

IN THE SUPREME COURT OF THE STATE OF NEVADA

CASEY ALAN JOHNS

Appellant,

v.

STATE OF NEVADA

Respondent.

Electronically Filed
Apr 04 2022 06:53 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

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 2

VICTORIA T. OLDENBURG, ESQ.
OLDENBURG LAW OFFICE
P.O. Box 17422
Reno, NV 89511
Tel. (775) 971-4245

ATTORNEY FOR APPELLANT

PRISCILLA BAKER ESQ.
DEPUTY DISTRICT ATTORNEY
Churchill County District Attorney
165 N. Ada Street
Fallon, NV 89406
Tel. (775) 423-6561

ATTORNEY FOR RESPONDENT

INDEX TO APPELLANT'S APPENDIX

<i>Document</i>	<i>Date</i>	<i>Vol.</i>	<i>Page</i>
First Amended Information	05.05.21	1	108
Information	05.27.20	1	001
Instructions to the Jury	05.13.21	5	698
Judgment of Conviction	05.18.21	5	780
Notice of Appeal	06.11.21	5	784
Transcript of Proceedings Arraignment	07.02.21	1	006
Transcript of Proceedings Hearing	04.20.21	1	067
Transcript of Proceedings Jury Trial Day 1	05.10.21	2	115- 352
Transcript of Proceedings Jury Trial Day 2	05.11.21	3	353- 474
Transcript of Proceedings Jury Trial Day 3	05.12.21	4	475- 625
Transcript of Proceedings Jury Trial Day 4	05.13.21	5	626- 697
Transcript of Proceedings Pretrial Hearing	09.08.20	1	030
Transcript of Proceedings Sentencing	05.18.21	5	755
Transcript of Proceedings Status Hearing	05.04.21	1	095

INDEX TO APPELLANT'S APPENDIX (continued)

Verdicts	05.13.21	5	750
----------	----------	---	-----

FILED ORIGINAL

2021 JUL -2 PM 12:07

Case No. 20-10DC-0552

SUE SEVON
COURT CLERK

BY *Benning* DEPUTY

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 STOCKARD

---oOo---

THE STATE OF NEVADA,

Plaintiff,

vs.

CASEY ALAN JOHNS,

Defendant.

TRANSCRIPT OF PROCEEDINGS

VOLUME 1

JURY TRIAL

MONDAY, MAY 10, 2021

FALLON, NEVADA

REPORTED BY:

CHRISTY Y. JOYCE, CCR #625
Capitol Reporters
(775) 882-5322

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

A P P E A R A N C E S

For the State:

PRISCILLA L. BAKER, ESQ.
Deputy District Attorney
165 N. Ada Street
Fallon, Nevada 89406

For the Defendant:

DAVID K. NEIDERT, ESQ.
Attorney at Law
643 S. Maine Street
Fallon, Nevada 89406

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

I N D E X

WITNESS	PAGE
AMIBEN BHAKTA	
Direct Examination by Ms. Baker	131
Cross-Examination by Mr. Neidert	140
Redirect Examination by Ms. Baker	146
MARCIA GOWER	
Direct Examination by Ms. Baker	150
Cross-Examination by Mr. Neidert	153
Redirect Examination by Ms. Baker	156
DEANNA DOUGLAS	
Direct Examination by Ms. Baker	159
Cross-Examination by Mr. Neidert	172
Redirect Examination by Ms. Baker	181
Recross-Examination by Mr. Neidert	183
Further Redirect Examination by Ms. Baker	186
MIKE MALONE	
Direct Examination by Ms. Baker	190
Voir Dire Examination by Mr. Neidert	213
Cross-Examination by Mr. Neidert	220
Redirect Examination by Ms. Baker	231

1 MONDAY, MAY 10, 2021, 9:00 A.M.

2 ---oOo---

3 THE COURT: Good morning. This is Case Number
4 20-C552, State of Nevada versus Casey Alan Johns. This is
5 the time set for a jury trial. This matter has been set for
6 five days.

7 Would counsel please state their appearances on
8 the record. And we'll start with the State.

9 MS. BAKER: Good morning, your Honor. Priscilla
10 Baker on behalf of the State. With me I have Mr. Jeff Weed,
11 another deputy district attorney in the office, as well as
12 Lisa Dornman, assistant.

13 MR. NEIDERT: David Neidert on behalf of the
14 defense. And present with me in the courtroom is my client,
15 Casey Johns.

16 THE COURT: Okay. Thank you.

17 The clerk will now call the roll of the jurors.

18 THE CLERK: Bertram Albao. Please answer with a
19 here. I apologize.

20 A PROSPECTIVE JUROR: Here.

21 THE CLERK: Thank you. Dawn Allsop.

22 A PROSPECTIVE JUROR: Here.

23 THE CLERK: Josephine Amos.

24 A PROSPECTIVE JUROR: Here.

1 THE CLERK: I'm sorry. Josephine Amos. Here?
2 A PROSPECTIVE JUROR: Here.
3 THE CLERK: Robin Anaya.
4 A PROSPECTIVE JUROR: Here.
5 THE CLERK: Jeffrey Annand.
6 A PROSPECTIVE JUROR: Here.
7 THE CLERK: Valerie Atkinson.
8 A PROSPECTIVE JUROR: Here.
9 THE CLERK: Allen Barbee.
10 A PROSPECTIVE JUROR: Here.
11 THE CLERK: Charles Barrett.
12 A PROSPECTIVE JUROR: Here.
13 THE CLERK: Kathryn Beatty.
14 A PROSPECTIVE JUROR: Here.
15 THE CLERK: Laura Berry.
16 A PROSPECTIVE JUROR: Here.
17 THE CLERK: Johnny Billett.
18 A PROSPECTIVE JUROR: Here.
19 THE CLERK: Teresa Billett.
20 A PROSPECTIVE JUROR: Here.
21 THE CLERK: Racheal Blakney.
22 Raymond Blankenship.
23 A PROSPECTIVE JUROR: Here.
24 THE CLERK: Dallin Bracken.

1 A PROSPECTIVE JUROR: Here.
2 THE CLERK: James Brown.
3 A PROSPECTIVE JUROR: Here.
4 THE CLERK: James Russell Brown.
5 A PROSPECTIVE JUROR: Here.
6 THE CLERK: Ronald Carlisle.
7 A PROSPECTIVE JUROR: Here.
8 THE CLERK: Deanna Chapman.
9 A PROSPECTIVE JUROR: Here.
10 THE CLERK: Ana Cornejo.
11 A PROSPECTIVE JUROR: Here.
12 THE CLERK: Tyler Cromack.
13 THE PROSPECTIVE JUROR: Here.
14 THE CLERK: Lindsey Cruchon.
15 A PROSPECTIVE JUROR: Here.
16 THE CLERK: Courtney Dahl.
17 A PROSPECTIVE JUROR: Here.
18 THE CLERK: Drew Dahl. Drew Dahl.
19 Martin Delacruz.
20 A PROSPECTIVE JUROR: Here.
21 THE CLERK: Christiann Dougherty.
22 A PROSPECTIVE JUROR: Here.
23 THE CLERK: Donna Downs.
24 A PROSPECTIVE JUROR: Here.

1 THE CLERK: Gustaf Duntley.
2 A PROSPECTIVE JUROR: Here.
3 THE CLERK: Suzanne Engleman.
4 A PROSPECTIVE JUROR: Here.
5 THE CLERK: George Enriquez.
6 A PROSPECTIVE JUROR: Here.
7 THE CLERK: Sadie Gagliardo.
8 A PROSPECTIVE JUROR: Here.
9 THE CLERK: Fredna Gibson.
10 A PROSPECTIVE JUROR: Here.
11 THE CLERK: Thomas Goodson.
12 A PROSPECTIVE JUROR: Here.
13 THE CLERK: Rachel Grimm.
14 A PROSPECTIVE JUROR: Here.
15 THE CLERK: Rex Hall.
16 A PROSPECTIVE JUROR: Here.
17 THE CLERK: Robert Hammon.
18 A PROSPECTIVE JUROR: Here.
19 THE CLERK: Michael Harmon. Michael Harmon.
20 Gerardo Hernandez. Gerardo Hernandez.
21 Ona Hunt.
22 A PROSPECTIVE JUROR: Here.
23 THE CLERK: Kathleen Hurley.
24 A PROSPECTIVE JUROR: Here.

1 THE CLERK: Guy Josephs.
2 A PROSPECTIVE JUROR: Here.
3 THE CLERK: Phillip Keller.
4 A PROSPECTIVE JUROR: Here.
5 THE CLERK: Pamela Kramer.
6 A PROSPECTIVE JUROR: Here.
7 THE CLERK: Tiffany Lawrence.
8 A PROSPECTIVE JUROR: Here.
9 THE CLERK: Katy Loop.
10 A PROSPECTIVE JUROR: Here.
11 THE CLERK: Daniel Martinez.
12 A PROSPECTIVE JUROR: Here.
13 THE CLERK: Jennifer McEwen.
14 A PROSPECTIVE JUROR: Here.
15 THE CLERK: Irma Medina. Irma Medina.
16 James Mills, Junior.
17 A PROSPECTIVE JUROR: Here.
18 THE CLERK: William Mnichowski. I apologize.
19 A PROSPECTIVE JUROR: Here.
20 THE CLERK: Jordan Munoz.
21 A PROSPECTIVE JUROR: Here.
22 THE CLERK: Christopher Murphey.
23 A PROSPECTIVE JUROR: Here.
24 THE CLERK: Adam Nunley.

1 A PROSPECTIVE JUROR: Here.
2 THE CLERK: Michelle Nutting.
3 A PROSPECTIVE JUROR: Here.
4 THE CLERK: Harold Olsen.
5 A PROSPECTIVE JUROR: Here.
6 THE CLERK: Victoria Owen.
7 A PROSPECTIVE JUROR: Here.
8 THE CLERK: Valerie Pacheco.
9 A PROSPECTIVE JUROR: Here.
10 THE CLERK: Justin Persek, Senior.
11 A PROSPECTIVE JUROR: Here.
12 THE CLERK: Sandra Plants. Sandra Plants.
13 Gail Reed-Ellis.
14 A PROSPECTIVE JUROR: Here.
15 THE CLERK: Michael Rice.
16 A PROSPECTIVE JUROR: Here.
17 THE CLERK: Jeanine Robbins. Jeanine Robbins.
18 John Rodrigues.
19 A PROSPECTIVE JUROR: Here.
20 THE CLERK: Carrigan Rogers.
21 A PROSPECTIVE JUROR: Here.
22 THE CLERK: Peter Rowe.
23 A PROSPECTIVE JUROR: Here.
24 THE CLERK: Fernando Segura.

1 A PROSPECTIVE JUROR: Here.
2 THE CLERK: Carol Self.
3 A PROSPECTIVE JUROR: Here.
4 THE CLERK: Lorena Sorensen.
5 A PROSPECTIVE JUROR: Here.
6 THE CLERK: Rulan Stands.
7 A PROSPECTIVE JUROR: Here.
8 THE CLERK: Timothy Stroder.
9 A PROSPECTIVE JUROR: Here.
10 THE CLERK: Cierra Sullivan.
11 A PROSPECTIVE JUROR: Here.
12 THE CLERK: Elizabeth Sullivanabos.
13 A PROSPECTIVE JUROR: Here.
14 THE CLERK: John Swisher.
15 A PROSPECTIVE JUROR: Here.
16 THE CLERK: Lisa Thompson.
17 A PROSPECTIVE JUROR: Here.
18 THE CLERK: Tiffany Timmons.
19 A PROSPECTIVE JUROR: Here.
20 THE CLERK: Zachary Tipp. Zachary Tipp.
21 Deanna Tomb.
22 A PROSPECTIVE JUROR: Here.
23 THE CLERK: Karla Wade.
24 A PROSPECTIVE JUROR: Here.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

THE CLERK: Sheldon Wade.

A PROSPECTIVE JUROR: Here.

THE CLERK: Kevin Wickware.

A PROSPECTIVE JUROR: Here.

THE CLERK: Jennifer Williamson.

A PROSPECTIVE JUROR: Here.

THE CLERK: Stephanie Wimberly.

A PROSPECTIVE JUROR: Here.

THE CLERK: Did I miss any names?

Your Honor, that's roll call.

THE COURT: Thank you. The clerk will now issue orders to show cause for those prospective jurors that failed to answer the summons.

Ladies and Gentlemen, I'm sure that most, if not all, of you understand that a jury in a criminal trial not only in Nevada but in all 50 states consists of men and women who are honest and true. The way the jury selection is going to go is initially we will select 27 prospective jurors' names. Those names will be called at random. Everybody's name who is a potential juror is placed in the potential jury pool. The names are selected at random and the clerk will start calling the names very shortly.

If your name is the first one drawn, I ask that you'll sit on the back row to the far right and we'll

1 continue to fill from left to right until the back row is
2 filled. We'll then move up to the second row and we'll fill
3 that from left to right until the second row is filled. And
4 then we'll move to the third row. And eventually we'll fill
5 the first row here and we'll continue to fill them from left
6 to right.

7 Once we have all 27 prospective jurors up here in
8 what we call the jury box, we'll then begin the process of
9 questioning the jurors. That process is called the voir dire
10 process. I will first ask questions that are general in
11 nature and then the attorneys will be allowed to ask further
12 questions that may be a little bit more in depth.

13 But, before we do that, I'm going to ask the
14 clerk now to read the information.

15 THE CLERK: Case Number 20-10DC-0552, Department
16 Number 1, in the 10th Judicial District Court of the State of
17 Nevada, in and for the County of Churchill. The State of
18 Nevada, plaintiff, versus Casey Alan Johns, defendant, first
19 amended information.

20 Priscilla Baker, Deputy District Attorney of
21 Churchill, Nevada, informs the above entitled court that
22 Casey Alan Johns, the defendant above named, has committed
23 the offenses of Count 1, burglary with possession of a
24 firearm or deadly weapon in violation of NRS 205.060(4.).

1 Count 2, battery with a deadly weapon causing substantial
2 bodily harm to a victim in violation of NRS 200.481(2)(e)(2).
3 Count 3, battery by a prisoner in lawful custody or
4 confinement in violation of NRS 200.481(2)(f). Count 4, home
5 invasion with possession of firearm or deadly weapon, in
6 violation of NRS 205.067(4). And, Count 5, obtaining or
7 possessing credit cards or debit cards or identifying
8 description of credit card -- credit account or debit account
9 without consent, in violation of NRS 205.690(1), committed as
10 follows:

11 Count 1, burglary with possession of a firearm or
12 deadly weapon, in violation of NRS 205.060(4), that within
13 declarant's information and belief, Casey Alan Johns, on or
14 about the 16th day of April, 2020, and prior to the filing of
15 his first amended information, at or near 60 South Allen
16 Street, Number 135, Fallon, Churchill County, Nevada, did
17 wilfully and unlawfully enter any house, room, apartment,
18 tenement, shop, warehouse, store, mill, barn, stable,
19 outhouse, or other building, tent, vessel, vehicle, semi
20 trailer or house trailer, airplane, glider, boat, or rail
21 car -- railroad car with the intent to commit grand or petit
22 larceny, assault or battery on any person or any felony, or
23 to obtain money or property by false pretenses and had in his
24 or her possession or gained possession of any firearm or

1 deadly weapon at any time during the commission of the crime
2 at any time before leaving the structure or upon leaving the
3 structure. To wit, said defendant did enter the Budget Inn
4 room number 135 with a knife with the intent to commit a
5 battery.

6 Count Number 2, battery with a deadly weapon
7 causing substantial bodily harm to the victim, in violation
8 of NRS 200.481(2)(e)(2). That within declarant's information
9 and belief, Casey Alan Johns, on or about the 16th day of
10 April, 2020, and prior to the filing of this first amended
11 information, at or near 60 South Allen Road, Number 135,
12 Fallon, Churchill County, Nevada, did wilfully and unlawfully
13 use force or violence upon the person of another with the use
14 of a deadly weapon causing substantial bodily harm.

15 To wit, said defendant did cut Michael Malone in
16 the hand with a knife, causing prolonged physical pain and/or
17 causing impairment of function of Michael Malone's hand.

18 Count Number 3, battery by a prisoner in lawful
19 custody or confinement, in violation of NRS 200.481(2)(a) --
20 or F. That within declarant's information and belief, Casey
21 Alan Johns, on or about the 16th day of April, 2020, and
22 prior to the filing of this first amended information, at or
23 near 60 South Allen Road, Fallon, Churchill County, Nevada,
24 did wilfully and unlawfully, while in lawful custody or

1 confinement, use force or violence upon the person of
2 another, to wit, said defendant, after being placed under
3 arrest and while in lawful custody, did kick Officer Kevin
4 Grimes in the leg.

5 Count 4, home invasion with possession of firearm
6 or deadly weapon in violation of NRS 205.067(4), that within
7 declarant's information and belief, Casey Alan Johns, on or
8 about the 16th day of April, 2020, and prior to the filing of
9 this first amended information, at or near 60 South Allen
10 Road, Number 135, Fallon, Churchill County, Nevada, did
11 wilfully and unlawfully, with use of a deadly weapon, enter
12 an inhabited dwelling without permission of the owner,
13 resident, or lawful occupant, whether or not a person was
14 present at the time of entry, to wit, said defendant did
15 forcefully enter 60 South Allen Road, number 132, with a
16 knife, causing damage to the entry door and/or door frame.

17 Count 5, obtaining or possessing credit card or
18 debit card or identifying description of credit card, credit
19 account, or debit card without consent, in violation of NRS
20 205.690(1), that within the declarant's information and
21 belief, Casey Alan Johns, on or about the 10th day of April,
22 2020, through the 16th day of April, 2020, and prior to the
23 filing of this first amended information, at or near 60 South
24 Allen Road, Fallon, Churchill County, Nevada, did steal,

1 take, or remove a credit card or debit card from the person,
2 possession, custody, or control of another without the
3 cardholder's consent or with the knowledge that a credit card
4 or debit card had been so taken, removed -- removed or
5 stolen, did receive the credit card or debit card with the
6 intent to circulate, use, or sell it or to transfer to a
7 person other than the issuer or the cardholder. To wit, said
8 defendant did obtain credit cards belonging to Brandie
9 West-Castille without her consent.

10 All of which is contrary to the form, force, and
11 effort of the statute in such cases made and provided and
12 against the peace and dignity of the State of Nevada. Dated
13 this 5th day of May, 2021, Arthur E. Mallory, District
14 Attorney, by Priscilla Baker, Deputy District Attorney.

15 To the charge contained in the information, the
16 defendant has duly and regularly entered a plea of not
17 guilty, which is deemed in law to be and is a denial of every
18 material allegation contained in the information.

19 THE COURT: Thank you.

20 Every person charged by information with the
21 commission of a crime is presumed innocent. All of you are
22 about to take an oath that you will answer truthfully and
23 fully all of the questions that will be propounded to you
24 during the voir dire process.

1 Would the clerk now swear all prospective jurors
2 to answer truthfully all questions concerning their
3 qualifications to serve as jurors?

4 THE CLERK: If everybody could please rise.
5 Please raise your right hand.

6 (Prospective jurors were sworn in)

7 THE COURT: Thank you. You may be seated. The
8 record should reflect that all the prospective jurors have
9 been sworn. The clerk will now call the first 27 names.

10 THE CLERK: Juror number one, Johnny Billett.

11 THE COURT: Mr. Billett, if you'll just come
12 forward and go in that back row on the far left.

13 THE CLERK: Phillip Keller.

14 Michelle Nutting.

15 Kathryn Beatty.

16 John Swisher.

17 Adam Nunley.

18 Stephanie Wimberly.

19 THE COURT: We'll just start the second row.

20 THE CLERK: Carrigan Rogers.

21 Gail Reed-Ellis.

22 Peter Rowe.

23 Jennifer McEwen.

24 James Brown.

1 Tyler Cromack.
2 Jordan Munoz.
3 Dawn Allsop.
4 Ona Hunt.
5 Thomas Goodson.
6 Courtney Dahl.
7 Daniel Martinez.
8 Ana Cornejo.
9 THE COURT: I think it's Cornejo.
10 THE CLERK: Cornejo.
11 Karla Wade.
12 THE COURT: Ms. Wade, if you'll come up to this
13 front row.
14 THE CLERK: Sadie Gagliardo.
15 Michael Rice.
16 Sheldon Wade.
17 Robin Anaya.
18 William Mnicowski.
19 And Jeffrey Annand.
20 THE COURT: So, as I mentioned to you, the
21 initial questioning of the first 27 prospective jurors that
22 have been called is going to be done by me. The questions
23 are going to be very general in nature. Most, if not all of
24 you, will have responses at one point or another to these

1 questions. And what I'm going to ask you to do is to raise
2 your hand if you have a response and we'll go through in kind
3 of the same order that we called you.

4 For those of you who haven't been called yet, I'm
5 going to ask you to pay attention to the questions that I'm
6 going to be asking, because it's likely that at some point in
7 this process that some of you will be called forward in to
8 the jury box. And so as I ask the questions to these 27
9 jurors, formulate the same answer or your own answer in your
10 mind, because you may have the opportunity to be up here and
11 that will save us some time.

12 The questions that the Court will ask you are
13 simply -- their purpose is to determine that all of you can
14 serve as jurors in this case, that you're unrelated to the
15 parties, that you have no preconceived notions about the
16 guilt or innocence of the defendant and to make sure that all
17 of you can be fair and impartial jurors. In other words,
18 like I stated before, we want to end up with a jury of men
19 and women who are honest and true.

20 So, during the question, if any of your answers
21 reveal a legal basis for you to be relieved from sitting on
22 the jury, we'll address that at that time. And we'll go from
23 there how that goes.

24 The way we're going to get down to our final jury

1 is at the end each side will have the opportunity to exercise
2 what is called peremptory challenges. Each side has a legal
3 right to peremptory challenges. That means that they may ask
4 that a particular juror be stricken to what we often say is a
5 good reason, a bad reason, or no reason at all.

6 And so don't be offended by any of the questions
7 that I ask, nor should you be offended by any of the
8 questions that either of the attorneys will ask you. They
9 are not intended to embarrass anyone. They simply want to
10 make sure that each of you are able to serve as jurors in
11 this specific case.

12 Before we begin with the questions, Ms. Baker,
13 would you please introduce yourself and all the attorneys and
14 staff of the district attorney's office.

15 MS. BAKER: Thank you, your Honor. Can everyone
16 hear me? Thank you. Again, my name is Priscilla Baker. I'm
17 one of the deputy district attorneys here in Churchill
18 County. This is Mr. Jeff Weed. He's another deputy
19 attorney. And Lisa Dornman is one of the assistants. The
20 other attorneys in the office is Arthur Mallory, Lane Mills,
21 Chelsea Sanford. That's in the criminal side. And then we
22 have assistants Charlene Nelson, Cecilia Sanchez, Samantha
23 Lane, Leticia Orozco-Padilla, and Lisa Rigby.

24 In the civil division, we have Benjamin Shawcroft

1 and Joseph Sanford. And the assistant is Shannon Perez.

2 We also have a child support division. And the
3 people who work there is Brenda Mayhem, Lonnie Montgomery,
4 Whitney Aboytes, Jamie Sunderman, and Jennifer Reddick. We
5 have student interns, Macie Cooper and Caleah Latin. Thank
6 you.

7 THE COURT: Mr. Neidert, would you please
8 introduce yourself, your office, your staff, and your client,
9 please.

10 MR. NEIDERT: My name is David Neidert. I am an
11 attorney in private practice. I formerly had an office here
12 in Fallon that I closed at the end of last year. My client
13 is Casey Johns. My investigator, who is sitting right behind
14 me, is Kenneth Peele. And, unlike the district attorney's
15 office, I don't have a support staff.

16 THE COURT: So do any of the perspective jurors
17 know Mr. Johns?

18 Does anybody know either Ms. Baker or any of the
19 names she named from the district attorney's office? Okay.
20 So we'll start in the back with Mr. Keller. Who do you know
21 and how do you know them?

22 A PROSPECTIVE JUROR: Art Mallory from Still
23 Water Firearms Association. He's also one of my job
24 references.

1 THE COURT: Okay. Now, is there anything about
2 that relationship with Mr. Mallory that would cause you to
3 favor either one side or the other in this case?

4 A PROSPECTIVE JUROR: No, sir.

5 THE COURT: You would be able to listen to this
6 case, follow the instructions that you're given, and treat
7 each side fairly and impartially?

8 A PROSPECTIVE JUROR: Yes, sir.

9 THE COURT: Okay. Do you know anyone else?

10 A PROSPECTIVE JUROR: (Nods no)

11 THE COURT: Great. Thank you. Who else on the
12 back row. So we'll get down to Ms. Beatty.

13 A PROSPECTIVE JUROR: Thank you, your Honor. I
14 know Joe Sanford. He is a district attorney for the 432-B
15 cases and the child and family services. Charlene Nelson,
16 she helps me with collecting police reports. I know Jeff
17 Weed a little bit from just, I guess, asking questions
18 pursuant to his clients if we have shared clients.

19 THE COURT: And so you -- Where do you work?

20 A PROSPECTIVE JUROR: For the Division of child
21 and Family Services.

22 THE COURT: Okay. And so you come to court in
23 foster care cases; is that --

24 A PROSPECTIVE JUROR: Correct.

1 THE COURT: Okay. And Mr. Sanford is in the
2 district attorney's office in the civil side? At least
3 that's what they said.

4 A PROSPECTIVE JUROR: Yes.

5 THE COURT: Do you know anything about this case?

6 A PROSPECTIVE JUROR: No, I do not.

7 THE COURT: Is there anything about your
8 relationship with the people you named that would cause you
9 to favor either one side or the other in this case?

10 A PROSPECTIVE JUROR: No, your Honor.

11 THE COURT: You would be able to listen to the
12 evidence and view it fairly and impartially?

13 A PROSPECTIVE JUROR: Yes, your Honor.

14 THE COURT: Thank you.

15 A PROSPECTIVE JUROR: Thank you.

16 THE COURT: Mr. Swisher, who do you know?

17 A PROSPECTIVE JUROR: Several people in the
18 district attorney's office.

19 THE COURT: In what capacity do you know them as?

20 A PROSPECTIVE JUROR: I work as a game warden, so
21 I have presented cases and discussed cases with them.

22 THE COURT: Okay. Is there anything about that
23 relationship that would cause to you favor either one side or
24 the other?

1 A PROSPECTIVE JUROR: No.

2 THE COURT: You would be able to put that
3 experience aside and treat both sides fairly and impartially?

4 A PROSPECTIVE JUROR: Yes, sir.

5 THE COURT: Okay. Thank you.

6 A PROSPECTIVE JUROR: I do have another conflict
7 though that has come up in my scheduling if that's something
8 to discuss now or --

9 THE COURT: We'll get to that.

10 On the back row, anyone else?

11 How about on the second row? And is that
12 Ms. Wimberly?

13 A PROSPECTIVE JUROR: Yes.

14 THE COURT: Who do you know?

15 A PROSPECTIVE JUROR: Several people in the
16 district attorney's office. I'm a loan officer at the
17 Churchill County Credit Union, so it's professional.

18 THE COURT: Okay. So is there anything about
19 that relationship that would cause to you favor either one
20 side or the other?

21 A PROSPECTIVE JUROR: No.

22 THE COURT: Okay. Anyone else on the second row?

23 Okay. On the third row? That's -- Is that
24 Ms. Hunt?

1 A PROSPECTIVE JUROR: Yeah. I used to -- I
2 worked in both their offices cleaning. I was a custodian so
3 I got to know them personally.

4 THE COURT: And you said you worked there. How
5 long ago was that?

6 A PROSPECTIVE JUROR: Last -- A year ago.

7 THE COURT: Okay. Is there anything about that
8 relationship that would cause you to favor either one side or
9 the other?

10 A PROSPECTIVE JUROR: No, sir.

11 THE COURT: Okay. You would be able to listen to
12 the evidence and treat each side fairly? You need you to
13 answer out loud.

14 A PROSPECTIVE JUROR: Oh, yes, your Honor.

15 THE COURT: Okay. And are you still employed?

16 A PROSPECTIVE JUROR: No. I am retired.

17 THE COURT: You've been retired. Okay. Thank
18 you.

19 And Mr. Goodson.

20 A PROSPECTIVE JUROR: Lane Mills, Art Mallory.
21 Professionally, I was 30 years in criminal justice, so I know
22 them professionally in those capacities. And so that's
23 basically it.

24 THE COURT: Anything about those relationships

1 that would cause you to favor either one side or the other?

2 A PROSPECTIVE JUROR: No, sir.

3 THE COURT: You would be able to listen to the
4 evidence in this case and judge it fairly and impartially?

5 A PROSPECTIVE JUROR: Yes, sir.

6 THE COURT: Okay. Thank you.

7 Anyone else? Mr. Dahl.

8 A PROSPECTIVE JUROR: Yeah. I know Jeff Weed and
9 Art Mallory. One of my children attended school with Jeff.
10 And Art Mallory is a family friend.

11 THE COURT: Okay. And anything about those
12 relationships that would cause you to favor either one side
13 or the other?

14 A PROSPECTIVE JUROR: No.

15 THE COURT: Okay. And is it Ms. Cornejo?

16 A PROSPECTIVE JUROR: Yes.

17 THE COURT: Who do you know?

18 A PROSPECTIVE JUROR: Just by phone, Chelsea and
19 Lane Mills, on another case.

20 THE COURT: Okay.

21 A PROSPECTIVE JUROR: And --

22 (The court reporter interrupts)

23 A PROSPECTIVE JUROR: Lane Mills and just Chelsea
24 over the phone over another case. And then Leticia just from

1 the Hispanic community.

2 THE COURT: Okay. And so is there anything about
3 that relationship with either one of those -- any of those
4 people that would cause you to favor either one side or the
5 other?

6 A PROSPECTIVE JUROR: No.

7 THE COURT: And, when you say Chelsea, is that
8 Ms. Sanford?

9 A PROSPECTIVE JUROR: Yes.

10 THE COURT: And she's a deputy district attorney?

11 A PROSPECTIVE JUROR: Yes.

12 THE COURT: Okay. You'll be able to listen to
13 the evidence in this case and treat it fairly and
14 impartially.

15 A PROSPECTIVE JUROR: Yes, sir.

16 THE COURT: Okay. Thank you.

17 Anyone on the front row? Mr. Rice.

18 A PROSPECTIVE JUROR: I worked for the CC
19 Communications and I did numerous jobs for the district
20 attorney's office. So I know several of the people.

21 THE COURT: Okay. And anything about those
22 relationships that would cause you to favor either one side
23 or the other in this case?

24 A PROSPECTIVE JUROR: No, sir.

1 THE COURT: Okay. Anyone else on the front row?
2 Oh, I see, is that Ms. Wade?

3 A PROSPECTIVE JUROR: Yes. I know Joe and
4 Chelsea Sanford through the Fallon Food Hub. I sold Sanford
5 Ranch beef through there and they were customers of mine.

6 THE COURT: Okay. And anything about those
7 relationships that would cause you to favor either one side
8 or the other?

9 A PROSPECTIVE JUROR: No.

10 THE COURT: Okay. Thank you. Anyone else on the
11 front row?

12 Are any of you employed by law enforcement or do
13 you have any close relatives that are in law enforcement or
14 do you know anyone in law enforcement or have you been
15 previously employed by law enforcement? And when I say law
16 enforcement, that includes the sheriff, the police
17 department, Highway Patrol, DEA, Parole and Probation,
18 juvenile probation, or any other type of law enforcement.
19 And we'll start on the back row. Mr. Billett.

20 A PROSPECTIVE JUROR: Yes.

21 THE COURT: Go ahead.

22 A PROSPECTIVE JUROR: This has been '77 through
23 '82 I served as a deputy for the Mineral County Sheriff's
24 Department in that capacity for about five years.

1 THE COURT: And so that -- your last employment
2 was approximately?

3 A PROSPECTIVE JUROR: 30-something years ago.

4 THE COURT: 39 years ago.

5 A PROSPECTIVE JUROR: Yes, sir.

6 THE COURT: Okay. Is there anything about that
7 experience that would cause you to favor either one side or
8 the other in this case?

9 A PROSPECTIVE JUROR: No, sir.

10 THE COURT: Okay. Thank you.

11 Anyone else on the back row? Mr. Swisher.

12 A PROSPECTIVE JUROR: I'm currently employed by
13 the Nevada Department of Wildlife as a lieutenant game
14 warden.

15 THE COURT: Okay. Anything about that that would
16 cause to you favor either one side or the other?

17 A PROSPECTIVE JUROR: No, sir.

18 THE COURT: Okay. And then on the back row, is
19 that Mr. Nunley?

20 A PROSPECTIVE JUROR: Yes, sir. I was a military
21 police officer for two years here in Nevada and I still have
22 contacts with several police officer friends of mine.

23 THE COURT: Okay. And anything about either of
24 those experiences that would cause you to favor either one

1 side or the other in this case?

2 A PROSPECTIVE JUROR: No, sir.

3 THE COURT: Okay. Thank you. How about on the
4 second row? Anyone?

5 Third row? Mr. Goodson.

6 A PROSPECTIVE JUROR: I retired for 30 years of
7 being a Parole and Probation officer on the parole board in
8 2007. And, in full disclosure, I still volunteer with the
9 police department two times a week.

10 THE COURT: And what do you do with them?

11 A PROSPECTIVE JUROR: It's a non-confrontational
12 thing. We go out for public service and things like that.

13 THE COURT: Okay. And that's with the Fallon
14 Police Department?

15 A PROSPECTIVE JUROR: Yes, it is.

16 THE COURT: And is there anything about that
17 experience -- Or from that experience do you have any
18 knowledge of this case?

19 A PROSPECTIVE JUROR: I do not.

20 THE COURT: Okay. Anything that would cause you
21 to favor either one side or the other?

22 A PROSPECTIVE JUROR: No.

23 THE COURT: Thank you. And on the front row,
24 anybody? Mr. Rice.

1 A PROSPECTIVE JUROR: I previously -- I'm retired
2 as an officer for the Fallon Churchill Fire Department and I
3 had a working relationship with most of the deputies for the
4 sheriffs and police department in Fallon.

5 THE COURT: Anything about that that would cause
6 you to favor either one side or the other?

7 A PROSPECTIVE JUROR: No, sir.

8 THE COURT: Anyone else on the front row?

9 Would any of the prospective jurors tend to
10 believe someone simply because they are a police officer and
11 for no other reason?

12 And I guess I'm going to give you some
13 background. It's your job as jurors to determine the
14 credibility of witnesses. That's one of the things that
15 juries do. But, would you automatically, without knowing
16 anything else, believe someone simply because they happened
17 to be a police officer? Does anyone have an affirmative
18 answer to that? No one.

19 Ms. Baker, do you have a list of your witnesses
20 and could you recite your potential witnesses?

21 MS. BAKER: Thank you, your Honor. Doctor --
22 Well, let me turn this on. I want to make sure everybody can
23 hear me. Dr. Andrew Abrass, Dr. Brent Akin, Amiben Bhakta,
24 James Bolas, Dr. Andrew Coley, Shasta Colvin, Deanna Douglas,

1 John Fransden, Marcia Gower, Kevin Grimes, Daniel Groom,
2 Jennifer Harpent, Jennifer Hsueh, Dr. Michael Liliquest,
3 Alonza Lofthouse, Michael Malone, Rudy Maynez, Michael Moody,
4 Ashley Peters, Joseph Shine, Darby Stienmetz, Sam Ugaldi,
5 Ronald Winger, Brandie West-Castillo. Thank you, your Honor.

6 THE COURT: Mr. Neidert, do you have any
7 potential witnesses?

8 MR. NEIDERT: Not at this point.

9 THE COURT: Okay. Does anybody know any of these
10 potential witnesses? We'll start on the back row.
11 Ms. Beatty, who do you know?

12 A PROSPECTIVE JUROR: Fransden, Groom, Grimes,
13 Ugaldi, and then Ashley Peters.

14 THE COURT: Is there anything about your
15 relationship with -- So some of those -- Are all of those in
16 your capacity -- your professional capacity?

17 A PROSPECTIVE JUROR: All of them except for
18 Ashley Peters.

19 THE COURT: So let's take them separately. The
20 ones in your professionals capacity, is there anything about
21 those relationships that would cause you to favor either one
22 side or the other?

23 A PROSPECTIVE JUROR: No, your Honor.

24 THE COURT: And, as far as Ashley Peters, what's

1 the nature of that relationship?

2 A PROSPECTIVE JUROR: She's a friend.

3 THE COURT: Anything about that that would cause
4 you to favor either one side or the other?

5 A PROSPECTIVE JUROR: No, your Honor.

6 THE COURT: Would you tend to believe or
7 disbelieve her more or less because of that friendship?

8 A PROSPECTIVE JUROR: No, your Honor.

9 THE COURT: Okay. Thank you. Anyone else on the
10 back row? Mr. Swisher.

11 A PROSPECTIVE JUROR: John Fransden.

12 THE COURT: Okay. And is that -- what's the
13 nature of that relationship?

14 A PROSPECTIVE JUROR: I went to POST academy with
15 him, police academy.

16 THE COURT: Okay. Anything about that
17 relationship that would cause you to favor either one side or
18 the other?

19 A PROSPECTIVE JUROR: No, sir.

20 THE COURT: Thank you.

21 Anyone else in the back row?

22 How about on the second row? And that is
23 Ms. Wimberly.

24 A PROSPECTIVE JUROR: Just Rudy and Ron, just

1 professionally.

2 THE COURT: Okay. And anything about that
3 professional relationship that would cause to you favor
4 either one side or the other?

5 A PROSPECTIVE JUROR: No.

6 THE COURT: Okay. Anyone else on the second row?
7 And that is -- is it Mr. Cromack?

8 A PROSPECTIVE JUROR: Yes, sir.

9 THE COURT: Mr. Cromack.

10 A PROSPECTIVE JUROR: I went to school with Rudy,
11 Mr. Maynez.

12 THE COURT: Anything about -- How long ago was
13 that?

14 A PROSPECTIVE JUROR: Oh, that was 16, 17 years
15 ago.

16 THE COURT: Anything about that that would cause
17 you to either favor one side or the other?

18 A PROSPECTIVE JUROR: No, sir.

19 THE COURT: Anyone on the third row? Ms. Allsop.

20 A PROSPECTIVE JUROR: I work at the hospital for
21 patient registration. So I work closely with a lot of the
22 doctors and I check in numerous of those people. I also work
23 when you guys bring in the holds and stuff, so I'm privy to a
24 lot of their information.

1 THE COURT: Okay. Is there anything about those
2 relationships that would cause you to either give them more
3 credibility or to favor one side or the other in this case?

4 A PROSPECTIVE JUROR: Well, again, I am privy to
5 private information, so I see all the stuff that they bring
6 in.

7 THE COURT: And have you seen anything about this
8 case?

9 A PROSPECTIVE JUROR: Not this particular case.

10 THE COURT: Okay. And could you put that
11 information aside and just view this case on its merits?

12 A PROSPECTIVE JUROR: Yes.

13 THE COURT: Okay. There was a little bit of
14 hesitation.

15 A PROSPECTIVE JUROR: It would be hard listening
16 to --

17 THE COURT: Okay. And you work with the doctors?

18 A PROSPECTIVE JUROR: I do.

19 THE COURT: Ms. Baker, I'm inclined to excuse
20 Ms. Allsop.

21 MS. BAKER: Submit, your Honor.

22 THE COURT: And Mr. Neidert?

23 MR. NEIDERT: I think that's a good idea, your
24 Honor. And I thank her for her time.

1 THE COURT: Thank you, Ms. Allsop. We'll excuse
2 you.

3 A PROSPECTIVE JUROR: All right. Thank you.

4 THE COURT: Ms. Clerk, will you call the next
5 juror.

6 THE CLERK: Fredna Gibson.

7 THE COURT: Good morning, Ms. Gibson.

8 A PROSPECTIVE JUROR: Good morning.

9 THE COURT: Let me just ask you a couple of the
10 questions that we've already gone over. Do you know or are
11 you acquainted with Mr. Johns?

12 A PROSPECTIVE JUROR: No.

13 THE COURT: Do you know any of the attorneys or
14 the people in their offices?

15 A PROSPECTIVE JUROR: I do. But they're rotary
16 members that my son also is a rotary member and that's it.

17 THE COURT: Okay. Anything about those
18 relationships that would cause you to favor either one side
19 or the other?

20 A PROSPECTIVE JUROR: No.

21 THE COURT: Are you related to anyone in law
22 enforcement?

23 A PROSPECTIVE JUROR: My dad, my nephew, my
24 cousin, they're all police officers in Hawaii. Well, my dad

1 is gone. But the others are police officers in Hawaii.

2 THE COURT: Anything about those relationships
3 that would cause you to favor either one side or the other?

4 A PROSPECTIVE JUROR: No.

5 THE COURT: Okay. And then did you hear the list
6 of witnesses?

7 A PROSPECTIVE JUROR: Yes, I did.

8 THE COURT: Do you know any of those witnesses?

9 A PROSPECTIVE JUROR: No, I don't.

10 THE COURT: Okay. Thank you.

11 Now, anyone else on the third row know any of
12 those witnesses? Mr. Goodson.

13 A PROSPECTIVE JUROR: Dr. Akins treated me a
14 couple of three times. Sergeant Fransden is my direct
15 supervisor. And all the other police officers I've known for
16 quite some time.

17 THE COURT: Okay. And so Sergeant Fransden is
18 your supervisor?

19 A PROSPECTIVE JUROR: He is.

20 THE COURT: Okay. I think I'm going to excuse
21 Mr. Goodson. But, Ms. Baker, do you have any record you want
22 to make on that?

23 MS. BAKER: No, your Honor. State submits.

24 THE COURT: Mr. Neidert?

1 MR. NEIDERT: I have no objection, your Honor.

2 THE COURT: Thank you, Mr. Goodson.

3 Go ahead, Ms. Clerk.

4 THE CLERK: Carol Self.

5 THE COURT: Thank you, Ms. Self. Do you know or
6 are you acquainted -- You can sit down. Do you know
7 Mr. Johns?

8 A PROSPECTIVE JUROR: No.

9 THE COURT: Do you know any of the attorneys or
10 the people in their offices?

11 A PROSPECTIVE JUROR: No, your Honor.

12 THE COURT: Are you related to anyone in law
13 enforcement?

14 A PROSPECTIVE JUROR: No, sir.

15 THE COURT: You heard the names of the witnesses.
16 Did -- Do you know any of those names?

17 A PROSPECTIVE JUROR: No, I don't.

18 THE COURT: Okay. Thank you.

19 Anyone else on the third row? Mr. Dahl.

20 A PROSPECTIVE JUROR: Yeah. I taught Kevin
21 grimes in school. He was one of my best welders in my
22 welding class.

23 THE COURT: And about how long ago was that?

24 A PROSPECTIVE JUROR: I retired in 2015. And I

1 think I taught him it was two years before I retired.

2 THE COURT: Okay. So it's been ten years or so?

3 A PROSPECTIVE JUROR: Almost ten.

4 THE COURT: Anything about that relationship that
5 would cause you to favor either one side or the other?

6 A PROSPECTIVE JUROR: Possibly. He was a very
7 good student and a good friend and continues to be a good
8 friend.

9 THE COURT: So do you continue to have contact
10 with him?

11 A PROSPECTIVE JUROR: Yes.

12 THE COURT: And when is the last time you saw
13 him.

14 A PROSPECTIVE JUROR: Oh, I saw him at the gas
15 station about a month ago, I think.

16 THE COURT: Ms. Baker.

17 MS. BAKER: Your Honor, may I approach?

18 THE COURT: Yes.

19 (Discussion was held at the bench but not reported,

20 THE COURT: Anyone else you know?

21 A PROSPECTIVE JUROR: No.

22 THE COURT: Anyone -- Is that Ms. Cornejo?

23 A PROSPECTIVE JUROR: Yes. Sam Ugaldi went to
24 school with my children and worked with my husband a couple

1 of years ago before being a deputy. And then he's been
2 working with the other deputy, Rudy, in another case.

3 THE COURT: Okay. And anything about those
4 relationships that would cause you to favor either one side
5 or another in this case?

6 A PROSPECTIVE JUROR: No, your Honor.

7 THE COURT: You would be able to listen to the
8 evidence and consider it fairly and impartially?

9 A PROSPECTIVE JUROR: Yes, sir.

10 THE COURT: And, Mr. Dahl, what about for you?

11 A PROSPECTIVE JUROR: Possibly because of my
12 close relationship to Kevin.

13 THE COURT: And when did you see him?

14 A PROSPECTIVE JUROR: About a month ago in the
15 gas station. We sat and visited for a little while.

16 THE COURT: Could it have been longer ago or
17 shorter ago?

18 A PROSPECTIVE JUROR: It could have been. I'm
19 old and my memory isn't that great.

20 THE COURT: Anyone on the front row? Mr. Rice.

21 A PROSPECTIVE JUROR: I know all of the officers
22 in the sheriff's office and the police department.

23 THE COURT: And anything about those
24 relationships that would cause you to favor either one side

1 or the other?

2 A PROSPECTIVE JUROR: No, sir.

3 THE COURT: Anyone else? And is it Ms. Anaya?

4 A PROSPECTIVE JUROR: Yes. I know Sam Ugaldi and
5 I know Rudy and his wife.

6 THE COURT: Anything about that relationship that
7 would cause you to favor one side?

8 A PROSPECTIVE JUROR: No, sir.

9 THE COURT: You could listen to the evidence and
10 be fair and impartial?

11 A PROSPECTIVE JUROR: Yeah.

12 THE COURT: Okay. Anyone else?

13 Does anybody know any of the facts of this case
14 because you may have heard it on the radio, the television,
15 the newspaper, the internet? Does anyone know anything about
16 this case?

17 Does anybody have any biases against the State of
18 Nevada? And I know that sounds a little strange to ask
19 because we're all residents of the state. But sometimes
20 people have a negative opinion about the state for whatever
21 reason. Does anybody have a negative opinion about the State
22 of Nevada?

23 Does anybody have any negative feelings towards
24 Mr. Johns even though you don't know anything about this

1 case?

2 Now, at the end of this case, I will instruct you
3 in the law of the State of Nevada as it applies to this a
4 particular case. As jurors it would be your absolute duty to
5 apply the facts as you find them to the law as the Court will
6 give it to you, whether you agree with the law or not. Is
7 there any juror who would not or would even be reluctant to
8 apply the laws that the Court will give you in this case?
9 Anybody?

10 So, in this case, Mr. Johns is charged with
11 burglary with possession of a firearm or a deadly weapon,
12 battery with a deadly weapon causing substantial bodily harm,
13 battery by a prisoner in lawful custody or confinement, home
14 invasion with possession of a firearm or a deadly weapon,
15 obtaining or possessing a credit card or debit card or
16 identifying description of credit card or credit account or
17 debit card without consent. Is there anyone who believes
18 that these should not be crimes in the State of Nevada?

19 Now, at the end of the case, the Court will give
20 you some instructions. And if the Court gives you the
21 following instruction, that a defendant in a criminal trial
22 is presumed to be innocent until the contrary is proved
23 beyond a reasonable doubt and in the case of a reasonable
24 doubt as to whether the defendant's guilt is satisfactorily

1 shown, he is entitled to be acquitted, would each of you
2 accept and follow that instruction? Would there be anyone
3 who would not follow that instruction?

4 If at the end of the case the Court also
5 instructed you that a reasonable doubt is one that is based
6 on reason, it is not possible doubt but such doubt as would
7 govern or control a person in the more weighty affairs of
8 life, if after you have heard all of the evidence from both
9 the prosecution and the defense you can say to yourself that
10 you believe in the abiding conviction of the truth of the
11 charge, there is not a reasonable doubt. Doubt to be
12 reasonable must be actual, not mere possibility or
13 speculation. Is there anyone who would not follow that
14 instruction?

15 Now, many of you have had the opportunity to
16 serve on a jury before. If you have, I'm going to ask you to
17 raise your hand. Do we have any people who have served
18 before? Okay. Thank you.

19 All right. What we're going to do is go through
20 and ask each of you when and where you served on a jury,
21 whether it was criminal or civil, and whether a decision was
22 reached. I don't want to know what the decision was. So you
23 might say, I'm Tom Stockard, I served in Churchill County on
24 a criminal case in 1999 and a verdict was reached or we

1 weren't able to reach a verdict.

2 So, on the back row, who's a served on a jury?
3 Mr. Billett.

4 A PROSPECTIVE JUROR: Yes. 1984. It was a
5 criminal case and we did -- we found a --

6 THE COURT: You reached a verdict?

7 A PROSPECTIVE JUROR: Yes.

8 THE COURT: Okay. Thank you.

9 Anyone else on the back row? Mr. Swisher.

10 A PROSPECTIVE JUROR: I served on two different
11 juries, one in Lyon County about 1998 I think it was.

12 THE COURT: Was that criminal or civil?

13 A PROSPECTIVE JUROR: Criminal.

14 THE COURT: And was a verdict reached?

15 A PROSPECTIVE JUROR: Yes.

16 THE COURT: And the other one?

17 A PROSPECTIVE JUROR: Was here in Churchill
18 County.

19 THE COURT: Criminal or civil?

20 A PROSPECTIVE JUROR: Criminal. And a verdict
21 was not reached.

22 THE COURT: Was not reached, okay. Thank you.

23 Anyone else on the back row?

24 How about on row number two, working our way

1 over? Is that Ms. McEwen?

2 A PROSPECTIVE JUROR: Yeah. I served in
3 Churchill County probably seven years ago. It was criminal
4 and we did find -- we did --

5 THE COURT: Reach a verdict?

6 A PROSPECTIVE JUROR: Yes.

7 THE COURT: Okay. Thank you.

8 And Mr. Brown.

9 A PROSPECTIVE JUROR: Yeah. 2013, Churchill
10 County, criminal, and a verdict was reached.

11 THE COURT: Okay. Thank you.

12 Anyone else on the second row?

13 Anyone else on the third row?

14 On the front row. And is that Mr. Wade?

15 A PROSPECTIVE JUROR: Yes, it is. It was -- I
16 can't remember exactly how long ago it was. It was the
17 Valencia case.

18 THE COURT: In Churchill County?

19 A PROSPECTIVE JUROR: Yes, in Churchill County.

20 THE COURT: And was a verdict reached?

21 A PROSPECTIVE JUROR: No. He pled.

22 THE COURT: Okay. Thank you. Ms. Anaya.

23 A PROSPECTIVE JUROR: Yes. I was -- This was,
24 like, 2016, I was called for jury duty but they sent me home.

1 THE COURT: Okay. Okay.

2 Anyone else? And that's Mr. Annand?

3 A PROSPECTIVE JUROR: Annand, sir. Military
4 Corps in San Diego in 1992.

5 THE COURT: Okay. And were you able to reach a
6 decision?

7 A PROSPECTIVE JUROR: Yes, sir.

8 THE COURT: Okay. Perfect. Thank you.

9 So, for those of you who have served on a jury
10 before, was there anything about that experience that would
11 cause you to not be able to serve as a fair and impartial
12 juror on this case? And we'll start in the back row. Anyone
13 have such a negative experience or experience that would
14 affect you in this case? Anyone? No. Okay.

15 Now I want to ask about prior litigation. Have
16 any of you ever been involved in the court system before
17 either as a plaintiff or a defendant? And that could include
18 a divorce. Just tell us what was your involvement in the
19 litigation. And we'll start in the back row. Anyone?
20 Mr. Billett.

21 A PROSPECTIVE JUROR: When I was a deputy, upon
22 arrest, I was called in for --

23 THE COURT: As a witness?

24 A PROSPECTIVE JUROR: Yes.

1 THE COURT: Okay. Anything about that that would
2 cause you to favor either one side or the other?

3 A PROSPECTIVE JUROR: No, sir.

4 THE COURT: Anyone else in the back row? Is it
5 Mr. Keller?

6 A PROSPECTIVE JUROR: Yes. 2010, defendant,
7 misdemeanor DUI.

8 THE COURT: Okay. And anything about that
9 experience that would cause you to favor either one side or
10 the other?

11 A PROSPECTIVE JUROR: No, your Honor.

12 THE COURT: Okay. Thank you.

13 Ms. Beatty.

14 A PROSPECTIVE JUROR: Working for the Division of
15 Child and Family Services, I frequently am asked to be a
16 witness in those cases.

17 THE COURT: Okay. And anything about that
18 experience that would affect your ability to be fair and
19 impartial in this case?

20 A PROSPECTIVE JUROR: No, your Honor.

21 THE COURT: Okay. Thank you.

22 Mr. Swisher.

23 A PROSPECTIVE JUROR: I've been a witness in
24 several cases. In addition to that, I was a plaintiff in a

1 wrongful death case.

2 THE COURT: Anything about either of those
3 experiences that would negatively impact your ability to be
4 fair and impartial to both sides in this case?

5 A PROSPECTIVE JUROR: No, sir.

6 THE COURT: Okay. Thank you.

7 And then Mr. Nunley.

8 A PROSPECTIVE JUROR: Divorce 2013.

9 THE COURT: Anything about that experience that
10 would negatively impact you in this case?

11 A PROSPECTIVE JUROR: No, sir.

12 THE COURT: Okay. Anyone on the second row?
13 Mr. Cromack.

14 A PROSPECTIVE JUROR: Back in 2005, 2006, I was
15 arrested for underage drinking.

16 THE COURT: Anything about that experience that
17 would cause you to not be able to be fair and impartial to
18 either side?

19 A PROSPECTIVE JUROR: No, sir.

20 THE COURT: Okay. Thank you.

21 Anyone on the third row? And is it Ms. Gibson?

22 A PROSPECTIVE JUROR: Divorce.

23 THE COURT: Okay. Anything about that experience
24 that would negatively impact your ability to be fair and

1 impartial?

2 A PROSPECTIVE JUROR: No.

3 THE COURT: Okay. And Ms. Hunt.

4 A PROSPECTIVE JUROR: Divorce.

5 THE COURT: Anything about that experience?

6 A PROSPECTIVE JUROR: No.

7 THE COURT: You can be fair and impartial?

8 A PROSPECTIVE JUROR: Yes.

9 THE COURT: Okay. Anyone else on the third row?
10 Mr. Martinez.

11 A PROSPECTIVE JUROR: 2016 I had a domestic
12 battery I was the defendant of.

13 THE COURT: Okay. And was that here in Churchill
14 County?

15 A PROSPECTIVE JUROR: No.

16 THE COURT: Okay. Where was that at?

17 A PROSPECTIVE JUROR: Washoe County.

18 THE COURT: Anything about that experience that
19 would negatively impact your ability to be fair and impartial
20 in this case?

21 A PROSPECTIVE JUROR: No, sir.

22 THE COURT: Okay. And Ms. Cornejo.

23 A PROSPECTIVE JUROR: 1992, 1993, I was a victim
24 of a sexual predator.

1 THE COURT: Okay. And anything about that
2 experience that would negatively affect your ability to be
3 fair and impartial in this case?

4 A PROSPECTIVE JUROR: No, sir.

5 THE COURT: Okay. Anyone on the front row?
6 Mr. Rice.

7 A PROSPECTIVE JUROR: Divorce.

8 THE COURT: Anything about that experience?

9 A PROSPECTIVE JUROR: No.

10 THE COURT: You can be fair and impartial?

11 A PROSPECTIVE JUROR: Yes, sir.

12 THE COURT: Ms. Wade.

13 A PROSPECTIVE JUROR: An assault.

14 THE COURT: And anything about that experience
15 that would affect your ability to be fair and impartial in
16 this case?

17 A PROSPECTIVE JUROR: No, sir.

18 THE COURT: When was that?

19 A PROSPECTIVE JUROR: Early 2000s.

20 THE COURT: And where did it occur?

21 A PROSPECTIVE JUROR: Churchill County.

22 THE COURT: Okay. And you would be able to set
23 that aside and listen to this evidence independently?

24 A PROSPECTIVE JUROR: Yes.

1 THE COURT: Okay. Anyone else on the front row?
2 Ms. Anaya.

3 A PROSPECTIVE JUROR: Yes. I came to court for a
4 collection, a bill I had for my daughter that was diagnosed
5 with cancer, so I have outstanding bills that I had to come
6 and make payments on.

7 THE COURT: Anything about that experience that
8 would negatively impact your ability in this case?

9 A PROSPECTIVE JUROR: No.

10 THE COURT: Anyone else? Mr. Mnichowski.

11 A PROSPECTIVE JUROR: 2016 I had a misdemeanor
12 shoplifting.

13 THE COURT: Okay. And anything about that
14 experience that would negatively impact your ability to be
15 fair and impartial in this case?

16 A PROSPECTIVE JUROR: No.

17 THE COURT: Okay. Anyone else? Mr. Annand.

18 A PROSPECTIVE JUROR: Yes, sir. 2001, a civil
19 court case for child endangerment. It was settled civilly.

20 THE COURT: And anything about that case that
21 would negatively impact your ability to be fair and impartial
22 in this case?

23 A PROSPECTIVE JUROR: No, sir.

24 THE COURT: Okay. Thank you.

1 So, Ladies and Gentlemen, I'm going to take a
2 brief recess. As we do that, it will be about a ten-minute
3 recess. During this recess, you must not discuss or
4 communicate with anyone, including your fellow prospective
5 jurors, in any way regarding the case or its merits either by
6 voice, phone, e-mail, text, internet, or other means of
7 communication or social media. You must not read, watch, or
8 listen to any news or media accounts or commentary about the
9 case. You must not do any research such as consulting
10 dictionaries, using the internet, or using refers materials.
11 You must not make any investigation, test the theory of the
12 case, or recreate any aspect of the case, or in any other way
13 investigate or learn about the case on your own. You must
14 not form or express any opinion regarding the case until it
15 is submitted to you.

16 It is 11:00 -- or 10:00 o'clock. We try to break
17 about once an hour just to give everyone a chance. But we're
18 going to try to keep it to ten minutes. So there's a little
19 bit of time to come back in if you go outside. So it will
20 just be very brief, but we'll be in recess.

21 (Recess was taken)

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

1 counsel, all officers of the court, and the complete
2 prospective jury panel.

3 Will counsel stipulate to the proper seating of
4 the prospective jurors?

5 MS. BAKER: Yes, your Honor.

6 MR. NEIDERT: Yes, your Honor.

7 THE COURT: Do any of the prospective jurors have
8 any health reasons that would prevent you from sitting on
9 this jury? And I'm going to explain that a little bit to
10 you. If you sit on the jury, you'll have to stay in your
11 chairs for approximately an hour to an hour and a half.
12 We've been going for about an hour when we took that recess.
13 And that will be fairly typical, somewhere between an hour
14 and hour and a half. It won't be longer than an hour and a
15 half. If it does, it won't be much more than five minutes or
16 so.

17 At any time when someone needs a break, if you're
18 in the case, if you just, like, pretend like you're holding a
19 pencil up like you're breaking it, that will signal to me
20 that you need a comfort break and we can also take a recess.
21 I always will have to read the admonishment that I read.

22 But is there anybody -- We'll also have breaks in
23 the morning and in the afternoon. But I want to make sure
24 that everyone can pay attention and make sure that everybody

1 can be treated fairly. And so we'll go down through the list
2 of prospective jurors and see if anyone has any health
3 reasons that might prevent them from sitting on the jury.

4 We'll start on the back row. Anyone?

5 On the second row? Ms. Reed-Ellis.

6 A PROSPECTIVE JUROR: Can I approach?

7 THE COURT: Is it a personal health reason?

8 A PROSPECTIVE JUROR: Yeah.

9 THE COURT: We will -- We'll do it separately in
10 a few minutes, okay.

11 A PROSPECTIVE JUROR: Great. Thank you.

12 THE COURT: Anyone else? Anyone on the third
13 row? And is that Ms. Self?

14 A PROSPECTIVE JUROR: Yes. I have chronic
15 fatigue syndrome. So, as long as we can take those breaks,
16 I'm okay.

17 THE COURT: Okay. Thank you.

18 Anyone on the front row? We'll start with, is
19 that Ms. Gagliardo?

20 A PROSPECTIVE JUROR: Yes, sir. I'm a nursing
21 mother currently, so it's more of a matter as long as the
22 time limit on the breaks because I will need to pump at some
23 point.

24 THE COURT: Okay. And we do have a place that

1 you'll be able to pump. And about how often do you need
2 that?

3 A PROSPECTIVE JUROR: It depends on the day, but
4 four to five hours, I'm usually good.

5 THE COURT: We'll be able to accommodate that.
6 How long do you need to pump?

7 A PROSPECTIVE JUROR: 30 to 40 minutes.

8 THE COURT: Okay. So we'll take a -- The way
9 that the trial will proceed is Monday, Wednesday, Thursday,
10 and Friday, if we need Friday, we'll start at 9:00 a.m. and
11 we'll take a recess in the morning, at least one. We'll
12 break for an hour and a half at lunch. We'll typically come
13 back at 1:30. Today if we finish the morning session a
14 little early, we'll break for an hour and a half, so we may
15 come back a little earlier. But we'll always give you an
16 hour and a half for lunch. We'll have at least one morning
17 and one afternoon break. Except for, you know, if we're
18 deliberating or something, we'll generally be home by five.

19 So, any other health concerns on the front row?
20 Mr. Rice.

21 A PROSPECTIVE JUROR: I have a severe hearing
22 deficiency. I only have one ear. If there's any background
23 noise, I'm pretty close to deaf. But other than that I'm
24 fine.

1 THE COURT: Okay. And at the court house where
2 we'll be for the rest of the things, we do have hearing
3 assistance that's also available. Have you been able to hear
4 us today?

5 A PROSPECTIVE JUROR: Yes. Because there's no
6 background noise.

7 THE COURT: Okay. Anyone else on the front row.
8 Oh, I'm sorry. Yes, Ms. Wade.

9 A PROSPECTIVE JUROR: I have a brain aneurism and
10 I'm scheduled for surgery on Wednesday and I have several
11 doctors appointments with different specialists.

12 THE COURT: And that's this week?

13 A PROSPECTIVE JUROR: Yes.

14 THE COURT: Okay. I'm going to excuse Ms. Wade.
15 Any objection?

16 MR. NEIDERT: None at all.

17 MS. BAKER: No objection.

18 THE COURT: Ms. Wade, thank you.

19 A PROSPECTIVE JUROR: Thank you.

20 THE COURT: Ms. Clerk.

21 THE CLERK: Kevin Wickware.

22 THE COURT: Thank you, Mr. Wickware. I'll just
23 go over those questions with you that we've already covered.
24 Do you know or are you acquainted with Mr. Johns?

1 A PROSPECTIVE JUROR: No.

2 THE COURT: Do you know any of the attorneys or
3 the people in their offices?

4 A PROSPECTIVE JUROR: I do.

5 THE COURT: Who do you know?

6 A PROSPECTIVE JUROR: Mrs. Norman and I know a
7 few of the students that work there as well.

8 THE COURT: Anything about those relationships
9 that would impact your ability to be fair and impartial in
10 this case?

11 A PROSPECTIVE JUROR: No.

12 THE COURT: Okay. Do you know or are you related
13 to anyone in law enforcement?

14 A PROSPECTIVE JUROR: Yes. I have a few family
15 members involved but nothing that's going to influence
16 anything.

17 THE COURT: Where are they employed?

18 A PROSPECTIVE JUROR: I think one of them is with
19 the sheriff's department, but I think he just recently
20 retired within the last year.

21 THE COURT: Who is that?

22 A PROSPECTIVE JUROR: John Rowe.

23 THE COURT: Okay.

24 A PROSPECTIVE JUROR: And then Judge Mike Lister.

1 THE COURT: And that's the municipal court judge?

2 A PROSPECTIVE JUROR: Uh-huh.

3 THE COURT: And nothing about those relationships
4 that would impact your ability to be fair and impartial?

5 A PROSPECTIVE JUROR: No.

6 THE COURT: Okay. Do you know any of the facts
7 of this case either by reading it in a newspaper or hearing
8 it on radio, television, or the internet?

9 A PROSPECTIVE JUROR: No.

10 THE COURT: Would you follow the law as the Court
11 would give it to you at the end of the case?

12 A PROSPECTIVE JUROR: Yes.

13 THE COURT: Have you served on a jury before?

14 A PROSPECTIVE JUROR: No.

15 THE COURT: Have you been involved in the court
16 system either as a plaintiff or a defendant?

17 A PROSPECTIVE JUROR: No.

18 THE COURT: Do you have any health reasons that
19 would affect your ability to sit on this case?

20 A PROSPECTIVE JUROR: No.

21 THE COURT: Any other health reasons on the front
22 row? Mr. Mnichowski.

23 A PROSPECTIVE JUROR: Yes. I have COPD, and
24 every once in a while, I may start coughing. But I have my

1 inhaler and should be okay.

2 THE COURT: Okay. Thank you.

3 Anyone else?

4 Now, Mr. Rice told us about hearing. Is there
5 anyone else who has any hearing issues? Is anybody that
6 would need any type of accommodations from hearing? Anyone
7 on the back row? Any rows forward?

8 A PROSPECTIVE JUROR: I have hearing aids, but
9 I'm good.

10 THE COURT: Okay. And, once again, once we get
11 back to the court house, we do have additional, if anybody is
12 having any trouble hearing, we have headphones that tie in to
13 the microphone system.

14 Does anybody have any personal or business
15 reasons that might affect their ability to sit on a jury this
16 week? We'll start on the back row. Is it Ms. Nutting?

17 A PROSPECTIVE JUROR: It's Nutting, sir, yes. I
18 have medical appointments and I also have a two year old that
19 doesn't have constant child care. I'm sure I could figure
20 that out though.

21 THE COURT: Okay. You've heard the schedule;
22 right?

23 A PROSPECTIVE JUROR: Yes. The appointments were
24 already scheduled, sir.

1 THE COURT: They what?

2 A PROSPECTIVE JUROR: The appointments were
3 already scheduled prior to this.

4 THE COURT: What's the nature of the
5 appointments?

6 A PROSPECTIVE JUROR: Physical therapy, sir.

7 THE COURT: Okay. And is that something you have
8 been regularly doing?

9 A PROSPECTIVE JUROR: Yes, sir. Twice a week
10 every week, sir.

11 THE COURT: Okay. And -- Okay. Thank you.
12 Mr. Swisher.

13 A PROSPECTIVE JUROR: Yes, your Honor. My
14 daughter is graduating from the university on Thursday.

15 THE COURT: And what time is that at?

16 A PROSPECTIVE JUROR: 9:00 a.m., I think.

17 THE COURT: Okay. Okay. And then Mr. Nunley.

18 A PROSPECTIVE JUROR: I'm a reservist still. So
19 this week I'm okay, but --

20 (The court reporter interrupts)

21 A PROSPECTIVE JUROR: I'm a reservist still with
22 the Navy. So I'm okay this week, but if the case goes on
23 longer --

24 THE COURT: We'll be finished this week.

1 Ms. Nutting, how long have you been in physical
2 therapy?

3 A PROSPECTIVE JUROR: For almost a month now.

4 THE COURT: Okay. And is that something you can
5 miss?

6 A PROSPECTIVE JUROR: I'm sure I can reschedule
7 it for the following week. It will only be two days, sir.

8 THE COURT: Okay. So you could just reschedule
9 those for next week?

10 A PROSPECTIVE JUROR: Yes.

11 THE COURT: Okay. Thank you.

12 Mr. Swisher, I'm not going to ask you if can have
13 the university reschedule graduation. I'd like to excuse
14 Mr. Swisher. Any objection?

15 MR. NEIDERT: No objection.

16 MS. BAKER: No objection.

17 THE COURT: Mr. Swisher, you'll be excused.

18 A PROSPECTIVE JUROR: Thank you.

19 THE COURT: And congratulations.

20 A PROSPECTIVE JUROR: Thank you.

21 THE COURT: Ms. Clerk.

22 THE CLERK: Katy Loop. Katy Loop.

23 THE COURT: Good morning, Ms. Loop. I'll just go
24 over those same questions with you. Do you know or are you

1 acquainted with Mr. Johns?

2 A PROSPECTIVE JUROR: No.

3 THE COURT: Do you know any of the attorneys or
4 the people in their offices?

5 A PROSPECTIVE JUROR: Yes.

6 THE COURT: Who do you know?

7 A PROSPECTIVE JUROR: I know Lane Mills. I can't
8 remember everybody. Lisa.

9 THE COURT: So Lane Mills and then you pointed
10 to?

11 A PROSPECTIVE JUROR: Lisa Dornman.

12 THE COURT: Okay. Is there anything about your
13 relationship with either of them that would cause you to
14 favor either one side or the other?

15 A PROSPECTIVE JUROR: No.

16 THE COURT: Would you be able to treat each side
17 fairly and impartially?

18 A PROSPECTIVE JUROR: Yes.

19 THE COURT: Okay. Are you related to or do you
20 know anyone in law enforcement?

21 A PROSPECTIVE JUROR: Yes.

22 THE COURT: Who do you know?

23 A PROSPECTIVE JUROR: Paul Loop.

24 THE COURT: And what's the relationship?

1 A PROSPECTIVE JUROR: He's my husband.

2 THE COURT: Okay. And is Mr. Loop a witness in
3 this case?

4 A PROSPECTIVE JUROR: No, not that I'm aware of.

5 MS. BAKER: No, your Honor.

6 THE COURT: Anything about that relationship that
7 would cause you to favor either one side or the other in this
8 case?

9 A PROSPECTIVE JUROR: No.

10 THE COURT: Do you know any of the facts of this
11 case either by reading it in the newspaper, hearing it on
12 radio, television, or the internet, social media, anything
13 like that?

14 A PROSPECTIVE JUROR: No.

15 THE COURT: Would you follow the law as I
16 instruct you in it if you end up serving on the jury?

17 A PROSPECTIVE JUROR: Yes.

18 THE COURT: Have you ever served on a jury
19 before?

20 A PROSPECTIVE JUROR: No.

21 THE COURT: Have you ever been involved in the
22 court system either as a plaintiff or a defendant?

23 A PROSPECTIVE JUROR: Yes.

24 THE COURT: What was the nature of that

1 involvement?

2 A PROSPECTIVE JUROR: It was a civil suit against
3 our dog eating a chicken.

4 THE COURT: Okay. And is there anything about
5 that experience that would cause you to not be able to be a
6 fair and impartial juror in this case?

7 A PROSPECTIVE JUROR: No.

8 THE COURT: Do you have any health reasons that
9 would impact your ability to sit on a jury in this case?

10 A PROSPECTIVE JUROR: No.

11 THE COURT: Do you have any personal or business
12 reasons that would prevent you from being able to sit on this
13 case?

14 A PROSPECTIVE JUROR: No.

15 THE COURT: Does anybody have any just reason
16 that I haven't covered that may impact their ability to sit
17 on this case, having in mind that it will go Monday through
18 Friday? We will have Tuesday morning where you'll be free
19 because I have to do my normal court business. So we'll go
20 from nine until five each day. And then -- Does anybody have
21 any reasons that I haven't covered? So we'll start on the
22 back row. And then moving forward, is it Ms. Rogers?

23 A PROSPECTIVE JUROR: Yes. I have to work. I'm
24 a cosmetologist. I work. I do hair doing the day and I work

1 at a hotel at nighttime.

2 THE COURT: And --

3 A PROSPECTIVE JUROR: So I have to work all week
4 this week.

5 THE COURT: Okay. Thank you.

6 Anyone else? Mr. Dahl.

7 A PROSPECTIVE JUROR: My wife has a surgery
8 scheduled for Friday if we go in to Friday that I would have
9 to be able to be there for her.

10 THE COURT: Okay. And where is that scheduled
11 at?

12 A PROSPECTIVE JUROR: Carson City.

13 THE COURT: Carson City. Is that something
14 that's been scheduled for a while?

15 A PROSPECTIVE JUROR: Yes.

16 THE COURT: Okay. I'm going to excuse Mr. Dahl.
17 Any objection from the State?

18 MS. BAKER: No, your Honor.

19 MR. NEIDERT: No, your Honor.

20 THE COURT: Ms. Clerk.

21 THE CLERK: Valerie Atkinson.

22 THE COURT: Good morning, Ms. Atkinson.

23 A PROSPECTIVE JUROR: Good morning.

24 THE COURT: I'll go through and just ask you a

1 few questions. Do you know or are you acquainted with
2 Mr. Johns?

3 A PROSPECTIVE JUROR: No.

4 THE COURT: Do you know any of the attorneys or
5 the people in their offices?

6 A PROSPECTIVE JUROR: No.

7 THE COURT: Are you related to or do you know
8 anyone in law enforcement?

9 A PROSPECTIVE JUROR: My husband and my
10 granddaughter.

11 THE COURT: And, your husband, where does he
12 work?

13 A PROSPECTIVE JUROR: He just recently retired
14 two years ago from -- he was a sheriffs deputy police officer
15 and administrative judicial judge and then my granddaughter
16 works as a detention officer at Truman Hall.

17 THE COURT: Okay. Here in Churchill County?

18 A PROSPECTIVE JUROR: In Churchill.

19 THE COURT: And, your husband, where did he last
20 work?

21 A PROSPECTIVE JUROR: In California.

22 THE COURT: California. Anything about those
23 relationships that would cause you to favor either one side
24 or the other in this case?

1 A PROSPECTIVE JUROR: I do have to say I would
2 lean more towards law enforcement.

3 THE COURT: Is that just because of your
4 relationship with your daughter and your husband?

5 A PROSPECTIVE JUROR: Yes. And, unfortunately,
6 what we see on TV these days.

7 THE COURT: But, if I were to ask you to be able
8 to put those feelings aside, would you be able to do that and
9 listen to this evidence as it comes in and treat each side
10 fairly and impartially?

11 A PROSPECTIVE JUROR: Yes.

12 THE COURT: Okay. Thank you. Do you know any of
13 the facts of this case either by listening to it on the
14 radio, television, internet, social media?

15 A PROSPECTIVE JUROR: No.

16 THE COURT: Would you follow the law as I
17 instruct you in it if you end up serving on the jury?

18 A PROSPECTIVE JUROR: Yes.

19 THE COURT: Have you served on a jury before?

20 A PROSPECTIVE JUROR: No.

21 THE COURT: Have you ever been involved in the
22 legal system before?

23 A PROSPECTIVE JUROR: No.

24 THE COURT: Do you have any health reasons that

1 would impact your ability to sit on this jury?

2 A PROSPECTIVE JUROR: No.

3 THE COURT: Do you have any personal or business
4 reason that would prevent you from sitting on the jury?

5 A PROSPECTIVE JUROR: No.

6 THE COURT: Very well.

7 Is there anyone else that has any other reasons?
8 Mr. Annand.

9 A PROSPECTIVE JUROR: Annand, sir. On the 12th I
10 have a UNR graduation as well.

11 THE COURT: Okay. And is that Thursday?

12 A PROSPECTIVE JUROR: I'm pretty sure it's the
13 12th. I would have to check my phone.

14 THE COURT: Are you graduating?

15 A PROSPECTIVE JUROR: My daughter.

16 THE COURT: Your daughter is. Okay. And are you
17 planning on attending?

18 A PROSPECTIVE JUROR: Yes, sir.

19 THE COURT: Very well. I would like to excuse
20 Mr. Annand also. Is that okay?

21 MR. NEIDERT: No objection.

22 MS. BAKER: No objection.

23 THE COURT: Thank you, Mr. Annand.

24 Ms. Clerk.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

THE CLERK: Dallin Bracken.

THE COURT: Good morning, Mr. Bracken.

A PROSPECTIVE JUROR: Hello.

THE COURT: So do you know or are you acquainted with Mr. Johns?

A PROSPECTIVE JUROR: No.

THE COURT: Do you know any of the attorneys or the people in their offices?

A PROSPECTIVE JUROR: I know Art Mallory.

THE COURT: And how do you know him?

A PROSPECTIVE JUROR: From concealed weapons class and from church.

THE COURT: Okay. And is there anything about that relationship that would cause you to either favor one side or the other in this case?

A PROSPECTIVE JUROR: No.

THE COURT: Are you related to or do you know anyone in law enforcement?

A PROSPECTIVE JUROR: My brother-in-law is currently working as a police officer in Mesquite, Nevada. And I was a corrections officer and a reserve police officer in the early two thousands for four years.

THE COURT: And either of those experiences or relationships that would cause you to favor either one side

1 or the other?

2 A PROSPECTIVE JUROR: No.

3 THE COURT: Do you know any of the facts of this
4 case either by reading it in the newspaper, hearing it on
5 radio, television, internet, or social media?

6 A PROSPECTIVE JUROR: No.

7 THE COURT: Would you follow the law as I
8 instruct you in it if you end up serving on this case?

9 A PROSPECTIVE JUROR: Yes.

10 THE COURT: Have you served on a jury before?

11 A PROSPECTIVE JUROR: No.

12 THE COURT: Have you been involved in the court
13 system either as a plaintiff or defendant before?

14 A PROSPECTIVE JUROR: Not me personally, but my
15 anesthesia group was sued before. I wasn't involved
16 directly, so not really.

17 THE COURT: Anything about that experience that
18 would negatively impact your ability to sit as a juror in
19 this case?

20 A PROSPECTIVE JUROR: No.

21 THE COURT: Do you have any health reasons that
22 would impact your ability to sit as a juror?

23 A PROSPECTIVE JUROR: No.

24 THE COURT: Do you have any personal or business

1 reason that we haven't covered that might impact your ability
2 to sit as a juror?

3 A PROSPECTIVE JUROR: No personal reasons. But I
4 guess I would say from an employment standpoint it would be
5 an extreme hardship.

6 THE COURT: Sure. Thank you. I'm going to go
7 ahead and ask everyone now to -- And what we'll do is we'll
8 have you pass the microphone down. I'm going to have you
9 stand up, state your name, the community you live in, whether
10 you live in the city or the county, your occupation, your
11 marital status, your spouse's occupation, and the number and
12 the ages of your children. And we'll start with Mr. Billett.

13 A PROSPECTIVE JUROR: I'm currently retired. I
14 have lived here in Churchill County since 1982. I have three
15 children. One is 41, the other one is 38, and the other son
16 is 36. My wife is, actually she was chosen as a juror too,
17 and she's in the audience. Any other questions, your Honor?

18 THE COURT: What's her occupation?

19 A PROSPECTIVE JUROR: I was in --

20 THE COURT: Hers, hers.

21 A PROSPECTIVE JUROR: My wife's?

22 THE COURT: Yeah.

23 A PROSPECTIVE JUROR: She's retired.

24 THE COURT: Okay. Thank you.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

Mr. Keller.

A PROSPECTIVE JUROR: Phillip Keller. I'm a resident of Churchill County since 2005, single, employed at University of Nevada, Reno, Department of Chemistry. What was --

THE COURT: Children, any children?

A PROSPECTIVE JUROR: No children.

THE COURT: Okay. I think that's it.

A PROSPECTIVE JUROR: Michelle Nutting. And I am currently a stay-at-home mom. We've been in Churchill County since 2018. My spouse is currently active duty Navy with NAS Fallon. We have three children, 11, nine, and three.

THE COURT: Thank you.

A PROSPECTIVE JUROR: Hello. My name is Kathryn Beatty and I work for the Division of Child and Family Services. I am married to a heavy equipment operator. I have lived in Fallon for approximately 12 years. No children.

THE COURT: Thank you.

A PROSPECTIVE JUROR: My name is Katy Loop. I have lived here -- I moved here when I was three, went away to college, came back in 2000, and have lived here ever since. I'm married to a sergeant at the Churchill County Sheriff's Office. I have two children who are 17 and 14.

1 And I am a teacher.

2 THE COURT: Thank you.

3 A PROSPECTIVE JUROR: Adam Nunley. I work as a
4 contractor on NAS Fallon as well as drilling reservist. My
5 wife works as a veterinary technician. And I've lived here
6 since 2014. No children.

7 THE COURT: Thank you, sir.

8 Go ahead and give that to Mr. Cromack and then we
9 can just go this way.

10 A PROSPECTIVE JUROR: My name is Tyler Cromack.
11 I'm working in accounting for the WCW Corporation. I've
12 lived in Fallon Since 1996 off and on. Single. No kids.

13 THE COURT: Thank you.

14 A PROSPECTIVE JUROR: My name is Jim Brown. I
15 work in the electrical field. Married for 40 years. We have
16 a son 33, daughter 37. Churchill County.

17 THE COURT: Thank you.

18 A PROSPECTIVE JUROR: My name is Jennifer McEwen.
19 I work at Fallon Physical Therapy. I live in Churchill
20 County. I am separated. He is a heavy equipment operator.
21 I have two children, 20 and 17.

22 THE COURT: Thank you.

23 A PROSPECTIVE JUROR: My name is Peter Rowe. And
24 I'm a computer tech up in Reno but I live down here. I've

1 lived here since 2020. I'm in a relationship but no marital
2 status. No kids. I missed my chance earlier. I do also
3 have a personal, whatever the word is, obligation, I suppose.

4 THE COURT: Okay. And what is that?

5 A PROSPECTIVE JUROR: My girlfriend is graduating
6 as well?

7 THE COURT: From where?

8 A PROSPECTIVE JUROR: UNR. Her parents are
9 coming up and we have a hotel room that we're going to stay
10 at and then we're going to go down to LA afterwards.

11 THE COURT: And when is the graduation?

12 A PROSPECTIVE JUROR: Friday. I thought it was
13 Friday, but folks have been saying Thursday. Hopefully it's
14 Friday.

15 THE COURT: All right. Thank you.

16 A PROSPECTIVE JUROR: I'm Gail Reed-Ellis. I've
17 been here since 1989. Currently married. I am retired. My
18 husband is retired. I have three daughters, ages 44, 35, and
19 33.

20 THE COURT: Thank you.

21 A PROSPECTIVE JUROR: I'm Carrigan Rogers. I've
22 lived here since 2011. I live in the county. I'm a
23 cosmetologist in the daytime and I work at a hotel at night.
24 And then I'm single and I have no kids.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

THE COURT: Thank you.

A PROSPECTIVE JUROR: Stephanie Wimberly. I work for Churchill County Federal Credit Union. Married. I live in the county. My husband works ground collision. We have no kids.

THE COURT: Thank you.

A PROSPECTIVE JUROR: My name is Jordan and I've lived here since I was born in 1998. I'm a student and I'm not employed currently. Not married. No kids.

THE COURT: And, just for the record, Jordan Munoz; right?

A PROSPECTIVE JUROR: Yes, that's correct.

A PROSPECTIVE JUROR: Fredna Gibson. We've lived here going on four years in July. We're retired. I have two sons. One is 48. The other one is 42.

A PROSPECTIVE JUROR: My name is Ona Hunt. I am retired. I have a partner. I have two kids, 47 and 46.

THE COURT: Thank you.

A PROSPECTIVE JUROR: Hi. I'm Carol Self. I am on disability, although, I do work part time as a caregiver. And I've lived here for almost nine years. I have three adult sons, 35, 33, 28.

THE COURT: Thank you.

A PROSPECTIVE JUROR: I'm Valerie Atkinson. I've

1 lived here since 2019 in the county. I'm retired. My
2 husband is retired. We have one son who is 47.

3 THE COURT: Thank you.

4 A PROSPECTIVE JUROR: I'm Daniel Martinez. I'm
5 married. I work at McDonald's. She works as a hostess at
6 The Depot. We both live in the county. We have a son who is
7 two years old.

8 A PROSPECTIVE JUROR: My name is Ana Cornejo and
9 I have lived in Fallon since 1986. We currently reside in
10 the county. My husband is a welder. I work at NMBS, which
11 is New Millennium Building Systems. My occupation is a
12 dispatcher. We have two children, 15 and 23.

13 THE COURT: Thank you.

14 A PROSPECTIVE JUROR: My name is Dallin Bracken.
15 I work at Banner Churchill in the surgery department. I'm a
16 nurse anesthesiologist. I've lived in Fallon since 2014. My
17 wife works as a teacher's aide at Oasis. And I have four
18 kids.

19 THE COURT: Thank you.

20 A PROSPECTIVE JUROR: My name is William
21 Mnichowski. I'm retired from the Navy. My wife is a
22 teacher's aide at Lahontan Elementary. I have a
23 stepdaughter, 52, Jaime. And my grandson, Cody, is 28. And
24 I live in the county.

1 A PROSPECTIVE JUROR: Hi. My name is Robin
2 Anaya. I've been living in Fallon ever since 1998. I'm
3 married and I -- Right now I'm on medical leave. My husband
4 works for A and K. He's a concrete finisher. I have four
5 children. My oldest daughter, she is 33. And I have twins
6 that are 32. And my youngest daughter is 29. And I think I
7 got everything.

8 A PROSPECTIVE JUROR: My name is Sheldon Wade.
9 I've been here since 1986. Work on NAS Fallon. Not married.
10 I don't have any children.

11 THE COURT: Thank you.

12 A PROSPECTIVE JUROR: Michael Rice. I'm a
13 lifelong resident of Fallon. I have a wife and we are both
14 retired. And I have two children, one 37 and one 33.

15 A PROSPECTIVE JUROR: My name is Sadie Gagliardo.
16 I work for the Nevada Air National Guard. My husband works
17 at the Nevada State Bank. We have two children, ages four
18 and three months. And we've been in Fallon on and off since
19 2010.

20 THE COURT: Thank you.

21 A PROSPECTIVE JUROR: Kevin Wickware. I work for
22 the school district. My wife is a hygienist. I have a
23 three-year-old son and I have lived here pretty much my whole
24 life.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

THE COURT: Thank you.

So, Mr. Rowe, you say your girlfriend is
graduating?

A PROSPECTIVE JUROR: Yes.

THE COURT: How long has she been your
girlfriend?

A PROSPECTIVE JUROR: For three years.

THE COURT: For three years. Okay.

I'm inclined to also excuse Mr. Rowe. Do you
have any objection?

MR. NEIDERT: No, your Honor. I was going to
suggest that. It's graduation week. We didn't know that.

THE COURT: You better find out whether it's
Thursday or Friday.

A PROSPECTIVE JUROR: Thank you.

THE COURT: Ms. Clerk, call our next juror.

THE CLERK: Allen Barbee.

THE COURT: Is it Barbee?

A PROSPECTIVE JUROR: Yes.

THE COURT: Okay. Mr. Barbee, I'm just going to
go over a few questions with you. You can be seated if you
want. Do you know or are you acquainted with Mr. Johns?

A PROSPECTIVE JUROR: No.

THE COURT: Do you know the attorneys or anyone

1 in their office?

2 A PROSPECTIVE JUROR: Nobody in the legal system
3 here. I know one former Fallon police officer who is a
4 neighbor around the corner.

5 THE COURT: And who is that?

6 A PROSPECTIVE JUROR: Tom. I can't remember his
7 last name. He's also a volunteer.

8 THE COURT: Okay. Not so close that it would
9 be --

10 A PROSPECTIVE JUROR: No, not real close.

11 THE COURT: Would it impact your ability to be
12 fair and impartial on this case?

13 A PROSPECTIVE JUROR: Yeah. I'm fine.

14 THE COURT: You would be fine?

15 A PROSPECTIVE JUROR: I myself, however, used to
16 be a reserve police officer in San Diego from '86 while I was
17 in the Navy. No prejudice involved there either.

18 THE COURT: Okay. Do you know any of the facts
19 of this case?

20 A PROSPECTIVE JUROR: Just what's stated. That's
21 it.

22 THE COURT: Yeah. But you don't know any --

23 A PROSPECTIVE JUROR: No facts. Just the
24 charges.

1 THE COURT: Okay. Would you follow the law as I
2 instruct you in it if you end up serving as a juror?

3 A PROSPECTIVE JUROR: Yeah.

4 THE COURT: Have you ever been on a jury before?

5 A PROSPECTIVE JUROR: Four times.

6 THE COURT: Let's take the criminal or civil?

7 A PROSPECTIVE JUROR: Criminal.

8 THE COURT: All of them?

9 A PROSPECTIVE JUROR: All of them.

10 THE COURT: And were verdicts reached in all four
11 cases?

12 A PROSPECTIVE JUROR: The first two. The third
13 one was -- one was a plea bargain out on, like, day four or
14 five. And then the other one was a plea bargain as we were
15 getting started.

16 THE COURT: Okay. When you say we, you mean the
17 parties; correct?

18 A PROSPECTIVE JUROR: Yeah, the parties. Excuse
19 me.

20 THE COURT: Okay. Have you ever been involved in
21 the court system as a plaintiff or a defendant?

22 A PROSPECTIVE JUROR: Yeah. I'm divorced. And I
23 went in for child custody twice.

24 THE COURT: Anything about those experience that

1 would affect your ability to be fair and impartial in this
2 case?

3 A PROSPECTIVE JUROR: Only with social services.

4 THE COURT: They're not a party in this case.

5 A PROSPECTIVE JUROR: However, I won, so.

6 THE COURT: Would you be able to put that aside?

7 A PROSPECTIVE JUROR: Yeah. There's no problem.

8 THE COURT: Do you have any health reasons that
9 would prevent you from serving as a juror?

10 A PROSPECTIVE JUROR: No. I just need to take
11 one medication by 10:30 in the morning.

12 THE COURT: Okay. And any personal or business
13 reason that would affect your ability?

14 A PROSPECTIVE JUROR: No.

15 THE COURT: Would you state your name, the
16 community you live in, your occupation, your marital status,
17 your spouse's occupation, and number and ages of children.

18 A PROSPECTIVE JUROR: My name is Allen Barbee.
19 I'm disability retired. My spouse is also retired. We moved
20 here last year in July of 2020. And I have three children,
21 38, 40, 44, all living in Boise, Idaho.

22 THE COURT: Mr. Neidert, you may inquire further.

23 MR. NEIDERT: Thank you. Your Honor, am I being
24 heard?

1 THE COURT: No. You'll have to push the button.

2 MR. NEIDERT: Am I being heard?

3 THE COURT: We'll get you.

4 MR. NEIDERT: Good morning, everybody. First of
5 all, I'm not going to let people off the hook. There's
6 several people that said they were retired and so I'm going
7 to come back. And I know the judge asked you to say if you
8 were retired. But I would expect if we asked each of you
9 what you did prior to retirement we would get different
10 answers from everybody. So I'm going to very quickly ask
11 those who said they were retired what kind of occupation they
12 had prior to retirement. And I'll start with Mr. Billett in
13 the back.

14 A PROSPECTIVE JUROR: I was an educator here in
15 Churchill County for over 30 years. I taught at the high
16 school. Also was a coach for 20 years here at Churchill
17 County High School.

18 MR. NEIDERT: And Ms. Ellis.

19 A PROSPECTIVE JUROR: I was a transportation over
20 dimensional specialist.

21 MR. NEIDERT: And Mr. Barbee.

22 A PROSPECTIVE JUROR: Last job I had I worked on
23 computer networking for about nine years. Was in the Navy
24 for 12. Out on disability. Worked in defense for five on

1 electronic weapons development.

2 MR. NEIDERT: And Ms. Gibson.

3 A PROSPECTIVE JUROR: I was an in-courter and
4 then I became a housewife. So, technically, I'm not really
5 retired; right?

6 A PROSPECTIVE JUROR: That's right.

7 MR. NEIDERT: Ms. Hunt.

8 A PROSPECTIVE JUROR: I was a custodian for
9 Churchill County.

10 MR. NEIDERT: And your partner, who is also
11 retired?

12 A PROSPECTIVE JUROR: He was an animal control
13 officer.

14 MR. NEIDERT: Ms. Atkinson, what did you do?

15 A PROSPECTIVE JUROR: I was in banking for 32
16 years and my husband in law enforcement.

17 MR. NEIDERT: Mr. Rice.

18 A PROSPECTIVE JUROR: I was -- I'm a retired fire
19 chief from Fallon Churchill Fire Department. I also worked
20 for CC Communications and I'm retired from both.

21 MR. NEIDERT: Mr. Mnichowski, you indicated
22 you're retired Navy. What did you do in the Navy?

23 A PROSPECTIVE JUROR: I was aviation boats and
24 worked on fly tech aircraft carriers and stationed here at

1 Fallon a couple of times.

2 MR. NEIDERT: Now, I'm going to ask a general
3 question and I hope you will answer -- feel free to answer
4 these questions to the best of your ability. But, first of
5 all, the way our system is set up or you've probably all seen
6 it on television is that the prosecution puts on their case
7 and I ask cross-examination and I cross-examine witnesses and
8 then after their I put on my case. So is there anybody who
9 feels that just because they hear the prosecution's case
10 before they hear anything else that should be enough for
11 them? Or do you all feel like you have an open enough mind
12 you'll wait to hear what all the evidence might be in the
13 case? I don't see any hands.

14 Likewise, the -- there's also a presumption in
15 the law that my client as he sits here right now is innocent.
16 It's a burden on the State to prove his guilt beyond a
17 reasonable doubt. So, part of what that means is I'm not
18 required to do anything. I could sit here the entire rest of
19 the trial, say no questions after every witness, and make no
20 argument on behalf of my client. And, trust me, I'm not
21 going to do any of those things. But I could do all of that
22 and if the State did not prove to your satisfaction beyond a
23 reasonable doubt, you would still have to find him, my
24 client, not guilty. Do you understand that? Does anybody

1 have a problem with that concept?

2 The -- Likewise, under our system, you're not
3 allowed -- if my client chooses to testify, he can testify.
4 But if he chooses not to testify, he's not required to
5 testify. And the US Constitution provides everybody the
6 right to remain silent. If my client did not testify in this
7 case, would you hold that against him? Would that be enough
8 to say he should be telling me his story, if he has something
9 to say, he should say it? Does anybody have a problem with
10 the concept that my client is not required to testify if he
11 chooses not to testify?

12 You might also notice or it's kind of hard with
13 distances that my client is Native American. Is there
14 anything about the fact that my client is Native American
15 that would cause you to feel one way or the other with
16 respect to this case about whether my client was guilty or
17 not guilty?

18 I have some more specific questions. Those are
19 the questions I had as a general question for all of you.

20 Let's see. Ms. Atkinson, would you -- when you
21 first came up, you mentioned that you were more -- And I'm
22 not trying to put words in your mouth and if I'm
23 misrepresenting what you say, please correct me. I'm not
24 trying to put you on the spot and make you feel bad or

1 anything else. I'm just really trying to get to the heart of
2 the issue. You indicated that you might be more inclined to
3 believe law enforcement over non law enforcement. Do you
4 want to the elucidate on that a little bit, please?

5 A PROSPECTIVE JUROR: Law enforcement are trained
6 in service. They've gone through every educational process
7 possible for investigation, detaining criminals, anybody who
8 is perceived has done a crime. I just feel that they have
9 the tools and the knowledge and the experience to know what
10 they're looking at.

11 MR. NEIDERT: Do you think they always get it
12 right?

13 A PROSPECTIVE JUROR: No.

14 MR. NEIDERT: Okay. So even though you believe
15 that based on your experience that police officers are
16 trained observers and know investigative techniques as part
17 of their job, you would still -- you would weigh the evidence
18 of testimony of all witnesses in analyzing this case to
19 determine what -- whether the -- my client is deserving of a
20 verdict of guilty or not guilty?

21 A PROSPECTIVE JUROR: Correct.

22 MR. NEIDERT: We had -- Mr. Brown and Ms. McEwen
23 both indicated they were on juries about seven years ago.
24 Were you on the same jury or do you remember?

1 A PROSPECTIVE JUROR: No, I don't remember.

2 MR. NEIDERT: You were just -- It wasn't like you
3 formed a club after jury duty and got together afterwards.
4 Would you say your service on that jury was a positive
5 experience?

6 A PROSPECTIVE JUROR: Yeah.

7 MR. NEIDERT: Did you -- And I would ask this
8 question for all the people that have served as jurors. Is
9 there anybody that served on a jury that did not feel like it
10 was a positive experience? Okay. I think jury service is
11 very, very important and I'm glad that none of you have
12 negative feelings about that.

13 Mr. Billett, I'm going to pick on you just for a
14 second. Your wife is not on the panel yet, but we're not
15 done yet either. And this is true for all. But, as you
16 mentioned, specifically your wife is in the panel and still
17 sitting in the audience. Hypothetically, if you and she both
18 ended up sitting on this jury, do you think that would be a
19 problem?

20 A PROSPECTIVE JUROR: No, not for me. I would
21 say not for her either. But, you know, that's always a
22 difficult question to answer.

23 MR. NEIDERT: You could discuss it and agree to
24 disagree if you disagreed on something?

1 A PROSPECTIVE JUROR: Yeah.

2 MR. NEIDERT: Do you -- Do you -- Does anybody --
3 Again, I prompted a visual question, but this is more of a
4 general question. My client is charged with a variety of
5 crimes. We heard four or five that were mentioned to you by
6 the Court so far. With respect to that, do any of you have a
7 problem with the concept that each crime is separate so that
8 if, for example, you thought he might have done one, then
9 that certainly means he did all of them? Does anybody have a
10 problem -- My microphone suddenly is dying.

11 THE COURT: Well, we've got the one over here we
12 can use.

13 MR. NEIDERT: It's working again?

14 THE COURT: Yeah.

15 MR. NEIDERT: I don't know what happened. All of
16 a sudden it decided I was talking too much.

17 Did anybody have a problem with that concept that
18 just because somebody is charged with a whole bunch of crimes
19 that, A, he must be guilty of something because he's charged
20 with a whole bunch of crimes, or even, B, and this is a
21 separate part B, that if you decide he's guilty of one crime
22 he must be guilty of everything? Does anybody have any
23 problem with that?

24 THE COURT: We'll switch microphones out.

1 MR. NEIDERT: Thank you.

2 Do any of you have a problem with the concept
3 that in our system each crime has a number of discrete
4 elements? And the judge will instruct you at the end of the
5 trial as to what the elements of those crimes are. But do
6 any of you have a problem with the concept that in order for
7 you to find the person guilty you have to find evidence
8 beyond a reasonable doubt with respect to every element of
9 that crime in reaching a verdict? Does anybody have any
10 problem with that?

11 Ms. Nutting, you indicated you have child care
12 issues.

13 A PROSPECTIVE JUROR: I'm a stay-at-home mom. My
14 youngest is with me every day. If it's just this week, I can
15 work out something.

16 MR. NEIDERT: Okay. So who is watching today if
17 I might ask?

18 A PROSPECTIVE JUROR: My husband, who is
19 currently active duty Navy, requested that he stay home for
20 today so that I can be here today.

21 MR. NEIDERT: And is he going to watch your child
22 the rest of the week if he has to?

23 A PROSPECTIVE JUROR: If need be, yes, he will.

24 MR. NEIDERT: Okay. And you also indicate you

1 have physical therapy?

2 A PROSPECTIVE JUROR: Yes, sir. Two times a week
3 every week.

4 MR. NEIDERT: And -- But that's something you
5 also think you can work around, call your physical therapist
6 and say, can I move my appointment or whatever until next
7 week?

8 A PROSPECTIVE JUROR: Yes.

9 MR. NEIDERT: Your Honor, I have no other
10 questions of the prospective jurors at this time.

11 THE COURT: Do you pass the panel for cause?

12 MR. NEIDERT: I pass the panel for cause.

13 THE COURT: Thank you.

14 Ms. Baker, you may inquire further.

15 MS. BAKER: Thank you, your Honor. I just want
16 to take this opportunity and thank every juror that's
17 appeared today, either called or not called. I know that
18 sometimes it can be an inconvenience, but it's a very
19 important process in this judicial system. So I just want to
20 thank everybody for being here today. And I have no further
21 questions.

22 THE COURT: Do you pass the panel for cause?

23 MS. BAKER: Yes, your Honor.

24 THE COURT: I'll talk to the jurors who have not

1 been called. If your name has not been called today, it will
2 not be called. Now, that's some good news and some bad news.
3 The good news is you're going to be able to get back to your
4 lives in just a few minutes. But the bad news is you still
5 are in our jury panel or potential pool of jurors for the
6 rest of this calendar year. And so you may be called back to
7 serve.

8 And so if you get another summons, there's a
9 group of 3,000 potential jurors. And so you may not get
10 called again. But you may. And so I just want you to know
11 that you are still subject to service.

12 But I want to take just a minute and echo the
13 thoughts of both the attorneys and just thank you for your
14 willingness to serve. The system only is possible --

15 MR. NEIDERT: Your Honor, can we approach real
16 quick?

17 THE COURT: Yes.

18 (Discussion was held at the bench but not reported)

19 THE COURT: Ms. Reed-Ellis, we did have one issue
20 that you wanted to take up outside the presence of everyone
21 else; is that correct?

22 A PROSPECTIVE JUROR: Yeah, I do.

23 THE COURT: Okay. Then what we'll do is we will
24 take a brief recess and excuse everyone but Ms. Reed-Ellis.

1 Actually what we'll do is we'll -- I think we have to do it
2 in here just because of space. So we'll excuse everyone just
3 out there. It shouldn't take longer than ten minutes. So
4 please don't wander too far and then we'll call you back in.

5 But, Ladies and Gentlemen, we're going to take a
6 roughly ten-minute recess. During this recess you must not
7 discuss or communicate with anyone, including fellow jurors,
8 in any way regarding the case or its merits, either by voice,
9 phone, e-mail, text, internet, or any other means of
10 communication, social media -- or social media. You're not
11 to read, watch, or listen to any news or media accounts or
12 commentary about the case. You're not to do any research
13 such as consulting dictionaries, using the internet, or using
14 reference materials. You're not to make any investigation,
15 test the theory of the case, recreate any aspect of the case,
16 or in any other way investigate or learn about the case on
17 your own. You're not to form or express any opinion
18 regarding the case until it's submitted to you for a
19 decision.

20 And so we will stay in the courtroom but we will
21 excuse all of the jurors just out in to that area and call
22 you back in as soon as we're ready.

23 So this is Case Number 20-0552, State of Nevada
24 versus Casey Alan Johns. The record should reflect that the

1 presence of the parties and present and all officers of the
2 court. We have excused all prospective jurors except for
3 prospective juror number nine, Gail Reed-Ellis. There was a
4 question that the Court had asked about any health reasons
5 and she requested the ability to address that outside the
6 presence of everyone else. And so that's what we're doing.

7 Does everybody agree that that's where we're at?
8 Ms. Baker?

9 MS. BAKER: Yes, your Honor.

10 THE COURT: Mr. Neidert?

11 MR. NEIDERT: Yes, your Honor.

12 THE COURT: Anything else before we inquire
13 further of Ms. Reed-Ellis?

14 MR. NEIDERT: No, your Honor.

15 MS. BAKER: No, your Honor.

16 THE COURT: Ms. Reed-Ellis, go ahead.

17 A PROSPECTIVE JUROR: I had cancer surgery. Most
18 of my bowels are gone. I had ileostomy reconstructive
19 surgery three months ago. And I really thought I could do
20 this. I really wanted to do this. But I don't think I can.

21 THE COURT: Just for comfort reasons, like, being
22 able to sit?

23 A PROSPECTIVE JUROR: Incontinence reasons.

24 THE COURT: Any --

1 MR. NEIDERT: I have no objection to her being
2 excused for cause.

3 THE COURT: Any objection, Ms. Baker?

4 MS. BAKER: No, your Honor.

5 THE COURT: Okay. We'll go ahead and excuse you.

6 A PROSPECTIVE JUROR: Thank you. And I
7 apologize.

8 THE COURT: No. That's okay.

9 A PROSPECTIVE JUROR: Thank you, everybody.

10 THE COURT: Thank you.

11 Let's go ahead and call everyone back in.

12 MR. NEIDERT: Can I use the restroom?

13 THE COURT: Oh, okay.

14 (Recess was taken)

15 THE COURT: So, we're back on the record in Case
16 Number 20-0552, State of Nevada versus Casey Alan Johns. The
17 record should reflect the presence of the parties, counsel,
18 all officers of the court, and the full prospective jury
19 panel, including, the 26 of the 27 prospective jurors who
20 have been placed in the jury box.

21 Juror number nine was excused for cause. Does
22 everybody stipulate to the correct seating of the prospective
23 jury panel?

24 MR. NEIDERT: Yes, your Honor.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

MS. BAKER: Yes, your Honor.

THE COURT: Ms. Clerk, will you call the next prospective juror.

THE CLERK: Martin Delacruz.

THE COURT: Mr. Delacruz, have a seat right here on the second row. And I'll go through and just ask you a few questions. Mr. Delacruz, do you know or are you acquainted with Mr. Johns?

A PROSPECTIVE JUROR: No.

THE COURT: And could you speak up.

A PROSPECTIVE JUROR: No.

THE COURT: Do you know any of the attorneys or any of the people in their offices?

A PROSPECTIVE JUROR: No.

THE COURT: Do you know anyone in law enforcement?

A PROSPECTIVE JUROR: Yes.

THE COURT: Who do you know?

A PROSPECTIVE JUROR: Sam Ugaldi.

THE COURT: And how do you know him?

A PROSPECTIVE JUROR: He's my cousin.

THE COURT: Okay. And is there anything about that relationship that would cause you to favor either one side or the other?

1 A PROSPECTIVE JUROR: No.

2 THE COURT: Do you see him often?

3 A PROSPECTIVE JUROR: Here and there.

4 THE COURT: Would you tend to either believe him
5 or not believe him more or less because of that relationship?

6 A PROSPECTIVE JUROR: Probably believe him. But
7 we never talk about.

8 THE COURT: Okay. Could you set all of that
9 aside and listen to the evidence as it comes in and treat
10 each side fairly?

11 A PROSPECTIVE JUROR: Yes.

12 THE COURT: Would you follow the law as I
13 instruct you in it if you end up serving on the jury?

14 A PROSPECTIVE JUROR: Yes.

15 THE COURT: Do you know any of the facts of this
16 case by reading it in the newspaper, hearing it on
17 television, radio, or the internet?

18 A PROSPECTIVE JUROR: No.

19 THE COURT: Have you served on a jury before?

20 A PROSPECTIVE JUROR: No.

21 THE COURT: Have you been involved in the court
22 system before?

23 A PROSPECTIVE JUROR: No.

24 THE COURT: Do you have any health reasons that

1 would prevent you from serving on the jury?

2 A PROSPECTIVE JUROR: No.

3 THE COURT: Do you have any personal or business
4 reason that would prevent you from sitting on the jury?

5 A PROSPECTIVE JUROR: Right now my mother-in-law
6 is in ICU. So my wife and me are the ones that care for her
7 the most.

8 THE COURT: And she's in the ICU where at?

9 A PROSPECTIVE JUROR: Renown.

10 THE COURT: Renown. How long has she been there?

11 A PROSPECTIVE JUROR: Since Saturday morning.

12 THE COURT: Okay. And is she anticipated to stay
13 there for the rest of the week?

14 A PROSPECTIVE JUROR: Well, she just last night
15 there was a little bit of movement, but she's in a coma.

16 THE COURT: And that's your wife's mother?

17 A PROSPECTIVE JUROR: Yes, sir.

18 THE COURT: Any objection if we excuse this
19 juror?

20 MR. NEIDERT: No, your Honor.

21 MS. BAKER: No, your Honor.

22 THE COURT: We'll excuse you.

23 A PROSPECTIVE JUROR: Thank you.

24 THE COURT: Ms. Clerk, will you call the next

1 prospective juror.

2 THE CLERK: Josephine Amos.

3 THE COURT: Good morning, Ms. Amos. Do you know
4 or are you acquainted with Mr. Johns?

5 A PROSPECTIVE JUROR: No.

6 THE COURT: Do you know either of the attorneys
7 or any of the people in their offices?

8 A PROSPECTIVE JUROR: No.

9 THE COURT: Do you know or are you related to
10 anyone in law enforcement?

11 A PROSPECTIVE JUROR: No.

12 THE COURT: Do you know anything about this case
13 either by reading it in the newspaper, hearing about it on
14 the internet or on radio, television?

15 A PROSPECTIVE JUROR: No.

16 THE COURT: If you end up serving on this jury
17 would you follow the law as I instruct you on it?

18 A PROSPECTIVE JUROR: Yes.

19 THE COURT: Have you served on a jury before?

20 A PROSPECTIVE JUROR: No, I haven't.

21 THE COURT: Have you been involved in the court
22 system in any way?

23 A PROSPECTIVE JUROR: No.

24 THE COURT: Do you have any health reasons that

1 would prevent you from serving as a juror?

2 A PROSPECTIVE JUROR: No, I don't.

3 THE COURT: Do you have any other business or any
4 other reason that would prevent you?

5 A PROSPECTIVE JUROR: My mother-in-law did pass
6 away yesterday. And I am self-employed. So, when I'm not at
7 work, I don't make any money.

8 THE COURT: And where does your mother-in-law
9 live?

10 A PROSPECTIVE JUROR: She lives here.

11 THE COURT: And is there a funeral scheduled this
12 week?

13 A PROSPECTIVE JUROR: Not this week.

14 THE COURT: Okay. Would you state your name, the
15 community you live in, your occupation, your marital status,
16 your spouse's occupation, and the number and ages of your
17 children.

18 A PROSPECTIVE JUROR: My name is Josephine Amos.
19 I've lived in Fallon since '76. I am married. My husband is
20 retired from the City of Fallon. I have two boys. They are
21 36 and 38.

22 THE COURT: And you said you're self-employed?

23 A PROSPECTIVE JUROR: I'm self-employed.

24 THE COURT: What do you do?

1 A PROSPECTIVE JUROR: I'm a cosmetologist.

2 THE COURT: Okay. Okay. And there's a been a
3 number of people who have talked about the hardship of
4 serving and I totally understand that. You know, when you're
5 self-employed, when you're in the medical profession, I've
6 had -- I've never had the privilege of serving as a juror,
7 but I've had a number of judge colleagues who have had to
8 vacate their dockets. And it does create hardship and I'm
9 aware of that. It's just part of our duty as citizens. And
10 so those are generally not going to be excuses that the Court
11 will excuse people for.

12 So, Ms. Amos, Mr. Neidert, do you want to examine
13 Ms. Amos for cause?

14 MR. NEIDERT: You -- Your mother died?

15 A PROSPECTIVE JUROR: My mother-in-law died
16 yesterday.

17 MR. NEIDERT: Okay. And do you believe that her
18 passing is going to create distraction or hardship for
19 serving on a jury in this case?

20 A PROSPECTIVE JUROR: No. It's just more
21 emotional support for family.

22 MR. NEIDERT: Okay. You have family coming in to
23 Fallon and things like that?

24 A PROSPECTIVE JUROR: They already live here and

1 there's some that are out of town too. But most of us live
2 here.

3 MR. NEIDERT: I have no other questions of
4 Ms. Amos. I would pass her for cause.

5 THE COURT: Ms. Baker?

6 MS. BAKER: Thank you. State passes for cause.

7 THE COURT: Very well. There were a couple of
8 jurors that raised their hands and I said we had to do
9 everything on the record so I don't know what they were. Was
10 one of them Ms. Rogers?

11 A PROSPECTIVE JUROR: Yes, sir. So it was kind
12 of the same as hers. I'm a cosmetologist as well. So I have
13 appointments that have been set for anywhere from four to six
14 weeks and anywhere from 9:00 a.m. to 1:00 p.m. And then I
15 have my second job from anywhere to 3:00 p.m. until 7:00
16 a.m.

17 THE COURT: Sure. And it will be the same
18 answer. And that's -- I've had doctors get mad at me because
19 they've had to cancel their whole schedule. I've had
20 dentists. I've had self-employed. It's just we would never
21 be able to seat a jury if we did that.

22 Is there anyone else? Was it Mr. Mnichowski?
23 Did you have something?

24 A PROSPECTIVE JUROR: No. I just -- During lunch

1 today I need to take my wife her car if we're going to be
2 here until later.

3 THE COURT: Okay. We'll break for an hour and a
4 half or so whenever we finish. Very well.

5 And so, Mr. Neidert, you pass the panel for
6 cause?

7 MR. NEIDERT: Yes, your Honor.

8 THE COURT: Ms. Baker?

9 MS. BAKER: Yes, your Honor.

10 THE COURT: Very well. So now I'll go back and
11 speak to the rest of the panel. If your name hasn't been
12 called, it's not going to be today at this point. I'm going
13 to excuse you in just a minute. And I was in the process of
14 just thanking you for your willingness to serve. I want to
15 remind you that you are subject to being called for future
16 jury trials that we have for the remainder of the year.

17 But this system, which is a magical and it's a
18 system that really is very uniquely American and it's only
19 possible because of people that are willing to sacrifice.
20 And sometimes the sacrifice is great for your service. And
21 so we'll now excuse those that are seated out there and let
22 you return to your life.

23 At the beginning when the court clerk first
24 started calling the names, I mentioned that the jury consists

1 of men and women who are honest and true. But now is the
2 time where the Court will allow each side to exercise their
3 peremptory challenges. As I said earlier, the reasons that a
4 jury -- juror may be relieved can be a good reason, a bad
5 reason, or no reason at all. I do want to just remind you
6 that we saw each of these attorneys pass you for cause. And
7 what that means is that they all agree thank you are suitable
8 to serve as fair and impartial jurors on this case. But we
9 do have some business to do.

10 So what I would like to do is take a brief recess
11 and at which point I'm going to give counsel about ten
12 minutes to go over their notes, at which point, outside the
13 presence of the jury, they will exercise peremptory
14 challenges.

15 After the recess, we'll invite you back in and
16 we'll have you seated out in the audience. And then the
17 clerk will seat the jury at that time. Counsel, you'll have
18 ten minutes to go over your notes and then we will meet back
19 right here to exercise peremptory challenges.

20 Ladies and Gentlemen, we're going to take what
21 will be about a 20-minute recess for you. We will come out
22 and get you when it's -- when the recess is over.

23 But you must not discuss or communicate with
24 anyone, including your fellow jurors, in any way regarding

1 the case or its merits either by voice, phone, e-mail, text,
2 internet, or other means of communication or social media.
3 You are not to read, watch, or listen to any news or media
4 accounts or commentary about the case. You're not to do any
5 research such as consulting dictionaries, using the internet,
6 or using reference materials. You're not to make any
7 investigation, test the theory of the case, recreate any
8 aspect of the case, or in any other way investigate or learn
9 about the case on your own.

10 You're not to form or express any opinion
11 regarding the case until it has been submitted to you. So
12 we'll be in recess.

13 (Recess was taken)

14 THE COURT: We're back on the record on Case
15 Number 20-0552, State of Nevada versus Casey Alan Johns. Let
16 me go ahead and turn my microphone off. Are your guys'
17 microphones off?

18 MR. NEIDERT: Yes.

19 MS. BAKER: Yes.

20 THE COURT: The record will reflect the presence
21 of the parties and counsel, all officers of the court. And
22 we are meeting outside the presence of the prospective jury
23 panel for the purpose of exercising peremptory challenges.
24 Mr. Johns is present.

1 So does everybody understand we have 27
2 prospective jurors. Jurors one through 20 are the jury panel
3 proper. You will have four peremptory challenges between
4 jurors one through 20. Jurors 21 through 27 are the
5 potential alternates. Because we're going to have three
6 alternates, each side will have two peremptory challenges for
7 the prospective alternate jurors. Do you have any questions
8 about that Ms. Baker?

9 MS. BAKER: No, your Honor.

10 THE COURT: Mr. Neidert?

11 MR. NEIDERT: No, your Honor.

12 THE COURT: And you've gone over that with your
13 client, Mr. Neidert?

14 MR. NEIDERT: I have, your Honor.

15 THE COURT: So we'll go ahead and start with
16 State's first peremptory challenge.

17 MS. BAKER: Jordan Munoz.

18 THE COURT: Jordan Munoz. And would you say what
19 juror number they are.

20 MS. BAKER: 14.

21 THE COURT: Juror number 14, Jordan Munoz.
22 Mr. Neidert.

23 MR. NEIDERT: For our first we will -- juror
24 number 18, Valerie Atkinson.

1 THE COURT: Juror number 18, Valerie Atkinson, is
2 the defense first peremptory challenge.

3 The State's second.

4 MS. BAKER: Daniel Martinez, number 19.

5 THE COURT: Juror number 19, Daniel Martinez.

6 And the defense second?

7 MR. NEIDERT: Your Honor, just for the record --
8 And I hope I'm wrong. But I would notice that the first two
9 people named both had Hispanic last names. For the basis of
10 a Batson challenge, does the State have a non-ethnically
11 related reason for those two?

12 THE COURT: So Munoz -- Let's see. Jordan Munoz
13 and Daniel Martinez. I don't disagree that those are names
14 that potentially could be associated. They didn't strike me
15 from an appearance standpoint. But what -- So your
16 facially -- your prima facie case is that they're Hispanic?

17 MR. NEIDERT: Right. And the fact that they're
18 the first two, again, I'm hoping that there's a reason, but
19 for the record when I saw them --

20 THE COURT: So we're going to go through -- The
21 Supreme Court in their most recent case on this issue,
22 there's one that just came out recently, it's Dixon v. State.
23 And they go back over the challenge. So let's go over the
24 steps that the Supreme Court has identified as -- Step one

1 is -- So Batson first step is a prima facie showing of
2 discrimination. And Mr. Neidert has asserted that Jordan
3 Munoz and Daniel Martinez are two names that potentially have
4 a Hispanic nature. But, would you disagree, Mr. Neidert,
5 that they don't have an overt appearance of Hispanic?

6 MR. NEIDERT: I would agree with that, your
7 Honor.

8 THE COURT: Okay. I'm going to find that that is
9 a prima facie showing.

10 So, the next step, step two, is Ms. Baker, would
11 you state the reason for striking your first one, Jordan
12 Munoz.

13 MS. BAKER: Thank you, your Honor. For Jordan
14 Munoz, the reason is he is a student and he did not appear to
15 the State when he was answering questions that he was paying
16 attention, that he was zoning out. So that gives the State
17 pause that he wouldn't be -- take this matter seriously.

18 THE COURT: Okay. And as to Daniel Martinez?

19 MS. BAKER: Mr. Martinez, the reason for this is
20 there was a prior domestic violence conviction on his record.

21 THE COURT: Okay. Mr. Neidert, is there anything
22 you want to address?

23 MR. NEIDERT: No, your Honor. And, again, I'm
24 protecting the record. But I do believe that she's given

1 racially-neutral reasons for those two strikes. But I just
2 needed to make the record as we were going along.

3 THE COURT: And do you disagree with her --

4 MR. NEIDERT: I do not disagree with her
5 conclusions, but I --

6 THE COURT: No. And I agree. But she said that
7 Jordan Munoz was not engaged.

8 MR. NEIDERT: I think, your Honor, I saw
9 Mr. Munoz, he did seem like he was -- he wasn't the most
10 engaged juror out there. But he didn't say much. Either
11 way, he basically sat there. I don't even remember him
12 answering any of the questions that the Court asked. He had
13 no overt sign of anything other than when he was asked to
14 introduce himself.

15 THE COURT: I do recall when I asked him to state
16 his name he just said, I'm Jordan.

17 MR. NEIDERT: That's correct, your Honor.

18 THE COURT: I'm going to find that for both
19 Jordan Munoz the State's stated reason, which was his lack of
20 engagement, is basically neutral, and Daniel Martinez, his
21 criminal history and his experience is also basically
22 neutral. And so I'm going to allow both of those strikes.

23 Mr. Neidert, do you want to make any type of
24 additional record?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

MR. NEIDERT: No, your Honor.

THE COURT: Your second peremptory challenge.

MR. NEIDERT: Katy Beatty, your Honor, juror
number four.

THE COURT: The State's third?

MS. BAKER: Thank you, your Honor. Carrigan
Rogers, number eight.

THE COURT: Juror number eight, Carrigan Rogers.

Mr. Neidert, your third?

MR. NEIDERT: Katy Loop, juror number five.

THE COURT: Juror number five, Katy Loop, will be
the defendant's third.

The State's fourth and final?

MS. BAKER: Jennifer McEwen, number 11.

THE COURT: Juror number 11, Jennifer McEwen.

MS. BAKER: Oh, thank you.

THE COURT: Mr. Neidert, the State's fourth -- or
the defendant's fourth?

MR. NEIDERT: Your Honor, for our fourth and
final one, we would excuse Josephine Amos, who was very
briefly in the box.

THE COURT: And that is juror number?

MR. NEIDERT: Juror number nine.

THE COURT: Nine, Ms. Amos.

1 Very well. The alternate jurors, each side will
2 have two. They'll be jurors number 21 through 27. They are
3 not aware that they're alternates and they will not be aware
4 that they're alternates until the case is submitted to the
5 jury.

6 What is the State's first challenge?

7 MS. BAKER: Thank you, your Honor. It's William
8 Mnichowski.

9 THE COURT: Mnichowski.

10 MS. BAKER: Yes. Thank you.

11 THE COURT: The defense first?

12 MR. NEIDERT: Michael Rice. That was number 23.

13 THE COURT: State's second?

14 MS. BAKER: Sheldon Wade, number 24.

15 THE COURT: Juror number 24, Sheldon Wade, is the
16 State's second.

17 And the defense's second?

18 MR. NEIDERT: Mr. Bracken, juror number 27.

19 THE COURT: Juror number 27, Dallin Bracken.

20 MR. NEIDERT: Dallin Bracken, yes.

21 THE COURT: Is there anything else with respect
22 to this?

23 MR. NEIDERT: No, your Honor.

24 MS. BAKER: No, your Honor.

1 MR. NEIDERT: Not from our perspective.

2 THE COURT: And so the jury proper, we'll have
3 that list in just one second. The clerk will have it for me
4 and then we'll have it up.

5 There was a pretrial motion to exclude the
6 defense's witnesses. The Court ordered the defense to
7 respond to that. And the Court is going to defer that. I'm
8 going to find that it's not ripe at this time until those
9 witnesses are ready to testify. We'll have a hearing outside
10 the presence of the jury to determine whether or not that was
11 made.

12 And, Mr. Neidert, do you have any additional
13 contact information for those witnesses?

14 MR. NEIDERT: No, your Honor. I provided all I
15 have to the State.

16 THE COURT: If you get any additional --

17 MR. NEIDERT: I will do immediately.

18 THE COURT: Are there any other issues that we
19 have to take care of outside the presence of the jury?

20 MR. NEIDERT: No, your Honor.

21 MS. BAKER: No, your Honor.

22 THE COURT: As soon as we have the list, I'll
23 read them to you and make sure we're all in agreement.

24 So the jurors are juror number one, Johnny

1 Billett. Juror number two, Phillip Keller. Juror number
2 three, Michelle Nutting. Juror number four, Adam Nunley.
3 Juror number five, Stephanie Wimberly. Juror number six,
4 Allen Barbee. Juror number seven, James Brown. Juror number
5 eight, Tyler Cromack. Juror number nine, Fredna Gibson.
6 Juror number ten, Ona Hunt. Juror number 11, Carol Self.
7 And juror number 12 is Ana Cornejo. Alternate number one is
8 Kevin Wickware. Alternate number two is Sadie Gagliardo.
9 And alternate number three is Robin Anaya.

10 Everybody agree with that? And I'll start with
11 you Ms. Baker.

12 MS. BAKER: Yes, your Honor.

13 THE COURT: Mr. Neidert?

14 MR. NEIDERT: I agree as well, your Honor.

15 THE COURT: Very well. Then what we'll do is
16 I'll just stay here. We'll go off the record and invite
17 prospective jurors back in and we will seat the jury.

18 (Pause in the proceedings)

19 We're back on the record -- We're back on the
20 record on Case Number 20-0552, State of Nevada versus Casey
21 Alan Johns. The record will now reflect the presence of the
22 parties and counsel, all officers of the court, and the
23 prospective jurors.

24 Will the parties stipulate that all the

1 prospective jurors that we have not excused are present?

2 MR. NEIDERT: Yes, your Honor.

3 MS. BAKER: Yes, your Honor.

4 THE COURT: The clerk will now seat the jury.

5 THE CLERK: Juror number one, Johnny Billett.

6 THE COURT: Mr. Billett, if you'll just come
7 forward and have a seat on the chair with the number one.

8 THE CLERK: Juror number two, Phillip Keller.

9 Juror number three, Michelle Nutting.

10 Juror number four, Adam Nunley.

11 Juror number five, Stephanie Wimberly.

12 Juror number six, Allen Barbee.

13 Juror number seven, James Brown.

14 Juror number eight, Tyler Cromack.

15 Juror number nine, Fredna Gibson.

16 Juror number ten, Ona Hunt.

17 Juror number 11, Carol Self.

18 Juror number 12, Ana Cornejo.

19 Juror number 13, Kevin Wickware.

20 Juror number 14, Sadie Gagliardo.

21 Juror 15, Robin Anaya.

22 THE COURT: Ladies and Gentlemen that have not
23 been called as jurors, you heard the good and the bad news
24 that I told the previous jurors, and you have that same good

1 and bad news. In a minute you'll be excused and you'll be
2 able to go about your day. It could be good or bad news
3 depending on your perspective. You are subject to being
4 recalled as jurors for the remainder of the year. And so I
5 want you to just be aware of that.

6 I do want to remind you that all counsel passed
7 you for cause, so they all agreed that you would be fair and
8 impartial jurors, but you were not selected to serve upon
9 this jury. So if you want to take up your lives again,
10 you're excused.

11 Ladies and Gentlemen of the jury, I would like
12 now to briefly explain the role that each of you and each
13 party in the courtroom is to play in these proceedings. You,
14 at the conclusion of the evidence, will determine the facts
15 in the case and apply those facts to the law which will be
16 stated to you by the Court. On that basis, you will reach a
17 verdict consistent with the facts and the law.

18 It is the duty of the attorneys to present their
19 respective cases in the most favorable light consistent with
20 the truth and the law. However, statements and arguments of
21 counsel made during the trial are not to be treated to you --
22 by you as evidence except as to matters of which a fact which
23 have been stipulated to by both attorneys.

24 Keep an open mind and refrain from forming or

1 expressing any opinion concerning the case until all the
2 evidence is in, the attorneys have made their closing
3 arguments, and you have received the Court's instructions as
4 to the law and you have retired to the jury room to find your
5 verdict.

6 During the trial do not discuss the case among
7 yourselves or with any other person. Do not allow anyone to
8 speak of this case in your presence. You are not to read,
9 listen to, or observe any newspaper, radio, television
10 account, or trial while the trial is in progress.

11 Not only must your conduct as jurors be above
12 reproach, but you must avoid even the appearance of any
13 improper conduct. Do not talk to the parties, the attorneys,
14 or the witnesses during the trial even upon matters
15 unconnected with the case. In the event that any person
16 should attempt to discuss the case with you or in any manner
17 attempt to influence you with respect to this case, you are
18 to advise the bailiff and the bailiff will in turn advise the
19 Court.

20 Any rulings made by the Court during the course
21 of this trial will be made upon the controlling law of the
22 State of Nevada. Accordingly, you must not infer any leaning
23 on my part based upon such rulings or infer any feeling on my
24 part for or against either side in this case.

1 If any objection to the admission of evidence is
2 sustained, you must not speculate as to what that answer
3 might have been or draw any inference from the question
4 itself.

5 During the course of the trial, matters may arise
6 which must be determined by me as a matter of law outside of
7 your presence. You are not to speculate or be concerned in
8 any way as to the reason for such occurrences. They will be
9 as limited in frequency and in duration as the law permits.

10 Observe carefully each witness as he or she
11 testifies and consider carefully all of the evidence as it is
12 presented. It is you, the jury, who must determine the
13 credibility of the witness and wherein lies the truth.

14 If during the examination of witnesses some
15 questions occur to you, be patient. The answer will probably
16 be given before the case is concluded. If not, write your
17 question on a slip of paper and hand it to the bailiff during
18 a recess. The bailiff will give the question to me. And, if
19 the question is a proper question under the law, I will see
20 that it is answered.

21 You may individually take notes during the trial.
22 For that purpose you have been provided with pencils and
23 notepads. In the event of a conflict between notes of the
24 individual jurors during your deliberations, you are not to

1 rely on the notes. The court reporter's notes contain the
2 complete and the authentic record of the trial.

3 The clerk will now swear the jury.

4 THE CLERK: If everybody could please stand.
5 Raise right hand.

6 (The jurors were sworn in)

7 THE COURT: Thank you.

8 Ladies and Gentleman of the jury, you are
9 admonished that no juror may declare to his fellow jurors any
10 fact related to the case as of your own knowledge. If any
11 juror discovers during the course of the trial or after you
12 have retired that he or she or any other juror has personal
13 knowledge of any fact in controversy in this case, you shall
14 disclose such situation to me outside the presence of other
15 jurors.

16 You are to use the jury room during all short
17 recesses in the trial. Now, for purposes of this trial,
18 we'll be back in the court house, 73 North Main Street, on
19 the second floor. The trial will be in the larger courtroom,
20 number one, and the jury room will actually be the courtroom
21 two across the hall. There will be a sign on it that says
22 jury room. You're to use that during all short recesses and
23 when you return back from breaks or lunches. That will be
24 your room for all times that we're not in court. It will

1 also be open to you in the morning before trial begins. The
2 bailiff will have refreshments and waters. We normally would
3 have coffee. But because we're implementing some safety
4 protocols, we won't have coffee, because we don't want people
5 touching. But you're welcome to bring coffee with you if
6 that's what you want. So, in the mornings when you arrive,
7 after lunch when you arrive, just go straight in to that room
8 and help yourself to anything that's there. There's a
9 refrigerator that I think is stocked with waters and I think
10 soda. And if there's anything that you need for your comfort
11 or to accommodate your needs, please let the bailiff know and
12 we will do our best to meet those needs.

13 The bailiff is Mr. Brandon McCain. He is right
14 here. And, if anything you need, just reach out to him.

15 Counsel, does either party wish to invoke the
16 rule of exclusion?

17 MR. NEIDERT: Yes, your Honor.

18 THE COURT: Very well. Then what I will do is
19 admonish both sides to make sure that their witnesses are
20 aware that the rule of exclusion has been invoked and to make
21 sure that they're not listening to any testimony either on
22 live stream or discussing it with any witnesses prior to the
23 testimony.

24 Ms. Baker, will you do that.

1 MS. BAKER: Yes, your Honor.

2 THE COURT: Mr. Neidert, will you do that?

3 MR. NEIDERT: Yes, your Honor.

4 THE COURT: Ladies and Gentlemen, we're going to
5 go to lunch now. It's 1:06. We'll start back at 1:35. So
6 you get essentially an hour and a half lunch hour.

7 MS. BAKER: Your Honor, just for clarification,
8 you said it's one. It's actually noon.

9 THE COURT: Yeah. It's 12:06. I'm sorry. And
10 we'll come back at 1:35.

11 Ladies and Gentlemen, we're going to take an hour
12 and a half lunch break. During this recess, you must not
13 discuss or communicate with anyone, including your fellow
14 jurors, in any way regarding the case or its merits either by
15 voice, phone, e-mail, text, internet, or other means of
16 communication or social media. You must not read, watch, or
17 listen to any news or media accounts or commentary about the
18 case. You must not do any research such as consulting
19 dictionaries, using the internet, or using reference
20 materials. You must not make any investigation or test the
21 theory of the case, recreate any aspects of the case, or in
22 any other way investigate or learn about the case on your
23 own. You must not form or express any opinion regarding the
24 case until it has been submitted to you.

1 We will go ahead and break now for lunch and
2 we'll meet back at the court house at 73 North Main at 1:35.
3 Thank you.

4 (Lunch recess was taken)

5 THE COURT: Case Number 20-0552, State of Nevada
6 versus Casey Alan Johns. The record will now reflect the
7 presence of the parties and counsel, all officers of the
8 court. We are meeting outside the presence of the jury at
9 the request of counsel. Is there something you want to put
10 on the record what the issue is?

11 MS. BAKER: Yes, your Honor. Thank you. It's
12 come to the State's attention that deputy, or I think it's
13 the detective now, Investigator Rudy Maynez, he's listed as a
14 witness in this case solely for the purpose of if he's needed
15 to testify regarding prior bad acts. It hasn't been ruled
16 on. It's just kind of if the issue arises we can discuss
17 that matter outside the presence of the jury. So he was
18 listed as a precaution on the information. But it was
19 also -- it came to the State's attention that he may be one
20 of the deputies rotating in for security.

21 So the State discussed this issue with counsel.
22 And because it's not -- he's not testifying regarding these
23 events, it is the parties' stipulation that he still may be
24 present to do his duties even if he is called later to

1 testify.

2 THE COURT: Mr. Neidert.

3 MR. NEIDERT: And I told Ms. Baker that that's
4 actually arisen in other trials I've had here because of the
5 size of the Churchill County Sheriff's Department and staff.
6 It's become a necessity. And certainly given the limited
7 nature of the testimony if he does testify, it's not like the
8 rule of exclusion we'll be hearing facts that are anywhere
9 relevant to his testimony. So, on that basis, I have no
10 objection.

11 THE COURT: And right now he has not been doing
12 that; is that correct?

13 MR. NEIDERT: What?

14 MS. BAKER: Your Honor, clarifying. He was at
15 the convention center screening jurors. But --

16 THE COURT: Okay. Outside?

17 MS. BAKER: Yes.

18 THE COURT: And any other record you want to make
19 on that?

20 MR. NEIDERT: No, your Honor.

21 There is one other thing that my client asked and
22 I wasn't quite sure how to answer the question to him and
23 that is that I understand -- I was also warned by the clerk
24 with respect to muting microphones and everything because of

1 it being broadcast. My client had a question as to how if
2 somebody in the general public wanted to watch this trial how
3 they would access it. What is the access to doing that?

4 THE COURT: I think the web page is listed right
5 on the outside of the door, the public who would come up and
6 normally see the trial, they can see that and actually
7 observe that.

8 MR. NEIDERT: I wasn't paying attention to the
9 outside of that door. I came in the other door.

10 THE COURT: Ms. Clerk, is that on both doors?

11 THE CLERK: I'm not sure if that's on --

12 THE COURT: Let's just check real quick. Let's
13 just double-check.

14 THE CLERK: But I think its on the website.

15 MR. NEIDERT: My client asked that question.
16 It's a fair question to ask because it is a public trial. So
17 if people wanted to watch the trial, how would they do that.
18 And I wanted to be able to give him a firm answer.

19 UNIDENTIFIED SPEAKER: It's on both doors.

20 MR. NEIDERT: Okay. I wasn't paying a lot of
21 attention as I came in.

22 THE COURT: And it's also on the website.

23 Anything else?

24 MR. NEIDERT: I don't believe there's anything

1 else, your Honor.

2 MS. BAKER: Your Honor, just one thing. I just
3 wanted to clarify for the exhibits. Exhibit 25, 26, and 27
4 had been stipulated to. They're the certified copies of the
5 medical records from Banner, Saint Mary's, and Northern
6 Nevada Medical.

7 THE COURT: And, Mr. Neidert, do you --

8 MR. NEIDERT: That's correct, your Honor. If all
9 we're going to have is the records custodian come in and
10 testify that these are kept in the normal course of business
11 by the respective facilities, I didn't see any reason for two
12 of them to take a two-hour drive for five minutes worth of
13 testimony, so I stipulated to that. Because, Churchill
14 Banner, we might as well do them all at one.

15 THE COURT: Based upon the stipulation, 25, 26,
16 and 27 are admitted.

17 MS. BAKER: Thank you, your Honor.

18 THE COURT: Anything else?

19 MR. NEIDERT: I believe -- I don't believe
20 there's anything else at this point, your Honor.

21 THE COURT: So are we all in agreement we all are
22 wearing the same blue mask. I call it the generic surgical
23 mask. That includes all the court personnel and Mr. Johns.

24 So just for everyone's information, if there

1 comes a point where we ask for an identification of a
2 witness -- When a witness testifies they will not have their
3 mask on. If the witness is asked to make identification, I
4 think what the agreement is is they'll ask if they need for
5 the mask removed. If the masks are to be removed, all court
6 personnel and -- the jurors will keep their mask on, the
7 sheriff's deputies will keep their mask on, the court
8 reporter will keep her mask on. But everyone else in the
9 courtroom will take their mask off for the identification at
10 the same time. Does everybody agree with that?

11 MR. NEIDERT: Yes, your Honor.

12 MS. BAKER: Yes, your Honor. The only question
13 the State would have is will it be at the Court's direction?

14 THE COURT: Yes. And I'll do that. And that
15 would include Mr. Johns and all the court personnel and
16 staff. The only exception would be the court reporter and
17 the sheriff's deputies, okay.

18 So we'll get started. I'll take a brief recess.
19 We'll bring the jurors in. They'll be in the gallery there.
20 And then we will begin shortly.

21 MS. BAKER: Thank you, your Honor.

22 (Recess was taken)

23 THE COURT: Case Number 20-0552, State of Nevada
24 versus Casey Alan Johns. The record will now reflect the

1 presence of the parties, counsel, all officers of the court,
2 and the full jury and the alternate jurors.

3 Will counsel stipulate to the correct seating of
4 the jury?

5 MS. BAKER: Yes, your Honor.

6 MR. NEIDERT: Yes, your Honor.

7 THE COURT: Ladies and Gentlemen, we have now
8 reached the stage of the proceedings where the attorneys will
9 make their opening statements. The law provides that the
10 attorney for the prosecution may make his opening statement
11 first. The attorney for the defendant may then make his
12 opening statement or may reserve it until the conclusion of
13 the prosecution's evidence.

14 Ms. Baker, you may make your opening.

15 MS. BAKER: Thank you, your Honor. Good
16 afternoon. So one of the witnesses the State intends to call
17 this afternoon is Michael Malone.

18 (The court reporter interrupts)

19 THE COURT: You need to speak in to the
20 microphone. Is that on?

21 MS. BAKER: Is that better? Does anybody need
22 the headphones? All right.

23 One of the witnesses the State intends to call
24 this afternoon is Michael Malone. He goes by Mike. Mike

1 lives in Winnemucca and he's friends with Deanna Douglas, who
2 goes by Dee. And on April 16th, 2020, Mike came to Fallon to
3 take Dee back to Winnemucca for the weekend. You see, Dee
4 had been staying at the Budget Inn for about six months and
5 needed to get out of the hotel room.

6 Specifically, Dee had been staying in room 135,
7 which is in this second building of the Budget Inn next to
8 this field right on the end. Thank you.

9 You will hear and see evidence of the events that
10 occurred that day. Mike Malone will testify around 1:00
11 p.m. he sees an unknown male individual, later to be
12 identified as Casey Alan Johns, the defendant. He sees the
13 defendant walking towards the room, 135, where Dee is in.
14 Mike will testify that he goes up there and blocks the
15 doorway and says, not here, dude, and has the defendant keep
16 walking down the other row of hotel rooms. Mike then goes
17 inside. Mike hears some pounding noises.

18 You will see video surveillance of the defendant
19 going towards room 132. Room 132 is being rented by a Marcia
20 Gower. You will hear her testimony that she wasn't there at
21 that point. You will see on the surveillance video the
22 defendant taking the screen off that window and start hitting
23 it with something in his hand. Detective Sergeant Fransden
24 will testify that that object in his hand is actually a

1 folding pocket knife.

2 After hitting the window, the defendant then
3 kicks in the door to room 132. He then enters the room for a
4 few moments and then exits. Once he exits you'll see on the
5 video surveillance red droplets dropping from his hand on to
6 the walkway. You will also see him then walk back and forth
7 along the hotel rooms. Finally, you will see him go back
8 towards room 135 where Dee and Mike are.

9 Mike will testify that he sees the defendant
10 coming back and the door is open. So he goes and tries to
11 shut the door but he's too late. The defendant had already
12 stuck one of his foot inside the hotel room.

13 Mike will testify that he then puts his body
14 between the defendant and Dee to protect her, arms out, palms
15 facing forward. At that point the defendant takes his pocket
16 knife and slashes Mike's hand. Mike receives a cut, a deep
17 cut, on his right hand the length of the palm all the way
18 across.

19 Dee will testify that she then yells for somebody
20 to call 911. The defendant just stands there. Then Dee will
21 testify that he -- that she believes he said you better call
22 911 or he'll bleed out. The defendant then takes a step back
23 outside the room. Dee takes that opportunity and shuts the
24 door and calls 911.

1 Officers arrive a few minutes later and sees the
2 defendant standing outside the door with what appears to be
3 blood on his hands. They have him sit on a log next to the
4 room while they do their investigation. After they conduct
5 their investigations, Officer Kevin Grimes arrests the
6 defendant. After being cuffed and masked, they stand him up,
7 and the defendant then starts resisting and then starts
8 kicking his feet. Officer Grimes is then kicked in the shin
9 during that altercation.

10 A search of the defendant revealed a wallet.
11 That wallet contained a driver's license, credit cards, and
12 some cash, among some other things. The driver's license and
13 the credit cards were all in the name of a Brandie
14 West-Castillo. Brandie will testify that her wallet was
15 stolen.

16 After you hear all the evidence in this case, the
17 State will ask you that you find the defendant guilty on all
18 charges. Thank you.

19 THE COURT: Mr. Neidert, do you wish to give an
20 opening statement at this time?

21 MR. NEIDERT: Yes, your Honor. Thank you.

22 Good afternoon. This is going to be a relatively
23 straightforward case. You will be hearing from a variety of
24 witnesses throughout. For that you do -- So I want you to

1 listen to the context of everything that happened with this
2 case. And I want you to listen to the context of this case
3 because, as I mentioned during our voir dire this morning
4 when I was speaking to you then, there's a variety of charges
5 that my client faces. Each of those charges has a variety of
6 elements.

7 Think of it like a recipe. If you want to make a
8 cookie, you want to make a chocolate chip cookie, you've got
9 to have certain things. You've got to have milk, you've got
10 to have sugar, you've got to have chocolate chips. And, if
11 you forgot the chocolate chips, you make a cookie, but it's
12 not a chocolate chip cookie.

13 And that's what it's like with the elements of a
14 crime. If they don't have one of those elements, just one,
15 for a crime, they don't have that crime because they have not
16 completed the recipe.

17 I also want you, as you listen to this case, to
18 listen to the context. For example, Ms. Baker said that one
19 of the witnesses in this case saw the defendant and said, not
20 here, dude. That doesn't make any kind of sense unless who
21 is not here. And you'll hear testimony that my client was
22 actually calling out for somebody named Corey and he was
23 indicating that Corey was not there.

24 Ms. Baker alluded to the fact that one of the

1 officers was kicked in the shin. You're going to also hear
2 testimony from this officer, I fully anticipate, that he
3 didn't even feel the kick. You're going to hear testimony
4 from that officer that he noticed something was wrong when it
5 looked like a shoe impression on his pants leg.

6 You're going hear about what was supposedly a
7 stolen wallet. And we fully anticipate that the person knew
8 their wallet was missing, had not reported it stolen. And,
9 in fact, she'll also testify, even though the charge we're
10 facing is unauthorized possession of a credit card, none of
11 the credit cards were used.

12 So I want you, as you listen to this case, listen
13 to all of it, listen to not only what's there but what is not
14 there. And I believe if you do that, at the end of the case,
15 you will be charged by the judge to make true and exact
16 judgment. And I have every hope and expectation from all of
17 you that when, in fact, you hear all of the evidence, you
18 will do that and make the appropriate verdicts of not guilty
19 with respect to my client. Thank you very much.

20 THE COURT: Ms. Baker, you may call your first
21 witness.

22 MS. BAKER: Thank you, your Honor. The State
23 would like to call Amiben Bhakta.

24 THE COURT: Would you please come forward to the

1 witness stand. Come all the way up to here. And, before you
2 sit down, if you would raise your right arm and face the
3 clerk, you're going to take the oath of a witness.

4 (The witness was sworn in)

5 THE COURT: Great. Thank you. Please be seated.
6 You may take your mask off. That black microphone in front
7 of you is a microphone. If you'll move that in front of you
8 and speak right in to it so everyone can hear you. It's
9 adjustable, so you can move it closer. Okay.

10 Ms. Baker, you may proceed.

11

12 AMIBEN BHAKTA

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 DIRECT EXAMINATION

18 By Ms. Baker:

19 Q. Good afternoon. Can you please state and spell
20 your name for the record.

21 A. My first name is A-m-i, Ami. And my last name is
22 B-h-a-k-t-a.

23 Q. And how do you pronounce that?

24 A. It's Ami Bhakta.

1 Q. And, Ami, is that short for something?

2 A. Can you repeat please?

3 Q. Ami, is that short for something? Do you have a
4 longer name?

5 A. My whole name is A-m-i-b-e-n.

6 Q. And how do you pronounce that?

7 A. It's Amiben.

8 Q. Thank you. And how are you currently employed?

9 A. I'm a manager at Budget Inn.

10 Q. All right. And how long have you been a manager
11 at the Budget Inn?

12 A. It's almost been, like, one year and, like, seven
13 or eight months.

14 Q. Okay. And where is the Budget Inn located?

15 A. It's 60 South Allen Road. So it's Fallon,
16 Nevada. 89406 is zip code.

17 Q. Thank you. And that's in Churchill County?

18 A. Yeah, it's in Churchill County.

19 Q. And what are your duties for your employment?

20 A. While I need to manage the front desk and I'm
21 also, like, a housekeeper too at the time. So I'm a manager
22 and housekeeper too both.

23 Q. Okay. And do you maintain the records of who
24 stays at the Budget Inn?

1 A. Yeah.

2 Q. And does the Budget Inn have a surveillance
3 system?

4 A. Yes.

5 Q. And who -- who keeps track of their surveillance
6 system?

7 A. I keep track of the surveillance.

8 Q. Okay. And so what kind of surveillance system do
9 you have?

10 A. The surveillance system is just like the
11 movement, it's the movement, while it does not have the voice
12 recording. So it's like 24 to seven the cameras would record
13 the movements of the people in the property.

14 Q. Okay. So the cameras are there 24-7?

15 A. Yeah.

16 Q. But you're saying it only records?

17 A. When there is a movement.

18 Q. Okay. So, then if somebody is moving around,
19 that's when it gets recorded?

20 A. Yeah.

21 Q. Okay. And the time, the date and time stamp on
22 the surveillance system, how is that set?

23 A. Well, the date is correct, but the recording, the
24 time in the system is, like, a minute difference. So it's

1 not the exact time in the recording.

2 Q. Okay. But is it -- How close is it?

3 A. It's close to, like, a, there is five or like ten
4 minutes ahead.

5 Q. Okay.

6 A. So five or ten minutes.

7 Q. And who set the time?

8 A. Well, that's my owners, they set the time.

9 Q. All right. Has it ever changed?

10 A. No, they never change the system.

11 Q. Okay. All right. And were you working on April
12 16th, 2020, around 1:00 p.m.?

13 A. Yes.

14 Q. What were you doing around that time?

15 A. At that time I was cleaning the rooms. And I
16 just finished cleaning my room and then I just came back to
17 my laundry room.

18 Q. And did anything unusual happen that afternoon?

19 A. I just came in my laundry room and then I saw
20 there were a lot of the cops in my next building. So I just
21 went out to check what was the issue going on.

22 Q. And did you show an officer the video
23 surveillance?

24 A. Yes.

1 Q. Okay. And, if you were shown a copy of that
2 surveillance system, would you be able to identify it?

3 A. Yeah.

4 MS. BAKER: The State has proposed Exhibit 30 and
5 it has videos 34014, 34206, 34417, 34449, 35530, 33422,
6 33627, and 34002. May I approach?

7 THE COURT: Of course. And all of those have
8 been marked as Exhibit 30?

9 MS. BAKER: Correct.

10 Q. (By Ms. Baker) Okay. Can you see one of the
11 screens?

12 A. Yeah.

13 Q. Okay. What's been marked as the first video,
14 which is 34 -- ending in 34014.

15 (Video was played)

16 Q. And I am pausing it at colon -- 00:16. Do you
17 recognize what you're seeing on this screen?

18 A. Yes.

19 Q. And what are -- What are -- Is this from the
20 Budget Inn?

21 A. Yes, that's Budget Inn.

22 Q. Okay. And where is it at the Budget Inn?

23 A. The location is next building is near room 131
24 and 132.

1 Q. Okay. And is that on what floor?

2 A. That's the next building, so it's downstairs.

3 Q. It's downstairs?

4 A. Yeah.

5 Q. And is there an upstairs?

6 A. Yeah.

7 MS. BAKER: I don't know. Do you want to go
8 through each one?

9 MR. NEIDERT: If there's a foundation that these
10 were all taken in the same location, no objection.

11 THE COURT: Objection to?

12 MR. NEIDERT: Well, I think these were all the
13 same general area, and I believe she laid a foundation with
14 respect that they're all in the same system and at periods
15 close in time and I have no objection to them being played at
16 this time. No objection.

17 MS. BAKER: We'll ask a couple more questions and
18 then verify.

19 Q. (By Ms. Baker) So up on the top corner of the
20 screen, is that a date and time stamp?

21 A. Yes.

22 Q. And it indicates that it's on April 16th, 2020?

23 A. Yes.

24 Q. Okay. And have you seen all the videos listed on

1 this disk?

2 A. Yeah.

3 Q. And they're all from the April 16th, 2020?

4 A. Yes.

5 Q. And they're all from the Budget Inn?

6 A. Yes.

7 Q. And they're all from your system?

8 A. Yes, that's from my system.

9 Q. And then going to three -- Sorry. This is 33422.

10 This is a different camera; is that correct?

11 A. Yeah, that's different camera.

12 Q. Okay. What camera is this?

13 A. This camera is of the next building that's facing
14 the property.

15 Q. And what room is it showing?

16 A. It's the room starts from 126 and the room ends
17 in 235. So it's the next building. The camera is facing on
18 the next building.

19 MS. BAKER: So the State does move to admit
20 Exhibit 30, all the videos included.

21 MR. NEIDERT: No objection.

22 THE COURT: No objection?

23 MR. NEIDERT: No objection.

24 THE COURT: Exhibit 30 will be admitted.

1 Q. (By Ms. Baker) So, do you know who was renting
2 room 132 on April 16th, 2020?

3 A. Yeah.

4 Q. Who was that?

5 A. It's my regular customer. Her name is Marcia
6 Gower.

7 Q. Okay.

8 A. Yeah. And she has been staying for, like, one
9 year.

10 Q. Okay. And that day did her room come to your
11 attention?

12 A. That day, like, she usually goes on walks. So we
13 just gave her the sidewalks.

14 Q. Okay. Did officers point you to room 132 that
15 day?

16 A. Yeah.

17 Q. And what did you see when you went to that room?

18 A. I just saw the room door was cracked from the
19 side and it was from all the way from the door knob to the
20 end.

21 Q. Okay. And what about the lock?

22 A. The lock was broken. It was totally, like,
23 tilted, the door knob.

24 Q. All right. Did you have to do measures to fix

1 the door?

2 A. Yeah.

3 Q. And what did you do to fix the door?

4 A. I need to call the maintenance guy to fix the
5 door.

6 Q. Okay. Did you have to replace the door?

7 A. Yeah.

8 Q. And why did you replace the door?

9 A. Because the door frame was totally broken and the
10 door knob was also broken, so I need to put the whole new
11 door.

12 Q. And did you notice anything about the window?

13 A. No.

14 Q. Okay. And let's talk about room 135. Did you
15 see room 135 later that day?

16 A. There was a lady in the room, so I did not went
17 there.

18 Q. Okay. Was there any damage to anything in room
19 135?

20 A. No.

21 Q. Okay. Did you have to replace anything from room
22 135?

23 A. No.

24 MS. BAKER: Okay. Pass the witness.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

THE COURT: Mr. Neidert.

CROSS-EXAMINATION

By Mr. Neidert:

Q. Does the Budget Inn have a pet policy?

A. Yes.

Q. What is the pet policy?

A. The pet policy is, like, if you have a pet, we charge ten dollars a night.

Q. Okay. Was -- Did the occupants of the two rooms we discussed, either 132 or 135, have a pet?

A. The lady 135 she has a pet.

Q. What kind of pet?

A. Can you repeat please?

Q. What kind of pet?

A. It was a dog.

Q. Okay. Do you remember what kind of dog?

A. I don't know the dog breed.

Q. With respect to room 132, did you clean that room after the door jamb was fixed?

A. No, we did not clean the room. The lady she has to change her room.

Q. So when you say she has to change her room, do you mean because of her broken door you had to move her to a different room or does she clean her own room?

1 A. We don't clean the room until the lady she moves
2 all of her stuff from one room to another room.

3 Q. So did the lady that was in room 132, did she
4 move to another room?

5 A. Yeah, she was moved to another one.

6 Q. And after she was moved out of room 132, did you
7 clean room 132?

8 A. Yes.

9 Q. Do you remember cleaning any blood out of room
10 132?

11 A. Well, I don't remember about the blood thing.

12 Q. You don't remember any blood, okay. Now, you
13 testified that these videos have a time stamp system,
14 correct, the video surveillance system has a time stamp;
15 correct?

16 A. Can you repeat please?

17 Q. I'm sorry. The video system has a time stamp; is
18 that correct? The video system, the surveillance system for
19 the hotel, has a time stamp; is that right? You testified
20 about --

21 A. It's time.

22 Q. -- a time and a date on the video?

23 A. Yeah. We have the time and date on the video.

24 Q. And those are automatically set; correct?

1 A. Yeah, it's automatic.

2 Q. Okay. And those are accurate with both the date
3 and the time, or fairly close; correct?

4 A. The date is accurate but the time is not.

5 Q. How -- Well, is it -- Okay. So how -- Is it
6 close to being accurate with the time?

7 A. Yes.

8 MS. BAKER: Your Honor, objection. The State
9 went over that. It's been asked and answered.

10 THE COURT: I understand. I'm going to overrule
11 the objection.

12 Go ahead, Mr. Neidert.

13 Q. (By Mr. Neidert) So the time is not as accurate
14 but it's close; correct?

15 A. Yes, it's close.

16 Q. And that time system has an hour, a minute, and a
17 second; correct?

18 A. It's not hour.

19 Q. Well, okay. So, let me -- I have a couple of
20 things to mark. You gave me this?

21 MS. BAKER: Uh-huh.

22 THE CLERK: Your Honor, it would be Exhibit
23 Number 32 and Exhibit Number 33.

24 THE COURT: Okay.

1 Q. (By Mr. Neidert) And this, do you recognize
2 what's marked as Exhibit 33? Do you recognize that?

3 A. I cannot see --

4 Q. Well, would you agree with me that that's a still
5 from one of the Budget Inn videos?

6 THE COURT: And if you need to get to where you
7 can see it better, you can stand up and look.

8 THE WITNESS: That's the Budget Inn picture.

9 Q. (By Mr. Neidert) That came from video from the
10 Budget Inn surveillance video; is that correct?

11 A. Yes.

12 Q. And the same with number 32. Would you agree
13 with me that that's also a still from the Budget Inn video?

14 A. Yes.

15 Q. Now, you testified that in the upper right-hand
16 corner there is a date and time; correct?

17 A. Yes.

18 Q. I want you to take a look at Exhibit 32. It's
19 hard to read on the screen, so I'm going to hand you -- May I
20 approach?

21 THE COURT: Of course.

22 Q. (By Mr. Neidert) I would like you to look at the
23 upper right-hand corner of Exhibit 32. And I want you to
24 read what it says on the date and time stamp.

1 A. Okay. It's 04-16 2020, and the time is 01:43:47
2 p.m.

3 Q. Okay. So 1:43 and 47 seconds p.m.; correct?

4 A. Yes. That's minutes.

5 Q. Well, it would be 1:00 o'clock, 43 minutes, AND
6 then 47 seconds; correct?

7 A. Yeah.

8 Q. I'm going to show you Exhibit 33, and I would
9 like you to read the same numbers?

10 THE COURT: Mr. Neidert, just so the microphone
11 picks you up, we'll have you stand back by the microphone so
12 that you can be heard.

13 THE WITNESS: The date is 04-16 2020 and the time
14 is 01:43:47 p.m.

15 Q. (By Mr. Neidert) And is that the same time, the
16 exact same time -- It's the exact same time that's reflected
17 on both photographs?

18 A. Can you repeat please?

19 Q. Are those two numbers you read, the entire string
20 of numbers, are they identical?

21 A. Yes.

22 Q. Okay. And is the person in the photograph in the
23 same position in both photographs? They're not the same
24 photograph, are they?

1 A. The position is not same.

2 MR. NEIDERT: Okay. Your Honor, I would move for
3 the admission of my two exhibits, 32 and 33.

4 MS. BAKER: No objection.

5 THE COURT: Exhibit 32 and 33 will be admitted.

6 Q. (By Mr. Neidert) And, just so we're clear,
7 ma'am, you didn't -- you saw what you saw on the video but
8 you did not actually see anything live and in person? You
9 heard some noise but you did not see anything. Is that a
10 fair statement?

11 A. I just saw the video.

12 Q. You saw the video but you didn't see it actually
13 happen?

14 A. No.

15 MR. NEIDERT: Okay. Thank you. I have no other
16 questions.

17 THE COURT: Redirect.

18 MS. BAKER: Yes, your Honor. Thank you. May I
19 approach?

20 THE COURT: Of course.

21 MS. BAKER: Court's indulgence. For some reason
22 it's not responding.

23 ///
24 ///
25 ///
26 ///
27 ///
28 ///
29 ///
30 ///
31 ///
32 ///
33 ///
34 ///
35 ///
36 ///
37 ///
38 ///
39 ///
40 ///
41 ///
42 ///
43 ///
44 ///
45 ///
46 ///
47 ///
48 ///
49 ///
50 ///
51 ///
52 ///
53 ///
54 ///
55 ///
56 ///
57 ///
58 ///
59 ///
60 ///
61 ///
62 ///
63 ///
64 ///
65 ///
66 ///
67 ///
68 ///
69 ///
70 ///
71 ///
72 ///
73 ///
74 ///
75 ///
76 ///
77 ///
78 ///
79 ///
80 ///
81 ///
82 ///
83 ///
84 ///
85 ///
86 ///
87 ///
88 ///
89 ///
90 ///
91 ///
92 ///
93 ///
94 ///
95 ///
96 ///
97 ///
98 ///
99 ///
100 ///
101 ///
102 ///
103 ///
104 ///
105 ///
106 ///
107 ///
108 ///
109 ///
110 ///
111 ///
112 ///
113 ///
114 ///
115 ///
116 ///
117 ///
118 ///
119 ///
120 ///
121 ///
122 ///
123 ///
124 ///
125 ///
126 ///
127 ///
128 ///
129 ///
130 ///
131 ///
132 ///
133 ///
134 ///
135 ///
136 ///
137 ///
138 ///
139 ///
140 ///
141 ///
142 ///
143 ///
144 ///
145 ///
146 ///
147 ///
148 ///
149 ///
150 ///
151 ///
152 ///
153 ///
154 ///
155 ///
156 ///
157 ///
158 ///
159 ///
160 ///
161 ///
162 ///
163 ///
164 ///
165 ///
166 ///
167 ///
168 ///
169 ///
170 ///
171 ///
172 ///
173 ///
174 ///
175 ///
176 ///
177 ///
178 ///
179 ///
180 ///
181 ///
182 ///
183 ///
184 ///
185 ///
186 ///
187 ///
188 ///
189 ///
190 ///
191 ///
192 ///
193 ///
194 ///
195 ///
196 ///
197 ///
198 ///
199 ///
200 ///
201 ///
202 ///
203 ///
204 ///
205 ///
206 ///
207 ///
208 ///
209 ///
210 ///
211 ///
212 ///
213 ///
214 ///
215 ///
216 ///
217 ///
218 ///
219 ///
220 ///
221 ///
222 ///
223 ///
224 ///
225 ///
226 ///
227 ///
228 ///
229 ///
230 ///
231 ///
232 ///
233 ///
234 ///
235 ///
236 ///
237 ///
238 ///
239 ///
240 ///
241 ///
242 ///
243 ///
244 ///
245 ///
246 ///
247 ///
248 ///
249 ///
250 ///
251 ///
252 ///
253 ///
254 ///
255 ///
256 ///
257 ///
258 ///
259 ///
260 ///
261 ///
262 ///
263 ///
264 ///
265 ///
266 ///
267 ///
268 ///
269 ///
270 ///
271 ///
272 ///
273 ///
274 ///
275 ///
276 ///
277 ///
278 ///
279 ///
280 ///
281 ///
282 ///
283 ///
284 ///
285 ///
286 ///
287 ///
288 ///
289 ///
290 ///
291 ///
292 ///
293 ///
294 ///
295 ///
296 ///
297 ///
298 ///
299 ///
300 ///
301 ///
302 ///
303 ///
304 ///
305 ///
306 ///
307 ///
308 ///
309 ///
310 ///
311 ///
312 ///
313 ///
314 ///
315 ///
316 ///
317 ///
318 ///
319 ///
320 ///
321 ///
322 ///
323 ///
324 ///
325 ///
326 ///
327 ///
328 ///
329 ///
330 ///
331 ///
332 ///
333 ///
334 ///
335 ///
336 ///
337 ///
338 ///
339 ///
340 ///
341 ///
342 ///
343 ///
344 ///
345 ///
346 ///
347 ///
348 ///
349 ///
350 ///
351 ///
352 ///
353 ///
354 ///
355 ///
356 ///
357 ///
358 ///
359 ///
360 ///
361 ///
362 ///
363 ///
364 ///
365 ///
366 ///
367 ///
368 ///
369 ///
370 ///
371 ///
372 ///
373 ///
374 ///
375 ///
376 ///
377 ///
378 ///
379 ///
380 ///
381 ///
382 ///
383 ///
384 ///
385 ///
386 ///
387 ///
388 ///
389 ///
390 ///
391 ///
392 ///
393 ///
394 ///
395 ///
396 ///
397 ///
398 ///
399 ///
400 ///
401 ///
402 ///
403 ///
404 ///
405 ///
406 ///
407 ///
408 ///
409 ///
410 ///
411 ///
412 ///
413 ///
414 ///
415 ///
416 ///
417 ///
418 ///
419 ///
420 ///
421 ///
422 ///
423 ///
424 ///
425 ///
426 ///
427 ///
428 ///
429 ///
430 ///
431 ///
432 ///
433 ///
434 ///
435 ///
436 ///
437 ///
438 ///
439 ///
440 ///
441 ///
442 ///
443 ///
444 ///
445 ///
446 ///
447 ///
448 ///
449 ///
450 ///
451 ///
452 ///
453 ///
454 ///
455 ///
456 ///
457 ///
458 ///
459 ///
460 ///
461 ///
462 ///
463 ///
464 ///
465 ///
466 ///
467 ///
468 ///
469 ///
470 ///
471 ///
472 ///
473 ///
474 ///
475 ///
476 ///
477 ///
478 ///
479 ///
480 ///
481 ///
482 ///
483 ///
484 ///
485 ///
486 ///
487 ///
488 ///
489 ///
490 ///
491 ///
492 ///
493 ///
494 ///
495 ///
496 ///
497 ///
498 ///
499 ///
500 ///
501 ///
502 ///
503 ///
504 ///
505 ///
506 ///
507 ///
508 ///
509 ///
510 ///
511 ///
512 ///
513 ///
514 ///
515 ///
516 ///
517 ///
518 ///
519 ///
520 ///
521 ///
522 ///
523 ///
524 ///
525 ///
526 ///
527 ///
528 ///
529 ///
530 ///
531 ///
532 ///
533 ///
534 ///
535 ///
536 ///
537 ///
538 ///
539 ///
540 ///
541 ///
542 ///
543 ///
544 ///
545 ///
546 ///
547 ///
548 ///
549 ///
550 ///
551 ///
552 ///
553 ///
554 ///
555 ///
556 ///
557 ///
558 ///
559 ///
560 ///
561 ///
562 ///
563 ///
564 ///
565 ///
566 ///
567 ///
568 ///
569 ///
570 ///
571 ///
572 ///
573 ///
574 ///
575 ///
576 ///
577 ///
578 ///
579 ///
580 ///
581 ///
582 ///
583 ///
584 ///
585 ///
586 ///
587 ///
588 ///
589 ///
590 ///
591 ///
592 ///
593 ///
594 ///
595 ///
596 ///
597 ///
598 ///
599 ///
600 ///
601 ///
602 ///
603 ///
604 ///
605 ///
606 ///
607 ///
608 ///
609 ///
610 ///
611 ///
612 ///
613 ///
614 ///
615 ///
616 ///
617 ///
618 ///
619 ///
620 ///
621 ///
622 ///
623 ///
624 ///
625 ///
626 ///
627 ///
628 ///
629 ///
630 ///
631 ///
632 ///
633 ///
634 ///
635 ///
636 ///
637 ///
638 ///
639 ///
640 ///
641 ///
642 ///
643 ///
644 ///
645 ///
646 ///
647 ///
648 ///
649 ///
650 ///
651 ///
652 ///
653 ///
654 ///
655 ///
656 ///
657 ///
658 ///
659 ///
660 ///
661 ///
662 ///
663 ///
664 ///
665 ///
666 ///
667 ///
668 ///
669 ///
670 ///
671 ///
672 ///
673 ///
674 ///
675 ///
676 ///
677 ///
678 ///
679 ///
680 ///
681 ///
682 ///
683 ///
684 ///
685 ///
686 ///
687 ///
688 ///
689 ///
690 ///
691 ///
692 ///
693 ///
694 ///
695 ///
696 ///
697 ///
698 ///
699 ///
700 ///
701 ///
702 ///
703 ///
704 ///
705 ///
706 ///
707 ///
708 ///
709 ///
710 ///
711 ///
712 ///
713 ///
714 ///
715 ///
716 ///
717 ///
718 ///
719 ///
720 ///
721 ///
722 ///
723 ///
724 ///
725 ///
726 ///
727 ///
728 ///
729 ///
730 ///
731 ///
732 ///
733 ///
734 ///
735 ///
736 ///
737 ///
738 ///
739 ///
740 ///
741 ///
742 ///
743 ///
744 ///
745 ///
746 ///
747 ///
748 ///
749 ///
750 ///
751 ///
752 ///
753 ///
754 ///
755 ///
756 ///
757 ///
758 ///
759 ///
760 ///
761 ///
762 ///
763 ///
764 ///
765 ///
766 ///
767 ///
768 ///
769 ///
770 ///
771 ///
772 ///
773 ///
774 ///
775 ///
776 ///
777 ///
778 ///
779 ///
780 ///
781 ///
782 ///
783 ///
784 ///
785 ///
786 ///
787 ///
788 ///
789 ///
790 ///
791 ///
792 ///
793 ///
794 ///
795 ///
796 ///
797 ///
798 ///
799 ///
800 ///
801 ///
802 ///
803 ///
804 ///
805 ///
806 ///
807 ///
808 ///
809 ///
810 ///
811 ///
812 ///
813 ///
814 ///
815 ///
816 ///
817 ///
818 ///
819 ///
820 ///
821 ///
822 ///
823 ///
824 ///
825 ///
826 ///
827 ///
828 ///
829 ///
830 ///
831 ///
832 ///
833 ///
834 ///
835 ///
836 ///
837 ///
838 ///
839 ///
840 ///
841 ///
842 ///
843 ///
844 ///
845 ///
846 ///
847 ///
848 ///
849 ///
850 ///
851 ///
852 ///
853 ///
854 ///
855 ///
856 ///
857 ///
858 ///
859 ///
860 ///
861 ///
862 ///
863 ///
864 ///
865 ///
866 ///
867 ///
868 ///
869 ///
870 ///
871 ///
872 ///
873 ///
874 ///
875 ///
876 ///
877 ///
878 ///
879 ///
880 ///
881 ///
882 ///
883 ///
884 ///
885 ///
886 ///
887 ///
888 ///
889 ///
890 ///
891 ///
892 ///
893 ///
894 ///
895 ///
896 ///
897 ///
898 ///
899 ///
900 ///
901 ///
902 ///
903 ///
904 ///
905 ///
906 ///
907 ///
908 ///
909 ///
910 ///
911 ///
912 ///
913 ///
914 ///
915 ///
916 ///
917 ///
918 ///
919 ///
920 ///
921 ///
922 ///
923 ///
924 ///
925 ///
926 ///
927 ///
928 ///
929 ///
930 ///
931 ///
932 ///
933 ///
934 ///
935 ///
936 ///
937 ///
938 ///
939 ///
940 ///
941 ///
942 ///
943 ///
944 ///
945 ///
946 ///
947 ///
948 ///
949 ///
950 ///
951 ///
952 ///
953 ///
954 ///
955 ///
956 ///
957 ///
958 ///
959 ///
960 ///
961 ///
962 ///
963 ///
964 ///
965 ///
966 ///
967 ///
968 ///
969 ///
970 ///
971 ///
972 ///
973 ///
974 ///
975 ///
976 ///
977 ///
978 ///
979 ///
980 ///
981 ///
982 ///
983 ///
984 ///
985 ///
986 ///
987 ///
988 ///
989 ///
990 ///
991 ///
992 ///
993 ///
994 ///
995 ///
996 ///
997 ///
998 ///
999 ///
1000 ///
1001 ///
1002 ///
1003 ///
1004 ///
1005 ///
1006 ///
1007 ///
1008 ///
1009 ///
1010 ///
1011 ///
1012 ///
1013 ///
1014 ///
1015 ///
1016 ///
1017 ///
1018 ///
1019 ///
1020 ///
1021 ///
1022 ///
1023 ///
1024 ///
1025 ///
1026 ///
1027 ///
1028 ///
1029 ///
1030 ///
1031 ///
1032 ///
1033 ///
1034 ///
1035 ///
1036 ///
1037 ///
1038 ///
1039 ///
1040 ///
1041 ///
1042 ///
1043 ///
1044 ///
1045 ///
1046 ///
1047 ///
1048 ///
1049 ///
1050 ///
1051 ///
1052 ///
1053 ///
1054 ///
1055 ///
1056 ///
1057 ///
1058 ///
1059 ///
1060 ///
1061 ///
1062 ///
1063 ///
1064 ///
1065 ///
1066 ///
1067 ///
1068 ///
1069 ///
1070 ///
1071 ///
1072 ///
1073 ///
1074 ///
1075 ///
1076 ///
1077 ///
1078 ///
1079 ///
1080 ///
1081 ///
1082 ///
1083 ///
1084 ///
1085 ///
1086 ///
1087 ///
1088 ///
1089 ///
1090 ///
1091 ///
1092 ///
1093 ///
1094 ///
1095 ///
1096 ///
1097 ///
1098 ///
1099 ///
1100 ///
1101 ///
1102 ///
1103 ///
1104 ///
1105 ///
1106 ///
1107 ///
1108 ///
1109 ///
1110 ///
1111 ///
1112 ///
1113 ///
1114 ///
1115 ///
1116 ///
1117 ///
1118 ///
1119 ///
1120 ///
1121 ///
1122 ///
1123 ///
1124 ///
1125 ///
1126 ///
1127 ///
1128 ///
1129 ///
1130 ///
1131 ///
1132 ///
1133 ///
1134 ///
1135 ///
1136 ///
1137 ///
1138 ///
1139 ///
1140 ///
1141 ///
1142 ///
1143 ///
1144 ///
1145 ///
1146 ///
1147 ///
1148 ///
1149 ///
1150 ///
1151 ///
1152 ///
1153 ///
1154 ///
1155 ///
1156 ///
1157 ///
1158 ///
1159 ///
1160 ///
1161 ///
1162 ///
1163 ///
1164 ///
1165 ///
1166 ///
1167 ///
1168 ///
1169 ///
1170 ///
1171

1 photos again marked as Exhibit 30 -- 32 and 33.

2 A. I have trouble seeing the time. So can I just go
3 a little bit back and clearly try to see the time?

4 Q. Okay.

5 A. I can see the time. It's 01:23:50.

6 Q. Okay. And so when he was walking past was the
7 defendant in multiple positions during a specific time?

8 THE COURT: Go ahead and sit down.

9 THE WITNESS: Can you repeat?

10 Q. (By Ms. Baker) So, when we saw these pictures,
11 Exhibit 33, this exhibit, when you read the time to this
12 Exhibit 32 and you read the time on the Exhibit 33, is that
13 consistent with what we see in the video, the timing?

14 A. The timings are different.

15 Q. Okay. But the times are different on the photos?

16 A. Yeah.

17 Q. But are the times from the photos consistent to
18 the video? Are they the same on the video?

19 A. The timing --

20 Q. Okay. So I'm trying to get this. When we see
21 this, what's depicted in Exhibit 32, is that the same that
22 what we saw in the video?

23 A. Yes.

24 Q. Okay. And then, what's depicted in Exhibit 32,

1 is the time the same on the video for what we see on this
2 exhibit?

3 A. Timing is not same.

4 Q. Okay. The times are different between the
5 pictures; correct?

6 A. Yeah.

7 Q. But are they -- do they match the video?

8 A. Yeah.

9 Q. Okay. I think we got there. Last question, the
10 individual you see in this Exhibit 32, do you recognize him
11 from being a customer at the Budget Inn?

12 A. No, he's not a customer.

13 Q. Okay. Did you have a record of a Casey Alan
14 Johns staying at the Budget Inn?

15 A. No.

16 MS. BAKER: All right. Thank you, your Honor.

17 THE COURT: Mr. Neidert?

18 MR. NEIDERT: Nothing further, your Honor.

19 THE COURT: Thank you. May this witness be
20 excused?

21 MR. NEIDERT: I have no objection, your Honor.

22 MS. BAKER: No objection, your Honor.

23 THE COURT: Thank you. You're done and you can
24 put your mask on and you're released, so you can go back to

1 work.

2 THE WITNESS: Okay. Thank you.

3 THE COURT: Thank you.

4 Ms. Baker, your next witness.

5 MS. BAKER: Yes. Thank you, your Honor. The
6 State would like to call Marcia Gower.

7 THE COURT: Marcia Gower.

8 Ms. Gower, if you'll come right up here to the
9 witness stand, right up here. If you would stand and face
10 the clerk and raise your right arm to take the oath of a
11 witness.

12 (The witness was sworn in)

13 THE COURT: Please be seated. And, Ms. Gower,
14 you can take your mask off. And if you'll just speak in to
15 that microphone, I think we'll all be able to hear you well.

16 Ms. Baker, you may proceed.

17

18 MARCIA GOWER

19 Called as a witness on behalf of the
20 State, having been first duly sworn,
21 Was examined and testified as follows:

22 ///

23 ///

24 ///

1 A. Okay. All right. The Budget Inn has a separate
2 wing that goes this way. And I was in the wing over this
3 way.

4 Q. Now, if I showed you what is kind of a map, would
5 you be able to point to the room you were staying in?

6 A. Yes.

7 MS. BAKER: Any objection?

8 MR. NEIDERT: No.

9 MR. WEED: May I approach, your Honor?

10 THE COURT: Of course. And, just for the record,
11 what exhibit -- is this an exhibit?

12 MS. BAKER: This has been marked as Exhibit --

13 THE CLERK: 31.

14 MS. BAKER: -- 31.

15 THE CLERK: 31.

16 THE WITNESS: I think it was in here, right in
17 here.

18 Q. (By Ms. Baker) Okay. So, on this Exhibit 31
19 map, you're pointing to building number two; is that correct?

20 A. Right.

21 Q. Thank you. And you were on the -- which floor?

22 A. The first.

23 Q. Okay. And on April 16th, 2020, around 1:00 p.m.,
24 were you in your room?

1 A. No.

2 Q. Were you at work?

3 A. Yes.

4 Q. When you returned to your room that day --

5 A. Excuse me. I was at the food bank because we

6 were laid off for a while.

7 Q. Okay. It was during COVID; correct?

8 A. Yes.

9 Q. When you returned to your room that day what did

10 you notice?

11 A. Okay. I noticed that the door -- something had

12 happened to the door and there were blood stains all over the

13 cement up to my door.

14 Q. Okay. Anything else?

15 A. No.

16 Q. Did you go inside your room?

17 A. Yes.

18 Q. Was there anything missing?

19 A. No.

20 Q. Did you do an inventory?

21 A. Yes.

22 Q. Was anything out of place?

23 A. There was a plastic cup on the floor. That's it.

24 Q. Okay. And did you give anyone permission to

1 enter your room?

2 A. No. Just the staff.

3 Q. Okay. Did you give anybody permission to break
4 the door?

5 A. No.

6 Q. Do you know the individual by the name of Casey
7 Alan Johns?

8 A. No.

9 Q. Would you have given Casey Alan Johns permission
10 to enter your room?

11 A. No.

12 MS. BAKER: Pass the witness.

13 THE COURT: Mr. Neidert.

14 CROSS-EXAMINATION

15 By Mr. Neidert:

16 Q. So, if I fully understand, you were staying in a
17 room at the Budget Inn and you had been there for a couple of
18 months; correct?

19 A. Yeah.

20 Q. You came back from the food bank and at that
21 point the police or somebody told you there was something
22 wrong with your room. Is that a fair statement?

23 A. It wasn't the police. It was the owner of the
24 hotel.

1 Q. The owner of the hotel told you that there was
2 something wrong. You weren't aware of -- Did they meet you
3 as you came up or after you had been to your room or do you
4 remember what the time sequence was with respect to that?

5 A. Yeah. The owner sent me a text saying I needed
6 to go to the office before going to my room. So I called the
7 owner and she told me what had happened. And then I went to
8 the office and then I saw my door and the blood stains on the
9 cement.

10 Q. Okay. So do you know about what time that was?

11 A. No, I don't.

12 Q. Was it mid afternoon, late afternoon, do you
13 know?

14 A. Probably late afternoon.

15 Q. And these blood stains, you have no idea how they
16 got there, do you?

17 A. No.

18 Q. And, with respect to your room, there was --
19 other than the door being broken open, there was no damage,
20 there was -- the inside of your room just had a cup on the
21 floor. Beyond that, your personal belongings in that room
22 were not disturbed in any way, were they?

23 A. No.

24 Q. Nobody had gone through your things, had they?

1 A. Not to my knowledge.

2 Q. You didn't see any sign that your room had been
3 rummaged through or anything like that?

4 A. No.

5 Q. And then you were moved to a different room?

6 A. I was given the option to. But I stayed in there
7 for a couple of months and then I moved to a different room.

8 Q. Okay. So, after that day, they changed the lock
9 or got a new lock or whatever --

10 A. Yes.

11 Q. -- and you stayed in the same room?

12 A. Right.

13 Q. You said this blood you saw on the outside on the
14 sidewalk; correct?

15 A. Yes.

16 Q. Did you see any blood in your room at all?

17 A. No.

18 Q. Other than that plastic cup on the floor had
19 you -- you were aware you could see signs when you arrived
20 that the door had been broken in; correct?

21 A. Yes.

22 Q. Other than that did you see any signs of any
23 other damage or anything else in respect to your room?

24 A. No.

1 MR. NEIDERT: Okay. Thank you very much.
2 Nothing further.

3 THE COURT: Ms. Baker?

4 MS. BAKER: Yes, real quickly. Thank you.

5 REDIRECT EXAMINATION

6 By Ms. Baker:

7 Q. So, on that day, can you describe what your room
8 looked like before you left that day?

9 A. I mean, it was clean. Everything was in order.
10 There wasn't anything out of whack.

11 Q. You had been staying there a while?

12 A. Yes.

13 Q. Had you unpacked?

14 A. Yeah. I had things hanging up.

15 Q. Did you have, like, suitcases out?

16 A. I had -- Yeah.

17 Q. Okay. Could have somebody gone through those
18 without you knowing?

19 A. I could tell. I'm very detail-oriented, and
20 nothing was touched.

21 Q. To your knowledge?

22 A. To my knowledge.

23 MS. BAKER: All right. Nothing further.

24 MR. NEIDERT: Nothing based on that, your Honor.

1 THE COURT: Ms. Gower, thank you very much.
2 May this witness be excused?

3 MS. BAKER: Yes, your Honor.

4 MR. NEIDERT: No objection.

5 THE COURT: And you are released from your
6 subpoena.

7 Ms. Baker.

8 MS. BAKER: Your Honor, the next witness is
9 Deanna Douglas. She might take a little while. I don't know
10 if this is a good time to take a break.

11 THE COURT: We've been going for about an hour.
12 So we will take a recess. This will be a ten-minute recess.

13 Ladies and Gentlemen of the jury, we're going to
14 take a ten-minute recess. 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
18 communication or social media. You must not read, watch, or
19 listen to any news or media accounts or commentary about the
20 case. You must not do any research such as consulting
21 dictionaries, using the internet, or using reference
22 materials. You must not make any investigation, test the
23 theory of the case, recreate any aspect of the case, or in
24 any other way investigate or learn about the case on your

1 own. You must not form or express any opinion regarding the
2 case until it has been submitted to you. We'll take a
3 ten-minute recess.

4 (Recess was taken)

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

9 Will counsel stipulate to the correct seating of
10 the jury?

11 MR. NEIDERT: Yes, your Honor.

12 MS. BAKER: Yes, your Honor.

13 THE COURT: Ms. Baker, your next witness.

14 MS. BAKER: Thank you, your Honor. The State
15 would like to call Deanna Douglas.

16 THE COURT: Ms. Douglas, if you would please come
17 to the witness stand. If you would face the clerk and raise
18 your right arm to take the oath of a witness.

19 (The witness was sworn in)

20 THE COURT: Please be seated. And, Ms. Douglas,
21 you can take your mask off. And if you'll just speak in to
22 that microphone then everyone will be able to hear you.

23 ///

24 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

DEANNA DOUGLAS

Called as a witness on behalf of the
State, having been first duly sworn,
Was examined and testified as follows:

DIRECT EXAMINATION

By Ms. Baker:

Q. Good afternoon. I'm over here. I apologize. If
you have trouble hearing me, just let me know.

Can you please state and spell your name for the
record?

A. Deanna Kaye Douglas, D-e-a-n-n-a K-a-y-e
D-o-u-g-l-a-s.

Q. Thank you. And do you go by a nickname?

A. Dee.

Q. And how do you spell Dee?

A. D-e-e.

Q. Thank you. And do you know a Michael Malone?

A. Yes, ma'am.

Q. And what do you call Michael?

A. Mikey.

Q. Mikey. And how do you know hum?

A. I met him in Winnemucca. I'm from, like, Battle
Mountain. So I went up there for New Years. And we're just

1 friends.

2 Q. Okay. And how long have you been have known him?

3 A. About 19 months now.

4 Q. Okay. And where were you on April 16th, 2020?

5 A. The Budget Inn.

6 Q. And how long had you been staying at the Budget
7 Inn?

8 A. Oh, goodness, six, seven, eight months. It was
9 my home.

10 Q. So you had been in there a while?

11 A. Yes, ma'am.

12 Q. And who were you with on April 16th, 2020?

13 A. Michael Malone.

14 Q. And when did he arrive?

15 A. About 9:00 o'clock in the morning to pick me up
16 to take me to Winnemucca for the weekend.

17 Q. Okay. And why were you going to go to Winnemucca
18 for the weekend?

19 A. To take a break from Fallon.

20 Q. Okay. And anyone else with you?

21 A. No, ma'am. My dog.

22 Q. Okay. What kind of dog do you have?

23 A. He's a German short hair and black lab.

24 Q. Okay. It's a male?

1 A. Yes.

2 Q. What's his name?

3 A. Pooper.

4 Q. Oh, how cute. Can you describe -- What room were
5 you staying in in the Budget Inn?

6 A. 135.

7 Q. And can you describe that room?

8 A. Yes. It's second building all the way at the end
9 closest to the field on the bottom floor.

10 Q. Okay. And when you walk inside the room what
11 would you see?

12 A. Right when you walk in to the left, the very
13 front, so you walk to the left, there's a table. And then
14 there's the bed and then kind of a walkway and then here
15 would be, like, a dresser and the TV and then refrigerator
16 and a little kitchen area and the sink, a little closet, and
17 then the bathroom.

18 Q. Okay. And so there was just the one bed?

19 A. Yes, ma'am.

20 Q. And around 1:00 p.m. what was Mike doing?

21 A. He was helping me load up my stuff in his truck.

22 Q. What were you doing?

23 A. I was in the bathroom.

24 Q. What were you --

1 A. Putting my boots on. I just got out of the
2 shower.

3 Q. Okay. So you were getting ready?

4 A. Yes, ma'am.

5 Q. Okay. And did anything unusual happen?

6 A. I heard a slam.

7 Q. Okay.

8 A. I came out of the bathroom and I'm, like, what
9 was that and he's, like, some guy.

10 Q. And then did you see someone else in your room
11 that afternoon?

12 A. Yes, ma'am.

13 Q. Okay. Prior to April 16th, 2020, had you ever
14 seen that person before?

15 A. No, ma'am.

16 Q. Did that person have permission to enter your
17 room?

18 A. No, ma'am.

19 Q. When did you first notice that person?

20 A. Right when I came out of the restroom.

21 Q. Okay. And that was after a bang, is that what
22 you said?

23 A. Yeah.

24 Q. Okay. And would you be able to recognize that

1 person if you saw him again?

2 A. Yes, ma'am.

3 Q. Okay. Would it help if certain individuals take
4 off their masks in order to identify him or can you identify
5 him with a mask on?

6 A. I can identify him.

7 Q. Okay. Can you please point to him and describe
8 an article of clothing the person that you saw enter your
9 room that day?

10 A. Pink shirt.

11 MS. BAKER: May the record reflect the
12 identification of the defendant?

13 THE COURT: So noted.

14 Q. (By Ms. Baker) And, when you first saw this
15 person, what were your observations of him?

16 A. Instantly I went on guard.

17 Q. Why?

18 A. Something --

19 (The court reporter interrupts)

20 A. Something in his eyes.

21 Q. Okay. Do you remember what he was wearing that
22 day?

23 A. Not really.

24 Q. Okay.

1 THE COURT: Ms. Douglas, I'm going to ask you to
2 speak up, just so that we make sure everyone can hear you.

3 Q. (By Ms. Baker) What was his behavior like?

4 A. Erratic.

5 Q. Was he saying anything?

6 A. Yes.

7 Q. What was he saying?

8 A. He was looking for his girlfriend.

9 Q. Okay. What was your response?

10 A. This is my room. I introduced myself basically
11 and said please leave.

12 Q. So you asked him to leave?

13 A. Yes.

14 Q. What did he do?

15 A. Just was looking for his girlfriend back and
16 forth telling us to let her come out.

17 Q. Where were you when he came in the room?

18 A. By the time he got in to the room, I was already
19 to the table.

20 Q. And where is that?

21 A. Right when you come in.

22 Q. Okay. And where was Mike?

23 A. He was on the bed.

24 Q. Okay. What did Mike do?

1 A. Well, I was telling him to get out, and Mike was
2 just kind of standing in between, you know.

3 Q. So Mike got in between what?

4 A. Me and him.

5 Q. Okay. So, when you looked at Mike at that point,
6 what were you seeing, what part of Mike?

7 A. The side back.

8 Q. Okay. So Mike was facing the defendant?

9 A. Yes.

10 Q. And what was -- what was -- how was Mike's body
11 language?

12 A. On guard, defensive.

13 Q. Okay. Where was Mike's hands?

14 A. Here.

15 Q. Okay. Let's describe that. So were his hands
16 up?

17 A. Yeah.

18 Q. Okay. Were they up over the head, up by the
19 chest?

20 A. I'm not sure. I think they were like this. I
21 was kind of behind him.

22 Q. Okay. So palms, his fingers were stretched and
23 his palms were facing the defendant?

24 A. Yes, ma'am.

1 Q. Okay. What did you do at that point?

2 A. I already had my knife out. To be honest with
3 you, I did, I was already on the defensive.

4 Q. Okay. So you had a knife?

5 A. Yes, ma'am.

6 Q. Can you describe that knife?

7 A. Yes. It's a hunting knife.

8 Q. Okay. Is it -- Does it fold?

9 A. Yes, ma'am.

10 Q. And where had you had it? Where was it?

11 A. It was in my backpack and I had retrieved it from
12 my backpack before he came in the room.

13 Q. Okay. And when you retrieved it where did you
14 put it?

15 A. Just down by my side.

16 Q. Okay. Did you flip it out?

17 A. Yeah, I would say yeah.

18 Q. Okay. But, again, Mike was between you and the
19 defendant?

20 A. Yes, ma'am.

21 Q. Did you ever use the knife on anyone?

22 A. No, ma'am.

23 Q. At this point, Mike is standing between you,
24 hands up, you're behind Mike, and the defendant is in the

1 doorway. What happened next?

2 A. Just back and forth. And then my dog was there
3 somewhere too, you know. So, I mean, because Mike stood up.
4 And then I think he looked back at me and then all of a
5 sudden there was just blood everywhere, you know. So I
6 grabbed him -- grabbed him on the corner on the bed.

7 Q. Okay. So you say there's blood everywhere?
8 Where did the blood come from?

9 A. His hand.

10 Q. Whose hand?

11 A. Michael's.

12 Q. Okay. And as soon as you saw blood you said you
13 grabbed what?

14 A. Towels to make a tourniquet basically.

15 Q. How many towels did you grab?

16 A. Two. At east two.

17 Q. Okay. And let's talk about the amount of blood.

18 A. Okay.

19 Q. How much?

20 A. Ridiculous amount.

21 Q. Where had -- Did you notice where the blood went?

22 A. Ceiling, walls, I mean, bed, all the way to the
23 back of where the bathroom is at. I mean, it was all the way
24 on the back wall.

1 Q. Okay. Any on you?
2 A. Yeah, a little bit.
3 Q. Okay. So then you wrapped the towel up around
4 Mike's hand?
5 A. Uh-huh.
6 Q. Did you say anything?
7 A. Screaming somebody call 911.
8 Q. What was the defendant doing?
9 A. He was in and out. He was, like, yeah, he's
10 probably going to bleed out. You need to call 911.
11 Q. So the defendant told you to call 911?
12 A. Uh-huh.
13 Q. At one point did the defendant exit the room?
14 A. He stepped back far enough to where I let go of
15 Mike and kicked the door shut and locked it, pushed him out.
16 Q. And I'm going to have you step just a little
17 closer to the mic so we can get these details.
18 A. Okay.
19 Q. So the defendant exits the door. What did you do
20 next?
21 A. He wasn't quite out the door but it was enough to
22 where I could stand up and kick the door shut and shove him
23 out and lock it.
24 Q. Okay. So you shut the door and locked it. Then

1 what?

2 A. He was still screaming, 911, got back to Mike
3 with the tourniquet, grabbed my phone and called 911.

4 Q. Okay. How was Mike during this time?

5 A. Pretty much in shock. But he was pretty
6 coherent.

7 Q. Okay. How were you?

8 A. I handle stress, I guess, very well. I'm a
9 reactor, so...

10 Q. And did officers arrive?

11 A. Yes, ma'am.

12 Q. About how long did they take to get there?

13 A. Probably about seven minutes. Because they were,
14 like, lost over at Walmart, I guess.

15 Q. Okay. And was Mike still bleeding at this point?

16 A. Oh, yes, ma'am.

17 Q. Okay. Where was the blood going?

18 A. It was puddling by then.

19 Q. It was puddling where?

20 A. On the -- the bed side, like this, it was
21 puddling down on the floor beneath the bed.

22 Q. So it was running off the floor -- off the bed on
23 to the floor?

24 A. Yeah. Off the comforters and stuff.

1 Q. Okay. When officers arrived what happened --
2 Well, let's talk about what happened when officers arrived.
3 Did they come in to your room?

4 A. They came up to the room. The door was still
5 locked. And Casey was over here and that's when Mike said,
6 him.

7 Q. Okay. So let's talk about you're saying that the
8 defendant, Casey, where was he when the officers arrived?

9 A. He was in front, pacing back and forth, like,
10 waiting for them.

11 Q. Okay. And did you indicate to the officers that
12 the defendant was the one that they should talk to?

13 A. Michael did first.

14 Q. And then did you confirm that?

15 A. Yes, ma'am.

16 Q. Okay. And then you -- Did the defendant at any
17 time during this altercation threaten you?

18 A. No. Well, yeah, he did.

19 Q. Okay.

20 A. Yeah. He said he was going to -- Yeah, he did.

21 Q. Okay. What did he say?

22 A. Slit my throat --

23 (The court reporter interrupts)

24 THE COURT: Yeah. I'm going to ask you to speak

1 up louder, just so that -- You've got to make sure that
2 everyone can hear.

3 THE WITNESS: Okay. Is that better?

4 THE COURT: Yes, much better.

5 Q. (By Ms. Baker) So can you repeat what the
6 defendant -- how he threatened you?

7 A. That he was going to slit my throat.

8 Q. Why? Did he ask for something?

9 A. His girlfriend.

10 Q. Okay. Was his girlfriend in the room?

11 A. No.

12 Q. And then where did your knife go?

13 A. It was beside me the whole time. So here's the
14 bed. I was on this side of Mike and holding it like this and
15 it was on this side of me.

16 Q. So it was on the right side of you?

17 A. Yes.

18 Q. Okay. And were you injured?

19 A. No, ma'am.

20 Q. Okay. Did you have blood on you after the
21 incident?

22 A. Yes, ma'am.

23 Q. And let's talk about your room. Did you go back
24 to room 135 at some point?

1 A. Yes. After it was cleared.

2 Q. Okay. And did any of the sheets need to be
3 replaced?

4 A. Yeah, everything. And I started cleaning it and
5 I got mad and I just threw it out and I said I'm done.

6 Q. Okay. All right. Now let's go back. Had you
7 ever seen the defendant before this day?

8 A. No, ma'am.

9 MS. BAKER: Okay. Pass the witness.

10 THE COURT: Mr. Neidert.

11 Counsel, can you approach?

12 (Discussion was held at the bench but not reported)

13 THE CLERK: 34, 35, and 36.

14 THE COURT: And Mr. Neidert, would you like the
15 podium here?

16 MR. NEIDERT: I'm going to be using -- Yeah, I
17 would like the podium for this.

18 CROSS-EXAMINATION

19 By Mr. Neidert:

20 Q. Ma'am, you testified that you had a knife that
21 came out during this incident?

22 A. Yes, sir.

23 Q. I'd like to show you what's been marked as
24 Exhibit 34 and see if you recognize this.

1 If I might approach?

2 THE COURT: Yes.

3 THE WITNESS: Yes, that's my knife.

4 Q. (By Mr. Neidert) Now, would you -- would you
5 agree with me that what's depicted in the photograph is
6 slightly a little bit bigger than real life, than it is in
7 real life but close, is that a fair statement?

8 A. Yes, sir.

9 MR. NEIDERT: I would move for the admission of
10 Exhibit 34.

11 MS. BAKER: No objection.

12 THE COURT: Exhibit 34 will be admitted.

13 Q. (By Mr. Neidert) And I'd like -- I'm showing you
14 what's been marked for identification as Exhibits 35 and 36.
15 Do you recognize what's depicted in those photographs?

16 A. Yes, sir. That's my room.

17 Q. Okay. And are both 35 and 36 a fair and accurate
18 depiction of what your room looked like on that date?

19 A. Yes, sir.

20 Q. Showing you exhibit -- That would be the view of
21 your room from the back of the room towards the front door.
22 Is that a fair statement?

23 A. Yes, by the restroom, yes.

24 Q. And if I have the layout of this room correctly,

1 whoever took this photograph was standing approximately where
2 the bathroom portion of the room is?

3 A. Yeah. Yes, sir.

4 Q. Looking towards the bed; correct?

5 A. Yes.

6 Q. And that's a queen-size bed if I'm not mistaken?

7 A. Yes, sir.

8 Q. And then there is a space that you testified
9 there was a desk to the left as a person was facing -- is
10 coming in to the room. Is that the desk that's I'm pointing
11 with my finger?

12 A. Yes, sir.

13 Q. Would you agree with me that there's about three
14 to four feet between the doorway of the room to the end of
15 the bed that's closest to the door?

16 A. Yes.

17 Q. Now, on the date in question, you testified that
18 initially Mr. Johns was at the door asking for Corey;
19 correct?

20 A. Yes, sir.

21 Q. And Mike was trying to stop the door from being
22 opened with his foot but ultimately Mr. Johns came in; is
23 that correct?

24 A. The door was open.

1 Q. The door was open completely?

2 A. Yes.

3 Q. Okay. So when Mike tried to -- Mike's foot in
4 the door wasn't to keep the door from shutting, the door was
5 wide open?

6 A. It was wide open.

7 Q. Okay. And where were you, if you could point
8 out, when you first saw Mr. Johns where were you?

9 A. I was coming from where this picture was taken
10 towards the door.

11 Q. So you were in -- You testified I believe you
12 were in that area --

13 A. Yes, sir.

14 Q. -- by the desk area?

15 A. No. I was coming from the restroom.

16 Q. You were coming from the restroom. So were
17 you -- Could you point on the picture -- Could you stand up
18 and just point out where you were at?

19 A. When I first -- I came out of the restroom right
20 here.

21 Q. All right.

22 A. And then I got to right here when I seen him over
23 by the window.

24 Q. Okay. And where was Mike at at that point in

1 time?

2 A. Mike was right here, on the corner of the bed.

3 Q. So, when Mr. Johns first came in to the room, who
4 was closer to Mr. Johns, you or Mike?

5 A. I was closer. By the time he got to the room, I
6 was already getting my backpack.

7 Q. And that backpack is -- We can actually see that
8 backpack on the chair right underneath the window, can we
9 not?

10 A. Yes, sir.

11 Q. And that was the backpack you retrieved the
12 knife?

13 A. Yes, sir.

14 Q. And there was some conversation where Mr. Johns
15 was asking about Corey; correct?

16 A. Yes, sir.

17 Q. For some amount of time when he first came in?

18 A. Yes, sir.

19 Q. Is it a fair statement that when he first came in
20 he didn't come in and immediately lunge at Mike, did he?

21 A. No.

22 Q. No. There was a passage of time --

23 A. Yes.

24 Q. -- of some number of seconds?

1 A. Yes, sir.

2 Q. So Mr. Johns stepped in the room, he said he was
3 looking for Corey?

4 A. Yes, sir.

5 Q. Correct? And you were over by the desk area so
6 you went and you pulled out your knife and opened it up?

7 A. Yes, sir. And he never came all the way in the
8 room.

9 Q. He never came --

10 A. My dog was there as well.

11 Q. Okay. So what you're saying is that Mr. Johns
12 was standing at the entrance?

13 A. Yes. And that he left and then came back.

14 Q. Okay. During the entire time of pulling out the
15 knife, he left and came back?

16 A. I had mine out the whole time.

17 Q. Okay. So you pulled out a knife?

18 A. He never seen it.

19 Q. Okay. At some point you pulled out a knife. You
20 were in the area by the desk area; correct?

21 A. Yes, sir.

22 Q. Mike was in the area by where my finger is;
23 correct?

24 A. Yes, sir.

1 Q. Mr. Johns was right here?

2 A. Yes, sir.

3 Q. Right at the entrance. And he was having -- And
4 he basically he stepped in to the room?

5 A. Yes.

6 Q. And was having this conversation saying he wanted
7 to find -- was looking for Corey?

8 A. Yes, sir.

9 Q. And then it's your testimony after he was in the
10 room he reached out and slashed Mike's hand?

11 A. Michael stood up.

12 Q. Michael stood up, okay. So for the first -- for
13 a few seconds, at least, Mr. Johns was there and you were
14 talking and Mike was sitting down?

15 A. Yes, sir.

16 Q. And then Mr. Johns had come in and was standing
17 in the entrance way and they were talking and you both were
18 trying to get him out?

19 A. Michael never sat down. He was standing the
20 whole time.

21 Q. Okay. If I misstated that, I apologize. So Mike
22 was -- So Mike was standing right about there by the bed?

23 A. Yes, sir.

24 Q. And Mr. Johns had stepped in to the room saying

1 he was looking for Corey?

2 A. Yes.

3 Q. And then Mike had his hands out?

4 A. Yes, sir.

5 Q. And this conversation happened for several
6 seconds. And then at that point is when you -- is when the
7 slash happened and there was a lot of blood?

8 A. It was several minutes.

9 Q. Several minutes. Okay. So there was some
10 passage of time before the slashing happened because he said
11 he was looking for Corey?

12 A. Yes.

13 Q. Okay. And, this is your knife; correct?

14 A. Yes, sir.

15 Q. And it was closed in your purse?

16 A. In my backpack, yes, sir.

17 Q. And am I guessing based on this knife that this
18 area that I'm pointing to right here, this little metallic
19 area next to the gold portion of the bottom of the knife, is
20 something that you push to unlock so the knife will open up?

21 A. Yes, sir.

22 Q. So you reached in to your purse or backpack,
23 excuse me, and you pushed that little button and then you
24 pulled the knife out?

1 A. I pulled it out and then --

2 Q. Pulled the knife and then opened it?

3 A. Yes, sir.

4 Q. You said your dog was in this room the entire
5 time?

6 A. Yes, sir.

7 Q. Was the dog doing anything?

8 A. To be honest with you, I don't remember where he
9 was at. The way my dog is, he's always between me and
10 another person, so he had to have been there right in that
11 area between me and the doorway.

12 Q. Was your dog barking?

13 A. No. He was probably growling though.

14 Q. And Mr. Johns, was he just standing still or was
15 he -- Well, was he just -- What was he doing?

16 A. He was jumping up and down kind of back and
17 forth.

18 Q. Was he acting like he was looking for something,
19 trying to look around things?

20 A. Yes.

21 MR. NEIDERT: Just a moment, please, your Honor.
22 Thank you very much. I have no other questions at this time.

23 THE COURT: Ms. Baker.

24 MS. BAKER: All right. I don't want to stand

1 between the jurors and the witness, so I'm going to move that
2 back over.

3 REDIRECT EXAMINATION

4 By Ms. Baker:

5 Q. So, when Mr. Neidert was talking to you about
6 where the defendant was, you indicated that he came in and
7 out of your room; is that correct?

8 A. Yes, ma'am.

9 Q. Okay. When he was in your room how far did he go
10 in your room?

11 A. Can you bring that picture back up, please?

12 Q. Sure.

13 May I approach?

14 THE COURT: Of course.

15 THE WITNESS: Okay. So between here and the
16 door. Maybe two foot. He never made it even to the corner
17 of that shelf that the TV was on.

18 Q. Okay. But the motel room had wood flooring;
19 correct?

20 A. Yes, ma'am.

21 Q. Okay. So was the defendant's feet fully on to
22 the wood flooring?

23 A. Yes.

24 Q. Okay. And when you said he looked around, did

1 he -- what did he look around?

2 A. He was looking around and underneath the bed,
3 like toward the bathroom.

4 Q. So, he ducked to look under the bed, is that what
5 you're trying to say?

6 A. Yes.

7 Q. Okay. And you said you pulled your knife out.
8 Let's go back over that. At what point did you pull the
9 knife out? Where was the defendant?

10 A. I walked out of the bathroom and I seen, like, he
11 was halfway through the window, two pieces. And by the time
12 he got to the door, I had already had it.

13 Q. Okay. And you said he was looking for?

14 A. Corey.

15 Q. Okay. Did he think you were Corey?

16 A. Yeah. He was in and out. I think so. Because
17 he kind of stopped right there. Went and turned and seen me.
18 And then, yeah, I would say yeah.

19 Q. Okay. What did you say?

20 A. I'm like, no, I'm Dee, I've been living here for,
21 like, six months.

22 Q. And did Mike ever hold your knife?

23 A. No.

24 Q. And then going back to the statement where I

1 asked if he had threatened you.

2 A. Yes, ma'am.

3 Q. Okay. What exactly did he say again?

4 A. He said, I'll slice your throat, bitch, if you
5 don't -- something -- It's been a year.

6 Q. If you don't do what?

7 A. Let her come out or let me see her.

8 MS. BAKER: Okay. Nothing further.

9 THE COURT: Mr. Neidert.

10 RE-CROSS-EXAMINATION

11 By Mr. Neidert:

12 Q. The sequence of events you -- The thing about
13 your throat, that happened after Mike was cut; correct?

14 A. Yes.

15 Q. And at the same time you told him that -- you
16 said we need to call an ambulance; correct?

17 A. Yes.

18 Q. And there was -- And Mr. Johns did not prevent
19 you from calling the ambulance, did he?

20 A. Yes and no. Because my phone was behind me and I
21 was holding Mike's arm and we were still threatened, you
22 know.

23 Q. Well, in fact, you wrote a statement with respect
24 to this case, did you not?

1 A. Yes, sir.

2 Q. And you wrote this on the 16th of April of 2020,
3 did you not?

4 A. Yes, sir.

5 MR. NEIDERT: May I approach?

6 THE COURT: Of course.

7 Q. (By Mr. Neidert) If I might show you this
8 document. Is this the statement that you wrote that day?

9 A. Yes, sir.

10 Q. Okay. And that's your signature on both pages;
11 correct?

12 A. Yes, sir.

13 Q. Now, with respect to the statement, when you said
14 you better call an ambulance, did he not say, yeah, you
15 better or he's going to bleed out?

16 A. Yes, sir.

17 Q. Okay. And so you testified that you then called
18 911 at that point?

19 A. No. After I got the door closed I called 911.

20 Q. Okay. So if I -- If I -- And I'll read this to
21 you and I want to make sure that I have it right. That you
22 wrote he kept looking at the bed and then he said, yeah, you
23 better or he's going to bleed out. I called 911. He walked
24 back outside. Is that what you wrote in your statement?

1 A. Sure. I mean, I was a little in shock.

2 Q. And you wrote this statement at a point in time
3 right after this incident happened, not a year later?

4 A. No.

5 Q. You did this statement that day?

6 A. Yes, sir.

7 Q. So, if I read this statement, at least the way
8 you put it out, you said you called 911 and then he walked
9 out.

10 A. Well, I was screaming call 911.

11 Q. Okay. And after he walked out then you slammed
12 the door; correct?

13 A. He stepped out twice.

14 Q. Okay. He stepped out twice. Did you put that he
15 stepped out twice in that written statement that you wrote a
16 year ago?

17 A. No.

18 Q. And once he was outside did he run away?

19 A. First time he went outside is when he got the
20 weapon or whatever. Because he stepped out and then came
21 back in.

22 Q. Was this before or after Mike got slashed?

23 A. Before.

24 Q. Before. So after Mike was slashed and he went

1 outside he did not come back inside?

2 A. No. Because I basically shoved him out the door
3 and locked the door.

4 Q. Okay. And at that point did he leave the area?

5 A. No. He stayed right in front.

6 Q. And, in fact, several minutes passed and then the
7 police showed up?

8 A. Yes, sir.

9 Q. And he was basically waiting outside that entire
10 time until they showed up?

11 A. Yes, sir.

12 MR. NEIDERT: Thank you. I have nothing further.

13 THE COURT: Thank you.

14 Ms. Baker, any follow-up?

15 MS. BAKER: Yes, your Honor.

16 FURTHER REDIRECT EXAMINATION

17 By Ms. Baker:

18 Q. Let's go back to April 16th, 2020. You indicated
19 originally that you handle stress pretty well?

20 A. Uh-huh.

21 Q. But it was a stressful day; correct?

22 A. It --

23 (The court reporter interrupts)

24 A. It turned in to be.

1 Q. So, when you're writing in your statement, how
2 are you feeling?

3 A. My adrenaline was rushing and my son had called
4 me at the same time from prison. So it was a little
5 stressful day.

6 Q. So were there things that maybe you didn't put in
7 the statement?

8 A. Absolutely.

9 Q. Okay. But, to the best of your recollection,
10 everything that you wrote in your statement, is it true?

11 A. Yes.

12 MS. BAKER: Nothing further.

13 THE COURT: Mr. Neidert.

14 MR. NEIDERT: Nothing based on that.

15 THE COURT: Ms. Douglas, thank you.

16 May this witness be excused?

17 MR. NEIDERT: No objection.

18 MS. BAKER: Yes, your Honor.

19 THE COURT: Thank you.

20 Ms. Baker, your next witness.

21 MS. BAKER: The State would like to call Michael
22 Malone. He's also going to take a little while. It's been
23 an hour. We can proceed or go a little while and then take a
24 break.

1 THE COURT: I think we'll take a -- we'll just
2 stick on that break every hour. So we'll take about a
3 ten-minute recess.

4 Ladies and Gentlemen, we're going to take a
5 ten-minute recess. During this recess you must not discuss
6 or communicate with anyone, including fellow jurors, in any
7 way regarding the case or its merits either by voice, phone,
8 e-mail, text, internet or other means of communication or
9 social media. You must not read, watch, or listen to any
10 news or media accounts or commentary about the case. You
11 must not do any research, such as consulting dictionaries,
12 using the internet, or using reference materials. You must
13 not make any investigations, test the theory of the case,
14 recreate any aspects of the case, or in any other way
15 investigate or learn about the case on your own. You must
16 not form or express any opinion regarding the case until it
17 has been submitted to you. We'll be in recess for ten
18 minutes.

19 (Recess was taken)

20 THE COURT: We're back on the record on Case
21 Number 20-0552, State of Nevada versus Casey Alan Johns. The
22 record will reflect the presence of the parties and counsel,
23 all officers of the court and the full jury and the alternate
24 jurors. Will counsel stipulate to the correct seating of the

1 jury?

2 MS. BAKER: Yes, your Honor.

3 MR. NEIDERT: Yes, your Honor.

4 THE COURT: Ms. Baker, you may call your next
5 witness.

6 MR. NEIDERT: Your Honor, before Ms. Baker does,
7 a housekeeping matter. The defense would ask to move and
8 admit Exhibit 35 and 36. They were identified with the
9 previous witness.

10 THE COURT: Any objection?

11 MS. BAKER: No, your Honor.

12 THE COURT: Exhibits 35 and 36 will be admitted
13 in to evidence.

14 MS. BAKER: Thank you, your Honor. The State
15 would like to call Michael Malone.

16 THE COURT: Mr. Malone, if you'll come up to the
17 witness stand. Mr. Malone, if you would face the clerk and
18 raise your right arm and take the oath of a witness.

19 (The witness was sworn in)

20 THE COURT: Please be seated. And, Mr. Malone,
21 you can take your mask off.

22 THE WITNESS: Thank you.

23 THE COURT: And I'll ask that you speak directly
24 and clearly in to that microphone just so it picks everyone

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

up.

THE WITNESS: Sure, yes, absolutely.

THE COURT: Go ahead, Ms. Baker.

MS. BAKER: Thank you.

MIKE MALONE

Called as a witness on behalf of the
State, having been first duly sworn,
Was examined and testified as follows:

DIRECT EXAMINATION

By Ms. Baker:

Q. Hi, Mike. I'm over here. Sorry. I don't want
to get in the way of the jury.

A. Right, right.

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

A. It is Mike Malone, M-i-k-e M-a-l-o-n-e.

Q. And I just want to -- Do we want to verify
everybody can hear now?

THE COURT: Can everybody hear? I'm getting
thumbs up from everyone.

MS. BAKER: Thank you.

Q. (By Ms. Baker) In what city do you live in?

1 A. Winnemucca, Nevada.

2 Q. And how long have you lived there?

3 A. Approximately 15 years.

4 Q. Okay. And do you know a Deanna Douglas?

5 A. I do.

6 Q. And how do you know Deanna?

7 A. You met her where I work and she invited me to

8 come down to Fallon a couple of times.

9 Q. Okay. And what do you call Deanna?

10 A. Dee.

11 Q. Okay. So, if you say Dee, we know we're talking

12 about Deanna?

13 A. That would be who I'm talking about.

14 Q. Okay. And you said she invited you down. Was

15 that on April 16th, 2020?

16 A. That was the second time.

17 Q. Okay. And where did you come when you came to

18 Fallon?

19 A. Excuse me.

20 Q. Where exactly did you come when you came to

21 Fallon to meet Dee?

22 A. Went to the Budget Inn Hotel.

23 Q. Okay. And is -- do you know what address that

24 is?

1 A. I'm not sure of the address.

2 Q. Okay. But that's in Churchill County?

3 A. Yes.

4 Q. Okay. And what room was Deanna staying in?

5 A. Room 135.

6 Q. Okay. And do you know what building that was at

7 the Budget Inn?

8 A. It was adjacent -- It was adjacent to the main

9 building.

10 Q. Okay. And was it on the first floor or second

11 floor?

12 A. First floor.

13 Q. Okay. And do you remember where on the first --

14 on that first floor?

15 A. Very end of the hotel.

16 Q. Okay. What was next to that room?

17 A. Next to the room were some other rooms.

18 Q. On the other side?

19 A. Yes.

20 Q. Okay. And then you said it was at the end?

21 A. Yeah. Her room was at the end of that building.

22 Q. Okay. After the building what was next to that

23 building?

24 A. There's a field on the other side.

1 Q. Okay.

2 A. Just off the building.

3 Q. Okay. And did you drive there?

4 A. I'm sorry.

5 Q. Did you drive there?

6 A. Yes.

7 Q. What kind of vehicle were you driving?

8 A. A 4Runner, Toyota 4Runner.

9 MS. BAKER: Okay. May I approach?

10 THE COURT: Yes.

11 MS. BAKER: So are you able to see this screen?

12 THE WITNESS: Yes, I am.

13 THE COURT: We can get you the lapel microphone

14 or the --

15 MS. BAKER: Thank you. I always forget. Thank

16 you.

17 Q. (By Ms. Baker) So this has been marked as

18 exhibit -- proposed Exhibit 12. Are you able to see it on

19 the screen?

20 A. Yes.

21 Q. Okay. What is this a picture of?

22 A. That picture is a vehicle, my vehicle.

23 Q. And where is it parked?

24 A. That's parked just off the side. Room 135 is

1 right in front of that white vehicle or thereabouts.

2 Q. Okay. And does this picture accurately reflect
3 the April 16th, 2020 when you went to visit Dee?

4 A. Yes.

5 MS. BAKER: Move to admit proposed 12.

6 MR. NEIDERT: No objection.

7 THE COURT: Exhibit 12 will be admitted.

8 Q. (By Ms. Baker) One last question. So you were
9 parked -- How was your vehicle parked?

10 A. It was backed up towards her -- towards the room.

11 Q. And why did you park that way?

12 A. To load up some of her stuff to take to storage.

13 Q. So, continuing on that, what was your purpose of
14 visiting her on April 16th?

15 A. The purpose was to take some of her stuff to
16 storage and then take her on a trip to Winnemucca, get her
17 out of the hotel room for a couple of days.

18 Q. Why is that?

19 A. She had been there for quite some time.

20 Q. Okay. And around 1:00 p.m. that afternoon what
21 were you specifically doing?

22 A. Loading stuff up.

23 Q. Okay. And, the door to Dee's room, was it open
24 or shut?

1 A. The room door -- or the door to the room?

2 Q. Yes.

3 A. It was open.

4 Q. And, your vehicle, was it open?

5 A. At first I had the hatchback open because I was
6 loading.

7 Q. Okay. And at any point did you close that
8 hatchback?

9 A. I did when I seen an individual coming through
10 the field that seemed agitated.

11 Q. Okay. So when did you first see this individual?

12 A. When I first seen him, I heard somebody walking
13 out there. Well, I heard what I thought was a hands-free
14 phone device. He was hollering a person's name. And that's
15 when I looked out. That's when I seen him walking towards
16 the hotel.

17 Q. Okay. And do you recall what name he was
18 calling?

19 A. It was, like, Camille or Carmen, something to
20 that effect.

21 Q. Okay. And so when you saw this individual what
22 was your first reaction?

23 A. First reaction was he was looking for somebody
24 and he was agitated.

1 Q. Okay. And would you be able to recognize that
2 individual if you saw him again?

3 A. I should, yes, absolutely.

4 Q. Would you be able to recognize that individual
5 with a mask on or would you need everyone to take a mask off
6 to be able to identify him?

7 A. Probably with a mask either on or off.

8 THE COURT: Why don't we do this. Not to the
9 jurors, but everyone else that's in the courtroom, except for
10 law enforcement, just take your mask off. And this is just
11 something we've agreed to do ahead of time. Go ahead.

12 THE WITNESS: That gentleman right there is the
13 person.

14 THE COURT: What's he wearing?

15 THE WITNESS: He's wearing a purplish shirt, long
16 sleeve.

17 MS. BAKER: May the record reflect identification
18 of the defendant?

19 THE COURT: So noted.

20 Q. (By Ms. Baker) Have you ever seen this
21 individual before?

22 A. Before that day?

23 Q. Correct.

24 A. No.

1 Q. Okay. So, when you saw him, what did he do next?

2 A. When I saw him, I was just standing at the door.
3 And as he's walking through the field, he's starting to come
4 in the direction of the hotel room, still agitated, still
5 hollering that name. And I just put my hand up and said, you
6 know, as he got closer, not here, dude. And, as he's walking
7 by, he just kind of, you know, put his head to the side kind
8 of like looking in the room.

9 Q. Okay.

10 A. And then he just proceeded to walk away.

11 Q. Okay. And what direction did he walk?

12 A. It would be -- Well, he's coming from my
13 left-hand side. He continued to keep walking to the right.

14 Q. Is that -- that would be towards the other rooms?

15 A. Yes.

16 Q. Okay. Not the field?

17 A. Right.

18 Q. And what did you do next?

19 A. Just watching Dee keep packing, still had the
20 door open, and then I heard some banging.

21 Q. Okay. What was Dee doing around this time?

22 A. Still packing. She didn't think anything of it
23 as far as I know. She didn't think anything of it.

24 Q. Okay. Was there anyone else in the room with

1 you?

2 A. What's that?

3 Q. Who else was in the room with you?

4 A. Just her, myself, and she had a dog. Nobody
5 else.

6 Q. Okay. And after you heard the banging what
7 happened next?

8 A. Well, it sounded like banging on a door. And
9 then it sounded like a door being slammed shut. That's what
10 it sounded like to me.

11 Q. Uh-huh. Okay. And then what happened?

12 A. Well, at that time, I thought he was just going
13 to continue walking wherever -- You know, I assumed he was
14 just going to keep walking, but he didn't. He came walking
15 back.

16 Q. And where did you see him coming back?

17 A. I was inside the room and I seen him walk past
18 the window. And that's when I went to grab the door and shut
19 it.

20 Q. Okay. Were you able to shut the door?

21 A. I was not able to.

22 Q. Why?

23 A. As he walked in to the doorway, he put his foot
24 over the threshold, and I couldn't shut the door.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

Q. Okay. Where was Dee at this point?

A. Dee was -- Well, the door -- the door is right here. Dee would be on this side. And she started yelling at him, get out of my room, get out of my room, and I'm not her, I'm not her, get out of my room.

Q. And why was she saying not her?

A. Because she didn't know who he was talking about. He was looking -- It seemed like he was looking for somebody.

MS. BAKER: Okay. May I approach again?

THE COURT: Yes.

MS. BAKER: Exhibit 35.

Q. (By Ms. Baker) So this is Exhibit 35. Do you know what this is? Do you recognize what's in this photo?

A. That appears to be Dee's room.

Q. Okay. And it's -- You see the door --

A. Yes.

Q. -- in front of you? And that's the door --

A. Yes.

Q. -- the defendant entered?

A. Uh-huh.

Q. And how far did he enter?

A. At first he only had one foot approximately two, two and a half, feet within the door.

Q. Uh-huh.

1 A. And his other foot was still out, you know, over
2 the threshold on the outside of the door at that time.

3 Q. So one foot was on the wood?

4 A. One foot was on the flooring inside the room,
5 yes.

6 Q. Okay. And then what happened at that point?

7 A. At that point he's just seemed to be transfixed
8 on just staring at Dee. She's still saying, get out of my
9 room, get out of my room. And then he took -- he took -- he
10 took his other foot and then stepped both of them within the
11 room over the threshold.

12 Q. Okay. Where were you before you went to grab the
13 door when you first saw the defendant?

14 A. I'm sorry. Repeat that.

15 Q. So, when you first saw the defendant coming back
16 towards the room, where were you in this room?

17 A. I was probably seven feet, eight feet within the
18 room.

19 Q. Okay. And then when he came in the room where
20 were you?

21 A. I was at the door.

22 Q. Okay. And why were you at the door?

23 A. I was holding it. I wasn't going to try to push
24 him out at that time. I didn't want to agitate him anymore,

1 thinking, you know, he just would leave. And he didn't.

2 Q. Okay. And where was Dee?

3 A. At that time he still had his foot in. However,
4 when he brought both feet in to the room, that's when I came
5 from behind the door and then got in front of him. Not
6 holding the door, just got in front of him with my hands like
7 this, not touching him, but just letting him know, this is
8 the barrier, this is -- this is it. And still thinking the
9 situation would diffuse itself.

10 Q. Okay. So let's talk about that --

11 A. Sure.

12 Q. -- because we have to make a record.

13 A. Yep.

14 Q. So you put your hands up, is that what you're
15 saying?

16 A. I put my hands out in front of me, palms up, and
17 fingers up.

18 Q. And how high were you holding your hands?

19 A. Right shoulder level.

20 Q. Shoulder level. And how far out?

21 A. Extended.

22 Q. All the way?

23 A. Yes.

24 Q. Okay. And you said the palms were facing the

1 defendant?

2 A. Yes.

3 Q. Okay. And then why did you do that?

4 A. Just so he wouldn't come any further in. I
5 didn't know what he was -- what his intentions were when
6 he -- as he's -- the way he's looking at Dee and how agitated
7 he was, I didn't know what his intentions were.

8 Q. Okay. Did you purposely put yourself between the
9 defendant and Dee?

10 A. I did.

11 Q. Why?

12 A. I didn't want him coming in any further. I
13 didn't know what he was going to do.

14 Q. Did you see the defendant have anything in his
15 hands?

16 A. No. At that time, no, I did not.

17 Q. Okay. At any point did you see something in his
18 hands?

19 A. Not at that time. I'll jump ahead just a little
20 bit. Not at that time. But I thought it might get physical
21 because he's just not backing down. He's just -- I don't
22 know how to explain it. So, at that time, I went to look
23 behind me, back behind me in the room to see if there was
24 any -- anything that I might trip over as it became what I

1 thought was going to become physical.

2 Q. And why is that?

3 A. Just the way he was acting. So that's when as I
4 looked -- went to look behind me, I glanced down in his left
5 hand and I seen a pointed object. I just seen a pointed
6 object, thinking it looked like the tip of a pair of scissors
7 or something like that. That was a fleeting thought that I
8 had at that time and that's when I seen something in his
9 hand.

10 Q. Okay. And then after the moment you saw
11 something in that hand did you get cut?

12 A. Yes.

13 Q. About how long had passed?

14 A. From the time I seen it, it was a fleeting
15 glance, I'm looking -- just went to look behind me, fleeting
16 glance, it was probably less than a second and then my hand
17 was cut.

18 Q. Okay. Did you see your hand get cut?

19 A. No. My head was turned away.

20 Q. Okay. And when did you first notice the cut?

21 A. As soon as I felt it. As soon as I felt it.

22 Q. And what did you feel?

23 A. I felt something cut my hand.

24 Q. Okay. And let's talk about your hand.

1 A. Yes.

2 Q. Where was it cut?

3 A. Across my palm from end to approximately all the
4 way across.

5 Q. Okay. Did your hand start bleeding?

6 A. Yes. It cut the artery. It was bleeding quite a
7 bit.

8 Q. Okay. When you say quite a bit, do you remember
9 where the blood went in the room?

10 A. Blood splattered all over the place. I had to put
11 my -- I was able to get my fingers in to the wound to try to,
12 you know, slow down the bleeding. But it went all over the
13 room. I sat down immediately. Well, immediately as soon as
14 I seen it and felt it, I sat down, and just wondering what he
15 was going to do next.

16 Q. Okay. What did he do next?

17 A. He stood there and he made a comment to Dee, it
18 was either let him bleed out or don't let him bleed out.

19 Q. What did Dee do?

20 A. She was hollering for 911.

21 Q. Okay. What happened next?

22 A. As she's hollering for 911, she grabbed a towel
23 from the bathroom area and gave it to me to compress the
24 wound. At that time, the defendant walked away. And I told

1 Dee, stop yelling, just grab your phone and call 911.

2 Q. Okay. Did she call 911?

3 A. She did.

4 Q. Where was the defendant when she called 911?

5 A. He walked over to the end of the parking lot,
6 same direction he came from originally, and went over to the
7 edge of the parking lot and sat down on a log or something
8 like that.

9 Q. Okay. At this point did you feel any pain?

10 A. No.

11 Q. Okay. Were you in shock?

12 A. I was calm, but I might have been in shock.

13 Q. Okay. Did you ever feel pain?

14 A. Not at that time.

15 Q. Okay. We'll get in to that. So Dee called 911.
16 Did officers arrive?

17 A. Yes.

18 MS. BAKER: Okay. May I approach?

19 THE COURT: Yes.

20 Q. (By Ms. Baker) I'd like to show you what's been
21 marked as proposed Exhibit 24. Is this you in the
22 photograph?

23 A. That is me.

24 Q. And is that Dee next to you?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

A. It is.

Q. And the dog?

A. Yes, that's hers.

Q. Okay. And what's around your hand?

A. That is the towel.

Q. And does this truly and accurately reflect what happened that day when officers arrived, what they would have saw -- seen?

A. When they first -- they were -- I was -- at that time as they were walking up, I was at the door, and I asked them to take care of the defendant who is sitting over there because he still had something -- I thought he still had something that he could cause damage with. So I asked the officer, you know, I said, take care of him basically, you know, take care of him, he's not going to do anything.

Q. And then did you sit back down on the bed at this point?

A. Yes.

Q. And is this a true and accurate reflection of what happened next?

A. Yes. Waiting for the ambulance.

MS. BAKER: Okay. Move to admit 24.

THE COURT: Mr. Neidert.

MR. NEIDERT: No objection.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

THE COURT: Exhibit 24 is admitted.

Q. (By Ms. Baker) So let's talk about the amount of blood here. So, when you were sitting and holding your hand with a towel, it was still bleeding; is that correct?

A. Yes.

Q. And the red staining on the bed spread and floor, what is that?

A. That is blood.

Q. And whose blood is that?

A. That is my blood.

Q. Okay. And what's proposed Exhibit 17, that is a similar picture?

A. That is. That is.

Q. Okay. Now, did you notice when you were in the room before leaving for the ambulance did -- do you see all the red droplets on the floor? Are you able to see that in this picture?

A. I know -- I know of them. But, yes, there's red droplets throughout the room. Also at the door.

Q. Okay. And do you know what the red droplets are?

A. My blood.

MS. BAKER: Okay. Move to admit Exhibit 17.

THE COURT: Mr. Neidert.

MR. NEIDERT: No objection.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

THE COURT: Exhibit 17 will be admitted.

Q. (By Ms. Baker) So let's go back to when officers arrived. Did you identify the defendant to the officers?

A. I pointed him out, yes.

Q. Where was he at that time?

A. He was sitting on that log -- still sitting on that log.

Q. And what log is that?

A. It's the log right next to the -- right next to the parking lot.

Q. Okay. And once the officers dealt with the defendant what happened next?

A. Then he came over to me and that's when he called the ambulance.

Q. Okay. And did you see the paramedics arrive at the scene?

A. Yes. Yes. They pulled right up to the -- right up in front of the room.

Q. Okay. And they pulled up in an ambulance?

A. Yes.

Q. And what happened next?

A. That's when he came over, had me take my -- take the towel off so he could look at the wound, and then immediately put the towel right back and then I had to get in

1 the ambulance and be transported.

2 Q. And where were you transported?

3 A. To the Fallon hospital emergency room.

4 Q. Okay. Is that Banner?

5 A. I believe, yes, Banner.

6 Q. Okay. And at Banner that was the emergency room?

7 A. That was the emergency room.

8 Q. Okay. And what happened at the emergency room?

9 A. That's when they looked at my hand and ended up
10 deciding to -- at first they were going to life flight me but
11 that was already being used. So then I had to be transported
12 for special -- specialty reasons of some sort, transported to
13 Saint Mary's in Reno.

14 Q. Okay. So let's go back. Did they take the towel
15 off?

16 A. At the -- At the emergency room they did and then
17 they had to put a tourniquet on.

18 Q. And why did they have to put a tourniquet on?

19 A. Because it was bleeding so much.

20 Q. Okay. At this point did anything -- was anything
21 painful?

22 A. Yes, at that point there was. There was
23 significant pain.

24 Q. And what do you mean significant?

1 A. Mainly due to the tourniquet that was put on.

2 Q. Okay.

3 A. Yeah, it created quite a bit of pain also.

4 Q. Okay. And how long did that pain last?

5 A. Until I got to Saint Mary's, an hour and a half,
6 with the tourniquet on.

7 Q. Okay. And did they do anything else to the hand
8 other than the tourniquet?

9 A. At Saint Mary's they did.

10 Q. What about Banner? Did they wrap it?

11 A. Yes, they wrapped it. Yes, they -- No. I had to
12 keep holding that towel, I believe.

13 Q. Okay.

14 A. That I don't recall for sure.

15 Q. Okay.

16 A. But the tourniquet was placed on me.

17 MS. BAKER: May I approach?

18 THE COURT: Of course. And if this is a moment
19 while they're doing this if the jurors want to just stand up
20 and stretch your legs just for one second. I know we've had
21 you sitting for a minute. Anyone who wants to stand up can.

22 Q. (By Ms. Baker) What I'd like to show you is
23 proposed Exhibit 1. Is this you in the photograph?

24 A. Yes.

1 Q. And is this the tourniquet on your right arm and
2 then halfway on your arm?

3 A. That is.

4 Q. Do you recognize this as at Banner?

5 A. I don't recognize it. It appears to me that
6 that's at Saint Mary's. I'm not sure.

7 Q. Okay. But it's either at Saint Mary's or Banner?

8 A. Right.

9 Q. And is it on April 16th, 2020?

10 A. Yes.

11 MS. BAKER: And move to admit State's proposed
12 Exhibit 1.

13 MR. NEIDERT: No objection.

14 THE COURT: Exhibit 1 will be admitted.

15 Q. (By Ms. Baker) And what's marked as Exhibit 2,
16 proposed 2, can you please identify what's in this picture?

17 A. That is the wound on my right hand.

18 Q. And the tourniquet is -- the tourniquet is still
19 on your arm?

20 A. That is.

21 Q. And does this injury that we see in the
22 photograph truly and accurately reflect what occurred on
23 April 16th, 2020?

24 A. It is.

1 Q. And let's look at the picture. Again, this cut
2 goes from what point to what point?

3 A. Almost all the way across my entire palm.

4 Q. Okay. And how deep did it go?

5 A. It didn't cut the tendons, but it cut the nerves
6 and an artery.

7 MS. BAKER: Okay. Move to admit State's Exhibit
8 2.

9 MR. NEIDERT: No objection.

10 THE COURT: Exhibit 2 is admitted.

11 Q. (By Ms. Baker) Do you recognize this photo?

12 A. I do.

13 Q. And what is this photo of?

14 A. That's a photo of them -- That's a photo of them
15 doing surgery on my hand to reattach the nerves.

16 Q. Okay. And do you know where this --

17 A. This was also at Saint Mary's.

18 Q. Okay. And it was on April 16th, 2020?

19 A. Not the surgery.

20 Q. Okay.

21 A. The surgery was approximately two weeks later.

22 Q. So this would have been about two weeks later?

23 A. Yes. On the 16th they sewed up my hand in order
24 for the bleeding to stop and then scheduled the surgery.

1 MS. BAKER: Move to admit proposed Exhibit 3.

2 MR. NEIDERT: Just very brief voir dire with
3 respect to this.

4 THE COURT: Of course.

5 VOIR DIRE EXAMINATION

6 By Mr. Neidert:

7 Q. Sir, with respect to Exhibit 3, you don't know
8 who took this picture, do you?

9 A. The nurse took the photo.

10 Q. Were you -- In your surgery were you under a
11 local --

12 A. I was under anesthesia, general --

13 (The court reporter interrupts)

14 Q. I'm sorry. Were you under general anesthesia or
15 local anesthesia?

16 A. General.

17 Q. So you were unconscious?

18 A. No, I was not.

19 Q. Okay. I'm just trying to clarify when it was
20 taken. It was taken at the time of surgery at Saint Mary's
21 at some point in time after April 26th; correct? But you
22 recognize this photograph as being a fair depiction of what
23 your hand looked like on that date at the time of that
24 surgery?

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

A. Yes.

MR. NEIDERT: On that basis, your Honor, I have no objection.

THE COURT: Is that Exhibit 3?

MS. BAKER: Yes.

THE COURT: Exhibit 3 will be admitted.

Q. (By Ms. Baker) And so at one point did you go back to the police department for follow-up photos?

A. Yes. They asked me to take some over to them.

Q. Okay. Do you remember when that occurred?

A. That would have been -- It would have been about two weeks, I believe two weeks, after the surgery, after they could take the -- I think it was take the cast off. And then go and -- so he could see, you know, my hand and measure -- take a measuring stick and just measure, you know, how big the wound was.

Q. So you had to have a cast on?

A. I had the cast off at that time.

Q. Okay. How long did you have a cast on?

A. Two weeks before the surgery and then approximately two weeks after the surgery.

Q. Okay. During that time while you had the cast on and the surgery, at any point was the injury painful?

A. I would have to say on a scale from one to ten it

1 was probably a constant three or four.

2 Q. Okay. Did you have to take any medication for
3 the pain?

4 A. Yes, at first.

5 Q. So what's marked as Exhibit proposed 4, is that a
6 photograph of you?

7 A. Yes. That's at the police department here in
8 Fallon.

9 Q. So this was after the cast was taken off?

10 A. Yes.

11 Q. You still had stitches?

12 A. Yes.

13 Q. Okay. Does this truly and accurately reflect
14 what it looked like about two weeks later?

15 A. Yes, after the surgery.

16 Q. After the surgery. And how long was the surgery
17 from the incident?

18 A. From the incident?

19 Q. Uh-huh.

20 A. Approximately two weeks.

21 Q. So this would have been four weeks after the
22 injury?

23 A. This was about four weeks after the injury.

24 MS. BAKER: Okay. Move to admit State's proposed

1 Exhibit 4.

2 MR. NEIDERT: No objection.

3 THE COURT: 4 is admitted.

4 Q. (By Ms. Baker) And this is proposed Exhibit 5.
5 What are we seeing in this photo?

6 A. That's also at the police department where he's
7 measuring the size of the wound.

8 Q. Okay. And this, again, is four weeks after the
9 incident?

10 A. Approximately four weeks, yes.

11 Q. Okay. And this is where you received the
12 stitches, the stitches that go across the palm?

13 A. Yes.

14 MS. BAKER: Okay. Move to admit State's Exhibit
15 proposed 5.

16 THE COURT: Mr. Neidert.

17 MR. NEIDERT: No objection.

18 THE COURT: Exhibit 5 is admitted.

19 Q. (By Ms. Baker) So how many surgeries did you
20 have to have?

21 A. One surgery.

22 Q. And what was that surgery for?

23 A. To attempt to reconnect the nerves in my hand.
24 They were cut due to the wound.

1 Q. Okay. And what kind of effects do you have with
2 your right hand because of the nerves being cut?

3 A. From my ring finger, I have from the first
4 knuckle up I only have feeling, a slight bit of feeling next
5 to my pinky. On my middle finger from the first knuckle up I
6 have no feeling. And on my pointer finger from the first
7 knuckle up I have no feeling in those.

8 Q. And when did that start?

9 A. Immediately.

10 Q. And to this day?

11 A. To this day, yes.

12 Q. Okay. Have you talked to the doctors about that?

13 A. Yes. Multiple times.

14 Q. Okay. What about -- Are you right-handed?

15 A. I am right-handed.

16 Q. How has that affected your writing ability?

17 A. It makes it very, very frustrating.

18 Q. And why is that?

19 A. Because I can't -- I can't write. I shouldn't
20 say can't write. It's very difficult writing and it's
21 difficult to try to do it for any length of time because I'm
22 over-compensating trying to hold the pencil from sliding and
23 it just -- where I do have feeling below that first knuckle,
24 it just starts aching there.

1 Q. So it's still painful?

2 A. Yes, yes.

3 Q. And so let's go back and let's step through all
4 the doctors that you saw. You first went to Banner and then
5 from Banner you went where?

6 A. Saint Mary's.

7 Q. Okay. And then from Saint Mary's did you go
8 anywhere else?

9 A. No, not at that time.

10 Q. Okay. At any point?

11 A. Yes. I went back to Saint Mary's for the
12 surgery.

13 Q. Okay. Did any surgeon work for the Northern
14 Nevada Medical Center?

15 A. It was Great Basin Orthopedics.

16 Q. Okay. So that was the orthopedic surgeon?

17 A. Yes.

18 Q. And what did the surgeon do?

19 A. Attempted to reconnect the nerves and then sew it
20 back up.

21 Q. And that was the surgery you had about two weeks
22 later?

23 A. Two weeks after the Saint Mary's, first Saint
24 Mary's trip to have it stitched up.

1 Q. Okay. So you indicated that at first it wasn't
2 painful. At what point did you start feeling pain?

3 A. Well, I did have some pain medication that I
4 take. But, you know, but even then, there was a constant
5 ache, you know. And that's what I'd have to describe as
6 between three and four on a ten scale.

7 Q. Okay. So at the scene on April 16th did you
8 complain about pain?

9 A. No. I wasn't complaining about anything.

10 Q. Okay. And did you complain about pain to any
11 doctors?

12 A. They asked me about the pain.

13 Q. And which doctors?

14 A. You know, I don't know which doctor. It was the
15 emergency room doctor at Banner.

16 Q. Okay. And do you have any other effects from
17 your hand?

18 A. Other than the feeling in those fingers?

19 Q. Correct.

20 A. Well, yeah. On my palm, you can't notice it, you
21 know, through any photo, but there's scar tissue underneath
22 the skin, which I have to constantly rub my hand and do
23 physical therapy in order to try to get things back to
24 normal, which it's, from everything I understand, it's not

1 going to get back to normal.

2 Q. Okay. And how often do you go to physical
3 therapy?

4 A. I was going to physical therapy, actual physical
5 therapy, for, I believe, three months, right around three
6 months and just started doing my own therapy based on what
7 they advised me to do. The reason I was going, main reason
8 going to physical therapy was trying to get the feeling back
9 in my hand. And that really wasn't doing anything. So I
10 just started doing physical therapy on my own.

11 Q. Okay. Do you have any concerns about not being
12 able to feel your fingers?

13 A. Well, yeah. It's, you know, difficult for me to
14 even hold utensils. And with my job now I am a server.
15 Difficult to hold a tray, you know, which I don't do anymore.
16 Yeah, just everyday little things, buttoning up my shirt,
17 buttoning my pants, you know, zipping up, you know, many,
18 many things.

19 MS. BAKER: Pass the witness.

20 THE COURT: Mr. Neidert.

21 CROSS-EXAMINATION

22 By Mr. Neidert:

23 Q. Mr. Malone, showing you Exhibit 35.

24 A. Yes.

1 Q. Do you recognize that as the room that Dee was
2 staying in?

3 A. Yes.

4 Q. And does that -- And does that fairly and
5 accurately reflect the way the room looked on the day of the
6 incident, on April 26th; correct?

7 A. That does appear that is on that day.

8 Q. Okay. And where were you -- When you first saw
9 Mr. Johns, where were you in the room? If you could point
10 that out.

11 A. Point it out?

12 Q. Yes.

13 A. If you look at the end of the bed, I was on that
14 far end in the photo, standing there.

15 Q. You were -- I'll point real quick and see if I'm
16 pointing in the right place and you can see if I am or not.
17 You indicated you were about here?

18 A. Yeah, that's about where I was standing.

19 Q. And where was Dee at?

20 A. That's -- When I was standing there, he was out
21 in the field. I didn't see him in the field not until I
22 looked out the door.

23 Q. Okay. So you saw a person out in the field.
24 Where was Dee at at that point, do you know?

1 A. Dee was just packing. But, where you pointed,
2 that's -- he's that way out of the door. The field is to
3 that side of that door.

4 Q. This side of the door or this side of the door?

5 A. The first -- Where you pointed first.

6 Q. Right here?

7 A. Yeah, that is the direction of the field.

8 MR. NEIDERT: And, for the record, your Honor,
9 he's pointing to an area of the left side of the photograph
10 as it's depicted.

11 THE COURT: So, as I understand it, looking out
12 towards the door, the way you're describing it, it's the left
13 side if you're looking out?

14 Q. (By Mr. Neidert) Would you agree with that, sir?

15 A. Yes.

16 Q. That's when you first saw him. And where was he
17 the second time you saw him?

18 A. The second time I saw him? Well, the first time
19 is when I, you know, put my hand up and said, not here, dude,
20 and then he walked off. I didn't see him again --

21 Q. That's when he came from over here; correct?

22 A. Yes, when he came from over there.

23 Q. And so you said not here because he's asking for
24 somebody else, he's asking for somebody by name?

1 A. I wasn't mentioning any names. I just didn't
2 want him --

3 Q. No, no, not him -- Not you. Him. He was
4 mentioning a name for somebody?

5 A. Indication it seemed like it was a girl, a
6 female's name, Cameron or Carmen or something like that.

7 Q. Some C name?

8 A. Right.

9 Q. But you don't remember a specific name?

10 A. I don't recall.

11 Q. Could it have been Corey? Could it have been
12 Corey?

13 A. Corey, could have been.

14 Q. Okay. So you first -- So he first came from
15 where my pen is pointed to the left part of the photograph?

16 A. Yes, yes.

17 Q. You were here. You said she's not here; correct?

18 A. When I went to the door I was -- Well, first
19 where you first pointed at the end of the bed, that's where I
20 was standing before I heard his voice.

21 Q. Am I pointing approximately correctly at this
22 point in time?

23 A. Yes. But once I heard his voice is when I walked
24 to the door.

1 Q. So you walked this direction?

2 A. I walked to the door and watched him coming
3 across the field getting closer and closer.

4 Q. And, after you said she's not here, what
5 direction did he then walk?

6 A. He continued to the right.

7 Q. So he continued this direction toward --

8 A. Yes.

9 Q. -- that side right there?

10 A. Toward the other end of the hotel.

11 Q. And he was gone for a short period of time?

12 A. Very short.

13 Q. And then he came back towards the room?

14 A. Yes.

15 Q. And when he came back towards the room were you
16 standing -- had you gone back by the bed?

17 A. I was standing right back where you're pointing
18 now.

19 Q. Right about --

20 A. Right --

21 (The court reporter interrupts)

22 THE COURT: So let's slow down. So, Mr. Neidert,
23 ask the question and then let the witness respond.

24 Q. (By Mr. Neidert) Okay. So you were standing,

1 according to the photograph, by this edge of the bed that I'm
2 pointing to with my pointer; correct?

3 A. Yes.

4 Q. And that would be the end of the bed that's
5 closest to the door?

6 A. Yes.

7 Q. And you were standing -- Were you standing in
8 front of the bed or to the side of the bed, do you remember?

9 A. Standing right at the end, right where you
10 originally pointed.

11 Q. Right here?

12 A. Yes.

13 Q. And then he came back, correct, after a short
14 period of time?

15 A. Yes.

16 Q. And you were still standing at that same
17 location?

18 A. Yes. Until I seen him walk past the window.

19 Q. Past this window?

20 A. Yes.

21 Q. And at that point you indicated you would try to
22 shut the door?

23 A. Yes. At that point I went to close the door.

24 Q. And he stopped at the open doorway?

1 A. After he put his foot across the threshold
2 blocking the door from being closed.

3 Q. Do you remember if it was his left foot or his
4 right foot?

5 A. That would have been his right foot.

6 Q. And at some point he then stepped in to the room?

7 A. He did.

8 Q. And he continued to look agitated?

9 A. He was -- He did appear agitated.

10 Q. And he stood there for approximately 30 seconds,
11 didn't he?

12 A. As soon as he put his foot, other foot, in to the
13 door, he -- the whole time he's just glaring at Dee. And as
14 soon as he put his other foot across the threshold and
15 entered the room, that's when I stood in front of him.

16 Q. But it was that time once he was in the room was
17 about 30 seconds, correct, before he stabbed you?

18 A. Right around there. I would guess right around
19 there.

20 Q. That's the amount of time you testified at a
21 prior hearing; correct?

22 A. It's kind of hard to determine that with the
23 adrenaline going. But, yeah, approximately.

24 Q. So he was inside for a full 30 minutes and then

1 you were --

2 A. I'm sorry. About 30 seconds.

3 Q. Did I say something else? I apologize if I did.

4 A. I thought you said minutes.

5 Q. 30 seconds. So approximately 30 seconds after he
6 was inside, you looked over to see where Dee was, and it was
7 approximately shortly thereafter that, that you felt the stab
8 with a slice in your hand?

9 A. I'm sorry. I wasn't looking to see where Dee was
10 at. I was looking to see if there was anything behind me
11 that I would trip over.

12 Q. Okay. So -- And I apologize. I'm not trying
13 to --

14 A. No, I know.

15 Q. So you were looking over here to see if you had
16 to back up, you didn't want to trip on anything if you backed
17 up?

18 A. No. No. I looked towards the right of the
19 window.

20 Q. Because he looked -- This area here?

21 A. Yes. That's the area on that far side of the bed
22 where I turned around to look and see if there was anything I
23 was going to trip over, yes.

24 Q. And was Dee in that approximate area as well?

1 A. I didn't even notice where Dee was at that time.

2 Q. Did you see Dee's knife that day?

3 A. I'm sorry. Say that again.

4 Q. Did you see Dee's knife that day? Did you see --
5 Did you see Dee's knife that day?

6 A. No.

7 Q. Okay. You were aware that Dee had a knife?

8 A. I knew she had a knife.

9 Q. Did you see the knife after -- while you were
10 waiting for the police or any other point during that day?

11 A. I never seen it that day.

12 Q. Okay. At a point where your hand was sliced, you
13 saw what appeared to be a sharp object in the person's hand?

14 A. Well, I couldn't -- I can't say that I determined
15 it was sharp.

16 Q. You saw a pointed object?

17 A. There was a pointed object, yes.

18 Q. I'm not trying to put words in your mouth, sir.
19 I apologize if you think I am. I apologize.

20 A. No. That's fine.

21 Q. And at that point you were taken first to --
22 Well, the police eventually arrived; correct?

23 A. Yes.

24 Q. And I'm guessing paramedics and ambulance arrived

1 about the same time the police did or shortly thereafter?

2 A. Shortly, shortly after the police arrived.

3 Q. And the people -- the paramedics decided they
4 took you out of there fairly quickly to take you to the
5 emergency room?

6 A. Immediately out of there.

7 Q. And you went to the emergency room, Banner
8 initially, and Banner said, it's beyond our duty, we'll send
9 you some place else and send you off to Saint Mary's?

10 A. Basically, yes, basically.

11 Q. And they transported you by ambulance then from
12 Fallon to Reno?

13 A. Yes.

14 Q. I'm just trying to find something. And they took
15 you to the emergency room at Saint Mary's; correct?

16 A. That is correct.

17 Q. And, as part of the screening at Saint Mary's, do
18 you remember talking to a nurse or somebody about various
19 things?

20 A. Well, yeah, I talked to the nurses, yes.

21 Q. Well, do you remember a nurse getting history
22 from you?

23 A. Names?

24 Q. A nurse getting a history from you about, you

1 know, your general medical background.

2 A. A little bit.

3 Q. Do you remember being asked if you were a smoker,
4 for example, and things of that nature?

5 A. I believe they did ask me all of those questions.

6 Q. Do you remember asking if you had drug use and
7 you said none? Do you remember them asking about drug use in
8 that initial thing at Saint Mary's?

9 A. I'm sure they did ask.

10 Q. Do you know -- Do you have any idea -- And you
11 said none to that or did you say no to that?

12 A. Yeah, that was a no.

13 Q. Okay. The reason I'm asking is I was just
14 curious because it said about a line about drugs, it says
15 none. And then drug cessation, it says no. And then it says
16 patient refused. Do you know why it said that on the intake
17 at the emergency room?

18 A. I'm sorry. I didn't understand why it would say
19 what?

20 Q. Well, after the drug use it says none and then
21 the same note says drug cessation, no, patient refused. Do
22 you know what that would be all about at all?

23 A. No, no. I'm not aware of that at all.

24 Q. Okay. And that was, you were in the hospital

1 then that day, they stitched you up that day, correct, and
2 then they said you got to come back because we have to try to
3 do something else --

4 A. Yes.

5 Q. -- for that nerve damage?

6 A. Yes.

7 Q. And about two weeks later you went back to Saint
8 Mary's for the hand surgery to try to restore the nerves?

9 A. Yes.

10 Q. And that surgery was unsuccessful?

11 A. Evidently unsuccessful.

12 Q. From your perspective was it unsuccessful?

13 A. Unsuccessful.

14 MR. NEIDERT: Thank you very much. I have no
15 other questions at this time, your Honor.

16 THE COURT: Ms. Baker.

17 MS. BAKER: Thank you, your Honor.

18 REDIRECT EXAMINATION

19 By Ms. Baker:

20 Q. In room 135, when you saw the defendant come in,
21 at any point did you have a weapon on you?

22 A. No, not at all.

23 Q. At any point did you touch the defendant?

24 A. No.

1 Q. And earlier when you first saw him, you indicated
2 you said, not here, dude?

3 A. Correct.

4 Q. What did you mean by that?

5 A. Didn't want any problems, keep going.

6 Q. Okay. So it's not that somebody wasn't there.
7 You just -- What was your -- What did I clarify? Because we
8 talked about --

9 A. Correct, it was -- Correct. No, not that he was
10 looking for anybody specific. It was just his demeanor and
11 appeared to be agitated. I just didn't want anything there
12 and that's why I said not here dude.

13 MS. BAKER: Okay. Nothing further.

14 THE COURT: Mr. Neidert.

15 MR. NEIDERT: Nothing further, your Honor.
16 Nothing based on that.

17 THE COURT: Thank you. May this witness be
18 excused?

19 MS. BAKER: Subject to recall, your Honor.

20 THE COURT: Subject to recall, okay.

21 So thank you. You're going to be subject to
22 recall as a witness.

23 THE WITNESS: Okay.

24 THE COURT: So, Counsel, it's about 4:36. And

1 I'd like to go for the full day, but I think we're probably
2 close enough that we probably couldn't get through another
3 witness. Does anybody have any objection if we recess until
4 tomorrow afternoon?

5 MR. NEIDERT: No, your Honor.

6 MS. BAKER: No, your Honor.

7 THE COURT: So, Ladies and Gentlemen of the jury,
8 we are going to recess for the evening. We won't have trial
9 tomorrow morning, because I have my normal law and motion
10 calendar. But we'll have you come back at 1:30 and we'll
11 start promptly. If you could be here about five minutes
12 before 1:30, at least five minutes, and go in to the jury
13 room and we'll start promptly at 1:30 and just resume
14 tomorrow.

15 You can anticipate we'll start at 9:00 a.m. on
16 Wednesday and 9:00 a.m. on Thursday and Friday if needed.
17 And we'll go from nine until noon and then 1:30 until --
18 approximately -- If we finish a little bit before noon, we'll
19 take an hour and a half for lunch and then we'll come back
20 and go until five on those other days.

21 So, Ladies and Gentlemen of the jury, we're going
22 to take our overnight recess. During this recess, you must
23 not discuss or communicate with anyone, including fellow
24 jurors, in any way regarding the case or its merits, either

1 by voice, phone, e-mail, text, internet, or other means of
2 communication or social media. You must not read, watch, or
3 listen to any news or media accounts or commentary about the
4 case. You must not do any research such as consulting
5 dictionaries, using the internet, or using reference
6 materials. You must not make any investigation, test the
7 theory of the case, recreate any aspect of the case, or in
8 any other way investigate or learn about the case on your
9 own. You must not form or express any opinion regarding the
10 case until it is submitted to you.

11 We'll go ahead and dismiss the jurors and then
12 we'll just go over a couple of items of business with
13 everyone outside the presence of the jury.

14 We're back on the record on Case Number 20-0552,
15 State of Nevada versus Casey Alan Johns. The record will now
16 reflect that the presence of the parties and counsel, all
17 officers of the court, we are now meeting at the close of the
18 first day of trial outside the presence of the jury and the
19 alternate jurors.

20 I always like to meet at the end of the day and
21 see if there are any items that we need to go over. One
22 thing that the Court makes it a practice of anytime there's a
23 bench conference I note the time and what my recollection or
24 my understanding of what it was. And I give everybody a

1 chance to make any record that they want, because that's not
2 always captured at the bench conference.

3 We only had one bench conference this afternoon.
4 It happened at approximately 3:00 p.m. I asked both counsel
5 to approach. And the purpose was Mr. Neidert was marking
6 three photos as exhibits and I just wanted to inquire on
7 whether or not those had been previously marked. And it's my
8 understanding it was represented to the Court that one had
9 and two had not. And then those two were marked as exhibits.

10 And, I'll start with you, Ms. Baker. Do you want
11 to -- Is that an accurate reflection of what happened at that
12 bench conference?

13 MS. BAKER: Yes, your Honor.

14 THE COURT: Is there anything you want to add?

15 MS. BAKER: No. I appreciate the Court taking
16 notice because I -- when I was looking at the pictures, I
17 noticed that one of them did look familiar. So I'm glad that
18 we clarified that.

19 THE COURT: And, Mr. Neidert, anything?

20 MR. NEIDERT: Your Honor, the only
21 clarification -- And this is being very persnickety. That it
22 was four photographs and not three. The three photographs,
23 one I ended up was not marked, the other three were, and
24 they've actually subsequently been admitted in to evidence.

1 THE COURT: And do you want the other one marked?

2 MR. NEIDERT: No, there's no reason to. It is an
3 exhibit that is in the exhibit book. I fully anticipate it
4 will be offered at the appropriate point in time. I was
5 going to use it as part of my cross-examination and decided
6 not to. And so it was during the heat of the moment I was
7 going to and then I decided not to. And the photographs I
8 did admit met my purposes.

9 THE COURT: Is there anything else from the State
10 that we need to discuss outside the presence of the jury?

11 MS. BAKER: No, your Honor.

12 THE COURT: Anything else from the defense?

13 MR. NEIDERT: No, your Honor. Now that I know
14 this room will be locked -- I know you're having court in the
15 morning -- if I leave certain things behind that I don't need
16 overnight, do I leave them in the jury room or will they be
17 protected? I know that prisoners are kept there during law
18 and motion but I also know --

19 THE COURT: Yeah. I think what I'm going to ask
20 is because we are going to do law and motion in here is that
21 each of you take everything out.

22 MR. NEIDERT: That's fine. That's why I wanted
23 to ask.

24 THE COURT: This will be the only night that that

1 will have to happen. But that way you'll be given as much
2 time as you need to get everything out. Anything else?

3 MS. BAKER: No, your Honor.

4 MR. NEIDERT: No, your Honor.

5 THE COURT: Thank you everyone. Then we will be
6 in recess.

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

STATE OF NEVADA)
) ss.
COUNTY OF WASHOE)

I, CHRISTY Y. JOYCE, Nevada Certified Court Reporter Number 625, do hereby certify:

That I was present in the District Court of Fallon Township, in and for the State of Nevada, on Monday, the 10th day of May, 2021, for the purposes of reporting in verbatim stenotype notes the within-entitled hearing;

That the foregoing transcript, consisting of pages 1 through 237, is a full, true, and correct transcript of said hearing.

Dated at Reno, Nevada, this 17th day of June, 2021.


Christy Joyce/
CHRISTY Y. JOYCE, CCR #625