say the parties have entered into a stipulation that a
4 missing portion of Mr. Johns' right pinky was not as a result
5 of Mr. Johns' pinky?

6 MR. NEIDERT: Correct.

7 THE COURT: Is that the language? It's the right
8 pinky?

9 MR. NEIDERT: Yeah. And that's fine. I mean,
10 that clarifies that. It is what it is.

11 THE COURT: Should we do that right when they
12 come back in? What I'll say is counsel have stipulated that
13 the missing portion of Mr. Johns' right pinky was not related
14 to this incident in this case and then I'll ask Ms. Baker and
15 Mr. Neidert.

16 MR. NEIDERT: Your Honor, I would I think for
17 smooth of the trial, for flow of the trial, Your Honor, my
18 suggestion might be at a point in time after we're done with
19 this witness. This is not really relevant with this
20 particular witness that at some point the, perhaps at his,
21 prior to Ms. Baker resting her case for example because that
22 might be the point that the Court -- tells the Court and
23 we'll have the stipulation and things.

24 THE COURT: So why don't we do this, when it's

1 the appropriate time, why don't you just say I believe
2 counsel has a stipulation.

3 MS. BAKER: Okay.

4 THE COURT: And why don't -- do you want to state
5 it on the record?

6 MS. BAKER: Yes, Your Honor. I can state that on
7 the record.

8 THE COURT: Okay. And that way and then I'll
9 just ask you if that's the stipulation.

10 MR. NEIDERT: And that's fine, Your Honor.

11 THE COURT: Have you talked it over with Mr.
12 Johns?

13 MR. NEIDERT: I have, Your Honor. It's a
14 tactical decision I made up on my own but I don't think
15 it's -- I don't think there's really an issue with respect to
16 this particular case.

17 THE COURT: Do you have any questions?

18 THE DEFENDANT: I don't even need to talk about
19 it. I don't really care, so.

20 THE COURT: I guess --

21 THE DEFENDANT: As far as missing the pinky?

22 THE COURT: Yeah.

23 THE DEFENDANT: It was prior before anything
24 happened --

1 THE COURT: And that's what that is.

2 THE DEFENDANT: -- in this case.

3 THE COURT: They are going to stipulate.

4 THE DEFENDANT: It was January 25th, Christmas
5 Eve, 2019.

6 THE COURT: Sure. And that's what -- they are
7 not going to give all of the details but they are going to
8 stipulate that was the case, okay. Very well.

9 MS. BAKER: Thank you, Your Honor.

10 THE COURT: Shall we bring back in the --
11 Mr. Neidert, it's 11:50 and so we can --

12 MR. NEIDERT: I have no preference. I'm not sure
13 how long the cross-examination will take.

14 THE COURT: If it's gonna -- I mean, if it's
15 going to take more than 40 minutes.

16 MR. NEIDERT: I don't think it's going to take
17 40 minutes, Your Honor.

18 THE COURT: If you go to 12:30, is that your,
19 what you anticipate to be your last witness?

20 MS. BAKER: Yes, Your Honor.

21 MR. NEIDERT: And, Your Honor I was -- I was
22 going to -- to suggest whenever we finish with Detective
23 Fransden, I understand, as I understand the flow of the
24 trial, and the Court can certainly correct me if I'm wrong,

1 is that at some point the Court will canvass Mr. Johns with
2 respect to his right to testify --

3 THE COURT: Outside the presence.

4 MR. NEIDERT: -- outside of the jury. Right now
5 I think that's the time to do that. I don't know.

6 THE COURT: Well, I think my preference is to do
7 it after the State rests. I think that's the -- well,
8 because while we think we may know what's going to happen in
9 the cross-examination that could change.

10 MR. NEIDERT: And so, I mean I certainly -- I'm
11 just thinking in terms of not distracting the jury because
12 when the jury is checked out of the room too often they start
13 wondering what's going on.

14 THE COURT: Sure.

15 MR. NEIDERT: And I think we try to have these
16 kind of discussions and the jury says, oh, we have a
17 ten-minute break. No, it's actually 15 or 20 but it's not.

18 THE COURT: So why don't we do this, let's see
19 how it goes, but we'll bring the jury back in. We'll start
20 the cross-examination and go -- it will go past the noon hour
21 but then once the -- if it's going to go much beyond 12:30 I
22 would rather send them to lunch right now.

23 MS. BAKER: I don't know. Depending on cross,
24 you know, we have redirect.

1 MR. NEIDERT: I think because of that it might be
2 better to send them to lunch right now.

3 THE COURT: Okay.

4 MR. NEIDERT: And then we can -- and then we can
5 deal with all of the other issues at that point in time
6 because I --

7 THE COURT: I think there's a natural break when
8 the State rests. I don't think just to say we'll take a
9 recess and then we will canvass Mr. Johns, and you'll have
10 the opportunity to present whatever case you want. Then
11 after that, if there's not rebuttal we would then tell them
12 we're going to settle jury instructions. Depending on the
13 time of day we might bring them or recess them for the day.

14 MR. NEIDERT: Okay.

15 THE COURT: So I think I'll just -- let's bring
16 the jury back in.

17 Please be seated. We're back on the record on
18 Case Number 20-0552, State of Nevada versus Casey Alar Johns.
19 The record will now reflect the presence of the parties and
20 counsel and all officers of the court and the full jury and
21 the alternate jury.

22 Will counsel stipulate to the correct seating of
23 the jury?

24 MS. BAKER: Yes, Your Honor.

1 MR. NEIDERT: Yes, Your Honor, I will.

2 THE COURT: Ladies and gentlemen of the jury,
3 we're going to recess for our lunch hour now. It's a little
4 bit before noon and instead of going over the lunch hour, not
5 knowing how long it will go, we're going to recess and have
6 you come back at 1:30, at which time we'll resume.

7 During our lunch recess you must not discuss or
8 communicate with anyone including fellow jurors in any way
9 regarding the case or its merits either by voice, phone,
10 e-mail, text, internet or other means of communication or
11 social media.

12 You must not read, watch or listen to any news or
13 media accounts or commentary about the case. You must not do
14 any research such as consulting dictionaries, using the
15 internet or using reference materials. You must not make any
16 investigation, test the theory of the case, recreate any
17 aspect of the case or in any other way investigate or learn
18 about the case on your own. You must not form or express any
19 opinion regarding the case until it is submitted to you.

20 We'll be in recess until 1:30.

21 (Whereupon, a brief recess was taken.)

22 THE COURT: We're back on the record on Case
23 Number 20-0552, State of Nevada versus Johns versus Casey
24 Alan Johns. The record should reflect the presence of the

1 parties and counsel, all officers of the court.

2 We are meeting outside the presence of the jury
3 at the conclusion of our lunch break before we bring the jury
4 back in.

5 When we recessed for lunch the bailiff received a
6 note from Juror Number Four that indicates that, I'll read it
7 verbatim. Quote, it is difficult in the back of the room to
8 see the fine details on the screen being presented.

9 So for the record what they are referring to is
10 where we have an alternate courtroom. The jurors are in the
11 gallery and then we're open to the public by live streaming
12 this onto the internet. This juror is seated in the very
13 back. We're using an elmo or a document camera to display
14 these admitted photographs. And I think he's referring to
15 sitting in the back sometimes on two big screen TV's on the
16 front of the courtroom it's hard for him to see.

17 Does anybody disagree in reading that what I
18 think he's saying?

19 MS. BAKER: No, Your Honor.

20 MR. NEIDERT: No, Your Honor.

21 THE COURT: So what I propose -- well, let me
22 just listen to -- I'll tell you what I propose and have you
23 guys you weigh in. I'll just simply say the Court received a
24 note that indicated it was difficult to see some of the finer

1 detail in the screen. You should be aware when this case is
2 finally submitted for the jury all of the admitted evidence
3 will be taken to the jury room with you. That's what I
4 propose to let them know.

5 MS. BAKER: Yes, Your Honor. We also had a
6 discussion about certain items, although they will be getting
7 like the evidence book but item or Exhibit 29 is the knife.
8 So it's the State's understanding that that will stay behind.
9 If they -- they can request to see it. And then the State
10 would request that Brandon, your law clerk, glove up and go
11 and show it to the jury, keeping control of it and then until
12 they are done viewing it and then he can put it back.

13 THE COURT: And you're referring to Brandon
14 McCain, that's actually the bailiff for these proceedings.

15 MS. BAKER: Thank you, Your Honor.

16 THE COURT: And will be sworn when the case is
17 submitted to the jury.

18 Yeah. And so, yeah, all admitted photos is maybe
19 what I should say and --

20 MS. BAKER: And then for the video, it's the
21 State's understanding that there is a television in the, what
22 is now being used as the --

23 THE COURT: Yeah, I don't intend -- I intend to
24 wait and see if they want to see those.

1 MS. BAKER: Okay.

2 THE COURT: And then we'll address those.

3 MS. BAKER: That's sufficient, Your Honor. Thank
4 you.

5 THE COURT: Mr. Neidert?

6 MR. NEIDERT: I agree with the Court's
7 characterization, Your Honor.

8 THE COURT: Does that -- that TV has the ability
9 to display things, but we don't have the ability to play it.
10 I don't want to send a computer in and those types of things.

11 So I think what I'll tell them is that all
12 admitted photos will be given to them in the jury room to
13 review. Other admitted evidence, depending on the nature,
14 they can request to see it, but we'll then -- so is that --
15 we'll address it at that time.

16 MS. BAKER: Thank you, Your Honor.

17 THE COURT: Is that okay?

18 MR. NEIDERT: That's fine, Your Honor.

19 THE COURT: Okay. Anything else we need to put
20 on the record?

21 MR. NEIDERT: The only thing I was -- again, I
22 was just thinking procedurally where we're going to go from
23 here, Your Honor. I was thinking about this over the lunch
24 hour. I got in right before we started so I didn't have a

1 chance to discuss this with Ms. Baker so she's hearing it for
2 the first time too. I'm not trying to blind-side anybody.

3 I -- I guess what I'm thinking I'm looking at the
4 time and what we're doing today. And -- and with that in
5 mind I believe Ms. Baker has indicated that the Detective
6 Fransden is her last witness or will be her last witness for
7 this. I understand the Court will be -- will be canvassing
8 Mr. Johns about his right to testify. Although, he certainly
9 may change his mind and he certainly has not indicated that
10 to me and probably will not.

11 At that point the defense would be resting and so
12 the -- that will be presentation of all of the evidence. We
13 have to settle jury instructions. I was going through the
14 time in my mind, Your Honor, for this afternoon and I think
15 by the time we do this task and that task and the other task
16 probably, I'm thinking between 3:00 and -- probably between
17 3:00 and 3:30 before we would be at a point where we would
18 be --

19 THE COURT: So just to cut to the chase, one of
20 the things is it will be a lot longer if we, you know, keep
21 meeting outside the presence of the jury which we'll do any
22 time we need to.

23 MR. NEIDERT: Right. To cut to the chase. I
24 think we should probably come back tomorrow for final

1 argument and deliberations.

2 THE COURT: The Court will make that decision,
3 you know, because I want to be mindful of everyone's time.
4 But essentially I think my go, no go time will be whether
5 today would be to use hidden figures as a thing, somewhere
6 between 3:00 and 3:30. If we can begin instructing the jury,
7 you know, some time between 3:00 and 3:30, I'm open to
8 listening to something different, but my inclination would be
9 to recess, bring them back in the morning. We would stay and
10 settle jury instructions and then we -- and the -- is it the
11 desire to instruct the jury before closing arguments?

12 MR. NEIDERT: Yes, your.

13 MS. BAKER: Yes, Your Honor.

14 THE COURT: Okay. So then we would instruct
15 them. We would do closing arguments and submit it to the
16 jury. But at 3:30, any time before that I -- I just, based
17 on the openings I think we can get it to the jury in a fairly
18 reasonable time and still be, have them have the opportunity
19 to consider it and see if they can reach a verdict today and
20 if not we'll bring them back tomorrow. Does that --

21 MR. NEIDERT: And to be honest my concern wasn't
22 so much start deliberations. My concern was if we start
23 deliberations, I wouldn't want them to hurry, and certainly
24 we told them to plan on being here.

1 THE COURT: Sure.

2 MR. NEIDERT: Be here perhaps until Friday. And
3 I -- I want the jurors to consider things carefully, and I
4 certainly don't want to say we'll get done. And I don't want
5 to have them say, well, I have got dinner plans and my
6 favorite show is on tonight. They didn't talk about coming
7 into evening. They didn't talk about evening plans, so.

8 THE COURT: That's fair. So unless we finish
9 very quickly I will -- we'll recess. What we'll do is when
10 the State rests we'll recess the jury. I'll canvass
11 Mr. Johns. Depending on where that goes, either decide he
12 wants to testify or not testify, then we'll bring the jury
13 back in. And, Mr. Neidert, you can present whatever evidence
14 you want. We may have to deal with that pretrial motion
15 ahead of time that I have put off, depending whether those
16 witnesses are called or not, and then if it's -- I don't
17 think -- I think that's fair. What you're asking is to make
18 sure your client gets the full consideration of the jury.

19 MR. NEIDERT: And I don't want anybody to feel
20 rushed. I don't want anybody to say I've got dinner plans.
21 I've got company tonight. You guys didn't say into the
22 evening.

23 THE COURT: Unless I think that we can get well
24 into the deliberations before 5:00 p.m. then I'll probably

1 defer to Mr. Neidert and probably recess for the day and come
2 back.

3 MR. NEIDERT: I mean --

4 THE COURT: Send the jury home.

5 MR. NEIDERT: I'm not saying we go home but I'm
6 saying --

7 THE COURT: Yeah.

8 MR. NEIDERT: Because my experience to be honest,
9 Your Honor, is settling of the jury instructions takes half
10 an hour or so.

11 THE COURT: Sure.

12 MR. NEIDERT: You know, we're --

13 THE COURT: I usually send them away for about an
14 hour, so.

15 MR. NEIDERT: And, you know, so send them away
16 for about an hour I don't think we're going to be done until
17 after 2:00 o'clock at that point and then we're already at
18 3:00 and that --

19 THE COURT: That's fair. Do you have a
20 disagreement on that?

21 MS. BAKER: No, Your Honor. I'll submit to the
22 Court.

23 THE COURT: What about you, Mr. Johns?

24 THE DEFENDANT: I would like to be able to at

1 least have a good amount of time to take.

2 THE COURT: So would you --

3 THE DEFENDANT: And I'm in no rush to go nowhere.

4 THE COURT: So would you --

5 THE DEFENDANT: I'm obviously I'm going back into
6 custody.

7 THE COURT: So you would feel comfortable --

8 THE DEFENDANT: I would feel comfortable.

9 THE COURT: -- today and have them come back
10 fresh tomorrow?

11 THE DEFENDANT: When the State rests or whatever
12 you guys do do that, and if we can go home for the night and
13 then --

14 THE COURT: Okay. That will be --

15 THE DEFENDANT: -- tomorrow for the
16 deliberations.

17 THE COURT: That will be the tentative plan.
18 That could change if we're looking at 2:15 and, you know,
19 we're ready to settle jury instructions that might be a
20 different issues. Does that make sense?

21 MR. NEIDERT: It makes sense. I just -- but
22 realistically, Your Honor --

23 THE COURT: Yeah.

24 MR. NEIDERT: We starting at 1:30 --

1 THE COURT: It's actually 1:32 right now.

2 MR. NEIDERT: We're going to be I would say
3 approximately 2:00 o'clock we're done --

4 THE COURT: Sure.

5 MR. NEIDERT: -- with Mr. Fransden as a witness
6 completely. Then we take a break. We do the canvass and
7 then we're all of a sudden at 2:30 we still have to deal with
8 jury instruction.

9 THE COURT: Sure, okay. And I'm declined to
10 defer to that, but I'm just going to not firmly commit. So
11 when we bring the jury back in I'll tell them that we
12 received the note about being able to see details on the
13 screen. That the admitted photographs will go in to them
14 when the case is submitted for deliberations. The other
15 admitted evidence will be available to them, depending on the
16 nature of it, at their request. Does that make sense?

17 MR. NEIDERT: That makes sense, Your Honor.

18 MS. BAKER: Yes, Your Honor. I don't know if you
19 want to clarify that it's the photographs and the medical
20 records.

21 THE COURT: Okay.

22 MR. NEIDERT: Yeah, all the -- basically I would
23 say the evidence binder which has already been prepared.

24 MS. BAKER: That's fair.

1 THE COURT: Okay. The evidence binder which is
2 -- okay, perfect.

3 Anything else?

4 MR. NEIDERT: No, Your Honor.

5 THE COURT: Mr. Johns, anything?

6 Ms. Baker?

7 MS. BAKER: Nothing, Your Honor.

8 THE COURT: Okay. We'll be in recess. We'll
9 bring the jury in.

10 .Whereupon, a brief recess was taken.)

11 THE COURT: We're back on the record on Case
12 Number 20-0552, State of Nevada versus Casey Alan Johns. The
13 record will now reflect the presence of the parties of
14 counsel, of all officers of the court and the full jury and
15 the alternate jurors.

16 Will counsel stipulate to the correct seating of
17 the jury?

18 MS. BAKER: Yes, Your Honor.

19 MR. NEIDERT: Yes, Your Honor.

20 THE COURT: Ladies and gentlemen of the jury,
21 when we took our recess for the lunch hour the Court received
22 a note from the jury and it indicated a concern about being
23 able to see details of items displayed here on the screen.
24 And -- and I think what I want you to know is when the case

1 is finally submitted to you for a determination, the evidence
2 binder which contains all of the photographs and the medical
3 records that have been admitted into evidence will go into
4 the jury room with you. So you'll be able to review those.

5 There is other admitted evidence that depending
6 on the nature of it that will be available to you to review,
7 but we won't send it into the jury room. For example a knife
8 or something like that, we're not going to send that back to
9 the jury room. But if you want to review it we will have the
10 bailiff put gloves on and bring it in and allow you to see
11 that. We will do it -- what we will do and we'll meet
12 outside your presence, determine how we're going to do that
13 and present it to you.

14 With respect to the video we'll have to try to
15 accommodate that in some way if that's necessary, but I hope
16 that answers that question and I appreciate your attention
17 and we'll now continue with where we were with the trial.

18 Mr. Fransden, I will just indicate that you are
19 still under oath and we're going to commence with
20 Mr. Neidert's cross-examination.

21 THE WITNESS: Yes, sir. Thank you.

22 CROSS-EXAMINATION

23 BY MR. NEIDERT:

24 Q. Detective Fransden, first real quick, relatively

1 a little bit of housekeeping, I'll show you what's been
2 marked for identification as Exhibit 31. This is actually a
3 photograph of something else. Do you recognize what this is
4 a photograph of?

5 A. Yes, sir, I do.

6 Q. And what is that?

7 A. That's an aerial photograph of the area of Allen
8 Road where the Budget Inn is located within the City of
9 Fallon.

10 Q. And can you identify the various intersections on
11 this -- on this map.

12 A. Yes. Down towards the bottom section here.
13 Sorry. This is Williams Avenue and Allen Road.

14 Q. Did you know -- is this is an actual aerial
15 photograph?

16 A. I'm sorry?

17 Q. Do you know how this photograph was procured?

18 A. I do not, sir.

19 Q. But it does appear to be an accurate depiction of
20 the area where the Budget Inn is at?

21 A. Yes, it does.

22 MR. NEIDERT: Your Honor, I would move for
23 admission of Exhibit 31.

24 MS. BAKER: No objection, Your Honor.

1 THE COURT: Exhibit 31 will be admitted.

2 Q. (BY MR. NEIDERT:) And you indicated and, again,
3 I'm asking, maybe it was your intention. You indicated that
4 we saw a video from two different angles. Do you know --
5 could you point out on if you can on this diagram where
6 approximately the two video cameras are located.

7 A. I'll certainly try. So the building that runs
8 east to west I'll put a line behind the building.

9 Q. Okay.

10 A. This is the Budget Inn building that runs east to
11 west and that's the building right in front of that line.
12 This and the other building, I'll mark it again. This is the
13 building that runs north-south. And so the camera on the
14 north-south building is located towards the southern end of
15 that building. That's the shot that we have looking across
16 the parking lot to the south building. And then the camera
17 from the other angle is located towards the eastern most
18 stairwell access.

19 Q. Okay. And that -- and that other one, that was
20 the camera that showed the bulk of the video clips, correct?

21 A. Yes. Yes, that's correct, sir.

22 Q. And the Budget Inn may have other cameras but
23 those are the two cameras that had things that were relevant
24 to this case?

1 A. That is correct, sir.

2 MR. NEIDERT: How do you --

3 MS. BAKER: Touch the bottom left corner. There
4 you go.

5 THE COURT: Now, that exhibit was just marked for
6 identification; is that correct?

7 MR. NEIDERT: I asked for its admission. The
8 Court -- I thought the Court admitted it.

9 THE COURT: Did I admit it, okay.

10 MS. BAKER: You did, Your Honor.

11 THE COURT: Okay. Okay.

12 Q. (BY MR. NEIDERT:) Oh, and Detective Fransden,
13 when you arrived at the scene, do you know how many marked
14 Fallon Police units were already there?

15 A. There would have been three.

16 Q. And do you -- and which officers were in those
17 three vehicles, do you have any idea?

18 A. Officer Groom, Officer Shine and Officer Grimes.

19 Q. Okay. Did any other officers arrive while you
20 were there?

21 A. Yes, sir.

22 Q. Who would that be?

23 A. That would be myself.

24 Q. Besides you. Sorry.

1 A. That's okay, sir. Officer Ugaldi also responded.
2 Captain Alexander and Captain Winger responded as well.

3 Q. So most of the people that were on duty with the
4 Fallon Police Department that day?

5 A. A good majority, yes, sir.

6 Q. And at the time you arrived I believe you
7 testified Mr. Johns was already being detained?

8 A. Yes, sir.

9 Q. Was he in handcuffs?

10 A. Yes, sir, he was.

11 Q. He was sitting on the ground and being relatively
12 cooperative?

13 A. That is correct.

14 Q. At that point in time did he at all seem
15 combative?

16 A. I'm sorry?

17 Q. At that point in time did he at all seem
18 combative?

19 A. Not on my arrival, no, sir.

20 Q. Did -- and up until the point he was placed under
21 arrest did you see him being combative?

22 A. Just verbally. I wouldn't say combative but he
23 was being verbal.

24 Q. He was saying things?

1 A. That is correct, sir.

2 Q. And I want to be crystal clear. When you say he
3 was saying things he wasn't calling the officers names or
4 anything like that. He wasn't saying F you or things like
5 that?

6 A. No, sir, not at all.

7 Q. He was saying other things but not -- because I
8 don't want to -- I just want to make sure we clarify he
9 wasn't being verbally abusive towards the officer?

10 A. That would be a correct statement, sir.

11 Q. And did you observe when he first started
12 becoming combative?

13 A. I was not immediately in the area. He -- I was
14 inside the room, and I testified earlier about the dog being
15 in the bathroom. I said something about the dog being in the
16 bathroom and his proximity to me was he heard me say that and
17 then got mad at me for allegedly calling his wife a dog
18 because that's who he was trying to find apparently on that
19 date.

20 Q. Okay. So -- and at the time -- at the point in
21 time you were in the room?

22 A. I was.

23 Q. Well, I was going to ask had -- had Ms. Douglas
24 and Mr. Malone already left?

1 A. I'm not certain whether they had left or whether
2 or not they were still being treated by or at least
3 Mr. Malone by medics. I'm not sure at what point he was
4 transported.

5 Q. Well, were they still in the room? When I say --

6 A. No, they were not in the room.

7 Q. Okay.

8 A. Nobody was in the room except myself.

9 Q. So, and I know I asked a confusing question.

10 A. Not a problem.

11 Q. So they left the room, whether they left for the
12 hospital yet you don't know but they had left the room and
13 you were in the room at that point in time?

14 A. Correct.

15 Q. By yourself?

16 A. Correct.

17 Q. And that was at a point in time that you went to
18 the back, you, and this is a relatively standard motel room,
19 correct?

20 A. Yes, it is.

21 Q. So we're talking about a bed, a little bit of
22 furniture and then a bathroom attached to the unit?

23 A. Correct.

24 Q. And the way Budget Inn is designed the bathroom

1 is at the very back, correct?

2 A. Yes.

3 Q. So you made a visual inspection and of the room
4 when you first went in and by yourself, correct?

5 A. Correct.

6 Q. That included going to the back of the room?

7 A. Yes.

8 Q. That included at the point in time the bathroom
9 door was shut I suspect?

10 A. Yes, it was.

11 Q. You opened the bathroom door and that's when you
12 saw a dog?

13 A. Correct.

14 Q. Do you know what kind of dog it was?

15 A. I do not, sir. Large.

16 Q. Do you know what happened to that dog?

17 A. I believe we had animal control come and take
18 care of that dog.

19 Q. Okay.

20 A. I believe we did. I'm not positive.

21 Q. Okay. And as you were going through this room
22 you saw -- we saw photographs of several blood on the bed
23 itself, on the bedspread, correct?

24 A. Yes, sir.

1 Q. And you testified you saw blood on the walls and
2 on the floor and a variety of different locations, correct?

3 A. Correct.

4 Q. In any of that did you see footprints from where
5 the dog had walked through the blood?

6 A. And that's a great question. I didn't at the
7 time. Afterwards I did.

8 Q. And what do you mean by that, sir?

9 A. After I found the dog in the bathroom.

10 Q. So I'm just trying to clarify it in my own mind
11 then.

12 A. Sure.

13 Q. I'm not trying to confuse you or anything,
14 detective. So you inspected the room. You saw all of this
15 blood. You didn't see what looked like any kind of animal
16 track, but then you saw the dog -- then you saw this dog and
17 once you were back in the room then you saw what looked like
18 animal tracks?

19 A. Correct.

20 Q. Okay. Making sure I have it all clear in my
21 head. Did you -- and took is it fair to say the majority of
22 the photographs in this case?

23 A. I took everything I believe except what was done
24 at the hospital.

1 Q. And -- and the video that came from the security
2 system?

3 A. Did I take the video?

4 Q. No. No. Now you said you took all of the
5 photographs and I was clarifying. You didn't take pictures
6 of the hospital. You also did not take the pictures in the
7 video system. You didn't take -- the video system came from
8 the motel?

9 A. Correct.

10 Q. And not from you?

11 A. Yes.

12 Q. That's all I'm trying to --

13 A. Okay.

14 Q. And although you did create at least one still
15 from the video for this case?

16 A. I did not create that still photograph. Some --
17 I believe the district attorney's office may have.

18 Q. Okay.

19 A. Or it came from another officer.

20 Q. Again, that's fair. I'm just trying to clarify.

21 A. Yeah.

22 Q. So the pictures that we've seen, other than the
23 things related to the video and related to the hospital, all
24 those other photographs are photographs that you took?

1 A. As well I did not take the follow-up photographs
2 of Mr. Malone's injury several days later.

3 Q. Okay. So photographs of the Budget Inn that day
4 other than or the particular incidents on that day you took
5 all of the photographs?

6 A. I did.

7 Q. As we described?

8 A. Yes.

9 Q. Okay. And it's -- is it fair to say that most of
10 these photographs were taken after Mr. Johns was arrested,
11 after Mr. Malone was taken to the hospital, so basically it
12 was being secured as a crime scene but there weren't other
13 people milling around?

14 A. Not in the room, absolutely not, correct.

15 Q. Not in the room and not -- you took pictures of
16 the exterior pictures. Nobody is around the exterior portion
17 either, correct?

18 A. Right.

19 Q. So the Fallon Police Department was processing
20 this as a crime scene?

21 A. That is correct.

22 Q. And as a result there may have been other
23 officers or something to keep people from wandering what you
24 were trying to do, but the other participants in the case

1 were gone. The other people involved in the case were gone
2 when you took the pictures?

3 A. The other people you mean?

4 Q. The other people, and I'll be real specific.
5 Mr. Johns was gone. Mr. Malone was gone. Ms. Douglas was
6 gone?

7 A. No. Mr. Johns was still there when I started
8 taking photographs because in one of the photographs, I'm not
9 sure was admitted, but you can see him in the picture --

10 Q. Okay. So --

11 A. -- that I took. So I started my crime scene
12 investigation as other officers were interviewing witnesses
13 and suspects.

14 Q. Okay. And but you concluded your investigation
15 and you took some of the pictures after everybody was gone?

16 A. That has potential, yes.

17 Q. Because your job -- just because Mr. Johns had
18 been arrested and taken to the hospital and Mr. Malone was
19 taken to the hospital and Ms. Douglas had gone with
20 Mr. Malone that didn't -- your job didn't end at that point
21 in time.

22 A. Correct. I still stayed on scene and collected
23 evidence, yes, that is correct.

24 Q. And you testified that you -- well, did you -- do

1 you have -- does the Fallon Police Department have tests to
2 do presumptive presence of blood, the test for the
3 presumptive presence of blood.

4 A. Do we have tests for that?

5 Q. Yes.

6 A. We can -- we can take samples, yes.

7 Q. So, and it's fairly obvious from the photos we
8 have there's blood on the -- on the top sheet --

9 A. Yes.

10 Q. -- on the mattress. And you testified that you
11 said you testified you saw what appeared to be -- to be blood
12 drops on the ground outside the room, correct?

13 A. Correct, sir.

14 Q. With respect, and we've even had testimony in
15 this case that I'm sure you're aware of, that the knives were
16 sent to the Washoe County Crime Lab for blood analysis.

17 A. Correct.

18 Q. So these droplets of blood that you saw in the
19 passageway, did you do any testing with respect to these
20 things that you thought were drops of blood to verify that
21 they were, in fact, blood or is it just based on it looked
22 like blood to me?

23 A. Well, I verified it by watching the video and
24 watching it drip off Mr. Johns' hands.

1 Q. Okay. So that -- so in your mind that was what?

2 A. Based on my training and experience and looking
3 at the droplets they appeared to be blood. I did not
4 forensically test them.

5 Q. Okay. And you heard -- were you present when you
6 heard -- because we had -- we heard one of the officers
7 testify he heard an excited utterance saying he stabbed me
8 first or something like that. Were you aware of that?

9 A. I was aware of it. It was prior to my arrival.

10 Q. Okay. So I guess what I'm asking is did you --
11 did you -- other than the knife did you seize the bedspread
12 or anything like that to see if there was -- I mean,
13 obviously it seemed apparent that most of the blood on the
14 bed came from Mr. Malone. But then you -- did you take that
15 bedspread -- that bed top and have it analyzed to see if it
16 was blood besides Mr. Malone's on it?

17 A. I did not.

18 Q. You testified during direct examination that in
19 addition to the knife that you identified as Mr. Johns there
20 was, the knife was also found in the room, correct?

21 A. Yes, sir.

22 Q. And you testified you did not immediately see
23 that knife.

24 A. Well --

1 Q. It was partially -- you said it was partially
2 hidden?

3 A. Partially obscured by the blanket, yes, sir,
4 correct.

5 Q. Right.

6 A. Correct.

7 Q. And do you remember at what point in time you saw
8 that knife?

9 A. When I was going through the room, Mr. Weidert, I
10 was looking for a knife because I was told by Deanna that she
11 had taken her knife out of her backpack and was going to use
12 it to defend herself. So she said it was in the room on the
13 bed.

14 Q. Okay. So you knew -- it wasn't like randomly --
15 you knew there was a knife on the bed?

16 A. Correct.

17 Q. But you didn't immediately see it because it
18 being obscured because it was partially covered by that?

19 A. That is correct, sir.

20 Q. And as you described in your -- your testimony on
21 direct I believe that you moved the cover slightly so it
22 would be out rather exposed to take -- to fully photograph.
23 You took a photograph. It's not part of the evidence in this
24 case that showed how you originally saw it and then you --

1 and then you moved a part, took another photograph which is
2 the one we have in evidence. Is that a fair statement?

3 A. That's a fair statement, correct.

4 Q. Did you -- other than the knives, and we already
5 talked about the bedsheet, did you seize anything for
6 potential testing of blood?

7 A. Other than?

8 Q. Other than the two knives.

9 A. We -- well, I have --

10 Q. Did you -- I guess the shoes?

11 A. Yes, I have a shoe.

12 Q. A shoe?

13 A. Yes, sir.

14 Q. And the -- the shoe that you -- I was a little
15 bit confused about this in that the shoe that you seized, the
16 shoe was the one you found in the field?

17 A. Next to the --

18 Q. Next to where Mr. Johns had been?

19 A. Where Mr. Johns was seated, yes.

20 Q. And then and you seized that and you compared
21 that shoe to the door, correct?

22 A. I did not compare it to the door, no, sir.

23 Q. You -- you -- I think you referred to you said --
24 on direct examination I think the prosecutor asked about

1 that.

2 A. Correct.

3 Q. So, in fact, the prosecutor -- let me show you.
4 The shoe that you seized was the shoe he is not wearing?

5 A. That is correct, sir.

6 Q. Exhibit 7. And you were shown Exhibit 7 by
7 Ms. Baker. Do you remember that?

8 A. I do.

9 Q. Now, that's not the shoe from the field, is it?

10 A. It is not. That's the shoe he was wearing at the
11 hospital.

12 Q. So the shoe -- so the shoe that we described is
13 not this shoe even though she was showing the shoe at the
14 time.

15 A. Correct.

16 Q. I'm just clarifying that because it's pretty
17 clear this shoe is being worn. Do you agree with that?

18 A. I would agree with that.

19 Q. With respect to the other things that were there
20 at that time, the hat and the sunglasses, do you see -- did
21 you take that as evidence as well?

22 A. I did.

23 Q. But you saw -- and but, again, there was no
24 forensic analysis done on those either, was there?

1 A. There was not.

2 Q. Okay. Thank you, Detective Fransden. Thank you
3 for your time. I have no other questions.

4 A. Yes, sir, absolutely.

5 MS. BAKER: Thank you, Your Honor.

6 REDIRECT EXAMINATION

7 BY MS. BAKER:

8 Q. So when you first walked into the room of 135 you
9 indicated to, on cross that you didn't notice paw prints?

10 A. Correct.

11 Q. Why is that?

12 A. I wasn't looking for paw prints.

13 Q. Okay. When you were first entering the room what
14 were you concentrating on?

15 A. I basically was doing an overview of the room to
16 make sure nobody else was in there and things of that nature.

17 Q. Okay. So when you're -- when you're processing a
18 room describe what, how you go about it.

19 A. Well, as I stated earlier, when I got ready to
20 start the processing, the photographs come from a large area
21 and then we go into focus. So when I go in the room I take
22 the photographs typically from left to right around the room
23 and in each individual room that way with overalls and then
24 close-ups of where things are located in there. So it's just

1 a general visualization of the area the first time.

2 Q. Okay. So using your training and experience if
3 you didn't go into the bathroom and you started your
4 investigation do you think you would have discovered the paw
5 prints?

6 A. If I didn't go into the bathroom at some point I
7 would think so, yes. But, again, I'm going to check every
8 room based on the scene itself.

9 Q. Okay.

10 A. So when I open the door I see a dog coming at me.
11 I close the door.

12 Q. Okay. And when we're talking about processing
13 and what evidence you collected can you talk us through why
14 you collected certain evidence and why you didn't collect
15 others.

16 A. Well, things initially that I identified didn't
17 belong to Mr. Johns. I collected everything there. He
18 doesn't have any -- he doesn't have any right or ownership in
19 that room or near that room. Plus if he's being taken into
20 custody his belongings need to be protected.

21 The -- I observed staining on the bandana as well
22 as one pair of the sunglasses and also on the shoe that I
23 collected, red staining that I believe is consistent with
24 blood. The knife as well had the red stain. The knife was

1 the instrument used in the commission of this crime so that's
2 what we sent for testing purposes.

3 As far as all of the blood, based on the injury
4 sustained by Mr. Malone, the hand, the arterial bleed, we're
5 going to assume that there was a lot of blood and most of
6 that is going to be his.

7 If I were trying to locate Mr. Johns' blood
8 inside that room I literally would have had to take a sample
9 of every single spot of blood in that room to eliminate the
10 process, and at this point in time I had observed that he had
11 a laceration on his hand from the, striking the window of
12 Room 132 and watching what appeared to be drops of blood land
13 on the concrete on the sidewalk outside, it's reasonable to
14 assume that his blood would be also inside 135.

15 Q. Okay. So did you make a determination regarding
16 whether or not to -- to collect that evidence?

17 A. I didn't. I did not collect it. I did not
18 collect.

19 Q. But did you make a determination on not to
20 collect that evidence?

21 A. I did.

22 Q. Okay. And what about the bedspread?

23 A. It was evidence -- evidence based on what Deanna
24 and Mr. Malone had told officers that that was his blood on

1 that bedspread and that's where he sat as he's waiting for
2 response of paramedics.

3 Q. So would it be necessary to take the bedspread as
4 evidence?

5 A. No. That's why I photographed it.

6 MS. BAKER: Nothing further, Your Honor.

7 THE COURT: Mr. Neidert?

8 MR. NEIDERT: I have nothing based on that, Your
9 Honor.

10 THE COURT: Thank you.

11 Can this witness be excused?

12 MS. BAKER: Yes, Your Honor.

13 THE WITNESS: Am I allowed to stay, Your Honor.

14 THE COURT: Not in the courtroom.

15 THE WITNESS: Okay. Thank you.

16 MS. BAKER: Oh, Your Honor, actually subject to
17 recall.

18 THE COURT: Okay. Ms. Baker?

19 MS. BAKER: Thank you, Your Honor. The parties
20 have entered into a stipulation regarding the defendant's
21 right hand. It seems that in the photograph there is, of his
22 hand there seems to be part of his finger missing on his
23 pinky on his right hand. The parties are stipulating that
24 that did not occur during this incident. It was a prior

1 injury.

2 THE COURT: Mr. Neidert?

3 MR. NEIDERT: Your Honor, that is indeed the
4 stipulation of the parties and we agree to that fact.

5 THE COURT: Very good. The Court will accept
6 that stipulation.

7 MS. BAKER: Thank you, Your Honor. With that the
8 State rests.

9 THE COURT: Ladies and gentlemen of the jury,
10 we're going to take a brief recess. There's -- during this
11 recess you must not discuss or communicate with anyone,
12 including fellow jurors in any way regarding the case or its
13 merits either by voice, phone, e-mail, text, internet or
14 other means of communication or social media.

15 You must not read, watch or listen to any news or
16 media accounts or commentary about the case. You must not do
17 any research such as consulting dictionaries, using the
18 internet or using reference materials. You must not make any
19 investigation, test the theory of the case, recreate any
20 aspect of the case or in any other way investigate or learn
21 about the case on your own. You must not form or express any
22 opinion regarding the case until it has been submitted to
23 you.

24 So we'll go ahead and excuse the jury at this

1 time to the jury room.

2 We're back on the record on Case Number 20-0052,
3 State of the Nevada versus Casey Alan Johns. The record will
4 reflect the presence of the parties and counsel, all officers
5 of the court.

6 We are meeting outside of the presence of the
7 jury and the alternate jurors. Where we're at now, the State
8 has rested. I want to go over one thing. At 9:35 this
9 morning on 5-12-21 we did have a bench conference at the
10 request of the State. We met at the bench. Mr. Neidert was
11 in the midst of the cross-examination of Mr. Grimes, Officer
12 Grimes I believe.

13 And at the bench Ms. Baker had just wanted
14 everybody to be aware that the State had previously filed a
15 Petrocelli motion and to be aware, depending on where that
16 went I think the questions were about putting on the mask and
17 spit hood. The Court let everybody go back and Mr. Neidert
18 continued on with his questioning.

19 Is there anybody that wants to -- that's my
20 recollection of the bench conference. Does anybody want to
21 make any type of record?

22 MS. BAKER: Yes, Your Honor. Just to add that
23 the State wanted to put everybody on notice as the Court
24 indicated and that we may have needed to break to discuss

1 that motion if the questioning went further into that issue.

2 THE COURT: Okay.

3 Mr. Neidert, do you have anything you want to put
4 on the record?

5 MR. NEIDERT: No, Your Honor. I would state for
6 the record that I would say I was very careful that the issue
7 of the spit hood was first raised by the prosecution on
8 direct examination. I made some inquiry but I certainly did
9 not dwell upon that. And being mindful of the Court's
10 ruling, I was being mindful of the Court's hearing and the
11 prior Petrocelli hearing that if we went too far into that it
12 might allow evidence of other bad acts that evidence where
13 Mr. Johns had been arrested in the past which led to the
14 decision for the why the spit hood was ordered by I believe
15 Captain Wagner, but I could be mistaken, the Fallon Police
16 Department in this particular case. Your Honor, I believe
17 that I was very careful what I said. I don't believe --

18 THE COURT: I don't disagree. I just wanted the
19 record to be --

20 MR. NEIDERT: I understand that. I was just
21 saying -- I'm just making the record that if Ms. Baker is
22 intending to try to do a Petrocelli, that she's met
23 Petrocelli I don't believe she has.

24 THE COURT: And I don't think that's the issue

1 they're raising.

2 MR. NEIDERT: Okay.

3 THE COURT: All I wanted is when we meet at the
4 bench I want to make sure that everybody has a chance to make
5 whatever record they think.

6 MR. NEIDERT: Yes, I agree with that, Your Honor.

7 MS. BAKER: Thank you, Your Honor. Nothing
8 further.

9 THE COURT: So, Mr. Johns, the State has rested.
10 It's now the defense's opportunity to present their case.
11 Under the Constitution of the United States and under the
12 Constitution of the State of Nevada you cannot be compelled
13 to testify in this case. Do you understand that?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: You may at your own request give up
16 this right and take the witness stand and testify. If you do
17 you'll be subject to cross-examination by the district
18 attorney, and anything you may say, be it on direct or
19 cross-examination will be the subject of fair comment for the
20 district attorney speaks to the jury in her final argument.
21 Do you understand that?

22 THE DEFENDANT: Yes, sir.

23 THE COURT: If you choose not to testify the
24 Court will not permit the district attorney to make any

1 comments to the jury because you have not testified. Do you
2 understand that?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: If you elect not to testify the Court
5 will instruct the jury if your attorney specifically requests
6 it as follows, the law does not compel a defendant in a
7 criminal case to take the stand and testify, and no
8 presumption may be raised and no inference of any kind may be
9 drawn from the failure of the defendant to testify. Do you
10 have any questions about these rights?

11 THE DEFENDANT: I do have a question concerning
12 the wallet because it's a separate thing in a way. Like, I
13 would like to be able to testify on the wallet itself.

14 THE COURT: So.

15 THE DEFENDANT: If I can't I won't testify.

16 THE COURT: The decision to testify is a decision
17 that you make. It's not a strategic decision. It's a
18 personal decision that you should do so after you talk that
19 over with your attorney. At least it sounds like from things
20 that you spontaneously said earlier that you guys have
21 discussed some of this.

22 THE DEFENDANT: Yeah, we have already discussed
23 this. I was just asking if there's any way I can stipulate
24 to the wallet. But, I mean, if not then I choose not to

1 testify to anything right now.

2 THE COURT: And so let me say this. If you have
3 a felony conviction --

4 THE DEFENDANT: Okay.

5 THE COURT: -- within the past ten years.

6 THE DEFENDANT: Uh-huh.

7 THE COURT: And the defense has sought to
8 preclude that from coming before the jury, if you decide to
9 testify the district attorney in the presence of the jury
10 will be permitted to ask you if you've ever been convicted of
11 a felony. What was the felony and when did it happen. No
12 other details may be gone into that. Do you understand that?

13 THE DEFENDANT: Yes, Your Honor.

14 THE COURT: Do you want to take a few minutes and
15 discuss the questions you have with your attorney before you
16 come back and decide whether or not you want to testify?

17 THE DEFENDANT: I'm not going to testify. I
18 choose not to testify.

19 THE COURT: Okay. But you understand your right
20 to testify?

21 THE DEFENDANT: A little bit, I mean.

22 THE COURT: Do you want to take some time?

23 THE DEFENDANT: I don't want to testify to
24 anything. If this guy -- they are just going to paint me as

1 a bad person anyway. So I'm cool. I'll just --

2 THE COURT: Okay. But you understand you could
3 or you could not. That's up to you.

4 THE DEFENDANT: I choose not to testify.

5 THE COURT: And, Mr. Neidert, have you discussed
6 with your client the past his right to testify?

7 MR. NEIDERT: Your Honor, we have discussed that.
8 In fact, we spent several minutes yesterday discussing that.
9 I did not -- at that point Mr. Mr. Johns indicated he was not
10 planning on testifying, but certainly I explained to him that
11 it was his personal right. And if he -- and but I also
12 advised him, as the Court has just done, that if he did
13 testify he would be subject to cross-examination by the
14 State.

15 We did not discuss the specific issue of I think
16 he mentioned in court today. However, I -- and I'm not
17 saying anything that would be attorney-client privilege. I
18 would advise him that it's my legal opinion there's no way to
19 do such a limitation and as a result, that would be my legal
20 advice to him would be.

21 THE COURT: Do you -- are you confident after
22 your discussions that his decision not to testify is
23 informed, that he's doing so and understanding?

24 MR. NEIDERT: I do, Your Honor.

1 THE COURT: Anything else from you, Mr. Johns?

2 THE DEFENDANT: Nothing really.

3 THE COURT: So what I would like to do is -- it's
4 2:13. Is it still everybody's preference at this time is, I
5 think I'm going to give you ten minutes to gather your
6 thoughts, discuss some strategic, any strategies, if you have
7 witnesses and then we'll bring the jury back in about 2:25
8 and -- and then you can either present witnesses or rest. If
9 you rest is it still your desire at that point for us to stay
10 and settle jury instructions but bring the jury back in the
11 morning?

12 MR. NEIDERT: I -- Your Honor, I honestly believe
13 that's the best, and my client also expressed his desires.
14 Like I said, I don't want the jury to feel rushed in any way.
15 Like I said, we did not warn them I don't remember any time
16 of saying you might have to work into the evening. They were
17 told they had to be here all day. In fact, we excused
18 several jurors because tomorrow is the University of Nevada
19 Commencement and so they are all expected to be here
20 tomorrow. And I think out of fairness to the jurors so they
21 can get the full deliberations to this case, it will be my
22 preference is that at the point in time we rest. They be
23 excused for the day and the Court, any housekeeping matters
24 we have to decide outside the presence anyway and to tell

1 them to come back tomorrow morning at 9:00.

2 We can do jury instructions at 9:00. And the
3 case given to the jury about 10:00 o'clock. They will have
4 all day to deliberate without dealing with any kind of time
5 pressure.

6 THE COURT: Do you agree with that, Mr. Johns?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Okay. And you're kind of speaking
9 softly.

10 THE DEFENDANT: I agree with him.

11 THE COURT: Okay. And, Ms. Baker, do you agree
12 with that?

13 MS. BAKER: You know, Your Honor, in hearing the
14 explanation of Mr. Neidert the State is in agreement.

15 THE COURT: Okay, very well. Then that will be
16 our plan. We'll give you, is ten minutes enough time?

17 MR. NEIDERT: Your Honor, honestly because we're
18 going to be sending the jury home I don't think we need that
19 time. We're not -- the defense will not be presenting any
20 witnesses or evidence today. And on that basis I'll be
21 sending off, informing the jury that we rest and then you can
22 send them home. Why have them wait ten more minutes.

23 THE COURT: Do you agree with that, Mr. Johns?

24 THE DEFENDANT: Yes, sir.

1 THE COURT: Okay. Then we'll go ahead, and we
2 can bring the jury back in.

3 We're back on the record in Case Number 20-0552,
4 State of the Nevada versus Casey Alan Johns. The record will
5 now reflect the presence of the parties and counsel, all
6 officers of the court and the full jury and the alternate
7 jurors.

8 Will counsel stipulate to the correct seating of
9 the jury? And you can be seated.

10 MS. BAKER: Thank you, Your Honor that's what the
11 State was doing. Now that the jurors are all seated the
12 State so stipulates.

13 MR. NEIDERT: The defense stipulates as well,
14 Your Honor.

15 THE COURT: Very well. Mr. Neidert, you may call
16 your first witness.

17 MR. NEIDERT: Your Honor, at this point defense
18 will rest.

19 THE COURT: Ladies and gentlemen of the jury, the
20 case -- before the case can be argued to you by counsel and
21 submitted to you for your deliberation it is necessary that
22 the Court and counsel meet outside the presence of the jury
23 for the purpose of settling the instructions that will be
24 given to you on the law applicable to this case.

1 We'll attempt to expedite the process as much as
2 possible. However, it is an extremely critical stage of this
3 proceeding, and both counsel and myself ask that you bear
4 with us during this unavoidable delay.

5 I have looked at where we're at in the day and
6 given what we have to do I have determined that I think it is
7 best that we recess for the day with the jury. We're going
8 to continue to work, but we're going to send you home and
9 then bring you back tomorrow morning at which point we'll
10 instruct you in the law. Defense counsel and the State will
11 both offer their closing arguments and the case will be
12 submitted to you for a determination.

13 So we're going to have our -- we're going to
14 recess for the day and during this recess you must not
15 discuss or communicate with anyone, including fellow jurors
16 in any way regarding the case or its merits either by voice,
17 phone, e-mail, text, internet or other means of communication
18 or social media.

19 You must not read, watch or listen to any news or
20 media accounts or commentary about the case. You must not do
21 any research such as consult any dictionaries, using the
22 internet or using reference materials. You must not make any
23 investigation, test the theory of the case, recreate any
24 aspect of the case or in any other way investigate or learn

1 about the case on your own. You must not form or express any
2 opinion regarding the case until it has been submitted to
3 you. Should any person attempt to discuss the case with you
4 or in any manner attempt to influence you with respect to it
5 you're to advise the bailiff who will in turn advise the
6 Court.

7 So we'll now excuse the jury and we'll ask you to
8 return to the jury room across the hall at 9:00 a.m. tomorrow
9 morning. We'll be in recess.

1 STATE OF NEVADA,)
2 CARSON CITY.)
3

4 I, KATHY JACKSON, do hereby certify:

5 That a Trial was held in the within-entitled
6 matter in Churchill County, Fallon, Nevada;

7 That said Trial was recorded by a recording
8 system, and said recording was delivered to me for
9 transcription;

10 That the foregoing transcript, consisting of
11 pages 361 through 511 is a full, true and correct transcript
12 of said recording performed to the best of my ability.

13

14 Dated at Carson City, Nevada, this 20th day of
15 June, 2021.

16

17

18

19 Kathy Jackson
20 KATHY JACKSON, CCR

21

22

23

24