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JUL 23 2021

Douglas County
District Court Clerk

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Aug 04 2021 10:57 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Case No. 18-CR-00104

Department No. II

This document does not contain personal information of any person

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF DOUGLAS

STATE OF NEVADA,

Plaintiff,

vs.

ADAM ANTHONY BERNARD,

Defendant.

NOTICE OF APPEAL

Notice is given that Adam Anthony Bernard, defendant, hereby appeals to the Supreme Court of Nevada from the Judgment of Conviction entered in this matter on July 2, 2021.

Dated this 23rd day of July, 2021.



Maria Pence, Esq.

Bar No. 9890

1662 US Hwy 395, Ste 203

Minden, Nevada 89423

(775)392-4084

Attorney for defendant Bernard


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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of PENCE & ASSOCIATES
and that on this date, I delivered a true and correct copy of the Notice of Appeal to the
following address:

Erik Levin, Chief Criminal Deputy District Attorney
District Attorney's Office
1038 Buckeye Road
Minden, NV 89423
(emailed)

Dated this 23rd day of July, 2021.



MARIA PENCE, ESQ.

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JUL 26 2021

Douglas County
District Court Clerk

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2021 JUL 26 AM 11:20

CLERK OF DISTRICT COURT
BY  DEPUTY

Case No. 18-CR-00104

Department No. II

This document does not contain personal information of any person.

**IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF DOUGLAS**

STATE OF NEVADA,

Plaintiff,

vs.

ADAM ANTHONY BERNARD,

Defendant.

CASE APPEAL STATEMENT

1. The appellant in this matter is Adam Anthony Bernard.
2. The judge issuing the Judgment appealed from is the Honorable Thomas W. Gregory.
3. Appellant, Adam Bernard, is represented by Maria Pence, of Pence & Associates, 1662 US Hwy 395, Ste. 203, Minden, Nevada 89423.
4. Respondent is the State of Nevada represented by the Douglas County District Attorney's Office, P.O. Box 218, Minden, Nevada 89423.
5. N/A.
6. Appellant was represented by appointed counsel in the District Court.
7. Appellant is represented by appointed counsel on appeal.
8. N/A.
9. This case commenced in the District Court by the filing of an Information on July 13, 2018, charging defendant with Open Murder, in violation of NRS 200.010(1) through 200.090.

10 This case was set for Jury Trial to commence on March 17, 2020. On March 13,
2020, the trial was cancelled because of COVID concerns. The trial was
rescheduled for June 1, 2021, and was again vacated on May 5, 2021, when as a
result of a settlement conference pursuant to NSCR 252(2), a resolution short of trial
was reached. On May 5, 2021, Appellant entered an *Alford* plea to Voluntary
Manslaughter, in violation of NRS 200.040, 200.050, and 200.080. Sentencing was
set for July 1, 2021. Appellant appeared with counsel for sentencing on July 1,
2021. Appellant was sentenced to imprisonment in the state prison for a maximum
term of one hundred twenty (120) months and a minimum term of forty-eight (48)
months, a fine of ten thousand dollars (\$10,000.00), and court statutory fees and
assessments totaling six hundred seventy-eight dollars (\$678.00). The Judgment of
Conviction was filed on July 2, 2021. This is an appeal from the Judgment of
Conviction.

11 This case has not previously been the subject of an appeal in the Nevada Supreme
Court

12 This case does not involve child custody or visitation.

13 N/A.

Dated this 23rd day of July, 2021.



Maria Pence, Esq.

Bar No. 9890

1662 US Hwy 395, Ste. 203

Minden, Nevada 89423

(775)392-4084

Attorney for defendant Bernard

CERTIFICATE OF SERVICE

I certify that I am an employee of Pence & Associates, and that on this date I delivered
a true and correct copy of the Case Appeal Statement to:

The Douglas County District Attorney's Office
1038 Buckeye Road
Minden, NV 89423

and mailed a copy of this Case Appeal Statement to:

Adam A. Bernard, #1246315
NNCC
P.O. Box 7000
Carson City, 89702

Dated this 23rd day of July, 2021.

A handwritten signature in cursive script, appearing to read "M. Pence", is written over a horizontal line.

Case No. 18-CR-00104

Department No. II

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Douglas County
District Court Clerk

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BOB L. WILLIAMS
BY [Signature] DEPUTY

IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF DOUGLAS

STATE OF NEVADA,

Plaintiff,

VS.

ADAM ANTHONY BERNARD,

Defendant.

REQUEST FOR TRANSCRIPTS

To: Capital Reporters, 123 W. Nye Lane, Ste. 107, Carson City, Nevada 89706

Adam Bernard, as named above, hereby requests preparation of transcripts of the sentencing hearing before the district court in Case Number 18-CR-00104 on July 1, 2021.

This notice requests a transcript of only the district court proceedings that counsel reasonably and in good faith believes are necessary to prepare Mr. Bernard's appeal. Counsel is requesting that the reporter include audible comments from persons behind the bar as well as all victim impacts statements.

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

Dated this 23rd day of July, 2021

[Signature]
Maria Pence, Esq.
Bar No. 9890
1662 US Hwy 395, Ste. 203
Minden, Nevada 89423
(775)392-4084

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CERTIFICATE OF SERVICE


Pursuant to NRCP 5(b), I certify that I am an employee of PENCE & ASSOCIATES and that on this date, I delivered a true and correct copy of the Request for Transcripts to the following address:

Erik Levin, Chief Criminal Deputy District Attorney
District Attorney's Office
1038 Buckeye Road
Minden, NV 89423
(Emailed)

I also served via facsimile and deposited in the U.S. Mail with correct postage, a true and correct copy of the Request for Transcripts to the following :

Capitol Reporters
123 W. Nye Lane, Ste. 107
Carson City, Nevada 89706
Fax: (775) 882-7154

Dated this 23rd day of July, 2021.



MARIA PENCE, ESQ.

Douglas County District Court

Case Summary Report

Case #: 2018-CR-00104
Case Title: State Of Nevada vs. Adam A Bernard
Filed: 06/29/2018
Cause: Felony: Crimes Against Persons DV: N

Case Status: Disposed Date: 06/29/2018

Archived: 07/02/2021, 07/02/2021, 06/23/2021, 05/13/2021, 05/05/2021, 04/05/2021, 03/31/2021,

Parties

<u>Party</u>	<u>Name</u>	<u>Status</u>		
Plaintiff	State Of Nevada			
Defendant	Bernard, Adam Anthony			
Bail Payor	Bernard, Helen			
Bail Payor	Bernard, Adam			

<u>Party</u>	<u>Name</u>	<u>Bar #</u>	<u>Status</u>	<u>Representing</u>
Attorney	Filter, Brian G	6641	Current	
Attorney	ATTORNEY, DISTRICT	9999	Current	
Attorney	Pence, Maria	9890	Current	

Charge/Sentence Information

<u>CNT</u>	<u>Section Code</u>	<u>Charge Description</u>
1	200.050	Voluntary manslaughter

Events

<u>Date/Time</u>	<u>Type</u>	<u>Result</u>	<u>Reason</u>
07/16/2018	Arraignment	Concluded	
07/22/2019	Status Hearing	Concluded	
08/15/2019	Pre-Trial Conference	Vacated	
08/19/2019	Motion Hearing	Concluded	
08/26/2019	Criminal	Vacated	
09/10/2019	Criminal Jury Trial	Vacated	
09/11/2019	Calendar Call	Vacated	
09/12/2019	Calendar Call	Vacated	
09/13/2019	Calendar Call	Vacated	
09/17/2019	Criminal Jury Trial	Vacated	
09/18/2019	Criminal Jury Trial	Vacated	
09/19/2019	Criminal Jury Trial	Vacated	
09/20/2019	Criminal Jury Trial	Vacated	
09/24/2019	Criminal Jury Trial	Vacated	
09/25/2019	Criminal Jury Trial	Vacated	
09/26/2019	Criminal Jury Trial	Vacated	
09/27/2019	Criminal Jury Trial	Vacated	
10/01/2019	Criminal Jury Trial	Vacated	
10/02/2019	Criminal Jury Trial	Vacated	
10/03/2019	Criminal Jury Trial	Vacated	
10/04/2019	Criminal Jury Trial	Vacated	
11/25/2019	Review Hearing	Concluded	
02/03/2020	Pre-Trial Conference	Concluded	
02/04/2020	Pre-Trial Conference	Vacated	
03/17/2020	Jury Trial	Continued	
03/18/2020	Jury Trial	Continued	
03/19/2020	Jury Trial	Continued	
03/20/2020	Jury Trial	Continued	
03/24/2020	Jury Trial	Continued	

<u>Date/Time</u>	<u>Type</u>	<u>Result</u>	<u>Reason</u>
03/25/2020	Jury Trial	Continued	
03/26/2020	Jury Trial	Continued	
03/27/2020	Jury Trial	Continued	
03/31/2020	Jury Trial	Continued	
04/01/2020	Jury Trial	Continued	
04/02/2020	Jury Trial	Continued	
04/03/2020	Jury Trial	Continued	
04/07/2020	Jury Trial	Continued	
04/08/2020	Jury Trial	Continued	
04/09/2020	Jury Trial	Continued	
04/10/2020	Jury Trial	Continued	
05/04/2020	Order to Show Cause	Concluded	
03/08/2021	Status Hearing	Concluded	
05/05/2021	Change of Plea	Concluded	
05/13/2021	Pre-Trial Conference	Vacated	
06/01/2021	Jury Trial	Vacated	
06/02/2021	Jury Trial	Vacated	
06/03/2021	Jury Trial	Vacated	
06/04/2021	Jury Trial	Vacated	
06/08/2021	Jury Trial	Vacated	
06/09/2021	Jury Trial	Vacated	
06/10/2021	Jury Trial	Vacated	
06/11/2021	Jury Trial	Vacated	
06/15/2021	Jury Trial	Vacated	
06/16/2021	Jury Trial	Vacated	
06/17/2021	Jury Trial	Vacated	
06/18/2021	Jury Trial	Vacated	
06/22/2021	Jury Trial	Vacated	
06/23/2021	Jury Trial	Vacated	
06/24/2021	Jury Trial	Vacated	
06/25/2021	Jury Trial	Vacated	
07/01/2021	Sentencing Hearing	Concluded	

Documents

<u>Date</u>	<u>Code</u>	<u>Description</u>
	MINS	Minutes
	MINS	Minutes
	MINS	Minutes
	MINS	Minutes
	MINS	Minutes
	MINS	Minutes
06/29/2018	DOCO	Order and Commitment - Order and Commitment
07/11/2018	DTRN	Transcript of Proceedings - Transcript of Proceedings (Preliminary Examination 6/29/18)
07/13/2018	DINF	Information - Information
07/16/2018	DORD	Order - Order Setting Jury Trial
07/16/2018	DORD	Order - Order Concerning Bail
07/16/2018	DOAC	Order Appointing Counsel - Order Appointing Counsel
07/24/2018	DTRN	Transcript of Proceedings - Transcript of Proceedings (Arraignment 7/16/18)
07/03/2019	DREQ	Request - Request for Discovery
07/03/2019	DIRO	Auto Reopen (not for manual use)
07/03/2019	MMOT	Motion - (Sealed) Ex-Parte Motion for Order for Authorization to Employ Private Investigator & Affidavit of Counsel
07/08/2019	DORD	Order - (Sealed) Order
07/17/2019	MMOT	Motion - Motion in Limine Regarding Medical Examiner Video Deposition
07/18/2019	DIRO	Auto Reopen (not for manual use)
07/19/2019	DORD	Order - Order
07/19/2019	DSTI	Stipulation - Stipulation to Place Case on Law and Motion Calendar Filed by DEF001-Bernard, Adam Anthony, PLT001-State Of Nevada,
07/19/2019	DIRO	Auto Reopen (not for manual use)
07/19/2019	MMOT	Motion - (Sealed) Defendant's Ex Parte Application for County Funds to Hire a Forensic Pathologist Expert
07/22/2019	MMOT	Motion - (SEALED) Motion in Limine Regarding Photographs

<u>Date</u>	<u>Code</u>	<u>Description</u>
07/22/2019	MMOT	Motion - (SEALED) Motion in Limine Regarding Recordings of Defendant Interviews
07/22/2019	MMOT	Motion - (SEALED) Motion in Limine Regarding Videos
07/22/2019	DN	Notice of - Notice and Endorsement of Witnesses
07/22/2019	DORD	Order - (SEALED) Order
07/22/2019	DIRO	Auto Reopen (not for manual use)
07/22/2019	MMOT	Motion - Ex Parte Motion for Order to Seal/Motion for Order Shortening Time
07/23/2019	DIRO	Auto Reopen (not for manual use)
07/23/2019	DIRO	Auto Reopen (not for manual use)
07/23/2019	DIRO	Auto Reopen (not for manual use)
07/30/2019	DOPP	Opposition to Motion - Opposition to Motion in Limine Regarding Medical Examiner Video Deposition
08/01/2019	DTRN	Transcript of Proceedings - Transcript of Proceedings (StatusHearing) 7/22/19
08/05/2019	MMOT	Motion - (Filed Under Seal) Ex-Parte Motion for Order for Authorization to Employ Psychological Expert & Affidavit of Counsel
08/06/2019	DREQ	Request - Second Request for Discovery
08/06/2019	DIRO	Auto Reopen (not for manual use)
08/08/2019	DN	Notice of - Notice of to Appear by Audio-Visual Equipment
08/08/2019	DN	Notice of - Notice of Intent to Appear by Audio-Visual Equipment
08/09/2019	DORD	Order - Amended Order Sealing Records
08/09/2019	DIRO	Auto Reopen (not for manual use)
08/09/2019	DIRO	Auto Reopen (not for manual use)
08/09/2019	DIRO	Auto Reopen (not for manual use)
08/09/2019	DORD	Order - Order Sealing Records
08/09/2019	DORD	Order - Order Denying State's Motion in Limine Regarding Medical Examiner Video Deposition
08/09/2019	DORD	Order - (SEALED) Order
08/12/2019	DIRO	Auto Reopen (not for manual use)
08/12/2019	DREQ	Request - Third Request for Discovery
08/12/2019	DIRO	Auto Reopen (not for manual use)
08/12/2019	MMOT	Motion - Defendant's Request for the Appointment of Co-Counsel and Motion to Continue Trial
08/13/2019	DSTI	Stipulation - Stipulation to Continue Filed by PLT001-State Of Nevada, , DEF001-Bernard, Adam Anthony
08/13/2019	DNNO	Non-Opposition to Motion - Non-Opposition to Motion to Continue
08/14/2019	DIRC	Auto Reclose (not for manual use)
08/14/2019	DOSF	Order Setting Fact Finding Hearing - Order Setting Hearing
08/19/2019	DIRC	Auto Reclose (not for manual use)
08/19/2019	DORD	Order - Order Setting Hearing
08/27/2019	DTRN	Transcript of Proceedings - (SEALED) Transcript of Proceedings (CD Transcript - Interview of Tristian Cook) 7/31/2019
08/27/2019	DTRN	Transcript of Proceedings - (SEALED) Transcript of Proceedings (CD Transcript of Proceedings) Interview of Aric Bernard 10/11/2017
08/27/2019	DTRN	Transcript of Proceedings - (SEALED) Transcript of Proceedings (CD Transcript of Proceedings) Interview of Aric Bernard 11/3/2017
08/27/2019	DTRN	Transcript of Proceedings - (SEALED) Transcript of Proceedings (CD Transcript of Proceedings) Interview with Elijah Cook 7/31/2019
08/30/2019	DIRC	Auto Reclose (not for manual use)
08/30/2019	DORD	Order - Order Sealing Transcripts Filed in Error
09/03/2019	DTRN	Transcript of Proceedings - Transcript of Proceedings (MotionHearing) 8/19/19
09/11/2019	DIRO	Auto Reopen (not for manual use)
09/11/2019	MMOT	Motion - Ex Parte Request for Payment of Feesto Expert Witness
09/17/2019	DORD	Order - Order Appointing Second Contract Attorney
09/17/2019	DORD	Order - Order Re: Fees
09/18/2019	DIRC	Auto Reclose (not for manual use)
09/19/2019	DIRO	Auto Reopen (not for manual use)
09/19/2019	MMOT	Motion - Defendant's Ex Parte Application for County Funds to Pay for Interview Transcriptions
09/19/2019	DIRO	Auto Reopen (not for manual use)
09/19/2019	MMOT	Motion - Ex Parte Request for Payment of Feesto Transcription Service
09/20/2019	DORD	Order - Order
09/20/2019	DORD	Order - Order Re: Fees

<u>Date</u>	<u>Code</u>	<u>Description</u>
09/20/2019	DOST	Order Setting Trial - Trial Scheduling Order
09/23/2019	DIRC	Auto Reclose (not for manual use)
09/23/2019	DIRC	Auto Reclose (not for manual use)
09/26/2019	DIRC	Auto Reclose (not for manual use)
09/26/2019	DOST	Order Setting Trial - Order Setting Trial
11/14/2019	DOSH	Order Setting Hearing
11/20/2019	DAPP	Application For - A Judge's Certificate Under the Uniform Act to Secure the Attendance of Witnesses from without the State in Criminal Case (Arizona Criminal Code Title 13, Chapter 38 13-4091 - 13-4096 and NRS 174.395-174.445)
11/20/2019	DWIT	Withdrawal of - Application for a Judge's Certificate Under the Uniform Act to Secure the Attendance of Witnesses from without the State in Criminal Case
11/26/2019	DOSH	Order Setting Hearing
12/03/2019	DAPP	Application For - a Judge's Certificate Under the Uniform Act to Secure the Attendance of Witnesses from Without the State in Criminal (WY STAT 7-11-404 and NRS 174.395-174.445)
12/06/2019	DCER	Certificate of - Certificate For Attendance of Out-Of-State Witness
12/10/2019	DTRN	Transcript of Proceedings - Scheduling Hearing 11/25/19
01/06/2020	DOPP	Opposition to Motion - in Limine Regarding Videos
01/06/2020	MMOT	Motion - to Require Plaintiff State of Nevada to Provide Complete Criminal History of Alleged Victim
01/06/2020	MLIM	Motion in Limine - Regarding Witness Testimony of Defendant's Statements
01/15/2020	DSTI	Stipulation - Stipulation to File Under Seal State's Motion in Limine Regarding Witness Testimony of Defendant's Statements
01/16/2020	DASV	Alternative Sentencing Violation Report
01/16/2020	DBWC	Bench Warrant (Issued/Criminal)
01/16/2020	DREP	Reply to - Opposition to Motion in Limine Regarding Videos
01/16/2020	MLIM	Motion in Limine - Supplemental Motion in Limine Regarding Videos
01/16/2020	DOPP	Opposition to Motion - to Require Plaintiff State of Nevada to Provide Complete Criminal History of Alleged Victim
01/16/2020	DOPP	Opposition to Motion - in Limine Regarding Witness Testimony of Defendant's Statements
01/21/2020	DREP	Reply to - Opposition to Motion in Limine Regarding Witness Testimony of Defendant's Statements
01/29/2020	DBEB	Bench Warrant (Booked/Criminal)
02/11/2020	DEXA	Ex Parte Application - Defendant's Ex Parte Application for Funds for Slides
02/12/2020	DORD	Order
02/13/2020	DEXM	Ex Parte Motion - for Order for Authorization to Employ Private Investigator & Affidavit of Counsel
02/14/2020	DORD	Order - Granting State's Motions in Limine Regarding Photographs and Recordings of Defendant Interviews
02/14/2020	DORD	Order - Denying Defendant's Motion Regarding Victim's Criminal History
02/14/2020	DORD	Order - Granting State's Motion in Limine Regarding Witness Testimony of Defendant's Statements
02/14/2020	DORD	Order - Granting State's Motion in Limine Regarding Videos
02/14/2020	DORD	Order
02/14/2020	DORD	Order - Sealing Records
02/14/2020	DORD	Order - (Filed Under Seal)
02/20/2020	DEXA	Ex Parte Application - Defendant's Ex Parte Application for County Funds to Pay for Interview Transcriptions
02/24/2020	DEXA	Ex Parte Application - Defendant's Ex Parte Application for County Funds to Hire Forensic Pathologist Expert
02/24/2020	DORD	Order
02/24/2020	DEXA	Ex Parte Application - Defendant's Ex Parte Application for County Funds to hire Forensic Toxicologist Expert
02/24/2020	DNIN	Notice of Intent - to Offer Testimony of Expert Witness
02/24/2020	DNIN	Notice of Intent - to Offer Expert Witness Testimony
02/24/2020	DEXM	Ex Parte Motion - Ex Parte Request for Payment of Fees to Transcription Service
02/25/2020	DORD	Order - (Sealed) Order
02/25/2020	DORD	Order - (Sealed) Order
02/25/2020	DORD	Order - RE: Fees

<u>Date</u>	<u>Code</u>	<u>Description</u>
02/26/2020	DOCJ	Order Calling Jury
02/26/2020	DLJU	List of Trial Jurors
02/26/2020	DVEN	Jury Venire
02/26/2020	DTRN	Transcript of Proceedings - Pre-Trial Conference/Motion Hearing 3/3/20
02/26/2020	DAFS	Affidavit of Service - by Mail
02/27/2020	MLIM	Motion in Limine - to Admit All Medical Record Under NRS 51.115 & NRS 52.235
02/27/2020	DSTI	Stipulation - Regarding Witness Testimony
02/28/2020	OAPSTIP	Order Approving Stipulation
03/03/2020	DSBF	Subpoena Filed - Sgt. Rick Koontz
03/03/2020	DSBF	Subpoena Filed - Deputy Ignatius Kyeremeh
03/03/2020	DSBF	Subpoena Filed - Sgt. Ron Miller
03/03/2020	DSBF	Subpoena Filed - Sgt. Jonathan Storke
03/03/2020	DSDT	Subpoena Duces Tecum Filed - Renown Health
03/03/2020	DSDT	Subpoena Duces Tecum Filed - Carson Valley Medical Center
03/03/2020	DSDT	Subpoena Duces Tecum Filed - Carson Tahoe Health
03/04/2020	DSBF	Subpoena Filed - Dr. Joseph McEllistrem
03/05/2020	DOPP	Opposition to Motion - In Limine To Admit All Medical Records
03/05/2020	DSBF	Subpoena Filed - Bill Helman
03/06/2020	DSBF	Subpoena Filed - Star Crawford
03/06/2020	DSBF	Subpoena Filed - Omotayo Logan
03/06/2020	DSBF	Subpoena Filed - George Mejia
03/06/2020	DSBF	Subpoena Filed - Nick Morris
03/06/2020	DSBF	Subpoena Filed - Phillip Ruffo
03/06/2020	DSBF	Subpoena Filed - Michael H Song, M.D.
03/06/2020	DSBF	Subpoena Filed - Kevin Tholl
03/06/2020	DSBF	Subpoena Filed - John Michael Watson, M.D.
03/09/2020	DREP	Reply to - Opposition to Motion in Limine to Admit All Medical Records Under NRS 51.115 & NRS 52.235
03/09/2020	DSUP	Supplement - Supplemental Notice of Intent to Offer Expert Witness Testimony
03/09/2020	DEXA	Ex Parte Application - Defendant's Ex Parte Application for County Funds to Hire Ophthalmology Expert
03/09/2020	MMOT	Motion - State's Motion to Exclude Testimony of Defendant's Proffered Experts
03/09/2020	DSBF	Subpoena Filed - Deputy Matt Sampson
03/10/2020	DLOW	List of Witnesses - Notice of Prosecution Trial Witnesses
03/10/2020	DODE	Order Denying - Defendant's Motion in Limine to Admit All Medical Records
03/10/2020	DORD	Order - (Filed Under Seal)
03/10/2020	DSBF	Subpoena Filed - Alyssa K. Nishihira, P.A.-C.
03/10/2020	DSBF	Subpoena Filed - Alfonso Alamillo, Jr.
03/10/2020	DSBF	Subpoena Filed - Joseph R. Uccelli, M.D.
03/10/2020	DSBF	Subpoena Filed - Aaron McCormick
03/10/2020	DLOW	List of Witnesses - Notice of Defendant's Trial Witnesses
03/13/2020	DSBF	Subpoena Filed - (Tristian Cook)
03/13/2020	DSBF	Subpoena Filed - (Elijah Cook_
03/13/2020	DSBF	Subpoena Filed - (Tom Nobriga)
03/13/2020	DSBF	Subpoena Filed - (John Michael Watson, M.D.)
03/13/2020	DSBF	Subpoena Filed - (Rick Madden)
03/13/2020	DSBF	Subpoena Filed - (Rudy Bein)
03/13/2020	DSBF	Subpoena Filed - (Ricardo E. Grijalva)
03/13/2020	DSBF	Subpoena Filed - (Chris Paul)
03/13/2020	DOPP	Opposition to Motion - to State's Motion to Exclude Testimony of Defendant's Proffered Experts
03/13/2020	DAMD	Amended - Notice of Defendant's Trial Witnesses
03/13/2020	MMOT	Motion - in Limine Regarding Recorded Interview of Defendant
03/16/2020	DORD	Order - Continuing Trial
03/16/2020	MMOT	Motion - to Amend Court Order Continuing Trial and to File Order Filed March 16, 2020 Under Seal
03/16/2020	DOPP	Opposition to Motion - in Limine Regarding Recorded Interview of Defendant
03/16/2020	DRES	Response to - Motion to Amend Court Order
03/17/2020	DMIS	Misc. Document - Jury Venire Returns

<u>Date</u>	<u>Code</u>	<u>Description</u>
03/30/2020	DODE	Order Denying - Motion to Amend Court Order and to File Order Filed March 16, 2020, Under Seal
04/03/2020	DASV	Alternative Sentencing Violation Report
04/03/2020	DBWC	Bench Warrant (Issued/Criminal)
04/08/2020	DEXA	Ex Parte Application - Ex Parte Request for Payment of Fees to Washoe County Regional Medical Examiner's Office
04/10/2020	MMOT	Motion - to Revoke Bail
04/16/2020	DOPT	Opposition to - Motion to Revoke Bail
04/20/2020	DOSC	Order to Show Cause
04/20/2020	DORD	Order - Re: Fees
04/21/2020	DREP	Reply to - Opposition to Motion to Revoke Bail
04/28/2020	DEXA	Ex Parte Application - Ex Parte Request for Payment of Fees to Spencer Investigations
04/28/2020	DAIS	Affidavit in Support of - Payment of Fees
04/29/2020	DORD	Order - Re: Fees
05/04/2020	1DDBL	Order Concerning Bail
05/04/2020	DORD	Order - Quashing Bench Warrant
05/04/2020	DBWQ	Bench Warrant (Quashed)
05/06/2020	DBWQ	Bench Warrant (Quashed)
05/14/2020	DTRN	Transcript of Proceedings - Order to Show Cause
06/22/2020	DEXA	Ex Parte Application - Defendant's Ex Parte Application for Additional County Funds to Hire A Forensic Pathologist Expert
06/22/2020	DEXM	Ex Parte Motion - Ex Parte Request for Payment of Fees to Expert Witness
06/22/2020	DAIS	Affidavit in Support of - Payment of Fees
06/23/2020	DORD	Order - Re: Fees
06/23/2020	DORD	Order
12/04/2020	DORD	Order - Trial Setting Order
01/12/2021	DSBF	Subpoena Filed
01/12/2021	DSBF	Subpoena Filed
01/12/2021	DSBF	Subpoena Filed - Deputy Rick Jr Koontz
01/12/2021	DSBF	Subpoena Filed - Deputy Ignatius Kyeremeh
01/13/2021	DSBF	Subpoena Filed - James Michael Bell
01/13/2021	DSBF	Subpoena Filed - Phillip Ruffo
01/14/2021	DSBF	Subpoena Filed - Elijah Lee Cook
01/14/2021	DSBF	Subpoena Filed - Tristian Thomas Cook
03/02/2021	DOSH	Order Setting Hearing
03/08/2021	DOSH	Order Setting Hearing
03/15/2021	DTRN	Transcript of Proceedings - Status Hearing
03/31/2021	DEXA	Ex Parte Application - Defendant's Ex-Parte Application for Additional County Funds to Hire an Investigator
03/31/2021	DAFF	Affidavit of - Counsel
04/01/2021	DORD	Order
04/02/2021	DEXA	Ex Parte Application - Defendant's Ex Parte Request for Payment of Fees
04/05/2021	DSUP	Supplement - to Opposition to State's Motion to Exclude Testimony of Defendant's Proffered Experts
04/05/2021	DORD	Order - Re: Fees
04/05/2021	DOSR	Order Sealing Record - Order to Seal
04/09/2021	DSTI	Stipulation - for NSCR 252(2) Settlement Conference
04/09/2021	DORD	Order - for NSCR 252(2) Settlement Conference
05/04/2021	DOSH	Order Setting Hearing
05/04/2021	DAMI	Amended Information
05/05/2021	DGPA	Guilty Plea Agreement
05/05/2021	DOSH	Order Setting Hearing
05/19/2021	DTRN	Transcript of Proceedings - Arraignment Hearing May 5, 2021
06/17/2021	DCOS	Certificate of Service
06/17/2021	DCOS	Certificate of Service
06/17/2021	DPIR	(Sealed) - CONFIDENTIAL Pre-Sent. Investigation
06/29/2021	DLET	Letters - in Support
06/30/2021	DMIS	Misc. Document - State's Documents and Information in Support of Sentencing
06/30/2021	DCOS	Certificate of Service
06/30/2021	DMIS	Misc. Document - State's Supplemental Documents and Information in Support of Sentencing

<u>Date</u>	<u>Code</u>	<u>Description</u>
06/30/2021	DCOS	Certificate of Service
06/30/2021	DMMO	Memorandum Concerning - Sentencing Memorandum and Documentation in Support
06/30/2021	DREQ	Request - and Order to File Sentencing Memorandum and Documentation in Support Under Seal
07/02/2021	DORD	Order - Under Seal
07/02/2021	DJOC	Judgment of Conviction
07/23/2021	DNOA	Notice of Appeal
07/26/2021	DCAP	Case Appeal Statement
07/26/2021	DRFT	Request for Transcript
07/26/2021	DORD	Order - Returning Bail
07/27/2021	DTRN	Transcript of Proceedings - Sentencing

1 Case No. 2018-CR-00104

2 Dept. No. II

RECEIVED

JUL 02 2021

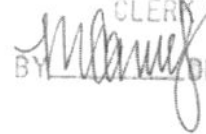
Douglas County
District Court Clerk

FILED

2021 JUL -2 AM 10:31

BOBBIE R. WILLIAMS

CLERK

BY  DEPUTY

6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7 IN AND FOR THE COUNTY OF DOUGLAS

8
9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

JUDGMENT OF CONVICTION

12 ADAM ANTHONY BERNARD,

13 Defendant.

14

15 On the 5th day of May, 2021, Defendant entered a plea of
16 guilty pursuant to North Carolina v. Alford, 400 U.S. 25 to the
17 following offense contained within the Amended Information:
18 Voluntary Manslaughter, a violation of NRS 200.040, 200.050, and
19 200.080, a category B felony.

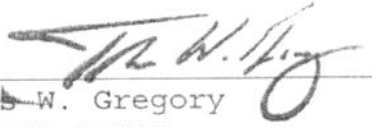
20 On the 1st day of July, 2021, Defendant appeared for
21 sentencing. Finding no legal cause why judgment should not be
22 pronounced, judgment was rendered as follows: Voluntary
23 Manslaughter, a violation of NRS 200.040, 200.050, and 200.080, a
24 category B felony, imprisonment in the state prison for a maximum
25 term of one hundred twenty (120) months and a minimum term of
26 forty-eight (48) months, and a fine in the amount of ten thousand
27 dollars (\$10,000.00). Defendant shall pay statutory fees and
28 assessments of \$25.00 (NRS 176.062), \$3.00 (NRS 176.0623),

1 \$150.00 (NRS 176.0915), and reimbursement of appointed counsel
2 fees of five hundred dollars (\$500.00).

3 Defendant is granted forty-nine (49) days credit for time
4 served.

5 This judgment constitutes a lien in like manner as a judgment
6 rendered in a civil action. NRS 176.275.

7 Dated this 2nd day of July, 2021.

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11 Thomas W. Gregory
12 DISTRICT JUDGE
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CASE NO. 18-CR-0104

DEPT NO. II

THE STATE OF NEVADA,

v.

ADAM ANTHONY BERNARD,

DATE: 7/16/18 PLAINTIFFS COUNSEL:
Peter Handy

JUDGE: THOMAS W. GREGORY

CLERK: Mary Biaggini DEFENDANTS COUNSEL:
Maria Pence

COURT REPORTER: Kathy Jackson

LAW CLERK: Skylar Young

BAILIFFS: Les Vido/Eric Lindsay/David Nishikida

PAROLE & PROBATION: Pat Cerniglia

The above-entitled matter was before the court this being the time set for ARRAIGNMENT. The defendant was present in court and his true name was ascertained. The Court affirmed the lower court's appointment of Maria Pence to represent the defendant in all further proceedings.

The Information was filed with the Court on July 13, 2018; copies were received and acknowledged and the defendant waived the formal reading thereof. The Information charges the defendant with: OPEN MURDER, a violation of NRS 200.010(1) through 200.090, a category A felony.

To the Information, the defendant entered a plea of NOT GUILTY.

The Court advised the defendant of his right to a speedy trial within 60 days of the arraignment. The defendant waived his right to a speedy trial, and the matter was set for sixteen (16) day trial by jury commencing on Tuesday, September 10, 2019. A Pre-Trial and Motion's hearing is set for Thursday, August 15, 2019 at 9:00 a.m.

The defendant was ordered to appear at the time set for trial, and advised that failure to appear would result in the issuance of a bench warrant, and the filing of additional charges.

The Court entered an Order Concerning Bail.

CASE NO. 18-CR-0104

DEPT NO. II

THE STATE OF NEVADA,

v.

ADAM ANTHONY BERNARD,

DATE: 7/22/2019

PLAINTIFFS COUNSEL:
Erik Levin

JUDGE: THOMAS W. GREGORY

CLERK: Delores Goelz

DEFENDANTS COUNSEL:
Maria Pence

COURT REPORTER: Christy Joyce

LAW CLERK: N/A

BAILIFFS: Les Vido/William Addington

PAROLE & PROBATION: Pat Cerniglia

The above-entitled matter was before the Court this being the time set for a STATUS HEARING. The defendant was present in court and represented by counsel.

Ms. Pence informed the Court that there are several outstanding items from her discovery request that still have not been provided.

The Court instructed the State to apply reasonable efforts to expedite the delivery of the radiological studies to Ms. Pence.

The Court instructed the parties to meet and confer regarding the extension of any deadlines currently in place.

CASE NO. 18-CR-0104

DEPT NO. II

THE STATE OF NEVADA,

v.

ADAM ANTHONY BERNARD,

DATE: 8/19/2019 PLAINTIFFS COUNSEL:
Erik Levin

JUDGE: THOMAS W. GREGORY

CLERK: Delores Goelz DEFENDANTS COUNSEL:
Maria Pence

COURT REPORTER: Christy Joyce

LAW CLERK: Andrea Dominguez

BAILIFFS: Les Vido

PAROLE & PROBATION: Gail Falconer

The above-entitled matter was before the Court this being the time set for MOTIONS HEARING. The defendant was present in court and was represented by counsel.

DEFENDANT'S REQUEST FOR THE APPOINTMENT OF CO-COUNSEL AND MOTION TO CONTINUE TRIAL:

The State filed a Non-Opposition to Motion to Continue and the Court granted the Motion and ordered the current trial dates of 9/10/19 through 10/04/19 be vacated.

The Court continued this matter to Monday, August 26th, 2019 at which time

CASE NO: 2018-CR-00104

DEPT NO. II

State Of Nevada

v.

Adam A. Bernard

DATE: 11/25/2019

JUDGE: Thomas W. Gregory

CLERK: Delores Goelz

COURT REPORTER: Kathy Jackson

PLAINTIFFS COUNSEL: Erik Levin

DEFENDANTS COUNSEL: Maria Pence

LAW CLERK: Andrea Dominguez

BAILIFFS: Eric Lindsay/Les Vido

PAROLE & PROBATION: Andrew Rico

The above-entitled matter was before the Court this being the time set for STATUS HEARING.
The defendant was present in court and represented by counsel.

The Court instructed counsel to meet with the Judicial Executive Assistant to schedule a Pre-Trial Conference.

CASE NO: 2018-CR-00104

DEPT NO. II

State Of Nevada

v.

Adam Anthony Bernard

DATE: 02/03/2020

JUDGE: Thomas W. Gregory

CLERK: Mary Biaggini

COURT REPORTER: Lynn Stubbs

PLAINTIFFS COUNSEL: Erik Levin

DEFENDANTS COUNSEL: Brian G. Filter and Maria Pence

LAW CLERK: Andrea Dominguez

BAILIFFS: Les Vido/David Nishikida

PAROLE & PROBATION:

The above-entitled matter was before the court this being the time set for PRE-TRIAL CONFERENCE/MOTIONS HEARING. The defendant was present in court and represented by counsel.

The Court invoked the rule of exclusion.

STATE'S WITNESSES SWORN AND TESTIFIED:

Philip Ruffo
Kevin Tholl
James Michael Bell
Jon Storke
Gregg Stutchman

STATE'S EXHIBIT MARKED AND ADMITTED:

1, 2, 3

DEFENDANT'S EXHIBIT MARKED AND ADMITTED:

A

The MOTION IN LIMINE REGARDING RECORDINGS OF DEFENDANT INTERVIEWS is granted.

The MOTION IN LIMINE REGARDING PHOTOGRAPHS is granted.

MOTION IN LIMINE REGARDING WITNESS TESTIMONY OF DEFENDANT'S STATEMENTS. Mr. Levin presented argument.

Ms. Pence presented argument. The Court took the matter under submission.

MOTION IN LIMINE REGARDING VIDEOS, Mr. Levin presented argument. Ms. Pence presented argument.

The Court took the matter under submission.

MOTION TO REQUIRE PLAINTIFF STATE OF NEVADA TO PROVIDE COMPLETE CRIMINAL HISTORY OF ALLEGED VICTIM. Mr. Filter presented argument. Mr. Levin presented argument. The Court took the matter under submission.

CASE NO: 2018-CR-00104

DEPT NO. II

State Of Nevada

v.

Adam Anthony Bernard

DATE: 05/04/2020

JUDGE: Thomas W. Gregory

CLERK: Mary Biaggini

COURT REPORTER: Christy Joyce

PLAINTIFFS COUNSEL: Erik Levin (GoToMeeting)

DEFENDANTS COUNSEL: Maria Pence and Brian Filter

LAW CLERK: Andrea Dominguez (GoToMeeting)

BAILIFFS: Eric Lindsay/Les Vido

PAROLE & PROBATION: Heather Hardy (GoToMeeting)

The above-entitled matter was before the court this being the time set for ORDER TO SHOW CAUSE. The defendant was present in court and represented by counsel.

The Alternative Sentencing Violation Report is on file with the Court; copies were received and acknowledged.

The defendant entered an admission to the Alternative Sentencing Violation Report.

The Court accepted the admission as being freely, voluntarily, and knowingly and ordered it entered on the record.

Ms. Pence presented statements.

Mr. Levin presented statements.

The Court ordered the previously entered Order Concerning Bail be reinstated with the additional condition that that defendant is placed on Remote Breath for a period of sixty (60)

days. If there are no positive tests, this condition will be removed.

The Court ordered the bench warrant issued on April 3, 2020, to be quashed.

CASE NO: 2018-CR-00104

DEPT NO. II

State Of Nevada

v.

Adam A Bernard

DATE: 03/08/2021

JUDGE: Thomas W. Gregory

CLERK: Marilyn Carney

COURT REPORTER: Kathy Jackson

PLAINTIFFS COUNSEL: Erik Levin/Patrick Ferguson

DEFENDANTS COUNSEL: Brian G Filter (via GoToMeeting)/Maria Pence

LAW CLERK: Bethany Towne

BAILIFFS: Eric Lindsay/Les Vido

PAROLE & PROBATION: Jennifer Pongasi

The above-entitled matter was before the Court this being the time set for STATUS HEARING. The defendant was present in court via telephone and represented by counsel.

Ms. Pence and Mr. Filter are granted 30 days to provide a supplemental brief and the State will have 1 week to reply.

The Court scheduled a pre-trial conference and motion hearing for May 13, 2021, at 9:00 a.m. The defendant is ordered to be present in person.

CASE NO: 2018-CR-00104

DEPT NO. II

State Of Nevada

v.

Adam A Bernard

DATE: 05/05/2021

JUDGE: Thomas W. Gregory

CLERK: Marilyn Carney

COURT REPORTER: Shellie Loomis

PLAINTIFFS COUNSEL: Patrick Ferguson

DEFENDANTS COUNSEL: Maria Pence/Brian Filter

LAW CLERK: Bethany Towne

BAILIFFS: Eric Lindsay

PAROLE & PROBATION: Not Present

WITNESSES SWORN AND TESTIFIED:
Adam Bernard

The above-entitled matter was before the Court this being the time set for CHANGE OF PLEA/ARRAIGNMENT. The defendant was present in court and represented by counsel. The defendant's true name was ascertained.

The Amended Information was filed with the Court on May 4, 2021; copies were received and acknowledged and the defendant waived the formal reading thereof.

The Amended Information charges the defendant with Voluntary manslaughter, a violation of NRS 200.040, NRS 200.050, and 200.080, a category B felony.

The Guilty Plea Agreement is on file with the Court. The defendant advised that he understands its contents and that he entered into the agreement freely and voluntarily.

To the Amended Information, the defendant entered a plea of GUILTY pursuant to North

Carolina v. Alford.

The Court advised the defendant of all his legal and constitutional rights, and of the elements of the offense. The defendant understands the maximum penalty as outlined in the Plea Agreement and that sentencing lies solely with the Court. The Court advised the defendant that it can consider all original charges when determining the appropriate sentence in this matter. The Court advised the defendant that payment of restitution may be ordered if deemed appropriate by the Court. The defendant stated his involvement in the matter.

The Court accepted the plea of the defendant as having been freely, voluntarily, and intelligently made and ordered it entered on the record.

Sentencing is set for July 1, 2021, at 1:30 p.m., and the matter was referred to the Division of Parole and Probation for a pre-sentence report.

The Court ordered the defendant to appear at the time set for sentencing and advised the defendant that failure to appear would result in the issuance of a bench warrant and the filing of additional charges.

The Court ordered bail remain as previously ordered.

CASE NO: 2018-CR-00104

DEPT NO. II

State Of Nevada

v.

Adam A Bernard

DATE: 07/01/2021

JUDGE: Thomas W. Gregory

CLERK: Marilyn Carney

COURT REPORTER: Capitol Reporters - Kathy Jackson

PLAINTIFFS COUNSEL: Erik Levin

DEFENDANTS COUNSEL: Maria Pence/Brian G Filter

LAW CLERK: Not Present

BAILIFFS: Les Vido/George Schramm

PAROLE & PROBATION: Jennifer Pongasi

The above-entitled matter was before the Court this being the time set for SENTENCING. The defendant was present in court and represented by counsel.

WITNESSES SWORN AND TESTIFIED:

Aaron McCormick

Joseph McEllistrem, Ph.D.

James Sonsteng

Brittney Martinez

Tristan Cook

Cierra Arazia

Thomas Nobriga

STATE'S EXHIBITS MARKED:

1, 2, 3

STATE'S EXHIBITS ADMITTED:

3

STATE'S EXHIBITS NOT ADMITTED:
1, 2

DEFENDANT'S EXHIBITS MARKED:
A

DEFENDANT'S EXHIBITS ADMITTED:
A

The Pre-sentence Report is on file with the Court; copies were received and acknowledged. Mr. Levin advised the Court of the factual errors contained in the report. Ms. Pence advised the Court of the factual errors contained in the report.

Ms. Pence recommended the defendant be sentenced to a term of 12-36 months, suspended with probation.

The Court inquired of anything in mitigation or aggravation.

The defendant presented statements on his own behalf.

Mr. Levin recommended the defendant be sentenced to 10 years in prison with minimum parole eligibility of 4 years, a fine of \$10,000.00, and fees and assessments.

No sufficient legal cause was shown by the defendant as to why judgment should not be pronounced against him. The Court adjudged the defendant guilty of the crime of Voluntary Manslaughter, a violation of NRS 200.040, 200.050, and 200.080 a category B felony.

Imprisonment in the state prison for a maximum term of one hundred twenty (120) months and a minimum term of forty-eight (48) months, and a fine in the amount of ten thousand dollars (\$10,000.00). Defendant shall pay statutory fees and assessments of \$25.00 (NRS 176.062), \$3.00 (NRS 176.0623), \$150.00 (NRS 176.0915), and reimbursement of appointed counsel fees of five hundred dollars (\$500.00).

Defendant is granted forty-nine (49) days credit for time served.

This judgment constitutes a lien in like manner as a judgment rendered in a civil action. NRS 176.275.

Cash bail posted is forfeited as partial payment for fines, fees, and assessments.

The defendant was remanded to the custody of the Douglas County Sheriff.

CASE NAME:	STATE V ITMO ADAM A. BERNARD
CASE NUMBER:	2018-CR-00104
DATE OF HEARING:	FEBRUARY 3, 2020
JUDGE:	THOMAS W. GREGORY
DEPT NO:	II
ATTORNEY:	ERIK LEVIN
PURPOSE OF HEARING:	PRE-TRIAL/MOTIONS HEARING

[illegible]

[illegible]

1 STATE OF NEVADA)
2) SS
3 COUNTY OF DOUGLAS)

4 I, BOBBIE R. WILLIAMS, Clerk of the Ninth Judicial
5 District Court, State of Nevada, in and for the said County of
6 Douglas; said Court being a Court of Record, having common law
7 jurisdiction, and a Clerk and a Seal, do hereby certify that the
8 foregoing are the full, true copies of the original pleadings
9 filed in Case No. 2018-CR-00104 STATE V ADAM A. BERNARD: Notice
10 of Appeal; Case Appeal Statement; Request for Transcripts,
11 District Court Docket Entries; Judgment of Conviction, District
12 Court Minutes, Exhibit Lists.

13 IN TESTIMONY WHEREOF, I have hereunto set my hand
14 and affixed my Official Seal at Minden, in said County and State
15 this 2nd day of August, A.D., 2021.

16
17 Clerk of Court

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19 Deputy Clerk
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BOBBIE R. WILLIAMS
CLERK OF COURT
COURT ADMINISTRATOR
JURY COMMISSIONER

District Court Clerk's Office
(775) 782-9820
Tahoe Justice Court
(775) 586-7200
East Fork Justice Court
(775) 782-9955

Transmittal to the Supreme Court

To: Nevada Supreme Court
210 South Carson Street
Carson City, Nevada 89710

Date: August 2, 2021

Re: District Court Case #: 2018-CR-00104

District Court Case Name: **STATE V ADAM A. BERNARD**

The following documents are transmitted to the Supreme Court pursuant to the July 22, 1996 revisions to the Nevada Rules of Appellate Procedure. Checked items are **NOT** included in this appeal:

- ☐ Notice of Appeal
- ☐ Case Appeal Statement
- ☒ Notice of Posting of Appeal Bond
- ☐ District Court Docket entries
- ☐ Request for Transcript
- ☐ Judgment(s) or order(s) appealed from
- ☒ Order (NRAP FORM 4)
- ☐ Notice of entry of the judgment(s) or order(s) appealed from
- ☒ Certification order directing entry of judgment pursuant to NRCP 54(b)
- ☐ District Court Minutes
- ☐ Exhibit List
- ☒ Supreme Court filing fee (\$250.00) sent under separate cover.

Respectfully,
BOBBIE WILLIAMS
CLERK OF THE COURT

By: 
Deputy Court Clerk