



IN THE SUPREME COURT OF THE STATE OF NEVADA

JAMES ROBERT BONETTI,

Petitioner,

vs.

Supreme Court Case No. 22-0165  
District Court May 02, 2022 5:40 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

THE FIFTH JUDICIAL COURT  
OF THE STATE OF NEVADA, IN  
AND FOR THE COUNTY OF NYE;  
AND THE HONORABLE KIMBERLY  
A. WANKER, DISTRICT JUDGE.

Respondents,

And THE STATE OF NEVADA

Real Party in Interest.

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## Case Summary

### BONETTI, JAMES ROBERT ~ POSSESS VISUAL PORNOGRAPHY OF PERSON UNDER AGE 16, FIRST OFFENSE

Court: 18CR04644B

LEA: 18NY-2914

Agency: Pahrump Justice Court

Type: CRIMINAL

Status: Bindover

Age: 316 days Active Age: 317 days

CaseID: 18-5377

Received Date: 9/17/2018

Status Date: 7/24/2019

#### Involvements

##### Primary Involvements

BONETTI, JAMES ROBERT Defendant, Notify

##### Other Involvements

Boskovich, Ronni - rboskovich1 Public Defender

Joerger, Carl M Esq - cjoerger1 Conflict Attorney, Inactive

Gent, Nathan L. Esq. - ngent2 Public Defender, Inactive

Pahrump Justice Court (18CR04644B)

Chamlee, Lisa - lmchamlee Judge, Notify

Sullivan, Gus - gsullivan Judge, Inactive

Nye County Sheriff's Office (18NY-2914)

Marshall, Joseph - jmarshall Deputy

Nye County District Attorney

Vieta-Kabell, Michael - mvkieta-kabell Prosecuting Attorney

#### Charges

1. NRS 200.730.1 ~ POSSESS VISUAL PORNOGRAPHY OF PERSON UNDER AGE 16, FIRST OFFENSE Occurred: 5/30/2018 Ended: 9/6/2018

Felony CATEGORY 'B' Crimes Against Persons

Count History: PC-PENDING CHARGES Change Date: 9/17/2018 Change Type: ORIGINAL CHARGES

Disposition: Waiver of Preliminary Hearing Dispo Date: 7/24/2019

7. NRS 201.230.1a ~ LEWDNESS WITH A CHILD UNDER 16 YEARS OF AGE Occurred: 5/30/2018 Ended: 9/6/2018

Felony CATEGORY 'B' Crimes Against Persons

Disposition: Waiver of Preliminary Hearing Dispo Date: 7/24/2019

12. NRS 200.366.3C ~ SEXUAL ASSAULT AGAINST CHILD UNDER 14 Occurred: 10/11/2015 Ended: 10/10/2017

Felony CATEGORY 'A' Crimes Against Persons 7/16/2019 12:00:00 PM

Disposition: Waiver of Preliminary Hearing Dispo Date: 7/24/2019

#### Related Cases

##### Co-Defendant Case

BUTLER, WILLIAM JOSEPH ~ POSSESS VISUAL PORNOGRAPHY OF PERSON UNDER AGE 16, FIRST OFFENSE

Court: 18CR04644A

Type: CRIMINAL

Search Warrant

Status: Bindover

Agency: Pahrump Justice Court

Status Date: 7/24/2019

61 N UNION PACIFIC AVENUE, PAHRUMP ~ SEARCH WARRANT

Court: 18SW00136

Type: SEARCH WARRANT

Status: Closed

Agency: Pahrump Justice Court

Status Date: 9/10/2018

## Case Summary

Search Warrant

FACEBOOK ~ SEARCH WARRANT

Court : 18SW00139

Type: SEARCH WARRANT

Status: Open

Agency: Pahrump Justice Court

Status Date: 9/11/2018

### Case Status History

7/24/2019 9:42:00 AM | Bindover

9/17/2018 | Open

9/10/2018 7:45:00 AM | Pending

### Docket Entries

7/30/2019 11:00:34 AM | Bindover Receipt-P | Bindover Receipt-P.rtf | 7/30/2019

7/30/2019 11:00:17 AM | Unknown Document | BINDOVER ORDER.pdf | 7/30/2019

BINDOVER ORDER SIGNED AND FILED. COPY TO THE NYE COUNTY DISTRICT ATTORNEY'S OFFICE AND ATTORNEY BOKOVICH. FILE HAND-CARRIED TO THE NYE COUNTY CLERK'S OFFICE. CKD

7/30/2019 11:00:17 AM | Unknown Document | UNCONDITIONAL WAIVER.pdf | 7/30/2019

7/24/2019 2:00:04 PM | Bindover - Unconditional Waiver-P | Bindover - Unconditional Waiver-P.rtf | 7/24/2019

7/24/2019 9:00:00 AM | Preliminary Hearing | Pahrump Justice Court, Department A | Prelim Waived

Vieta-Kabell, Michael - mvkieta-kabell (Prosecuting Attorney) - PRESENT

Thelaner, Brian - thelaner (Bailiff) - PRESENT

Dunbar, Cheryl - cdunbar (Court Clerk) - PRESENT

Foss, Connie - cfoss (Court Clerk) - PRESENT

BONETTI, JAMES ROBERT (Defendant) - PRESENT

Chamlee, Lisa - lmchamlee (Judge) - PRESENT

Boskovich, Ronni - rboskovich1 (Public Defender) - PRESENT

COOPER, LAURIE - PRESENT

COURT REPORTER

ATTORNEY BOSKOVICH ADVISED THE COURT THAT THIS CASE HAS BEEN NEGOTIATED. THE DEFENDANT IS UNCONDITIONALLY WAIVING HIS RIGHT TO A PRELIMINARY HEARING. IN DISTRICT COURT, THE DEFENDANT WILL PLEAD GUILTY TO 2 COUNTS OF POSSESSION OF CHILD PORNOGRAPHY, FIRST OFFENSE, CATEGORY 'B' FELONIES, WHICH CARRIES 1-6 ON EACH COUNT. AT THE TIME OF SENTENCING, BOTH SIDE RETAIN THE RIGHT TO ARGUE. IN RETURN, THE STATE AGREES TO DISMISS AND/OR NOT PURSUE ANY ADDITIONAL CHARGES ARISING FROM THIS INCIDENT, AND WILL DISMISS CASE 18CR04800 IN ITS ENTIRETY AFTER ENTRY OF PLEA IN DISTRICT COURT. THE STATE CONCURRED, AND NOTED THAT THEY WILL BE ADDING LANGUAGE IN THE GUILTY PLEA AGREEMENT WAIVING ANY FACTUAL DEFECT. THE DEFENDANT WAS SCREENED AS TO HIS UNDERSTANDING AND ACCEPTANCE OF THE NEGOTIATIONS AND THE RIGHTS HE WOULD BE WAIVING BY ENTERING INTO SAID NEGOTIATIONS. THE DEFENDANT STATED HE UNDERSTOOD. THE COURT FOUND THAT THE DEFENDANT HAS KNOWINGLY AND VOLUNTARILY WAIVED HIS RIGHT TO PRELIMINARY HEARING AND ORDERED DEFENDANT BOUND OVER TO APPEAR IN THE FIFTH JUDICIAL DISTRICT COURT ON 9/13/19 AT 9:00 AM, UNDER DISTRICT COURT CASE NO. CR9595. CKD

7/17/2019 3:34:27 PM | Unknown Document | PD Change Joerger to Boskovich.pdf | 7/16/2019

7/16/2019 7:46:37 AM | Unknown Document | INTENT TO USE AFFIDAVITS.pdf | 7/15/2019

NOTICE OF INTENT TO USE AFFIDAVITS FILED BY THE STATE. COPIES RETURNED TO THE NYE COUNTY DA'S OFFICE. PT

7/16/2019 7:43:52 AM | Unknown Document | AMENDED CRIMINAL COMPLAINT.pdf | 7/15/2019

AMENDED CRIMINAL COMPLAINT FILED BY THE STATE AMENDING THE COMPLAINT TO REFLECT AN ADDITIONAL CHARGE OF SEXUAL ASSAULT AGAINST A CHILD UNDER 14, A CATEGORY A FELONY. COPY RETURNED TO THE NYE COUNTY DA'S OFFICE. ORIGINAL AND ONE COPY PLACED IN FILE. PT

6/11/2019 10:06:57 AM | Unknown Document | 15-DAY WAIVER.pdf | 6/11/2019

WAIVER OF 15-DAY RULE SIGNED AND FILED. COPY TO THE NYE COUNTY DISTRICT ATTORNEY'S OFFICE AND ATTORNEY JOERGER. CKD

5/22/2019 9:00:00 AM | Pre-Trial Hearing | Pahrump Justice Court, Department A | Pre-Trial Hearing Held

Joerger, Carl M Esq - cjoerger1 (Conflict Attorney) - PRESENT

Vieta-Kabell, Michael - mvkieta-kabell (Prosecuting Attorney) - PRESENT

Thelaner, Brian - thelaner (Bailiff) - PRESENT

Dunbar, Cheryl - cdunbar - PRESENT

BONETTI, JAMES ROBERT (Defendant) - PRESENT

## Case Summary

Chamlee, Lisa - lmchamlee (Judge) - PRESENT

ATTORNEY MARTINEZ, ATTORNEY FOR CO-DEFENDANT, ADVISED THE COURT THAT THIS CASE HAS BEEN CONTINUED SEVERAL TIMES DUE TO THE ISSUE OF GETTING FACEBOOK RECORDS, WHICH WERE VOLUMINOUS. DEFENSE COUNSEL NOW HAS THE DISCOVERY, AND HAS REVIEWED MOST OF IT. THERE ARE NO NEGOTIATIONS AT THIS TIME. ATTORNEY MARTINEZ ADVISED THAT THIS CASE IS READY FOR PRELIMINARY HEARING. THE STATE CONCURRED, AS DID ATTORNEY JOERGER. THE COURT SET A PRELIMINARY HEARING ON 7/24/19 AT 9:00 A.M. CKD

3/13/2019 9:19:29 AM | Certificate of Service-P | CERTIFICATE OF SERVICE.pdf | 3/13/2019

CERTIFICATE OF SERVICE FILED BY THE STATE. COPIES RETURNED TO THE DA'S OFFICE. CF

2/12/2019 1:48:20 PM | Unknown Document | STIP (3).pdf | 2/12/2019

STIPULATION AND ORDER REGARDING DISCLOSURE OF SENSITIVE INFORMATION SIGNED AND FILED. COPY TO THE NYE COUNTY DISTRICT ATTORNEY'S OFFICE AND ATTORNEYS JOERGER AND MARTINEZ. CKD

2/6/2019 9:00:00 AM | Preliminary Hearing | Pahrump Justice Court, Department A | Vacated  
CONVERTED TO PRE-TRIAL

2/6/2019 9:00:00 AM | Pre-Trial Hearing | Pahrump Justice Court, Department A | Continued

Joerger, Carl M Esq - cjoerger1 (Conflict Attorney) - PRESENT

Thelaner, Brian - thelaner (Bailiff) - PRESENT

Dunbar, Cheryl - cdunbar (Court Clerk) - PRESENT

BONETTI, JAMES ROBERT (Defendant) - PRESENT

Trice, Phyllis - ptrice (Court Clerk) - PRESENT

Gosioco, Gerard G - ggosioco - PRESENT

Chamlee, Lisa - lmchamlee (Judge) - PRESENT

ATTORNEY MARTINEZ, DEFENSE COUNSEL FOR CO-DEFENDANT, ADVISED THE COURT THAT THE PRELIMINARY HEARING THAT WAS ORIGINALLY SET FOR THIS DATE WAS CONVERTED TO A PRE-TRIAL, AS DISCOVERY HAD NOT BEEN RECEIVED. TO DATE, DEFENSE COUNSEL HAS NOT YET RECEIVED THE FACEBOOK RECORDS. THE PARTIES HAVE SIGNED A STIPULATION REGARDING DISCLOSURE OF THE SENSITIVE MATERIAL THAT IS PART OF THE DISCOVERY. ATTORNEY MARTINEZ REQUESTED THAT THIS BE SET FOR ANOTHER PRE-TRIAL HEARING TO ALLOW DEFENSE COUNSEL TO REVIEW THE VOLUMES OF DISCOVERY. ATTORNEY JOERGER CONCURRED, AND THE STATE DID NOT OPPOSE. THE COURT SIGNED THE STIPULATION REGARDING THE NATURE OF THE DISCOVERY AND PROHIBITION OF DISCLOSURE IN OPEN COURT. SIDE BAR. THE COURT ADVISED THAT THE STATE DISCLOSED A POTENTIAL CONFLICT WHICH HAS NOT YET ARISEN. THE COURT ADVISED THE PARTIES THAT HER SPOUSE WORKS FOR THE NYE COUNTY SHERIFF'S DEPARTMENT. THE STATE IS NOT PLANNING ON CALLING HIM AS A WITNESS AT THIS TIME. PER STIPULATION, THE PARTIES AGREE THAT THE JUDGE WILL REMAIN ON THE CASE. IF THE STATE'S POSTURE CHANGES, THE JUDGE WILL BE REQUIRED TO RECUSE HERSELF FROM THE CASE PURSUANT TO RULE 2.11 OF THE NEVADA REVISED CODE OF JUDICIAL CONDUCT. THE COURT CONTINUED THE PRE-TRIAL HEARING ON 5/22/19 AT 9:00 A.M. CKD

1/9/2019 9:00:00 AM | Pre-Trial Hearing | Pahrump Justice Court, Department A | Hearing Held

Joerger, Carl M Esq - cjoerger1 (Conflict Attorney) - PRESENT

Thelaner, Brian - thelaner (Bailiff) - PRESENT

Dunbar, Cheryl - cdunbar (Court Clerk) - PRESENT

Foss, Connie - cfoss (Court Clerk) - PRESENT

BONETTI, JAMES ROBERT (Defendant) - PRESENT

Gosioco, Gerard G - ggosioco - PRESENT

Chamlee, Lisa - lmchamlee (Judge) - PRESENT

ATTORNEY MARTINEZ, COUNSEL FOR C-DEFENDANT, BRIEFED THE RECORD. THE PRELIMINARY HEARING WAS ORIGINALLY SET FOR THIS DATE, BUT WAS CONVERTED TO A PRE-TRIAL DUE TO THE FACEBOOK RECORDS NOT BEING RECEIVED. TO DATE, THEY HAVE STILL NOT BEEN RECEIVED. HE SPOKE WITH THE STATE TODAY, AND THOSE RECORDS ARE BEING PREPARED. DEFENSE COUNSEL SHOULD HAVE THEM WITHIN THE NEXT FEW DAYS. ATTORNEY MARTINEZ RECOMMENDED KEEPING THE 2/6/19 HEARING DATE, BUT THAT IT BE CONVERTED TO ANOTHER PRE-TRIAL TO INSURE THAT ALL DISCOVERY IS RECEIVED BY DEFENSE COUNSEL. ATTORNEY JOERGER, CONCURRED. THE STATE ADVISED THAT DEFENSE COUNSEL WAS INFORMED THAT THE FACEBOOK RECORDS WERE AVAILABLE FOR REVIEW IN THEIR OFFICE, BUT DID NOT OPPOSE THE CONTINUANCE. THE COURT CONVERTED THE 2/6/19 9:00 A.M. HEARING TO ANOTHER PRE-TRIAL, AND A PRELIMINARY HEARING WILL BE SET AT THAT TIME. CKD

## Case Summary

10/24/2018 9:00:00 AM | Preliminary Hearing | Pahrump Justice Court, Department A | Continued

Sullivan, Gus - gsullivan (Judge) - PRESENT

Vieta-Kabell, Michael - mvkieta-kabell (Prosecuting Attorney) - PRESENT

Thelaner, Brian - thelaner (Bailiff) - PRESENT

Dunbar, Cheryl - cdunbar (Court Clerk) - PRESENT

BONETTI, JAMES ROBERT (Defendant) - PRESENT

IN CUSTODY ACCOMPANIED BY DEPUTY BRIGIDA

Ferguson, Patrick - pferguson (Prosecuting Attorney) - PRESENT

Trice, Phyllis - ptrice (Court Clerk) - PRESENT

Gosioco, Gerard G - ggosioco (Prosecuting Attorney) - PRESENT

CASE CALLED. THE COURT ADVISED THAT A STIPULATION TO CONTINUE WAS RECEIVED. CO-DEFENDANT COUNSEL, ATTORNEY MARTINEZ ADVISED THAT THE STATE HAS BEEN UNABLE TO PROVIDE SOME DISCOVERY, SPECIFICALLY A FILE RECEIVED FROM FACEBOOK, WHICH THEY WERE UNABLE TO OPEN. CO-DEFENSE COUNSEL OPPOSES THE CONTINUANCE, AS THE DEFENDANT IS IN CUSTODY, AND HAS INVOKED HIS RIGHT TO A SPEEDY TRIAL. THE AGREED UPON RESOLUTION IS THAT DEFENSE COUNSEL WILL NOT OBJECT TO A CONTINUANCE IF THE STATE AGREES TO AN O.R. RELEASE, WITH CONDITIONS. ATTORNEY JOERGER CONCURRED, ADDING IF THE STATE DOES NOT AGREE TO THE O.R. RELEASE, HE IS PREPARED TO GO FORWARD TODAY. THE STATE OUTLINED THEIR DILIGENT ATTEMPTS TO GET THE DISCOVERY IN AN ACCEPTABLE FORMAT, WHICH WAS FINALLY RECEIVED. THE FILE IS APPROXIMATELY 200,000 PAGES. THE STATE IS UNABLE TO GO FORWARD TODAY WITHOUT REVIEWING ALL OF THE INFORMATION, WHICH IS WHY THEY ARE AGREEING TO THE O.R. RELEASE, WITH CONDITIONS. AFTER HEARING EXTENSIVE ARGUMENTS FOR THE CONTINUANCE, THE COURT RELEASED THE DEFENDANT ON HIS OWN RECOGNIZANCE WITH THE FOLLOWING CONDITIONS: NO ADVERSE CONTACT WITH LAW ENFORCEMENT, NO ALCOHOL/DRUGS, NO ADVERSE CONTACT WITH LAW ENFORCEMENT, NO FAILURE TO APPEAR, AND NO CONTACT WITH THE VICTIM OR THE VICTIM'S FAMILY. THE DEFENDANT ADMONISHED THAT SHOULD HE FAIL TO COMPLY WITH THE TERMS OF RELEASE, HE WILL BE SUBJECT TO ARREST. THE COURT SET A PRE-TRIAL HEARING ON 1/9/19 AT 9:00 A.M., AND PRELIMINARY HEARING ON 2/6/19 AT 9:00 A.M. CKD

10/23/2018 1:29:39 PM | Other

STIPULATION TO CONTINUE REVIEWED BY THE COURT. PER JUDGE SULLIVAN, THE STIPULATION TO BE ADDRESSED ON 10/24/18 AT 9:00 A.M. VOICEMAIL LEFT FOR ATTORNEY VIETA-KABELL TO ADVISE OF THE SAME. CKD

10/23/2018 10:19:05 AM | Unknown Document | STIP (2).pdf | 10/23/2018

STIPULATION TO CONTINUE RECEIVED AND FILED. ORDER TO THE COURT FOR SIGNATURE. CKD

10/17/2018 10:10:43 AM | Unknown Document | SUBSTITUTION OF COUNSEL.pdf | 10/17/2018

SUBSTITUTION OF COUNSEL SIGNED AND FILED. COPY TO THE NYE COUNTY DISTRICT ATTORNEY'S OFFICE, ATTORNEY GENT AND ATTORNEY JOERGER. CKD

10/10/2018 9:00:00 AM | Status Hearing | Pahrump Justice Court, Department A | Hearing Held

Sullivan, Gus - gsullivan (Judge) - PRESENT

Thelaner, Brian - thelaner (Bailiff) - PRESENT

Gent, Nathan L. Esq. - ngent2 (Public Defender) - PRESENT

Dunbar, Cheryl - cdunbar (Court Clerk) - PRESENT

Foss, Connie - cfoss (Court Clerk) - PRESENT

BONETTI, JAMES ROBERT (Defendant) - PRESENT

IN CUSTODY ACCOMPANIED BY DEPUTY BRIGIDA

Ferguson, Patrick - pferguson (Prosecuting Attorney) - PRESENT

Young, Daniel T - dyoung (Prosecuting Attorney) - PRESENT

CASE CALLED. ATTORNEY GENT MADE AN ORAL MOTION TO WITHDRAW, AS HE REPRESENTS A WITNESS IN THIS CASE. THE STATE DID NOT OPPOSE. DEFENSE MOTION GRANTED BY THE COURT. THE COURT APPOINTED ATTORNEY JOERGER TO REPRESENT THE DEFENDANT. CASE TRAILED TO ALLOW ATTORNEY JOERGER TO BE PRESENT. CASE RECALLED. ATTORNEY JOERGER STATED THAT HE WILL CONFIRM AS COUNSEL FOR THE DEFENDANT, BUT WILL CHECK TO MAKE SURE THAT HE DOES NOT HAVE A CONFLICT. THE COURT ADVISED THAT A PRELIMINARY HEARING IS SET FOR 10/24/18 AT 9:00 A.M. THE STATE ADVISED THAT THEY HAD TALKED TO ATTORNEY MARTINEZ, WHO REPRESENT CO-DEFENDANT WILLIAM BUTLER, AND RECOMMENDS KEEPING THE 10/24/18 PRELIMINARY HEARING DATE. THE COURT CONFIRMED THE PRELIMINARY HEARING ON 10/24/18 AT 9:00 A.M. THE DEFENDANT REMANDED TO THE CUSTODY OF THE NYE COUNTY SHERIFF'S OFFICE. CKD

10/9/2018 10:25:25 AM | Unknown Document | ORDER.pdf | 10/9/2018

ORDER TO PLACE ON CALENDAR SIGNED AND FILED. COPY TO THE NYE COUNTY DISTRICT ATTORNEY'S OFFICE AND ATTORNEY GENT. CKD

10/8/2018 2:29:21 PM | Unknown Document | STIP.pdf | 10/8/2018

STIPULATION TO PLACE ON CALENDAR RECEIVED AND FILED. ORDER TO THE JUDGE FOR SIGNATURE. CKD

## Case Summary

10/8/2018 8:35:34 AM | Telephone

PHONE CALL FROM ATTORNEY GENT ADVISING THAT HE HAS A CONFLICT AS HE REPRESENTS A POTENTIAL WITNESS. A STIPULATION AND MOTION TO PLACE ON CALENDAR IS FORTHCOMING. CKD

10/3/2018 9:00:00 AM | Pre-Trial Hearing | Pahrump Justice Court, Department A | Pre-Trial Hearing Held

Sullivan, Gus - gsullivan (Judge) - PRESENT

Thelaner, Brian - thelaner (Bailiff) - PRESENT

Gent, Nathan L. Esq. - ngent2 (Public Defender) - PRESENT

Dunbar, Cheryl - cdunbar (Court Clerk) - PRESENT

BONETTI, JAMES ROBERT (Defendant) - PRESENT

IN CUSTODY, ACCOMPANIED BY DEPUTY SPRADLIN

Ferguson, Patrick - pferguson (Prosecuting Attorney) - PRESENT

Young, Daniel T - dyoung (Prosecuting Attorney) - PRESENT

Trice, Phyllis - ptrice (Court Clerk) - PRESENT

Gosioco, Gerard G - ggosioco (Prosecuting Attorney) - PRESENT

CASE CALLED. ATTORNEY GENT REQUESTED THAT THIS CASE BE TRAILED. CASE RECALLED. ATTORNEY GENT ADVISED THAT HE MET WITH THE DEFENDANT AND ATTEMPTED TO CONVEY THE STATE'S OFFER, BUT THE DEFENDANT CUT HIM OFF. ATTORNEY GENT REQUESTED CONFIRMATION OF THE PRELIMINARY HEARING DATE/TIME. THE COURT CONFIRMED PRELIMINARY HEARING ON 10/24/18 AT 9:00 A.M. THE DEFENDANT REMANDED TO THE CUSTODY OF THE NYE COUNTY SHERIFF'S OFFICE. CKD

9/18/2018 4:00:00 PM | Formal Arraignment | Pahrump Justice Court, Department A | Arraignment Hearing Held

Sullivan, Gus - gsullivan (Judge) - PRESENT

Thelaner, Brian - thelaner (Bailiff) - PRESENT

Gent, Nathan L. Esq. - ngent2 (Public Defender) - NOT PRESENT

Foss, Connie - cfoss (Court Clerk) - PRESENT

Thorn, Michelle A - mthorn (Court Clerk) - PRESENT

BONETTI, JAMES ROBERT (Defendant) - PRESENT

IN CUSTODY, ACCOMPANIED BY DEPUTY K. CLEVELAND

Martinez, Daniel Esq. - dmartinez - PRESENT

ON BEHALF OF ATTY. GENT

Gosioco, Gerard G - ggosioco (Prosecuting Attorney) - PRESENT

THE DEFENDANT WAS GIVEN A COPY OF THE CRIMINAL COMPLAINT. ATTORNEY MARTINEZ WAIVED THE FORMAL READING OF THE COMPLAINT, ADVISED THAT THE DEFENDANT'S NAME IS SPELLED CORRECT AND THAT THE DEFENDANT UNDERSTANDS THE CHARGES. ATTORNEY MARTINEZ FURTHER MOTIONED FOR A PRE-TRIAL HEARING AND A PRELIMINARY HEARING WITHIN 15 DAYS OR SOON THERE AFTER. THE COURT SET A PRE-TRIAL HEARING ON 10/03/2018 AT 9:00 A.M. AND A PRELIMINARY HEARING ON 10/24/2018 AT 9:00 A.M., EARLIEST DATE AVAILABLE. ATTORNEY GOSIOSO MOTIONED FOR BAIL TO BE SET AT \$500,000. ATTORNEY MARTINEZ OPPOSED. THE COURT DENIED THE STATE'S MOTION AND CONFIRMED BAIL AT \$100,000 CASH OR BOND. THE DEFENDANT WAS REMANDED TO THE CUSTODY OF THE NYE COUNTY SHERIFF'S OFFICE. CF

9/17/2018 11:20:11 AM | Unknown Document | CRIMINAL COMPLAINT.pdf | 9/17/2018

CRIMINAL COMPLAINT FILED. COPIES WERE SENT TO THE DISTRICT ATTORNEY'S OFFICE. AM

9/12/2018 8:12:46 AM | Appointment of Counsel-P | APPOINTMENT OF COUNSEL.pdf | 9/12/2018

AFFIDAVIT AND APPLICATION FOR APPOINTMENT OF COUNSEL SIGNED AND FILED. COPY FORWARDED TO THE DA'S OFFICE AND ATTORNEY GENT. CF

9/11/2018 4:00:00 PM | First Appearance | Pahrump Justice Court, Department A | Probable Cause Hearing Held

Sullivan, Gus - gsullivan (Judge) - PRESENT

Thelaner, Brian - thelaner (Bailiff) - PRESENT

Dunbar, Cheryl - cdunbar (Court Clerk) - PRESENT

Foss, Connie - cfoss (Court Clerk) - PRESENT

BONETTI, JAMES ROBERT (Defendant) - PRESENT

IN CUSTODY ACCOMPANIED BY DEPUTY SPRADLIN

Ferguson, Patrick - pferguson (Prosecuting Attorney) - PRESENT

Young, Daniel T - dyoung (Prosecuting Attorney) - PRESENT

THE DEFENDANT WAS ADVISED OF HIS RIGHTS, THE REASONS FOR THE ARREST AND PROCEDURES. THE COURT ADVISED THAT PROBABLE CAUSE WAS FOUND. THE COURT FURTHER SCREENED THE DEFENDANT AS TO HIS FINANCIAL/EMPLOYMENT STATUS AND APPOINTED ATTORNEY GENT TO REPRESENT HIM. THE COURT SET A FORMAL ARRAIGNMENT ON 09/18/2018 AT 11:00 A.M. AND SET BAIL AT \$100,000 CASH OR BOND. THE DEFENDANT WAS REMANDED TO THE CUSTODY OF THE NYE COUNTY SHERIFF'S OFFICE. AFFIDAVIT AND APPLICATION FOR APPOINTMENT OF COUNSEL PREPARED FOR SIGNATURE. CF

9/11/2018 1:57:55 PM | Formal Arraignment Notification-P | Formal Arraignment Notification-P\_201809111357559029fee0.rtf

## Case Summary

Added by EventEngineResult for 18-5377

9/10/2018 7:48:22 AM | Unknown Document | BOOKING SHEET.pdf | 9/10/2018

9/10/2018 7:45:44 AM | Case Note

LEWD COMMITTED BY PERS OVER 18 W/CHILD; POSS VISUAL PORN OF PERS, 16, 1ST. AM

### Case Event Tree (Events with Relationships)

#### Bonds

For	Bond Type	Bond Status	Amt Due
1 ~ JAMES ROBERT BONETTI	Released	Released Own Recognizance	\$0

#### History

For	Type	Status	Amount	%	Due	Set Dt
JAMES ROBERT BONETTI	Bail	In Custody	\$100000.00		\$100000.00	9/10/2018

Certified copy  
Certified copy of the original  
document(s) on file in  
Pahrump Justice Court  
By: Quinta Date: 7/30/19

CASE NO.: 18CR04644B, 18CR04800  
DEPT: A

*Chen*

IN THE JUSTICE COURT OF PAHRUMP TOWNSHIP  
COUNTY OF NYE, STATE OF NEVADA

\*\*\*\*\*

THE STATE OF NEVADA,

Plaintiff,

SUBSTITUTION OF COUNSEL

vs.

JAMES ROBERT BONETTI,


Defendant /

On September 11, 2018, the Nye County Public Defender Nathan Gent was appointed by the court to represent the defendant, **JAMES ROBERT BONETTI**, in the above captioned matters. Attorney Gent advised on October 10, 2018, that he has a conflict, as he represents a witness.

IT IS HEREBY ORDERED that CARL JOERGER, ESQ., 1231 E BASIN ROAD, STE 9, PAHRUMP, NEVADA 89048, be and is hereby substituted as counsel for the defendant, JAMES ROBERT BONETTI.

IT IS FURTHER ORDERED that the hearing in the above captioned matter be and the same hereby is set for Preliminary Hearing on **the 24th day of October, 2018 at 9:00 o'clock a.m.**, in the Pahrump Justice Court.

DATED this 10th day of October 2018.

  
\_\_\_\_\_  
Judge Gus Sullivan  
Acting magistrate for Pahrump Township

Court No. 2019-4

*A. Shoultz*

JUN 28 2019 9:32

IN THE JUSTICE COURT OF PAHRUMP TOWNSHIP  
COUNTY OF NYE, STATE OF NEVADA

\* \* \* \* \*

ORDER

**WHEREAS**, the Pahrump Justice Court is a court of record in the State of Nevada, and  
**WHEREAS**, indigent defense is provided by Nye County, Nevada, and  
**WHEREAS**, the contract between Nye County, Nevada and Carl Joerger, Esq. expires  
on June 30, 2019, and

**WHEREAS**, effective July 1, 2019, Nye County, Nevada contracted with Ronni  
Boskovich, Esq. to provide the indigent defense services previously provided by Carl Joerger,  
Esq., and

**GOOD CAUSE APPEARING THEREFOR,**

**IT IS HEREBY ORDERED** that Ronni Boskovich, Esq. be and she hereby is substituted  
as counsel for defendants currently represented by Carl Joerger, Esq. under Nye County's  
public defense contracts;

**IT IS FURTHER ORDERED** that the preceding contracted counsel transfer any and all  
discovery and pertinent file information to the currently contracted counsel.

DATED this 28th day of June 2019.

*[Signature]*  
\_\_\_\_\_  
Lisa Chamlee  
Justice of the Peace  
Pahrump Township, Dept. A

*[Signature]*  
\_\_\_\_\_  
Kent Jaspersen  
Justice of the Peace  
Pahrump Township, Dept. B

Case No: 18CR04644

Dept.: A

*C. Dunbar*

IN THE JUSTICE COURT OF PAHRUMP TOWNSHIP

COUNTY OF NYE, STATE OF NEVADA

\* \* \* \* \*

THE STATE OF NEVADA

Plaintiff,

WAIVER OF PRELIMINARY HEARING

vs.

☐ CONDITIONAL

☒ UNCONDITIONAL

James Robert Bonetti

Defendant.

The undersigned Defendant James Robert Bonetti, does waive preliminary examination in the above-entitled matter.

This Waiver does not constitute an admission or plea of guilty to the charge(s) set forth in the Criminal Complaint on file herein.

DATED this 24 day of July, 2019.

James Bonetti  
Defendant

Ronan N. Bonetti  
Attorney

PJC Case No. 18CR04644B  
PJC Dept. A  
DC Case No. CR9595

*CR Dunbar*

IN THE JUSTICE COURT OF PAHRUMP TOWNSHIP  
COUNTY OF NYE, STATE OF NEVADA

THE STATE OF NEVADA,

\*\*\*\*\*

Plaintiff,

vs.

**BINDOVER ORDER**

JAMES ROBERT BONETTI,

Defendant(s)

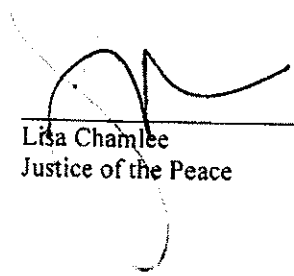
IT APPEARS to the court that public offenses, namely, COUNT I: POSSESSION OF CHILD PORNOGRAPHY, in violation of NRS 200.730, A CATEGORY 'B' FELONY; COUNT VII: LEWDNESS WITH A CHILD UNDER 16 YEARS OF AGE, in violation of NRS 201.230, A CATEGORY 'B' FELONY; COUNT XII: SEXUAL ASSAULT AGAINST CHILD UNDER 14, in violation of NRS 200.366, A CATEGORY 'A' FELONY, have been committed and it further appearing to the court the Defendant above-named, JAMES ROBERT BONETTI, has unconditionally waived Preliminary Hearing in this matter.

IT IS THEREFORE ORDERED that Defendant JAMES ROBERT BONETTI, be, and is hereby, bound over to the Fifth Judicial District Court of the STATE OF NEVADA, in and for the County of Nye, and there held to answer to said charge.

IT IS FURTHER ORDERED that Defendant JAMES ROBERT BONETTI appear in the District Courtroom of the Nye County Government Complex, 1520 E. Basin Road, Pahrump, Nevada, for arraignment in the Fifth Judicial District Court, on Friday, September 13, 2019 at the hour of 9:00 a.m.

IT IS FURTHER ORDERED that the Defendant be admitted to bail in the sum of N/A cash or surety.

DONE IN OPEN COURT this 24th day of July 2019.

  
\_\_\_\_\_  
Lisa Chamlee  
Justice of the Peace

Fifth Judicial District Court - Nye County  
Case Summary

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**Case #:** CR0009595  
**Judge:** WANKER, KIMBERLY  
**Date Filed:** 07/30/2019 **Department:**  
**Case Type:** Crimes Against Persons (Felony)

<b>Defendant</b>	<b>Attorney(s)</b>
BONETTI, JAMES ROBERT	BOSKOVICH, RONNI
<b>Plaintiff</b>	
STATE OF NEVADA	No *Attorney 1* Listed

**Charge:** NRS 200.730 POSSESSION OF CHILD PORNOGRAPHY **F/B** **Count 1**  
**Sent:**

**Disp/Judgment:** **Date:**

**Hearings:**

Date	Time	Hearing	Court Result
09/13/2019	9:00AM	ARRAIGNMENT HEARING	
11/15/2019	9:00AM	08 ARRAIGNMENT HEARING (CONT)	
12/13/2019	9:00AM	(90) ARRAIGNMENT CONTD	
02/14/2020	9:00AM	10 ARRAIGNMENT CONTD	CANC
03/18/2020	11:30AM	ARRAIGNMENT-COVID-19	CANC
07/17/2020	9:00AM	71#STATUS CHECK/ ARRAIGNMENT PER GERIE	
08/28/2020	9:00AM	70#ARRAIGNMENT/STATUS	CANC
09/04/2020	9:00AM	60#ARRAIGNMENT/STATUS(GC)	
09/18/2020	9:00AM	05#ARRAIGNMENT CONTD	
02/19/2021	9:00AM	40#CALENDAR CALL	CANC
02/19/2021	4:30PM	99#JURY DRAW 180 JURORS	CANC
02/19/2021	9:00AM	41#PRE TRIAL MOTIONS	CANC
03/30/2021	9:00AM	JURY TRIAL 3 DAYS PAHRUMP (3/30/21-4/1/21)	CANC
11/05/2021	9:00AM	44#MOTION FOR STAY OF PROCEEDINGS	
11/12/2021	9:00AM	05#CALENDAR CALL	CANC
11/12/2021	4:30PM	20#JURY DRAW 180 JURORS	CANC
12/03/2021	9:00AM	PRE TRIAL MOTIONS	CANC
12/13/2021	9:00AM	JURY TRIAL 3 DAYS DECEMBER 13-15 2021	CANC
02/11/2022	9:00AM	60#CALENDAR CALL	
02/11/2022	9:00AM	61#PRE TRIAL MOTIONS	
02/11/2022	4:30PM	99#JURY DRAW 180 JURORS - FILE TO MELISSA	
03/03/2022	9:00AM	JURY TRIAL MARCH 3-4, 2022 AND MARCH 7-11, 2022	CANC

**Filings:**

Date	Filing
01/01/1900	BIND OVER ORDER
01/01/1900	JUSTICE COURT DOCUMENTS
01/01/1900	CONFIDENTIAL
01/01/1900	INFORMATION
07/30/2019	BINDOVER ORDER
07/30/2019	DOCUMENTS RECEIVED FROM PAHRUMP JUSTICE COURT AFFIDAVIT AND APPLICATION FOR APPOINTMENT OF COUNSEL
08/01/2019	TRANSCRIPT OF PROCEEDINGS WAIVER OF PRELIMINARY HEARING (FROM JUSTICE COURT HEARING 7/24/2019 9AM)
08/05/2019	INFORMATION (FELONY/CHILD PORN)
09/13/2019	COURT MINUTES - JUDGE: KIMBERLY WANKER; CLERK: JUANITA TORRES; BAILIFF: ERIC SCHLENER; REPORTER: TRACY MANNING; APPEAR: KIRK VITTO ON BEHALF OF THE STATE; ATTORNEY RONNI BOSKOVICH ON BEHALF OF THE DEFENDANT, WHO IS PRESENT AT LIBERTY; PAULA HALICKI ON BEHALF OF THE DIVISION OF P&P. COURT CALLS THE MATTER AS ARRAIGNMENT HEARING. BOSKOVICH ADVISES THE COURT THE GPA NEED TO BE AMENDED, REQUEST CONTINUANCE, CONFIRMS THE DEFENDANT IS ON O.R. COURT STATES CONCERNS WITH THE DEFENDANT BEING ON O.R., AND ADVISES THE DEFENDANT OF THE DISTRICT COURT'S SPECIAL CONDITIONS OF O.R. ON THE RECORD. STATE ADVISES THE COURT OF THE O.R. CONDITIONS FROM JUSTICE COURT. BOSKOVICH STATES THE DEFENDANT IS UNEMPLOYED, LIVES IN LAS VEGAS. COURT ORDERS THE DEFENDANT CANNOT SEEK WORK WITH CHILDREN, NO CONTACT WITH CHILDREN AND OTHER CONDITIONS. COURT CONTINUES THE MATTER TO 11/15/2019 AT 9:00. DEFENDANT ADVISES THE COURT HE WILL GET A FLIP-PHONE WITH NO PHOTOS, NO INTERNET, NO TEXTING TODAY.
11/13/2019	COURT MINUTES
11/15/2019	Court Minutes - JUDGE: KIMBERLY A WANKER CLERK: TERRI PEMBERTON REPORTER: TRACY MANNING BAILIFF: ERIC SCHLENER APP: DON CHAIREZ, NICK PETARO FOR THE STATE; RONNI BOSKOVICH IS PRESENT WITH THE DEFENDANT COURT CALLS THE MATTER AS AN ARRAIGNMENT HEARING. COURT STATES THE CONCERNS WITH THE CHARGES BEING DROPPED DOWN. COURT QUESTIONS THE STATE WHY THEY ARE BEING DROPPED DOWN. THE STATE ADDRESSES THE COURT AND STATES HE DOES NOT KNOW WHY THE NEGOTIATION OCCURED. THE STATE SAYS IT WAS A PRIOR DA THAT MADE THE DEAL. COURT WANTS ON THE RECORD WHY THE STATE OFFERED THIS NEGOTIATION. DEFENSE ADDRESSES THE COURT AND STATES SHE ISNT AWARE AS TO WHY THE OFFER WAS MADE. THE STATE ADDRESSES THE COURT AND NEEDS A CONTINUANCE TO OBTAIN AN ANSWER AS TO WHY THE NEGOTIATION WAS MADE. COURT CONTINUES MATTER TO 12/13/19 COURT QUESTIONS IF THE VICTIM FAMILY HAS BEEN CONTACTED AND IF THEY ARE IN AGREEMENT WITH THE NEGOTIATION.
11/15/2019	GUILTY PLEA AGREEMENT
12/13/2019	COURT MINUTES - JUDGE: KIMBERLY A WANKER CLERK: TERRI PEMBERTON REPORTER: TRACY MANNING BAILIFF: ERIC SCHLENER APP: DON CHAIREZ FOR THE STATE; OFFICER BREITENBACH FOR P&P RONNI BOSKOVICH IS PRESENT WITH THE DEFENDANT COURT CALLS THE MATTER AS AN ARRAIGNMENT. COURT REVIEWS THE ISSUES WITH THE CHARGES AND BELIEVES A CONTINUANCE IS NECCESARY. DEFENSE CONCURS. COURT CONTINUES TO 2/14/20
01/22/2020	TRANSCRIPT OF: ARRAIGNMENT(9/13/19)
02/21/2020	TRANSCRIPT OF: ARRAIGNMENT(CONT)(11/15/19)

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Case Summary

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03/10/2020 TRANSCRIPT OF: ARRAIGNMENT(12/13/19)  
07/17/2020 COURT MINUTES-7/17/20 - JUDGE: KIMBERLY A WANKER  
CLERK: TERRI PEMBERTON  
REPORTER: TRACY MANNING  
BAILIFF: ERIC SCHLENER  
APP:KIRK VITTO FOR THE STATE;  
RONNI BOSKOVICH IS PRESENT WITH THE DEFENDANT  
COURT CALLS THE MATTER AS AN ARRAIGNMENT/STATUS CHECK. COURT STATES THE STATUS CHECK WAS SET DUE TO THE CO DEFENDANT CASE AWAITING ON THE DECISION ON THE HABEAS CORPUS. DEFENSE STATES IT WAS DUE TO ISSUES IN THE GPA. COURT STATES HER CONCERNS WITH CO DEFENDANTS NOT BEING TREATED THE SAME. DEFENSE STATES THEY WERE BOTH OFFERED THE SAME DEAL BUT THE OTHER DEFENDANT CHOSE TO NOT ACCEPT THE DEAL. COURT REVIEWS THE CASE HISTORY IN DETAIL. COURT WANTS TO KNOW WHY THE DROP DOWN IS BEING OFFERED. THE STATE ADDRESSES AND WANTED TO BE SURE THE DEAL WOULD MAKE IT THROUGH AN APPEAL PROCESS IF SO APPEALED. THE STATE NOTES THERE ARE ERRORS IN THE GPA. COURT CONTINUES TO 8/28/20  
08/13/2020 TRANSCRIPT OF: ARRAIGNMENT HEARING CON'T STATUS CHECK (07.17.2020)  
08/19/2020 ORDER SETTING JURY TRIAL (3/30/21-3 DAYS)  
09/04/2020 COURT MINUTES-9/4/20 - JUDGE: KIMBERLY A WANKER  
CLERK: TERRI PEMBERTON  
REPORTER: TRACY MANNING  
BAILIFF: ERIC SCHLENER  
APP:KIRK VITTO FOR THE STATE  
RONNI BOSKOVICH IS PRESENT WITH THE DEFENDANT  
COURT CALLS THE MATTER AS A SENTENCING HEARING. COURT HAS AN ISSUE WITH THE DROP DOWN. THE STATE ADDRESSES AND STATES THE PARTIES REACHED A REASONABLE AND ACCEPTABLE GUILTY PLEA AGREEMENT. THE STATE INFORMS THAT THE PREVIOUS GPA LACKS THE LANGUAGE FOR THE DEFENDANT BEING REGISTERED OFFENDER. THE STATE ASKS TO APPROACH AND OFFERS A NEW GPA(WITH RED LETTERING) THAT MAY BE EASIER TO READ. COURT WOULD LIKE TO CONTINUE THE MATTER TO REVEIW THE NEWLY FILED GPA COURT CONTINUES TO THE MATTER TO 9/18  
09/04/2020 SUPERSEEDING GUILTY PLEA AGREEMENT  
09/11/2020 MEDIA REQUEST TO ALLOW ELECTRONIC RECORDING EQUIPMENT INTO THE COURTROOM  
09/18/2020 COURT MINUTES-9/18/20 - JUDGE: KIMBERLY A WANKER  
CLERK: TERRI PEMBERTON  
REPORTER: TRACY MANNING  
BAILIFF: ERIC SCHLENER  
APP:KIRK VITTO AND DON CHAIREZ FOR THE STATE  
RONNI BOSKOVICH IS PRESENT WITH THE DEFENDANT  
COURT CALLS THE MATTER AS AN ARRAIGNMENT HEARING. COURT STATES HER CONCERNS WITH THE CHARGES BEING DROPPED DOWN. COURT STILL DOES NOT HAVE A PRELIMINARY TRANSCRIPT. COURT REVIEWS HER CONCERNS WITH THIS CASE AND ACCEPTING THE GPA. THE STATE ADDRESSES AND REVIEWS THE NEGOTIATIONS IN THIS DIFFICULT CASE. THE STATE ASKS TO FOLLOW THE SANDY STANDARD. DEFENSE ADDRESSES AND STATE THAT THE OFFER WAS WELL THOUGHT OUT. DEFENSE STATES HER CLIENT HAD LESS CONTACT WITH THE VICTIM AND ASKS THE COURT TO ACCEPT THE GPA. COURT REVIEWS THE ORIGINAL CRIMINAL COMPLAINT AND THE INITIAL CHARGES. THE STATE ADDRESSES AND STATES THAT HE REACHED OUT TO THE VICTIM AND HE ISNT RELUCTANT TO APPEAR IN COURT. COURT REVIEWS IN DETAIL THE SANDY STANDARD. COURT REJECTS THE SUPERSEEDING GPA. DEFENSE STATES THAT SHE HAS A STATEMENT FROM THE STATE THAT THERE IS LACK OF EVIDENCE AGAINST HER CLIENT. COURT MOVES FORWARD WITH THE TRIAL DATES.  
09/21/2020 AMENDED ORDER SETTING JURY TRIAL(3/30/2021 - 4/1/2021)  
09/25/2020 TRANSCRIPT OF: ARRAIGNMENT HEARING (9/4/2020)  
11/04/2020 TRANSCRIPT OF: ARRAIGNMENT(CONT) (09/18/20)  
02/11/2021 STIPULATION TO CONTINUE

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02/17/2021 ORDER TO CONTINUE(JURY TRIAL TO DECEMBER 13 2021)  
02/17/2021 AMENDED ORDER SETTING JURY TRIAL (DECEMBER 13-15, 2021)  
02/18/2021 MEDIA REQUEST TO ALLOW ELECTRONI RECORDING EQUIPMENT INTO THE  
COURTROOM(2/19/21)  
02/19/2021 COURT MINUTES-2/19/21 - JUDGE: KIMBERLY A WANKER  
CLERK: TERRI PEMBERTON  
REPORTER: SUZIE ROWE  
BAILIFF: ERIC SCHLENER  
APP:KIRK VITTO FOR THE STATE  
RONNI BOSKOVICH IS PRESENT WITH THE DEFENDANT

10/19/2021 COURT CALLS THE MATTER AND NOTES THE TRIAL HAS BEEN CONTINUED  
MOTION FOR STAY OF PROCEEDINGS(11/5/21)  
10/20/2021 RECEIPT FOR DOCUMENTS (SC 83634)  
11/04/2021 RESPONSE TO MOTION FOR STAY OF PROCEEDINGS(NON-OPPOSITION)  
11/05/2021 COURT MINUTES-11/5/21 - JUDGE: KIMBERLY A WANKER  
CLERK: TERRI PEMBERTON  
REPORTER: SUZIE ROWE/ KATHY TERHUNE  
BAILIFF: JAMELE TAYLOR  
APP:KIRK VITTO FOR THE STATE  
RONNI BOSKOVICH IS PRESENT WITH THE DEFENDANT

COURT CALLS THE MATTER. COURT HAS SOME CONCERNS WITH THE CASE. COURT  
REVIEWS THE CASE HISTORY AND QUESTIONS WHY THE DELAY IN THE MOTION FOR STAY  
OF PROCEEDINGS. DEFENSE ADDRESSES AND INFORMS THAT SHE HAD BEEN WORKING  
WITH THE STATE. COURT ADMONISHES DEFENSE FOR THE CONTINUANCE OF THE TRIAL.  
COURT QUESTIONS COUNSEL WHY SHE SHOULD BE INCLINED TO STAY THE CASE. THE  
STATE HAS CONCERNS WITH PUTTING THE VICTIM THROUGH A TRIAL. COURT TAKES THE  
MATTER UNDER ADVISEMENT.

11/08/2021 AMENDED ORDER SETTING JURY TRIAL  
12/06/2021 TRANSCRIPT OF PROCEEDINGS: MOTION FOR STAY OF PROCEEDINGS (11/05/2021)  
SUZANNE ROWE  
12/06/2021 TRANSCRIPT OF PROCEEDINGS : MOTION FOR STAY PROCEEDINGS (11/05/2021) KATHY  
TERHUNE  
02/11/2022 COURT MINUTES-2/11/22 - JUDGE: KIMBERLY A WANKER  
CLERK: TERRI PEMBERTON  
REPORTER:KATHY TERHUNE  
BAILIFF:CHAD WHELAN  
APP:KIRK VITTO FOR THE STATE  
RONNI BOSKOVICH IS PRESENT

COURT CALLS THE MATTER AS A CALENDAR CALL. COURT NOTES THERE IS A  
STIPULATION TO CONTINUE THE TRIAL. COURT WILL SO CONTINUE. COUNSEL IS TO  
REACH OUT ON MONDAY TO SCHEDULE.

03/21/2022 ORDER INVITING RESPONDENT DISTRICT COURT JUDGE TO ANSWER THE PETITION-  
SUPREME COURT DOCUMENT  
03/22/2022 TRANSCRIPT OF:CALENDAR CALL(02/11/22)  
04/22/2022 ORDER GRANTING MOTION

ORIGINAL

Case No. CR9595

Dept. No. 1

FILED  
FIFTH JUDICIAL DISTRICT

The undersigned affirms that  
this document does not contain  
the social security number of  
any person.

NOV 15 2019

Nye County Clerk  
Deputy

IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF NYE

THE STATE OF NEVADA,

Plaintiff,

vs.

GUILTY PLEA AGREEMENT

JAMES ROBERT BONETTI,

Defendant. /

COMES NOW THE STATE OF NEVADA ("Plaintiff"), by and through CHRIS ARABIA, Nye County District Attorney, by MICHAEL VIETA-KABELL, Deputy District Attorney, and JAMES ROBERT BONETTI ("Defendant"), and file this Guilty Plea Agreement in the above-entitled case.

I, JAMES ROBERT BONETTI, hereby agree to plead guilty to COUNT I - POSSESSION OF CHILD PORNOGRAPHY, FIRST OFFENSE, in violation of NRS 200.730, a category 'B' felony and COUNT II - POSSESSION OF CHILD PORNOGRAPHY, FIRST OFFENSE, in violation of NRS 200.730, a category 'B' felony, as more fully alleged in the charging document attached hereto as Exhibit 1. My decision to plead guilty is based upon the plea agreement in this case, which is as follows:

///

1           1.     I, JAMES ROBERT BONETTI, will enter a plea of GUILTY to COUNT I -  
2     POSSESSION OF CHILD PORNOGRAPHY, FIRST OFFENSE, in violation of NRS  
3     200.730, a category 'B' felony and NO CONTEST to COUNT II - POSSESSION OF  
4     CHILD PORNOGRAPHY, FIRST OFFENSE, in violation of NRS 200.730, a category  
5     'B' felony.

6           2.     I, JAMES ROBERT BONETTI, expressly agree to pay restitution as  
7     recommended by the Department of Parole and Probation.

8           3.     I, JAMES ROBERT BONETTI, expressly agree to forfeiture of any and  
9     all electronic storage devices, computers, and/or related equipment and/or weapons or  
10    any interest in any electronic storage devices, computers, and/or related equipment  
11    and/or weapons seized and/or impounded in connection with the instant case and/or  
12    any other case negotiated in whole or in part in conjunction with this plea agreement.

13          4.     I, JAMES ROBERT BONETTI, expressly agree to waive any factual  
14    defects associated with these guilty pleas.

15          5.     In exchange for the defendant's guilty plea and other conditions set forth  
16    herein, the State will forego prosecution of any additional charges arising from this  
17    case as well as Pahrump Justice Court case number 18CR04800.

18          6.     I, JAMES ROBERT BONETTI, further understand and agree that if I: fail  
19    to interview with the Department of Parole and Probation; fail to appear at any  
20    subsequent hearings in this case; test positive for a controlled substance at any  
21    subsequent hearing in this case without a valid prescription; or an independent  
22    magistrate, by declaration review, confirms probable cause against me for new  
23    criminal charges; or an independent magistrate finds probable cause against me for  
24    new criminal charges at a preliminary hearing; or I am found guilty at trial for new

1 criminal charges; the State will regain the right to argue for any lawful sentence and  
2 term of confinement allowable for the crime(s) to which I am pleading, including the  
3 use of any prior convictions I may have to increase my sentence as a habitual criminal  
4 to 5 to 20 years, life without the possibility of parole, life with the possibility of parole  
5 after 10 years, or a definite 25 year term with the possibility of parole after 10 years.

6 CONSEQUENCES OF THE PLEA

7 I understand that by pleading guilty I admit the facts that support all the  
8 elements of the offense to which I now plead as set forth in Exhibit 1.

9 I understand that as a consequence of my plea of guilty: on COUNT I, I may be  
10 punished by imprisonment in the state prison for a minimum term of not less than one  
11 (1) year and a maximum term of not more than six (6) years as well a fine of not more  
12 than five thousand dollars (\$5,000.00); and my no contest pleas on COUNT II, I may  
13 be punished by imprisonment in the state prison for a minimum term of not less than  
14 one (1) year and a maximum term of not more than six (6) years as well a fine of not  
15 more than five thousand dollars (\$5,000.00). I also understand that the law requires  
16 me to pay an administrative assessment fee.

17 I understand that, if appropriate, I will be ordered to make restitution to the  
18 victim of the offenses to which I am pleading guilty and to the victim of any related  
19 offense(s) being dismissed or not prosecuted pursuant to this agreement. I will also  
20 be ordered to reimburse the State of Nevada for expenses related to my extradition, if  
21 any.

22 ///

23 ///

24 ///

1 I understand that my eligibility for probation for the offenses to which I am  
2 pleading guilty is dependent on the results of a psychosexual evaluation as set forth  
3 more specifically under NRS chapters 176 and 176A, and I understand that, except as  
4 otherwise provided by statute, the decision to grant or deny probation is in the sole  
5 discretion of the sentencing judge.

6 I understand that if more than one sentence of imprisonment is imposed and I  
7 am eligible to serve the sentences concurrently, the sentencing judge has the  
8 discretion to order the sentences served concurrently or consecutively.

9 I understand that information regarding charges not filed, dismissed charges or  
10 charges to be dismissed pursuant to this agreement may be considered by the judge  
11 at sentencing.

12 I have not been promised or guaranteed any particular sentence by anyone. I  
13 know that my sentence will be determined by the Court within the limits prescribed by  
14 statute. I understand that if my attorney or the State of Nevada or both recommend  
15 any specific punishment to the court, the court is not obligated to accept the  
16 recommendation.

17 I understand that if I am not a United States citizen, any criminal conviction will  
18 likely result in serious negative immigration consequences including but not limited to:  
19 my removal from the United States through deportation; an inability to reenter the  
20 United States; the inability to gain United States citizenship or legal residency; an  
21 inability to renew and/or retain any leant residency status; and/or an indeterminate  
22 term of confinement, with the United States Federal Government based on my  
23 conviction and immigration status. I also understand, regardless of what I have been

24 ///

NYE COUNTY DISTRICT ATTORNEY  
P.O. BOX 39  
PAHRUMP, NEVADA 89041  
(775) 751-7080

1 told by any attorney, no one can promise me that this conviction will not result in  
2 negative immigration consequences and/or impact my ability to become a United  
3 States citizen and/or a legal resident.

4 I understand that the Division of Parole and Probation of the Department of  
5 Public Safety may prepare a written report for the sentencing judge before sentencing.  
6 This report will include matters relevant to the issue of sentencing, including my  
7 criminal history. I understand that this report may contain hearsay information  
8 regarding my background and criminal history. My attorney and I will each have the  
9 opportunity to comment on the information contained in the report, if any, at the time of  
10 sentencing.

#### 11 WAIVER OF RIGHTS

12 By entering my plea of guilty, I understand that I have waived the following  
13 rights and privileges:

14 1. The constitutional privilege against self-incrimination, including the right  
15 to refuse to testify at trial, in which event the State would not be allowed to comment to  
16 the jury about my refusal to testify.

17 2. The constitutional right to a speedy and public trial by an impartial jury,  
18 free of excessive pretrial publicity prejudicial to the defense, at which trial I would be  
19 entitled to the assistance of an attorney, either appointed or retained. At trial, the  
20 State would bear the burden of proving beyond a reasonable doubt each element of  
21 each offense charged.

22 3. The constitutional right to confront and cross-examine any witnesses  
23 who would testify against me.

24 4. The constitutional right to subpoena witnesses to testify on my behalf.

NYE COUNTY DISTRICT ATTORNEY  
P O BOX 39  
PAHRUMP, NEVADA 89041  
(775) 751-7080

1           5.     The constitutional right to testify in my own defense.

2           6.     The right to appeal the conviction, with the assistance of an attorney,  
3 either appointed or retained, unless the appeal is based upon reasonable  
4 constitutional, jurisdictional or other grounds that challenge the legality of the  
5 proceedings and except as otherwise provided by subsection 3 of NRS 174.035.

6                               VOLUNTARINESS OF PLEA

7           I have discussed the elements of all the original charges against me with my  
8 attorney and I understand the nature of these charges.

9           I understand that the State would have to prove each element of each charge  
10 against me at trial.

11          I have discussed with my attorney any possible defenses and circumstances  
12 that might be in my favor.

13          All of the foregoing elements, consequences, rights and waiver of rights have been  
14 thoroughly explained to me by my attorney.

15          I believe that pleading guilty and accepting this plea bargain is in my best  
16 interests and that a trial would be contrary to my best interests.

17          I am signing this agreement voluntarily after consultation with my attorney and  
18 am not acting under duress or coercion or by virtue of any promises of leniency,  
19 except for those set forth in this agreement.

20          I am not now under the influence of intoxicating liquor, a controlled substance or  
21 other drug(s) that would in any manner impair my ability to comprehend or understand  
22 this agreement or the proceedings surrounding my entry of this plea.

23       ///

24       ///

NTE COUNTY DISTRICT ATTORNEY  
P O BOX 39  
PAHRUMP, NEVADA 89041  
(775) 751-7080

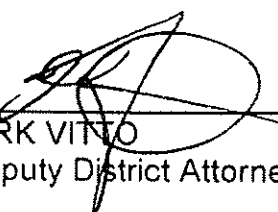
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My attorney has answered to my satisfaction all of my questions regarding this Guilty Plea Agreement and its consequences, and I am satisfied with the services provided by my attorney.

Dated this 15 day of November, 2019.

  
JAMES ROBERT BONETTI  
Defendant

Agreed to on this 15 day of November, 2019.

  
KIRK VINTO  
Deputy District Attorney

NYE COUNTY DISTRICT ATTORNEY  
P.O. BOX 39  
PAHRUMP, NEVADA 89041  
(775) 751-7080

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CERTIFICATE OF COUNSEL

I, the undersigned, as the attorney for the defendant named herein and as an officer of the court hereby certify that:

1. I have fully explained to the defendant the allegations contained in the charge(s) to which the guilty plea(s) is/are being entered.

2. I have advised the defendant of the penalties for each charge and the restitution that the defendant may be ordered to pay.

3. I have inquired of Defendant facts concerning Defendant's immigration status and explained to Defendant that if Defendant is not a United States citizen any criminal conviction will most likely result in serious negative immigration consequences including but not limited to: removal from the United States through deportation; an inability to reenter the United States; the inability to gain United States citizenship or legal residency; an inability to renew and/or retain any leant residency status; and/or an indeterminate term of confinement, with the United States Federal Government based on my conviction and immigration status. Moreover, I have explained that regardless of what Defendant may have been told by any attorney, no one can promise Defendant that this conviction will not result in negative immigration consequences and/or impact Defendant's ability to become a United States citizen and/or legal resident.

4. All pleas of guilty offered by the defendant pursuant to this agreement are consistent with all the facts known to me and are made with my advice to the defendant and are in the best interest of the defendant.

///  
///

NYE COUNTY DISTRICT ATTORNEY  
P.O. BOX 39  
PAHRUMP, NEVADA 89041  
(775) 751-7080

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5. To the best of my knowledge and belief, the defendant:

(a) Is competent and understands the charge(s) and the consequences of pleading guilty as provided in this agreement;

(b) Executed this agreement and will enter all guilty pleas pursuant hereto voluntarily; and

(c) Was not under the influence of intoxicating liquor, a controlled substance or other drug at the time of the execution of this agreement.

Dated this 15 day of November, 2019.

Ronni N. Boskovich  
RONNI BOSKOVICH, ESQ.

NYE COUNTY DISTRICT ATTORNEY  
P O BOX 39  
PAHRUMP, NEVADA 89041  
(775) 751-7080

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EXHIBIT 1

1 Case No. CR9595

2 Dept. No.1

3 *The undersigned affirms that*  
4 *this document does not contain*  
5 *the social security number of*  
6 *any person.*

FILED  
FIFTH JUDICIAL DISTRICT

AUG 05 2019

Nye County Clerk  
~~Deputy~~

7 IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
8 IN AND FOR THE COUNTY OF NYE

9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

INFORMATION

12 JAMES ROBERT BONETTI,

13 Defendant. /

14 CHRIS ARABIA, District Attorney within and for the County of Nye, State of  
15 Nevada, informs the Court that JAMES ROBERT BONETTI, before the filing of this  
16 Information, did then and there, in Nye County, Nevada, commit the following  
17 offenses, to wit:

COUNT I

18 POSSESSION OF CHILD PORNOGRAPHY, FIRST OFFENSE, in  
19 violation of NRS 200.730, A CATEGORY 'B' FELONY, committed in the  
20 following manner, to wit: That ON, ABOUT OR BETWEEN MAY 30,  
21 2018 AND SEPTEMBER 6, 2018, in Pahrump Township, Nye County,  
22 Nevada, said Defendant did willfully and unlawfully have in his or their  
23 possession any film, photograph or other visual presentation depicting a  
24 person under the age of 16 years as the subject of a sexual portrayal, by  
possessing a nude picture of John Doe (DOB: 10/12/03) depicting John  
Doe's erect penis, on the Defendant's cell phone;

///

///

COUNT II

**POSSESSION OF CHILD PORNOGRAPHY, FIRST OFFENSE**, in violation of **NRS 200.730, A CATEGORY 'B' FELONY**, committed in the following manner, to wit: That **ON, ABOUT OR BETWEEN MAY 30, 2018 AND SEPTEMBER 6, 2018**, in Pahrump Township, Nye County, Nevada, said Defendant did willfully and unlawfully aid and abet William Butler to have in William Butler's possession any film, photograph or other visual presentation depicting a person under the age of 16 years as the subject of a sexual portrayal, to wit: a nude picture of John Doe (DOB: 10/12/03) depicting John Doe's erect penis, on William Butler's Facebook account, by directly or indirectly encouraging, inducing, counselling, or procuring William Butler to commit the offense by discussing the size and/or appearance and/or hygiene of the penis of John Doe (DOB: 10/12/03) and/or discussing inviting John Doe (DOB: 10/12/03) to engage in sexual intercourse with one or both of the defendants and/or other unnamed people;

All of which is contrary to the form, force, and effect of the statutes in such cases made and provided, and against the peace and dignity of the State of Nevada.

Witnesses and their addresses known to the District Attorney of Nye County, State of Nevada, at the time of the filing of this Information:

DEPUTY JOE MARSHALL  
NYE COUNTY SHERIFF'S OFFICE  
PAHRUMP, NEVADA

BENJAMIN DAVID SWANSON  
6970 MOUNTAIN VIEW  
PAHRUMP, NEVADA 89060

CHRIS DEFONSEKA ISFCE  
NEVADA ATTORNEY GENERAL'S OFFICE, HTCU, 6830 BERMUDA AVE  
LAS VEGAS, NEVADA 89119

DEPUTY THEODORE EISENLOFFEL  
NYE COUNTY SHERIFF'S OFFICE  
PAHRUMP, NEVADA

TRYSTIN ADAMS-SWANSON  
3610 N. LAS VEGAS BLVD., #28  
LAS VEGAS, NEVADA 89115


NYE COUNTY DISTRICT ATTORNEY  
P.O. BOX 39  
PAHRUMP, NEVADA 89041  
(775) 751-7080

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SASHA D. SMITH  
761 S. MURPHY  
PAHRUMP, NEVADA 89048  
  
KATHLEEN SWANSON  
3610 N. LAS VEGAS BLVD., #28  
LAS VEGAS, NEVADA 89115

DATED this 1 day of August, 2019.

CHRIS ARABIA  
NYE COUNTY DISTRICT ATTORNEY

By   
MICHAEL VIETA-KABELL  
Deputy District Attorney

NYE COUNTY DISTRICT ATTORNEY  
P.O. BOX 56  
PAHRUMP, NEVADA 89041  
(775) 751-7090

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CERTIFICATE OF SERVICE

I, Kayla Campuzano, Executive Legal Secretary, of the Nye County District Attorney's Office, do hereby certify that I have served the following:

INFORMATION in  
5<sup>TH</sup> JDC Case No(s). 18CR04644  
STATE v. JAMES ROBERT BONETTI

upon said Defendant(s) herein by emailing a true and correct copy thereof on  
8/5/19 to the following:

RONNI BOSKOVICH ESQ.  
boskovichlaw@gmail.com

  
\_\_\_\_\_  
Kayla Campuzano

AUG 19 2020

Nye County Clerk  
Deputy

Case No. CR9595  
Dept. 1P

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF  
THE STATE OF NEVADA, IN AND FOR THE COUNTY OF NYE

THE STATE OF NEVADA,

Plaintiff,

-v-

**ORDER SETTING JURY TRIAL**

JAMES ROBERT BONETTI,

Defendant,

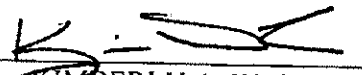
**IT IS SO ORDERED** that the above-captioned case is hereby set for trial before a jury in Pahrump, Nevada, commencing at 9:00 A.M. on Tuesday, the 30<sup>th</sup> of March, 2021. Three (3) days, March 30-April 1, 2021 have been set aside for the trial. The services of the District Court Reporter are required. Stock Instructions will be provided by the Court, any special instructions are to be submitted to the Court no later than two (2) days before trial is to begin.

**IT IS FURTHER ORDERED** that a calendar call is set for the 19<sup>th</sup> day of February, 2021, at the hour of 9:00 a.m. Counsel and the Defendant must appear for the calendar call.

**IT IS FURTHER ORDERED** that the jury draw is set on the 19<sup>th</sup> day of February, 2021, whereas the Nye County Jury Commissioner will draw a regular panel of 180 jurors at 4:30 p.m. in the presence of all those who wish to attend.

**IT IS FURTHER ORDERED** that any pre-trial motions are to be heard on the 19<sup>th</sup> day of February, 2021, at the hour of 9:00 a.m., with courtesy copies to the court by February 12, 2021, at the hour of 4:00 p.m.

DATED this 19<sup>th</sup> day of August 2020.

  
KIMBERLY A. WANKER  
DISTRICT JUDGE





CERTIFICATION OF SERVICE

The undersigned hereby certifies that on the 19th day of August 2020, she mailed (or hand delivered) copies of the foregoing ORDER to the following:

NYE COUNTY DISTRICT ATTORNEY'S OFFICE  
PAHRUMP, NV  
(HAND DELIVERED)

RONNI BOSKOVICH, ESQ.  
PAHRUMP, NEVADA  
(HAND DELIVERED)

Melissa Mevis  
MELISSA MEVIS, Secretary to  
DISTRICT JUDGE

Case No. CR9595  
Dept. 1P

FILED  
FIFTH JUDICIAL DISTRICT

SEP 21 2021

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF  
THE STATE OF NEVADA, IN AND FOR THE COUNTY OF NYE \_\_\_\_\_  
Nye County Clerk  
Deputy

THE STATE OF NEVADA,

Plaintiff,

-v-

**AMENDED**  
**ORDER SETTING JURY TRIAL**

JAMES ROBERT BONETTI,

Defendant,

IT IS SO ORDERED that the above-captioned case is hereby set for trial before a jury in Pahrump, Nevada, commencing at 9:00 A.M. on Tuesday, the 30<sup>th</sup> of March, 2021. Three (3) days, March 30-April 1, 2021 have been set aside for the trial. The services of the District Court Reporter are required. Stock Instructions will be provided by the Court, any special instructions are to be submitted to the Court no later than two (2) days before trial is to begin.

IT IS FURTHER ORDERED that a calendar call is set for the 19<sup>th</sup> day of February, 2021, at the hour of 9:00 a.m. Counsel and the Defendant must appear for the calendar call.

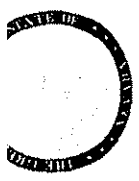
IT IS FURTHER ORDERED that the jury draw is set on the 19<sup>th</sup> day of February, 2021, whereas the Nye County Jury Commissioner will draw a regular panel of 180 jurors at 4:30 p.m. in the presence of all those who wish to attend.

IT IS FURTHER ORDERED that any pre-trial motions are to be heard on the 19<sup>th</sup> day of February, 2021, at the hour of 9:00 a.m., with courtesy copies to the court by February 12, 2021, at the hour of 4:00 p.m.

DATED this 21<sup>st</sup> day of September 2020.



KIMBERLY A. WANKER  
DISTRICT JUDGE



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CERTIFICATION OF SERVICE

The undersigned hereby certifies that on the 21st day of September 2020, she mailed (or hand delivered) copies of the foregoing ORDER to the following:

NYE COUNTY DISTRICT ATTORNEY'S OFFICE  
PAHRUMP, NV  
(HAND DELIVERED)

RONNI BOSKOVICH, ESQ.  
PAHRUMP, NEVADA  
(HAND DELIVERED)

*Melissa Mevis*  
MELISSA MEVIS, Secretary to  
DISTRICT JUDGE

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FILED  
FIFTH JUDICIAL DISTRICT

FEB 11 2021

Nye County Clerk  
Deputy

Case No. CR9595

Department 1

*The undersigned affirms that  
this document does not contain  
the social security number of  
any person.*

IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF NYE

THE STATE OF NEVADA,

Plaintiff,

v.

STIPULATION TO CONTINUE

JAMES ROBERT BONETTI,

Defendant. /

At the request of the State, IT IS HEREBY STIPULATED AND AGREED by  
and between Defendant, JAMES ROBERT BONETTI, by and through his attorney,  
Ronni Boskovich Esq., and Plaintiff, the State of Nevada, by and through its attorney,  
CHRIS ARABIA, Nye County District Attorney, that the Jury Trial in the above-entitled  
matter, currently set on March 30, 2021, at 9:00 A.M. be continued to after September  
17, 2021, due to case reassignments from the unforeseen passing of one of the  
State's Deputy District Attorneys; or to a date and time convenient to court and  
counsel.

DATED this 9th day of February, 2021.

CHRIS ARABIA  
NYE COUNTY DISTRICT ATTORNEY

By Andrea D. Orwoll  
Deputy District Attorney

Ronni Boskovich  
Ronni Boskovich Esq.  
Attorney for Defendant

NYE COUNTY DISTRICT ATTORNEY  
P.O. BOX 39  
PAHRUMP, NEVADA 89041  
(775) 751-7080

FILED  
FIFTH JUDICIAL DISTRICT  
FEB 17 2021  
Nye County Clerk  
Draugh

1 Case No. CR9595

2 Department 1

3 *The undersigned affirms that*  
4 *this document does not contain*  
5 *the social security number of*  
6 *any person.*

7 IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
8 IN AND FOR THE COUNTY OF NYE

9 THE STATE OF NEVADA,

10 Plaintiff,

11 v.

ORDER TO CONTINUE

12 JAMES ROBERT BONETTI,

13 Defendant. /

14 Upon stipulation of the parties herein, and good cause appearing therefor,

15 IT IS HEREBY ORDERED that the Jury Trial in the above-entitled matter be,  
16 and the same is hereby, continued from March 30, 2021, at 9:00 A.M. to  
17 DEL. 13, 2021 at 9:00 a.m.

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20 DISTRICT COURT JUDGE  
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Case No. CR9595  
Dept. 1P

FILED  
FIFTH JUDICIAL DISTRICT

FEB 17 2021

Nye County Clerk  
D. D. D.

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF  
THE STATE OF NEVADA, IN AND FOR THE COUNTY OF NYE

THE STATE OF NEVADA,

Plaintiff,

vs.

**AMENDED ORDER**  
**SETTING JURY TRIAL**

JAMES ROBERT BONETTI,

Defendant,

IT IS SO ORDERED that the above-captioned case is hereby set for trial before a jury in Pahrump, Nevada, commencing at 9:00 A.M. on Monday, the 13<sup>th</sup> of December 2021. Three (3) days, December 13-December 15, 2021 have been set aside for the trial. The services of the District Court Reporter are required. Stock Instructions will be provided by the Court, any special instructions are to be submitted to the Court no later than two (2) days before trial is to begin.

IT IS FURTHER ORDERED that a calendar call is set for the 12<sup>th</sup> day of November 2021, at the hour of 9:00 a.m. Counsel and the Defendant must appear for the calendar call.

IT IS FURTHER ORDERED that the jury draw is set on the 12<sup>th</sup> day of November 2021, whereas the Nye County Jury Commissioner will draw a regular panel of 180 jurors at 4:30 p.m. in the presence of all those who wish to attend.

IT IS FURTHER ORDERED that any pre-trial motions are to be heard on the 3<sup>rd</sup> day of December 2021, at the hour of 9:00 a.m., with courtesy copies to the court by November 29, 2021, at the hour of 4:00 p.m.

DATED this 17<sup>th</sup> day of February 2020.

KIMBERLY A. WANKER  
DISTRICT JUDGE

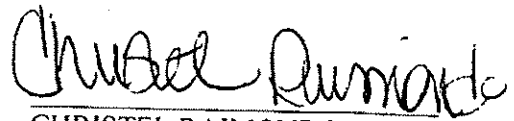


CERTIFICATION OF SERVICE

The undersigned hereby certifies that on the 17<sup>th</sup> day of February 2021, she mailed (or hand delivered) copies of the foregoing AMENDED ORDER SETTING JURY TRIAL to the following:

NYE COUNTY DISTRICT ATTORNEY'S OFFICE  
PAHRUMP, NV  
(HAND DELIVERED)

RONNI BOSKOVICH, ESQ.  
PAHRUMP, NEVADA  
(HAND DELIVERED)

  
CHRISTEL RAIMONDO, Clerk to  
DISTRICT JUDGE

ALA BOSKOVICH  
LAW GROUP

1 Case No.: CR9595

2 Dept. No.: 1

FILED  
FIFTH JUDICIAL DISTRICT

OCT 18 2021

Nye County Clerk  
Deputy

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5 IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
6 IN AND FOR THE COUNTY OF NYE

7 THE STATE OF NEVADA,

8 Plaintiff,

9 vs.

10 JAMES ROBERT BONETTI,

11 Defendant.

**MOTION FOR STAY**  
**OF PROCEEDINGS**

12  
13  
14 COMES NOW, the Defendant, James Robert Bonetti, by and through his Public Defender,  
15 Ronni N. Boskovich, Esq., and hereby files this Motion for Stay of Proceedings to file a Petition for  
16 Writ of Mandamus/Prohibition with the Supreme Court of Nevada regarding this Court's decision to  
17 reject the plea negotiations in this matter.

18  
19 This Motion is made and based upon all the papers and pleadings on file herein, the  
20 Memorandum of Points and Authorities, and oral argument at the time set for hearing this Motion.

21 DATED this 19<sup>th</sup> day of October, 2021

22 Boskovich Law Group, PLLC

23 Ronni N. Boskovich  
24 Ronni N. Boskovich, Esq.  
25 Nevada Bar No.: 14484  
26  
27  
28

RONNI N. BOSKOVICH  
LAW GROUP

**NOTICE OF MOTION**

TO: Nye County, Plaintiff; and

TO: District Attorney, its Attorneys;

PLEASE TAKE NOTICE that the undersigned will bring the foregoing Motion for Stay of Proceedings for hearing in Department 1 of the above-entitled Court on the 5 day of November, 2021, at 9 a.m. or as soon thereafter as counsel may be heard.

DATED this 19<sup>th</sup> day of October, 2021.

Boskovich Law Group, PLLC

Ronni N. Boskovich  
Ronni N. Boskovich, Esq.  
Nevada Bar No.: 14484

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**FACTS**

Mr. Bonetti was originally charged by way of an Amended Criminal Complaint in the Pahrump Justice Court on July 15, 2019, with twelve (12) criminal counts: (1) Possession of Child Pornography; (2) Promotion of Sexual Performance of a Minor; (3) Use of Minor in Producing Pornography or as a Subject of Sexual Portrayal in Performance; (4) Preparing, Advertising, or Distributing Materials Depicting Pornography Involving Minor; (5) Sexual Assault with a Child Under Sixteen; (6) Sexual Assault with a Child Under Sixteen; (7) Lewdness with a Child Under Sixteen Years of Age; (8) Lewdness with a Child Under Fourteen Years of Age; (9) Statutory Sexual Seduction; (10) Using Tech to Lure Child; (11) Sexual Assault with a Child Under Fourteen; and (12) Sexual Assault with a Child Under Fourteen. On July 24, 2019, Mr. Bonetti appeared in the Pahrump Justice Court and unconditionally waived his right to a preliminary hearing and placed the agreed upon negotiations on the record. Mr. Bonetti agreed to plead guilty to two counts of Possession of Child Pornography, First Offense, and the remaining counts would be dismissed by the State pursuant to negotiations.

On August 5, 2019, the State filed an Information reflecting the two counts of First Offense Possession of Child Pornography. After many months of continuances and delays (either due to incorrect Guilty Plea Agreements, Coronavirus delays, or the Court seeking follow-up from the State regarding the reasoning behind the negotiation), this Court finally rejected the plea negotiations in this matter on September 18, 2020.

Since then, Defense Counsel and the State have been attempting to come up with another negotiation that may be acceptable to the Court and the Defendant, unfortunately, to no avail. As such, Mr. Bonetti filed a Petition for Writ of Mandamus/Prohibition with the Supreme Court on October 15, 2021.

At this point, jury trial is set to begin on December 13, 2021, with calendar call on November 12, 2021. As such, Mr. Bonetti is asking this Honorable Court to stay the proceedings in this Court pending a decision on the Petition for Writ of Mandamus/Prohibition.

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**ARGUMENTS**

"A writ of mandamus is available to compel performance of an act that the law requires as a duty resulting from an office, trust, or station, or to control an arbitrary or capricious exercise of discretion." Millen v. Dist. Ct., 122 Nev. 1245, 1250, 148 P.3d 694, 698 (2006); *see* NRS 34.160. The extraordinary remedy of mandamus may issue only where no plain, speedy, and adequate legal remedy exists, Millen at 1250-51, 148 P.3d at 698; NRS 34.170

Before moving for a stay of proceedings in the Nevada Supreme Court, "[a] party must ordinarily move first in the district court" for a stay of proceedings pending resolution of a petition to the Supreme Court for an extraordinary writ. NRAP 8(a)(1)(A). As such, Mr. Bonetti moves this Honorable Court for a stay of proceedings pending resolution of his petition for extraordinary relief.


The Supreme Court is unlike to be able to make a decision on Mr. Bonetti's Petition for Writ of Mandamus/Prohibition prior to his November 12, 2021 Calendar Call date. Because the issue in Bonetti's petition concerns the plea negotiations in this case which were rejected by the District Court, a stay of proceedings is appropriate until the Supreme Court (or Court of Appeals) decides the issue. A trial may not even be necessary in this case if the Supreme Court decides the Petition in favor of Mr. Bonetti. Therefore, Mr. Bonetti respectfully requests that this Court stay the proceedings in his case pending resolution of his Petition for Writ.

**CONCLUSION**

Based on the foregoing, Mr. Bonetti respectfully requests that this Court grant his Motion and stay the proceedings pending a decision on the Petition for Writ of Mandamus/Prohibition.

DATED this 19<sup>th</sup> day of October 2021.

Boskovich Law Group, PLLC

  
Ronni N. Boskovich, Esq.  
Nevada Bar No.: 14484


RONNI N. BOSKOVICH  
LAW  
GROUP

**CERTIFICATE OF SERVICE**

I, Ronni N. Boskovich, Esq., Nye County Public Defender and counsel for the Defendant,  
James Robert Bonetti, do hereby certify that I have served the following:

**Motion for Stay of Proceedings**  
**Case No. CR9595**  
**State v. James Robert Bonetti**

upon said Plaintiff by delivering a true and correct copy thereof on October 19, 2021, to the following:  
**NYE COUNTY DISTRICT ATTORNEY'S OFFICE**

  
\_\_\_\_\_  
Ronni N. Boskovich, Esq.

Case No. CR9595

Dept. No. 1

The undersigned affirms that  
this document does not contain  
the social security number of  
any person.

IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF NYE

THE STATE OF NEVADA,

Plaintiff,

vs.

JAMES ROBERT BONETTI,

Defendant.

**RESPONSE TO MOTION FOR  
STAY OF PROCEEDINGS  
(NON-OPPOSITION)**

COMES NOW THE STATE OF NEVADA ("Plaintiff"), by and through CHRIS ARABIA, Nye County District Attorney, by Kirk D. Vitto, Deputy District Attorney, and hereby offers this non-opposition to the defense motion for stay of proceedings so that the matter may be decided at the Supreme Court or Appellate Court level. Should either court upon review decide in defendant's favor, that ruling would potentially obviate the need to conduct the trial set to commence December 13, 2021, and this Court has a secondary setting to take the place of the Bonetti trial, Jose Bautista CR8673, which will be ready to go on the same date (December 13, 2021) and prosecuted by the District Attorney himself.

DATED this 4<sup>th</sup> day of November, 2021.

CHRIS ARABIA  
NYE COUNTY DISTRICT ATTORNEY

By   
(FOR) Kirk D Vitto  
Chief District Attorney

NYE COUNTY DISTRICT ATTORNEY  
P O BOX 39  
PAHRUMP, NEVADA 89041  
(775) 751-7080

CERTIFICATE OF SERVICE

I, Kasondra Ward, Executive Legal Secretary, of the Nye County District  
Attorney's Office, do hereby certify that I have served the following:

**RESPONSE TO MOTION FOR STAY OF PROCEEDINGS in  
5<sup>TH</sup> JDC Case No(s). CR9595  
STATE v. JAMES ROBERT BONETTI**

upon said Defendant(s) herein by emailing a true and correct copy thereof on  
11/4/21 to the following:

RONNI BOSKOVICH ESQ.  
boskovichlaw@gmail.com

  
Kasondra Ward



Case No. CR9595  
Dept. 1P

FILED  
DISTRICT CLERK

NOV 08 2021

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF  
THE STATE OF NEVADA, IN AND FOR THE COUNTY OF NYE

THE STATE OF NEVADA,

Plaintiff,

-v-

**AMENDED**  
**ORDER SETTING JURY TRIAL**

JAMES BONETTI,

Defendant,

IT IS SO ORDERED that the above-captioned case is hereby set for trial before a jury in Pahrump, Nevada, commencing at 9:00 a.m. on Thursday, the 3<sup>rd</sup> of March, 2022. Seven (7) days, March 3-4, 2022 and March 7-11, 2022 have been set aside for the trial. The services of the District Court Reporter are required. Stock Instructions will be provided by the Court, any special instructions are to be submitted to the Court no later than two (2) days before trial is to begin.

IT IS FURTHER ORDERED that a calendar call is set for the 11<sup>th</sup> day of February, 2022, at the hour of 9:00 a.m. Counsel and the Defendant must appear for the calendar call.

IT IS FURTHER ORDERED that the jury draw is set on the 11<sup>th</sup> day of February, 2022, whereas the Nye County Jury Commissioner will draw a regular panel of 180 jurors at 4:30 p.m. in the presence of all those who wish to attend.

IT IS FURTHER ORDERED that any pre-trial motions are to be heard on the 11<sup>th</sup> day of February, 2022, at the hour of 9:00 a.m., with courtesy copies to the court by February 4, 2022, at the hour of 4:00 p.m.

DATED this 8<sup>th</sup> day of November 2021.

  
KIMBERLY A. WANKER  
DISTRICT JUDGE



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CERTIFICATION OF SERVICE

The undersigned hereby certifies that on the 8th day of November 2021, she mailed (or hand delivered) copies of the foregoing ORDER to the following:

NYE COUNTY DISTRICT ATTORNEY'S OFFICE  
PAHRUMP, NV  
(HAND DELIVERED)

RONNI BOSKOVICH, ESQ.  
PAHRUMP, NEVADA  
(HAND DELIVERED)

Melissa Stepp  
MELISSA STEPP, Secretary to  
DISTRICT JUDGE

FILED

FIFTH JUDICIAL DISTRICT

DEC 05 2021

*[Signature]* Deputy

CASE NO. CR0009595

DEPARTMENT I

FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF NYE

BEFORE THE HONORABLE DISTRICT COURT JUDGE

KIMBERLY WANKER

-o0o-

THE STATE OF NEVADA,

PLAINTIFF,

-VS-

JAMES ROBERT BONETTI,

DEFENDANT.

ORIGINAL

TRANSCRIPT OF PROCEEDINGS

MOTION FOR STAY OF PROCEEDINGS

NOVEMBER 5, 2021

COURTHOUSE

PAHRUMP, NEVADA

REPORTED BY:

SUZANNE KUES ROWE

Nevada CCR #127

1 APPEARANCES

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6 FOR THE STATE:

KIRK VITTO CHIEF CRIMINAL  
DEPUTY DISTRICT ATTORNEY  
1520 EAST BASIN AVE #107  
PAHRUMP, NEVADA 89049

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12  
13 FOR THE DEFENSE:

RONNI BOSKOVICH  
ATTORNEY AT LAW  
PAHRUMP, NEVADA 89049

1 FRIDAY, NOVEMBER 5, 2021 PAHRUMP, NEVADA, 1:28 P.M.

2 -o0o-

3 THE COURT: Ms. Boskovich. All right. You're up next.  
4 So, let's see if any one of these are quick. This one might be.  
5 Case Number CR-9595, State of Nevada versus James  
6 Robert Bonetti. Good afternoon, Mr. Bonetti.

7 THE DEFENDANT: Good afternoon, ma'am.

8 THE COURT: How are you?

9 THE DEFENDANT: I'm well. How are you?

10 THE COURT: I'm good.

11 Counsel, I've got some real concerns about this case.  
12 And let me tell you what they are.

13 From the get-go there's been a negotiation in this  
14 case. I have explained that wasn't going -- I kept asking  
15 questions. Why are we taking these cases which were mandatory  
16 prison cases down to probationable cases.

17 I think this was a negotiation with Michael  
18 Vieta-Kabell. But on, so, on 9/18 of 2020, I said I am not going  
19 to accept the Plea Agreement. Then I waited. Counsel indicated  
20 that they were going to file for relief at the appellate court,  
21 which I think is great.

22 You know, I'm not saying I'm the know all, do all, be  
23 all. But, I waited until February 17th of 2021. Nothing was  
24 filed.

1 So, I waited four months. And then I set the case for  
2 trial.

3 And then on 10/15 of 2021, I find a Motion for me to  
4 stay this trial, which has been set for a long period of time.  
5 And it's the second time I have continued this case.

6 And now, finally, about that time we filed a Writ of  
7 Mandamus or Prohibition, with the Nevada Supreme Court.

8 That doesn't automatically stay this decision. And so  
9 my question is, why did we wait 15 months, from 9/18 of 2020  
10 until 10/15 of 2021 to file the motion?

11 In the meantime, I set the trial. In the meantime I  
12 have had this trial set, and all I've got is a stip to continue.

13 You know, I don't know. My thought is the appellate  
14 courts are going to ask the very question I am asking today. If  
15 this was so pressing, that I wouldn't accept a Guilty Plea  
16 Agreement, then why did we wait 13 months?

17 MS. BOSKOVICH: Your Honor, I certainly understand the  
18 state's concerns here. In that 13 months I was diligently  
19 working with the state to try to get negotiations resolved that  
20 were mutually beneficial and acceptable to all the parties.

21 THE COURT: But, you knew that they weren't. That you  
22 might not do that. And you knew, I gave you four months to do  
23 that. And then you knew that I set it for trial.

24 And, again, what you guys don't realize, is I have to

1 coordinate a court reporter from a different location. I have to  
2 coordinate a lot of moving parts. And I have done this twice  
3 now. I have set this case for trial. I have rearranged my  
4 schedule, and nobody is ready to go.

5 And quite frankly, Ms. Boskovich, every time you are in  
6 front of me on a trial, you want a continuance. Every single  
7 time. I have not had one case that has been set for trial with  
8 you that has ever gone on time. And that's not good.

9 And so, the state's saying, okay, I second set another  
10 trial. But it's not okay with me.

11 You know, there comes a time that we have to try these  
12 cases.

13 August 19th of 2020. I did an Order Setting Jury  
14 Trial. The trial was set for the 30th of March on 2021. That  
15 case got continued. It got continued at the last minute.

16 So, then on September 18th, I said, okay. You know  
17 what? I want to make it clear that I am not accepting this deal.  
18 I put all the reasons on the record over two or three hearings,  
19 and we waited 13 months.

20 I waited four months for you to do something. You  
21 know, you didn't do anything.

22 So, then in four months I said, this is crazy. I've  
23 got get these files off my desk. I've got to manage my own  
24 calendar and I set it for trial.

1           So, I don't understand. To me there's no excuse for  
2 not filing your Writ of Mandamus or Prohibition with the Nevada  
3 Supreme Court until October of 2021.

4           And now I've got a trial date and I'm tired of  
5 continuing these cases. And, you know, it's a detriment. People  
6 don't remember. There wasn't a preliminary hearing in this case  
7 that we can go back on.

8           My attitude is the case goes forward. If I'm wrong,  
9 and the Supreme Court says, Judge, you should have accepted the  
10 plea deal, then we will just retry the case. That's kind of  
11 where I'm at.

12           But, I have to think that the appellate courts are  
13 going to be asking why did we wait 15 months? You knew what the  
14 Judge's position was. And the Judge gave you four months to get  
15 this done before she moved with the Trial Order.

16           And then she gave you another nine months after that.

17           And clearly the Nevada Supreme Court would have moved  
18 in that period of time or the Nevada Court of Appeals.

19           So, that's the problem I have. And my attitude is the  
20 case goes forward, unless you can convince me otherwise.

21           You know, I've got the try these cases. I have got  
22 stuff back on my calendar that's old.

23           This file number is 9595. It's very old. The Criminal  
24 Complaint was filed back in 2018. Let's get it moving.

1 Let's send it to resolution.

2 MS. DUECKER: A couple of points if I may?

3 THE COURT: Sure.

4 MS. DUECKER: First of all, as far as trials being  
5 continued, I think I have had three trials that I can think of  
6 off the top of my head, including this one, before you. One of  
7 them negotiated. One of them I had to withdraw as the attorney  
8 of record due to --

9 THE COURT: At the last minute.

10 MS. BOSKOVICH: Yes, but that --

11 THE COURT: And the one that got negotiated was at the  
12 last minute.

13 I was just about ready to issue an Ineffective  
14 Assistance of Counsel on that case, because you waited until  
15 about 60 days before trial on a serious felony to get an  
16 investigator.

17 So, look. I am not trying to pick on anybody today.  
18 This goes across the board for every public defender and every DA  
19 and deputy DA that's in my courtroom. We must be better for the  
20 people that we serve, okay? And the fact that your client is out  
21 of custody, there is a prejudice to keeping this.

22 Number one, it's something that hangs over his head.  
23 And they're sex charges. That's first and foremost.

24 Number two, is the longer we wait, memories fade,

1 witnesses are hard to find. So, you know, maybe we hope that we  
2 wait it out, and that we won't be able the try these cases.

3 But, to me, I want people to understand this stuff is  
4 going to stop in my courtroom. I am tired of it.

5 I am tired of, again, today, I think there are three or  
6 four of these cases that I have had in front of me that have been  
7 continued and continued, or last minute we've got something the  
8 day before.

9 I mean, my last case I had the deputy DA that was at  
10 home. He wasn't even at the courthouse preparing for the trial  
11 that started Monday. This is unacceptable.

12 What do I have, eight Guilty Plea Agreements from all  
13 the different public defenders? And today not one of those  
14 public defenders found those errors and I had to point them out.

15 That's troubling to me. That's very troubling to me.  
16 And the DA's office didn't catch it, but the public defenders  
17 didn't catch it either.

18 Guys we have to do better. I can't be the only  
19 proofreader on behalf of the Fifth Judicial District Adult Drug  
20 Court Program Department I. We have obligations. We have  
21 ethical obligations as attorneys, we have ethical obligations as  
22 judges.

23 Come on, folks. I don't know. Unless you can tell me  
24 why I should stay this, I'm inclined to send this case forward.

1 I'm tired of continuing it for no apparent reason, other than we  
2 sat on our laurels and didn't file the appellate work. No.

3 MS. BOSKOVICH: Your Honor, I can promise you I am not  
4 asking for the stay as a delay tactic. That is not my intent.  
5 That is not the kind of attorney I am.

6 THE COURT: Well, then why did you wait 13 months?

7 MS. BOSKOVICH: I was trying to negotiate this case  
8 with the --

9 THE COURT: Okay. But, you knew that there was no  
10 stay. You knew that I issued a Trial Order nine months ago.

11 So, that should have been the impetus for you to say,  
12 if I were in your shoes, I would have had a calendaring notation  
13 that said, okay. This is my drop dead date to file my motion.  
14 Because I know it's going to take X number of months for the  
15 Supreme Court to make a decision.

16 And the judge has continued this I have come in front  
17 of the judge and asked for a continuance before. And the judge  
18 said, look. I am not going to keep continuing these. I have  
19 made it clear to all counsel I am not doing this. That's the  
20 issue I have.

21 Mr. Vitto, I will be happy to hear from you. I will  
22 hear from Ms. Boskovich too, but you guys need the hear where I'm  
23 coming from. It's fine for you guys, any time you guys want a  
24 vacation, oh, Judge, I'm not available, I'm not available on this

1 date or that date. My staff accomodates you.

2 But, you know what? Today I had a court clerk, but she  
3 had plans with her daughter. And you know what? She canceled  
4 those plans. And that's what we do to keep the Court going. And  
5 I don't think it's fair.

6 It's not a one-way street. The Court needs to do all  
7 the accomodating. It's a two-way street. And we are working  
8 together as a team.

9 When we have a negotiated Guilty Plea Agreement, both  
10 sides are at fault when there are mistakes and there are repeated  
11 mistakes. The DA's office is at fault and the public defenders  
12 are at fault for not catching these mistakes, and the judge  
13 having to point them out. That's just the bottom line.

14 My job is not to supervise all of you. My job is to  
15 see that the people who appear in front of me, the defendants,  
16 are treated fairly within the confines of the law. And I try  
17 very hard to do that. That's my concern on this case.

18 Because I don't know, you know, I know the DA's office  
19 said, well, okay. We can do this, because we have another trial  
20 scheduled.

21 But, again, I'm not sure when that trial, or if that's  
22 a first setting or second setting, and how long that case has  
23 been pending in the court system.

24 So, you know, at this point, you guys can convince me

1 otherwise. You can file something, that tells me, but otherwise  
2 I am not inclined to continue this trial. We are going to go  
3 forward.

4 If we have to retry it, we have to a retry it. If the  
5 Court of Appeals says, or Supreme Court says, Judge Wanker,  
6 you're wrong. But, I think when the Supreme Court sees, hey.  
7 The judge has been more than fair, that that is going to have a,  
8 hopefully a huge impact.

9 MR. VITTO: The only thing that I have to add, Judge,  
10 is I understand that, if I'm not mistaken, (inaudible) has to  
11 first be here.

12 THE COURT: Right.

13 MR. VITTO: I'm very much concerned with having to put  
14 a young victim through the sordid detail --

15 THE COURT: He's not young. He was 15 at the time of  
16 the incident. Now he's probably 17.

17 MR. VITTO: He's a young person.

18 THE COURT: All right.

19 MR. VITTO: To me, that's young.

20 THE COURT: All right. But, he's not a five-year-old  
21 old or six-year-old.

22 MR. VITTO: That's a fact.

23 THE COURT: Okay.

24 MR. VITTO: It's still, I'm going to guess looking at

1 these allegations, call me crazy I'm thinking he's not going to  
2 be real jazzed up about having to talk about this stuff in a  
3 public forum.

4 I would hate to have to do that only to be told that we  
5 didn't need to at some point.

6 THE COURT: Well, he talked about it in a public forum  
7 at the preliminary hearing for the co-defendant, Bonetti, because  
8 I have read the preliminary hearing transcripts.

9 MR. VITTO: Because we put a subpoena in his hand and  
10 we said, get up there and tell the truth.

11 THE COURT: I can issue a material witness warrant.

12 MR. VITTO: Judge, I'm not saying he's not going to be  
13 here, at all. I'm sure he will. But I'm sure he wasn't  
14 overjoyed, and I'm sure he won't be overjoyed again. I'm  
15 cognizant of that. I'm just letting you know my reasoning and my  
16 thinking behind this. I would like to not have to put him  
17 through it if it's unnecessary.

18 I have done what I could to protect your calendar.  
19 Mr. Arabia is going to be doing to Jose Bautista trial, which is  
20 set secondary behind this trial.

21 THE COURT: Right.

22 MR. VITTO: I, frankly, pushed for that on purpose, for  
23 this reason. So that if, in fact, Bonetti went off, the Court's  
24 calendar was protected and something would go forward.

1 Other than that, Judge, if you were to obviously, we  
2 (inaudible) if you were to deny the defense's request then they  
3 would have to then immediately see if they can get the Supremes  
4 to stay the matter, so that it's heard prior to the trial date,  
5 or stay it so that it can be decided, so that we don't have to do  
6 a trial, if they are going to side with the defense on their  
7 argument.

8 THE COURT: Here's my thought on this. My thought is  
9 since I don't have to go to Tonopah Monday, I don't have to leave  
10 Sunday night and go up on Monday.

11 And so my thought is early next week I can write a  
12 written decision. But, I am going to tell you. It's just like  
13 the case that was set to go to trial on Monday. I spent hours  
14 writing that, and typing that myself.

15 THE COURT REPORTER: Judge, I'm sorry. I need a  
16 recess. I need about 15 minutes. I'm sorry.

17 THE COURT: That's all right. We'll take about 15  
18 minutes.

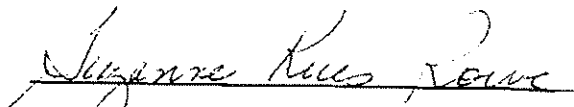
19 (Whereupon Kathy Terhune took over the proceedings.)  
20  
21  
22  
23  
24

1 STATE OF NEVADA )  
2 COUNTY OF DOUGLAS ) Ss.  
3

4 I, SUZANNE KUES ROWE, Certified Court Reporter,  
5 licensed in the State of Nevada, License #127, and a Notary  
6 Public in and for the State of Nevada, County of Douglas, do  
7 hereby certify that the foregoing proceeding was reported by me  
8 and was thereafter transcribed under my direction into  
9 typewriting; that the foregoing is a full, complete and true  
10 record of said proceedings.

11 I further certify that I am not of counsel or attorney  
12 for either or any of the parties in the foregoing proceeding and  
13 caption named, or in any way interested in the outcome of the  
14 cause named in said caption.  
15  
16  
17

18 Date: November 30, 2021  
19  
20  
21

22   
23 SUZANNE KUES ROWE, CCR #127  
24

1 CASE NO. CR0009595

2 DEPT. I

FILED  
FIFTH JUDICIAL DISTRICT

NOV 15 2021

3  
4 THE FIFTH JUDICIAL DISTRICT COURT - THE STATE OF NEVADA

5 IN AND FOR THE COUNTY OF NYE

6 THE HONORABLE KIMBERLY WANKER, DISTRICT JUDGE,

7 PRESIDING

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9  
10 THE STATE OF NEVADA,

11 PLAINTIFF,

12 v.

13 JAMES ROBERT BONETTI,

14 DEFENDANT.  
15 ----- /

16  
17  
18 TRANSCRIPT OF PROCEEDINGS

19 MOTION FOR STAY OF PROCEEDINGS

20 NOVEMBER 5, 2021

21 COURTHOUSE

22 PAHRUMP, NEVADA

23  
24 REPORTED BY:

KATHY TERHUNE, CCR #209

1 APPEARANCES:

2 FOR THE STATE:

KIRK VITTO  
Chief Deputy District  
Attorney  
1520 E Basin Ave # 107  
Pahrump, NV 89060

5 DEFENDANT PRESENT IN COURT.

6 FOR THE DEFENDANT:

7 RONNI BOSKOVICH, ESQ.  
Public Defender  
3190 South Highway 160  
Suite H  
Pahrump, NV 89048

10 NO OTHER APPEARANCES.

13 \* \* \* \* \*

TRANSCRIPT OF PROCEEDINGS

THE COURT: Good afternoon, Ms. Terhune. How are you today?

THE COURT REPORTER: Good, thank you.

THE COURT: I'm going explain something. Today I've asked counsel to speak into the mics, do not speak over each other. My other court reporter decided I've got to have a break. Just basically said I quit. So, thanks a lot everybody. Because that's the court report that goes with me to Goldfield and Tonopah. And, you know, I mean, I don't know. I can't reach her. I've been trying since I've been out on break. Tried to get ahold of her, but we've got to be respectful.

And I don't know. I don't -- that's going to be a huge problem for the Fifth Judicial District Court. Ms. Terhune has also worked for me. But I -- we've have got to be more respectful to our court reporter. I just, I can't say that enough. All right? Everybody, I've asked people all day today sit down, talk into the microphones. You don't know how hard it is to get a court reporter. I do. And it's -- nobody will come from Las Vegas. They don't want to come out

1 here. We don't pay enough money. They will not come.  
2 And these court reporters, I mean, my attitude is we  
3 got to treat them with the utmost of dignity and  
4 respect or we're not going to be having anything.

5 So, with that, let's go back to our discussion.  
6 This is -- I may have to start over on the discussion  
7 here. I don't know. This is sort of my thought when  
8 it comes to Mr. Bonetti. If there is anything anybody  
9 wants to add, I'll hear it. My attitude is to take it  
10 under advisement, and I'll issue a written order.

11 But -- and that will be sometime next week. But the  
12 bottom line is this.

13 I think I've made myself perfectly clear. You  
14 know, and I've got to say one other thing. Again, when  
15 these trials continue, when we do these things, it  
16 doesn't only effect me or the -- or the defense counsel  
17 or the prosecutor. It affects my whole support staff.  
18 And when I go to Tonopah, we have to get cars, we have  
19 to get rooms. It affects the clerk staff because right  
20 now, they don't have people who are capable of doing a  
21 trial by -- they haven't done a trial by themselves.  
22 So, we've got to have a supervisory person to go. And  
23 we just can't do this, and then at the last minute,  
24 say, oops, never mind, I've changed my mind.

1           Because, for example, the court reporter has  
2 the opportunity to work other courts, work depositions.  
3 The clerk in this case had to cancel plans with her  
4 daughter. I would have said no, I'm going to go. I'm  
5 sorry. You know, I cancelled and changed my plans. I  
6 think everybody did here. And, I had to get the  
7 sheriff's office to get myself a bailiff.

8           So, you know, when a deal happens at the last  
9 minute between two people, it affects 30 people. And,  
10 you know, I can't keep calling and cancelling my hotel  
11 reservations because then I can't get them. I mean,  
12 they'll say ah. They're very good about Judge Wanker,  
13 we'll find a place for you. But they won't find a  
14 place for me anymore in they've turned away other  
15 customers so I can have a room and then I don't show  
16 up.

17           So, with that, is there anything anybody else  
18 wants to add on this trial matter? Otherwise, I'll  
19 take it under advisement, and I'll issue a written  
20 order next week. I am going to Tonopah on Wednesday  
21 for civil on Tuesday.

22           MR. VITTO: Thank you, Your Honor.

23           THE COURT: Okay? Perfect. Thank you.

24           All right. So, what's our next case?

1 Thank you, Mr. Bonetti. I would keep in  
2 contact with your counsel.

3 (Conversation between Court and clerk.)

4 THE COURT: So, why don't we do the calendar  
5 call for Bonetti the 12th. The only matter I have for  
6 a calendar -- the only thing criminal matter I have is  
7 a calendar call for Bonetti. So, I don't know. I --

8 MR. VITTO: That works for me, Judge.

9 MS. BOSKOVICH: Fine.

10 THE COURT: I would prefer to leave it on the  
11 12th. Because that pushes me to work all weekend and  
12 type up. I'm done with that. If counsel can't work  
13 any harder, I'm not going to be the hardest worker in  
14 the room. You know, I am already. But, I'm not going  
15 to spend all my weekends doing court stuff when  
16 everybody pulls these stunts at the last minute. I'm  
17 not doing it anymore. I'm done with it.

18 So, we'll leave it on the 12th.

19 MR. VITTO: Thanks, Judge.

20 MS. BOSKOVICH: (Inaudible.)

21 THE COURT: What's that? I'll see what I can  
22 do get the court reporter. If not, I'll see if I can  
23 get Cecilia to come over. All right.

24 (End of Proceedings.)

CERTIFICATE

STATE OF NEVADA )  
 ) SS.  
CARSON CITY )

I, Kathy Terhune, CCR 209, do hereby certify that I reported the foregoing proceedings; that the same is true and correct as reflected by my original machine shorthand notes taken at said time and place before the Honorable Kimberly Wanker, District Judge, presiding.

Dated at Carson City, Nevada, this  
1st day of December, 2021.

  
CCR #209

FILED

FIFTH JUDICIAL DISTRICT

MAR 22 2022

CASE NO. CR0009595

DEPT. I

Nye County Clerk  
*B. Smith* Deputy

THE FIFTH JUDICIAL DISTRICT COURT - THE STATE OF NEVADA

IN AND FOR THE COUNTY OF NYE

THE HONORABLE KIMBERLY WANKER, DISTRICT JUDGE,

PRESIDING

THE STATE OF NEVADA,

PLAINTIFF,

v.

JAMES ROBERT BONETTI,

DEFENDANT.

TRANSCRIPT OF PROCEEDINGS

CALENDAR CALL

FEBRUARY 11, 2022

COURTHOUSE

PAHRUMP, NEVADA

REPORTED BY:

KATHY TERHUNE, CCR #209

1 APPEARANCES:

2 FOR THE STATE:

KIRK VITTO  
Chief Deputy District  
Attorney  
1520 E Basin Ave # 107  
Pahrump, NV 89060

5 DEFENDANT NOT PRESENT IN COURT.

6 FOR THE DEFENDANT:

RONNI BOSKOVICH, ESQ.  
Public Defender  
3190 South Highway 160  
Suite H  
Pahrump, NV 89048

10 NO OTHER APPEARANCES.

12 \* \* \* \* \*

TRANSCRIPT OF PROCEEDINGS

THE COURT: Poor Ms. Boskovich has spent the whole day here.

MS. BOSKOVICH: That's okay, Judge.

THE COURT: She's finally up.

MS. BOSKOVICH: No place I'd rather be.

THE COURT: Maybe you'll have headphones on and they're watching some of the Olympics or something, but...

All right. So, we are getting ready to wrap this thing up with our last attorney for the day. Our first case is CR 9595, State of Nevada versus James Robert Bonetti.

And I understand your client is not here today. Asked me about that yesterday. There's a stipulation to continue the trial. I don't have a problem with that. The only problem I have for today is I don't have Christal here.

MS. BOSKOVICH: I understand.

THE COURT: And my understanding is you guys wanted -- which comes first, the Bonetti trial or the Butler trial?

MS. BOSKOVICH: Butler. Butler goes first.

1 THE COURT: Butler goes first? Okay. So, if  
2 you would do this favor for me, if on Monday you would  
3 call Christal just to remind her that we need a trial  
4 date?

5 MR. VITTO: Perfect. Thanks, Judge.

6 THE COURT: And is it Butler -- which one's at  
7 the Supreme Court? Is it --

8 MR. VITTO: Bonetti.

9 THE COURT: -- this one?

10 MS. BOSKOVICH: Bonetti.

11 THE COURT: Okay. All right. So, this is what  
12 I -- my inclination is. Probably the soonest it can be  
13 tried is the fall. We'll probably -- but he's out of  
14 custody. Nobody's -- you know, we'll try to get him  
15 tried as quickly we can, but it is what it is right  
16 now.

17 THE CLERK: Do you want me to go ahead and pull  
18 that?

19 THE COURT: Yes, please vacate that -- did we  
20 put in -- did we set anything on top of that? I don't  
21 remember.

22 MS. BOSKOVICH: I think there was. I don't  
23 remember which case, but I almost think I remember you  
24 saying something about that.

1 THE COURT: Well, you know, it's going to be  
2 interesting in the next few weeks to see, now that the  
3 mask mandate is lifted, whether we start seeing -- you  
4 know, like I said, I was fully vaccinated and had the  
5 boosters, and my case was extremely mild, but it didn't  
6 stop. I mean, I'm -- I kept testing. I'm thinking I'm  
7 fine and wasn't fine. That was kind of frustrating.  
8 And I don't -- you know, they know so little about it,  
9 you know, that -- so, I have just hope we don't have a  
10 bunch of cases and here we go again.

11  
12 (End of Proceedings.)

13  
14 \* \* \* \* \*

CERTIFICATE

STATE OF NEVADA )

) SS.

CARSON CITY )

I, Kathy Terhune, CCR 209, do hereby certify that I reported the foregoing proceedings; that the same is true and correct as reflected by my original machine shorthand notes taken at said time and place before the Honorable Kimberly Wanker, District Judge, presiding.

Dated at Carson City, Nevada, this  
19th day of March, 2022.

  
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CCR #209