

IN THE SUPREME COURT OF THE STATE OF NEVADA

---

CHRISTOPHER E. PIGEON, )

#90582, )

Appellant, )

v. )

STATE OF NEVADA, )

Respondent. )

---

Electronically Filed  
Oct 19 2021 12:47 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

CASE NO.: **83232**

**E-FILE**

D.C. Case No.: C-13-290261-1

Dept.: **IX**

**APPELLANT'S APPENDIX VOLUMES 1 - 2**

**Appeal from the denial of Motion to Modify Sentence and Supplemental  
Points and Authorities Challenging the Wrongful  
Imposition of an Habitual Criminal Sentence of Life without Parole  
Eighth Judicial District Court, Clark County**

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...  
Counsel for Appellant

Counsel for Respondent

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[report and/or hearing date in brackets]

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...

...

## CERTIFICATE OF SERVICE

I certify I am an assistant to Terrence M. Jackson, Esquire; a person competent to serve papers, not a party to the above-entitled action and on the 19th day of October, 2021, I served a copy of the foregoing: Appellant Christopher E. Pigeon's Opening Brief and the Appendix and Index, Volumes 1 through 2, as follows:

[X] Via Electronic Service to the Nevada Supreme Court, to the Eighth Judicial District Court, and by U. S. mail with first class postage affixed to the Nevada Attorney General and the Petitioner/Appellant as follows:

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[alexander.chen@clarkcountyda.com](mailto:alexander.chen@clarkcountyda.com)

CHRISTOPHER E. PIGEON  
ID#90582  
High Desert State Prison - P.O. Box 650  
Indian Springs, NV 89070-0650

By: /s/ Ila C. Wills  
Assistant to Terrence M. Jackson, Esq.

  
CLERK OF THE COURT

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2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 MARC SCHIFALACQUA  
6 Chief Deputy District Attorney  
7 Nevada Bar #010435  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,

11 Plaintiff,

12 -vs-

13 CHRISTOPHER PIGEON, aka,  
14 Christopher Edward Pigeon, #1694872

15 Defendant.

CASE NO: C-13-290261-1

DEPT NO: VIII

INDICTMENT

17 STATE OF NEVADA }  
18 COUNTY OF CLARK } ss.

19 The Defendant above named, CHRISTOPHER PIGEON, aka, Christopher Edward  
20 Pigeon, accused by the Clark County Grand Jury of the crime(s) of PROHIBITED ACTS  
21 BY A SEX OFFENDER (Category D Felony - NRS 179D.470; 179D.550; 179D.460);  
22 ATTEMPT FIRST DEGREE KIDNAPPING (Category B Felony - NRS 193.330; 200.320);  
23 AGGRAVATED STALKING (Category B Felony - NRS 200.575); LURING CHILDREN  
24 WITH THE INTENT TO ENGAGE IN SEXUAL CONDUCT (Category B Felony -  
25 201.560); BURGLARY (Category B Felony - NRS 205.060); OPEN OR GROSS  
26 LEWDNESS (Category D Felony - 201.210); UNLAWFUL CONTACT WITH A CHILD  
27 (Gross Misdemeanor - NRS 207.260), committed at and within the County of Clark, State of  
28 Nevada, on or between January 7, 2013 and May 17, 2013 as follows:

1 COUNT 1 - PROHIBITED ACTS BY A SEX OFFENDER

2 did on or about January 7, 2013, then and there wilfully, unlawfully and feloniously  
3 fail to change or update his registration information by failing to provide to the Las Vegas  
4 Metropolitan Police Department within 48 hours the change of address information along  
5 with all other information that is relevant to updating his records of registration, said  
6 Defendant having been convicted of a sex offense, to-wit: Open or Gross Lewdness in 2003  
7 in Case No. C186418, in the Eighth Judicial District Court of Clark County, State of Nevada,  
8 and/or Open or Gross Lewdness in 2006 in Case No. C216699, in the Eighth Judicial District  
9 Court of Clark County, State of Nevada, and/or Open or Gross Lewdness in 2010 in Case  
10 No. C254530, in the Eighth Judicial District Court of Clark County, State of Nevada, and/or  
11 Open or Gross Lewdness in 2012 in Case No. C269318, in the Eighth Judicial District Court  
12 of Clark County, State of Nevada, Defendant committing this crime by registering at 200  
13 South 8<sup>th</sup> Street, Las Vegas; thereafter moving to an unknown address without notifying Las  
14 Vegas Metropolitan Police Department of the change of address as required.

15 COUNT 2 - PROHIBITED ACTS BY A SEX OFFENDER

16 did on or between April 22, 2013 and May 17, 2013, then and there wilfully,  
17 unlawfully and feloniously fail to change or update his registration information by failing to  
18 provide to the Las Vegas Metropolitan Police Department within 48 hours the change of  
19 address information along with all other information that is relevant to updating his records  
20 of registration, said Defendant having been convicted of a sex offense, to-wit: Open or  
21 Gross Lewdness in 2003 in Case No. C186418, in the Eighth Judicial District Court of Clark  
22 County, State of Nevada, and/or Open or Gross Lewdness in 2006 in Case No. C216699, in  
23 the Eighth Judicial District Court of Clark County, State of Nevada, and/or Open or Gross  
24 Lewdness in 2010 in Case No. C254530, in the Eighth Judicial District Court of Clark  
25 County, State of Nevada, and/or Open or Gross Lewdness in 2012 in Case No. C269318, in

26 ///

27 ///

28 ///

1 the Eighth Judicial District Court of Clark County, State of Nevada, Defendant committing  
2 this crime by registering at 200 South 8<sup>th</sup> Street, Las Vegas; thereafter moving to an  
3 unknown address without notifying Las Vegas Metropolitan Police Department of the  
4 change of address as required.

5 COUNT 3 – ATTEMPT FIRST DEGREE KIDNAPPING

6 did or between May 15, 2013 and May 17, 2013, wilfully, unlawfully, feloniously,  
7 and without authority of law, attempt to lead, take, entice, carry away or kidnap CANDACE  
8 CARPENTER, a minor, with the intent to keep, imprison, or confine said victim, from  
9 his/her parents, guardians, or other person or person having lawful custody of said minor, or  
10 with the intent to hold said minor to unlawful service, or perpetrate upon the person of said  
11 minor, any unlawful act by defendant following and/or chasing and/or grabbing and/or  
12 touching said CANDACE CARPENTER with the intent to begin a sexual relationship with  
13 said minor.

14 COUNT 4 – AGGRAVATED STALKING

15 did on or between May 15, 2013 and May 17, 2013 then and there wilfully,  
16 unlawfully, feloniously, and intentionally engage in a course of conduct that would cause a  
17 reasonable person to feel terrorized, frightened, intimidated, or harassed, to-wit: by  
18 following CANDACE CARPENTER to her school and/or a convient store on multiple  
19 occasions and attempting to grab or block her escape and/or by chasing said CANDACE  
20 CARPENTER, and that course of conduct did, in fact, cause CANDACE CARPENTER to  
21 feel terrorized, frightened, intimidated or harassed, and defendant also did threaten  
22 CANDACE CARPENTER with the intent that CANDACE CARPENTER be placed in  
23 reasonable fear of death or substantial bodily harm.

24 COUNT 5 – LURING CHILDREN WITH THE INTENT TO ENGAGE IN SEXUAL  
25 CONDUCT

26 did on or between May 15, 2013 and May 17, 2013 then and there wilfully and  
27 feloniously and knowingly contact or communicate with, or attempt to contact or  
28 communicate with CANDACE CARPENTER, who is less than 16 years of age and who is at

1 least 5 years younger than the defendant, or a person who the defendant believed to be a  
2 child less than 16 years of age and at least 5 years younger than the defendant, regardless of  
3 the actual age of the person, with the intent to persuade, lure or transport the said child away  
4 from her home or from any location known to her parent or guardian or other person legally  
5 responsible for the child without the express consent of the parent or guardian or other  
6 person legally responsible for the child and with the intent to avoid the consent of the parent  
7 or guardian or other person legally responsible for the child, the Defendant committing the  
8 crime in the following manner, to-wit: by Defendant following said CANDACE  
9 CARPENTER to her school and/or a convient store and interacting with said minor on  
10 multiple occasions, Defendant possessing the intent to engage in sexual conduct with the  
11 child or to cause the child to engage in sexual conduct.

12 COUNT 6 – BURGLARY

13 did on May 15, 2013, May 16, 2013 and/or May 17, 2013 then and there wilfully,  
14 unlawfully, and feloniously enter, with intent to commit Battery and/or Open or Gross  
15 Lewdness, Kidnapping, and/or Luring a Minor, that certain building occupied by CJ's Mini  
16 Mart, located at 4030 W. Charleston Ave., Las Vegas, Clark County, Nevada.

17 COUNT 7 – OPEN OR GROSS LEWDNESS

18 did on or about May 15, 2013, then and there wilfully and unlawfully and feloniously  
19 commit an act of open or gross lewdness by masturbating his penis while in presence of  
20 CANDACE CARPENTER and/or other employees or patrons of CJ's Mini Mart, said  
21 Defendant having previously committed the offense of Open or Gross Lewdness in 2006,  
22 2010 and/or 2012.

23 COUNT 8 - UNLAWFUL CONTACT WITH A CHILD

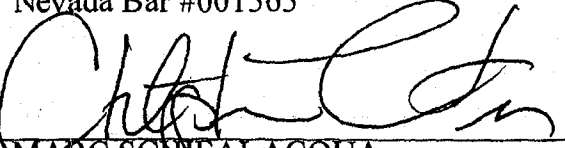
24 did on or between May 15, 2013 and May 17, 2013, at and within the County of  
25 Clark, State of Nevada, did, without lawful authority, wilfully and maliciously engage in a  
26 course of conduct with CANDACE CARPENTER, a child under 16 years of age and being  
27 at least 5 years younger than the said Defendant , which acts would cause a reasonable child  
28 of like age to feel terrorized, frightened, intimidated or harassed, and which actually caused

1 CANDACE CARPENTER to feel terrorized, frightened, intimidated or harassed, by the  
2 Defendant following the said CANDACE CARPENTER to Hyde Park Middle School and/or  
3 to a convenience store, and/or by committing the acts set forth in counts 3, 4 and 5.

4 DATED this 5 day of June, 2013.

5  
6 STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565

7  
8  
9 BY

  
10 MARC SCHIFALACQUA  
Chief Deputy District Attorney  
Nevada Bar #010435

11  
12 ENDORSEMENT: A True Bill

13   
14 \_\_\_\_\_  
15 Foreperson, Clark County Grand Jury



1 Names of witnesses testifying before the Grand Jury:

2 BRYANT, JOHN, 4413 BAXTER PL, LV NV 89107

3 CARPENTER, CANDANCE, 925 SIERRA VISTA DR. #309, LV NV 89169

4 FRANTZ, WAYNE, 200 C 8TH STREET, LV NV 89101

5 HERNANDEZ, KATHYRN, 925 SIERRA VISTA DR. #309, LV NV 89169

6 JUAREZ, ROBERTO, LMVPD# 3831

7 LAFRENIERE, JASON, LVMPD# 7570

8  
9 Additional witnesses known to the District Attorney at time of filing the Indictment:

10 CUSTODIAN OF RECORDS, CCDC

11 CUSTODIAN OF RECORDS, LVMPD COMMUNICATIONS

12 CUSTODIAN OF RECORDS, LVMPD RECORDS

13 GIVENS, TROY, LVMPD# 5914

14 PRICHARD, DAVID, LVMPD# 6210

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27 13AGJ006X/13F06455X/13F08007X/ed-GJ  
28 LVMPD EV# 1301281554; 1305170960  
(TK11)

STATE OF NEVADA -v-  
PIGEON, Christopher  
ID NO.: 1694872  
[ ] Interpreter Required

CLARK COUNTY  
COURTS

JUSTICE COURT CASE NO.:  
DEPT. \_\_\_\_\_  
DISTRICT COURT CASE NO.:  
C290201 TRACK DEPT. \_\_\_\_\_

REQUEST FOR EVALUATION(S) FOR COMPETENCY

I, Robert O'Brien on behalf of Christopher Pigeon do hereby request that the above named defendant be evaluated for competency based on the following:

The defendant DOES NOT:

- ☒ appear to understand the charges or allegation  
☒ understand the adversarial nature of the legal process  
☐ appear to disclose to defense attorney pertinent facts

- ☒ understand the range and nature of the penalties  
☒ display appropriate courtroom behavior  
☒ demonstrate ability to provide relevant testimony

7/8/13  
Date

[Signature]  
Signature of Person Requesting Evaluation

(702) 455-6768  
Contact Number

ORDER FOR COMPETENCY EVALUATION(S)

THIS MATTER having come before the Court at a hearing where the Defendant was  
☒ PRESENT [ ] NOT PRESENT

THE COURT FINDS AND ORDERS that doubt has arisen as to the competence of the Defendant and that the proceedings are suspended until the question of competence is determined.

IT IS FURTHER ORDERED that pursuant to N.R.S.178.415 the appropriate evaluation(s) will be conducted; the defendant having been charged with a

[ ] MISDEMEANOR ☒ GROSS MISDEMEANOR / FELONY competency hearing to be set at 9:30 A.M. in District Court Department 7 on the 2nd day of August, 2013.

FURTHERMORE, IT IS ORDERED the following records be made available to the Specialty Court Division of the Clark County Courts: 1) Any and all jail records to include, but not limited to, custody records, psychiatric records, medical records and incident reports. 2) Any and all criminal records, including but not limited to, criminal complaint, police records and discovery.

ADDITIONALLY, it is ordered that the Clark County Detention Center and/or NaphCare shall provide the referring attorney and/or attorney's staff with any and all medical/psychiatric records of the defendant upon request and NaphCare staff including but not limited to physician and nursing records. Lastly, they shall speak with the referring attorney and/or their staff about the defendant's condition including but not limited to prognosis, diagnosis and treatment.

IT IS FINALLY ORDERED that the report(s) of said examination be submitted to the Specialty Courts Division no later than 5:00 PM on the third judicial day preceding the scheduled hearing.

DATED this 8th day of July, 2013.

[Signature]  
JUDGE

**COMPETENCY EVALUATION – COVER SHEET**

☐ **COMPETENT**  
☒ **NOT COMPETENT**

DEFENDANT NAME: Christopher Pigeon

CASE NO.: C290261

EVALUATION DATE: 7/21/13

LENGTH OF EVALUATION: 75 minutes

REPORT DATE: 7/27/13

INFORMED CONSENT: ☒ YES ☐ NO

**SUMMARY OF RESULTS PERTAINING TO DUSKY vs. UNITED STATES**

Is there substantial impairment or gross deficit in the following areas:	YES	NO
1. Capacity to understand the nature of the criminal charges.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2. Capacity to understand the nature and purpose of court proceedings.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Capacity to aid and assist counsel in the defense.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**DIAGNOSTIC IMPRESSIONS:**

Axis I      Psychotic disorder not otherwise specified  
              Schizophrenia vs. schizoaffective disorder (by history)  
              Mood disorder vs. depression vs. bipolar disorder (by history)  
              Paraphilia not otherwise specified

Axis II      Mixed personality disorder

Axis III     Hypothyroidism

Axis IV     Moderate stress arising from legal problems, adverse psychosocial circumstances

Axis V      50

**PSYCHIATRIC HISTORY:**

	YES	NO
Currently taking medication for mental illness:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If yes, specify: Citalopram		
Prior mental health treatment:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Prior hospitalizations:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If yes, dates and duration: Lake's Crossing (2009, 2011/12)		

**MALINGERING:**

Is there a substantial degree of weakness in the interview, response style, or testing data that suggests a malingered disorder is present?

☐ YES ☒ NO ☐ NOT RULED OUT

**REVIEW OF RECORDS – COLLATERAL INFORMATION**

☒ Discovery                      ☒ Jail Medical Records

☐ Jail Disciplinary Records   ☒ Mental Health Records

☐ Other \_\_\_\_\_

Submitted by: Michael S. Krelstein, MD  
Print

  
Signature

**MICHAEL S. KRELSTEIN, M.D.**

Psychiatry - General & Forensic  
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Tel: (702) 743-1911  
E-mail: [michael.krelstein@yahoo.com](mailto:michael.krelstein@yahoo.com)

July 27, 2013

**Regarding:**

The State of Nevada vs.  
Christopher Pigeon  
Case No. C290261

**Referral Source:**

Steve Roll  
Specialty Court Manager  
Eighth Judicial District Court  
Justice Court, Las Vegas Township

**COMPETENCY TO STAND TRIAL EVALUATION**

**OPINIONS HELD WITHIN A REASONABLE DEGREE OF MEDICAL PROBABILITY:** Applying standardized clinical measures for the reliable and verifiable determination of a defendant's capacity to understand the nature of the criminal charges against him, the nature and purpose of court proceedings, and the capacity to aid and assist counsel in the defense, Mr. Pigeon *is presently not competent to stand trial*.

**CIRCUMSTANCES OF REFERRAL:** Mr. Christopher Pigeon is a 50 year-old serial sex offender with a history of mixed mental illness, characterological and paraphilic deviation, who is currently incarcerated at the Clark County Detention Center (CCDC), charged with 8 felony charges of PROHIBITED ACTS BY A SEX OFFENDER, ATTEMPT FIRST DEGREE KIDNAPPING, AGGRAVATED STALKING, LURING CHILDREN WITH THE INTENT TO ENGAGE IN SEXUAL CONDUCT, BURGLARY, OPEN OR GROSS LEWDNESS, UNLAWFUL CONTACT WITH A CHILD. Mr. Pigeon was referred to the undersigned psychiatrist for the purpose of evaluating his mental & procedural capacity (e.g. competency) to proceed to trial.

**NOTIFICATIONS:** Prior to commencing the evaluation, the undersigned reviewed with Mr. Pigeon the medical-legal purpose of our meeting. Specifically, I informed Mr. Pigeon that I am a psychiatrist retained by the Competency Court to evaluate his current mental capacity to stand trial. Mr. Pigeon was subsequently informed that clinical services and confidentiality would not be provided and that any material he disclosed during the interview would be submitted to the Court in the form of a report. Mr. Pigeon was informed of his Fifth Amendment rights against self-incrimination, and told that he was not required to answer my questions without first consulting with his attorney. Mr. Pigeon indicated that he understood my notifications and he competently agreed to proceed with the evaluation.

METHODOLOGY: The undersigned reviewed all known discovery, including legal and medical documentation (see list below) according to standard medical-legal practice. Primary (source) data was collected during an approximate 60 minute contact interview conducted with the defendant on 7/21/13 at CCDC. The defendant's procedural capacity was assessed via administration of a semi-structured interview in line with McGarry and the Group for the Advancement of Psychiatry (GAP) competency criteria.

MATERIALS REVIEWED PRIOR TO ASSESSMENT: The undersigned requested from the Court Mr. Pigeon's entire legal file. This request yielded approximately 78 pages of discovery documentation. Such documentation includes, but is not limited to (1) Order for competency evaluation(s); (2) Criminal complaint; (3) Declaration of arrest/warrant/summons; (4) Arrest reports of the instant offense; (5) Investigation reports; (6) Minutes from preliminary hearings; (7) Mental health and medical records from CCDC (includes inmate request and grievance forms, disciplinary records, mental health screening and treatment documentation); (8) Competency evaluations prepared by Charles P. Colosimo, Ph.D., (2/24/10); Daniel Sussman M.D., J.D., dated 12/27/10 (with reference to prior evaluations by Greg Harder, Psy.D., Shera Bradley, Ph.D., Mary Vieth, Ph.D., Lindell Bradley, M.D.); Daniel T. Malatesta, Ed.D., (1/15/11); (9) Competency evaluation prepared at Lake's Crossing (5/17/11) by Lindell Bradley, M.D.

According to Mr. Pigeon's attorney (as documented on the Request for Evaluation for Competency) there is expressed concern regarding the defendant's ability to understand the charges, understand the adversarial nature of the legal process, disclose pertinent facts to his/her attorney, understand the range and nature of the penalties, display appropriate courtroom behavior, and demonstrate ability to provide relevant testimony.

On a hand written form titled ADDITIONAL INFORMATION FOR EVALUATING DOCTOR, Mr. Pigeon's attorney expresses "Defendant has a long mental health history and history of going off his medication when not in custody. During one interview, the Defendant was shaking and twitching. When discussing the facts of the case, Defendant does not seem to understand the seriousness of the charges and would consistently ignore allegations or insist that allegations against him were never made."

INDEX CASE LAW:

1. Dusky v. United States (1960) -- competency to stand trial
2. Faretta v. California (1975) -- competency to waive the right to counsel
3. Godinez v. Moran (1993) -- competency to plead guilty and waive counsel
4. Indiana v. Edwards (2008) -- competency to waive counsel vs. competent self representation
5. Friendak v. United States (1979) -- legal standards to waive insanity defense
6. Sell v. United States (2003) -- legal standards for administering competency restoring psychotropic medications over a defendant's objection

HISTORICAL BACKGROUND: During the assessment, the undersigned developed the usual lines of questioning pertaining to the defendant's psychiatric, medical,

developmental, social, legal, family, and work history. Mr. Pigeon answered these questions to the best of his ability, providing a lucid and reasonably comprehensive anamnesis. This history has been covered extensively elsewhere, is substantively consistent, and will not be reiterated here. The information resides in notes generated during this evaluation, and is available for review upon request.

CLINICAL BACKGROUND: According to Mr. Pigeon, he has a history of depression and "overachiever syndrome." While acknowledging that he has also been diagnosed with "schizophrenia" (at Lake's Crossing) he denies common psychotic signs and symptoms defining the condition. He generally minimizes the seriousness of his mental illness. Reportedly, he has never been hospitalized in a psychiatric setting (other than Lake's), has never attempted to kill himself, and does not take antipsychotic medication.

Various diagnoses (found in prior competency reports and jail records) include depression, bipolar disorder, dysthymia, delusional disorder, schizophrenia, schizoaffective disorder, anxiety disorder, narcissistic, antisocial and schizotypal personality disorder, Aspergers, and sexual disorder not otherwise specified.

It appears that Mr. Pigeon has been sent to Lake's Crossing at least twice (summer 2009, spring 2011 to fall 2012). He was found incompetent to stand trial, without probability (absent involuntary treatment) in the May/June of 2011 due to paranoid and grandiose delusions. There is no reference to a Sell hearing included in my records, and it is presumed that he was not forcibly restored. (However, current jail records reference his eventual delayed release from Lake's Crossing in October of 2012, and I have no records from this lengthy period of time).

According to jail records, Mr. Pigeon is diagnosed with "mood disorder" and schizophrenia, and he is prescribed Citalopram for depression. His behavior and mental status have been benign since his arrest 5/17/13 and he has generally not requested (nor required) much in the way of psychiatric treatment. Medically, he is treated for hypothyroidism.

RESULTS OF INTERVIEW: Mr. Pigeon presented as a moderately grandiose, though friendly, intelligent and articulate man. He was alert, oriented, with adequate attention and concentration. He was in no apparent distress, and evidenced no stigmata of acute mental illness. Mr. Pigeon's demeanor was engaged and cooperative--nonthreatening. His grooming, eye contact, and speech patterns were all unremarkable. There were no observed distinctive facial features, unusual habits or mannerisms.

Mr. Pigeon's stated mood was "pretty good" and his affect was euthymic, with average range of expression. There was no outward evidence of depression, anxiety or mania.

Mr. Pigeon answered all questions to the best of his ability. Rapport and reciprocal dialogue was easily established. Mr. Pigeon communicated clearly, with normal speech and coherent thought.

Mr. Pigeon denied present and past auditory hallucinations as well as other common schizophrenic symptoms such as pervasive paranoia, ideas of reference, delusions of mind control, internal preoccupation, and command override signals. He does not appear obviously paranoid or hyper vigilant. Thought content was appropriate to questioning, without unusual thematic preoccupations (with the notable exception of his being an "over achiever" and the basis for his defense—see below). Thought process was coherent and goal directed. There were no observed behavioral manifestations of an acute psychotic experience such as responding to hallucinations and/or irrational behavior directed by delusions. Rather, Mr. Pigeon's behavior was well-modulated, non-bizarre, non-psychotic, and he demonstrated adequate impulse control. Mr. Pigeon convincingly denied present suicidal ideation and/or impulse.

While formal intellectual testing was not conducted, Mr. Pigeon's estimated intellectual capacity is high average, based upon communication skills, fund of knowledge and educational experience. On an abbreviated MOCA cognitive exam, Mr. Pigeon manifested no significant impairment in cognitive capacities.

Regarding his legal case, Mr. Pigeon refers to himself as "extremely competent." He is adamantly opposed to returning to Lake's Crossing. Consistent with his self assessment, Mr. Pigeon accurately named his charges and he provided a coherent account of events leading up to and surrounding the present instant offense. In further discussing his legal circumstances, Mr. Pigeon demonstrated a rational and factual understanding of his charges, a basic familiarity with courtroom participants and proceedings, potential plea bargains, penalties, and outcomes. To this end, Mr. Pigeon spoke in coherent and realistic detail about the current status of his case, accurately referencing key events, participants, decision points, various risks and benefits.

However, Mr. Pigeon is generally suspicious of "the system" however, and believes his attorney to be disinterested in her case and "in-it-together" with the District Attorney. As of such, Mr. Pigeon wishes to waive counsel and represent himself "pro-se." This decision appears to be knowing, voluntary and intelligent (thereby meeting Faretta criteria), and Mr. Pigeon provides a compelling history of prior successful pro-se defenses. In fact, Mr. Pigeon speaks of having read Faretta and other relevant case law specific to his defense.

However, it is with respect to his defense strategy that Mr. Pigeon's mental illness appears prominently detrimental. Essentially, Mr. Pigeon believes that no crime was committed because the alleged victim of the index offense (an early adolescent girl) would have consented to marriage – even though this is an absurdity at face value. This defense is similar to prior statements made excusing prior lewd behavior (e.g. "his penis is so impressive that no one would complain anyway") – and is a clear distortion of reality.

Moreover, because Mr. Pigeon minimizes his history of mental illness, he denies any potential contributing influence of his mental illness either on his capacity to represent

himself and/or to consider a mental health defense (thereby violating Indiana and Frendak).

ASSESSMENT OF PRESENT PROCEDURAL COMPETENCIES: According to the Dusky standard, a criminal defendant can be found competent for trial only if he "has sufficient ability to consult with her lawyer with a reasonable degree of rational understanding, and has a rational as well as factual understanding of the proceedings against him." The McGarry scale attempts to operationalize the competence assessment by looking at 13 areas of functioning, including the defendant's:

1. Ability to appraise the legal defenses available
  - *Compromised*
2. Level of unmanageable behavior
  - *Adequate*
3. Quality of relating to attorney
  - *Compromised*
4. Ability to plan legal strategy
  - *Compromised*
5. Ability to appraise the roles of various participants in the courtroom proceedings
  - *Adequate*
6. Understanding of court procedure
  - *Adequate*
7. Appreciation of the charges
  - *Compromised*
8. Appreciation of the range and nature of possible penalties
  - *Adequate*
9. Ability to appraise the likely outcomes
  - *Compromised*
10. Capacity to disclose to the attorney available pertinent facts surrounding the offense
  - *Adequate*
11. Capacity to challenge prosecution witness realistically
  - *Compromised*
12. Capacity to testify relevantly
  - *Compromised*
13. Manifestation of self-serving versus self-defeating motivation
  - *Adequate*

RESULTS PERTAINING TO DUSKY:

1. Capacity to understand the nature of the criminal charges
  - *No substantial impairment or gross deficit*
2. Capacity to understand the nature and purpose of court proceedings
  - *No substantial impairment or gross deficit*
3. Capacity to aid and assist counsel in the defense
  - *Compromised*



DSM IV-TR DIAGNOSIS:

Axis I        Psychotic disorder not otherwise specified  
              Schizophrenia vs. schizoaffective disorder (by history)  
              Mood disorder vs. depression vs. bipolar disorder (by history)  
              Paraphilia not otherwise specified  
Axis II        Mixed personality disorder  
Axis III       Hypothyroidism  
Axis IV        Moderate stress arising from legal problems, adverse psychosocial  
              circumstances  
Axis V        50

\*DISCUSSION: Absent collateral information to the contrary, and ignoring the absurd comments about his defense, Mr. Pigeon superficially appears competent to stand trial. However, contextualizing for both, and appreciating the seriousness of his charges, Mr. Pigeon should be found incompetent and sent back to Lake's Crossing. It is likely that he will now meet Sell criteria, and the competency can be restored with forced treatment.

Mr. Pigeon is not expected to be a violence risk.

The undersigned verifies that he has considered matters of embellishment, exaggeration, symptom enhancement, dissimulation, inconsistency, misattribution, and a host of other disingenuous factors. Presently, I find no substantial degree of weakness in the interview, response style, or testing data that suggests a malingered disorder is present.

The above medical-legal opinions are rendered within a reasonable degree of medical probability and are based upon the evidence before me at the time of report writing. Inferences relied upon may be drawn from evidence not explicitly revealed in this report. The undersigned reserves the right to amend, modify or reverse his opinions should any additional relevant material come to light.

Respectfully submitted,



Michael S. Krelstein, M.D.  
Board Certified Forensic Psychiatrist

COMPETENCY EVALUATION – COVERSHEET

☐ COMPETENT  
☒ NOT COMPETENT

DEFENDANT NAME: Christopher Pigeon CASE NO: C290261

EVALUATION DATE: July 24, 2013 LENGTH OF EVALUATION: 45 minutes

REPORT DATE: July 30, 2013 INFORMED CONSENT: ☒ YES ☐ NO

**SUMMARY OF RESULTS PERTAINING TO DUSKY vs. UNITED STATES**

Is there substantial impairment or gross deficit in the following areas: YES NO

- |  |  |
|--|--|
| 1. Capacity to understand the nature of the criminal charges.          | <input checked="" type="checkbox"/> <input type="checkbox"/> |
| 2. Capacity to understand the nature and purpose of court proceedings. | <input type="checkbox"/> <input checked="" type="checkbox"/> |
| 3. Capacity to aid and assist counsel in the defense.                  | <input checked="" type="checkbox"/> <input type="checkbox"/> |

**DIAGNOSTIC IMPRESSIONS:**

- Unspecified Paraphilic Disorder
- Rule-out Delusional Disorder
- Narcissistic Personality Disorder
- Imprisonment or Other Incarceration

**PSYCHIATRIC HISTORY:**

YES NO

Currently taking medication for mental illness:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If yes, specify: Citalopram		
Prior mental health treatment:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Prior hospitalizations:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If yes, dates and duration:		

**MALINGERING:**

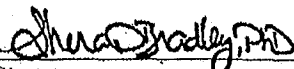
Is there a substantial degree of weakness in the interview, response style or testing data that suggests a malingered disorder is present?

☐ YES ☒ NO ☐ NOT RULED OUT

**REVIEW OF RECORDS-COLLATERAL INFORMATION**

☒ Discovery ☒ Jail Medical Records  
☐ Jail Disciplinary Records ☐ Mental Health Records  
☒ Other: previous evaluations and Lake's Crossing Center records

Submitted by: Shera D. Bradley, Ph.D.  
Print

  
Signature



# Innovative Psychological Solutions

Gary Lenkeit, Ph.D.  
Licensed Psychologist

Shera D. Bradley, Ph.D.  
Licensed Psychologist

Carla Perlotto, Ph.D.  
Licensed Psychologist

Danielle T. Bello, Ph.D.  
Licensed Psychologist

## Competency Evaluation

**Name:** Christopher Pigeon  
**Case No.:** C290261  
**Date of Birth:** August 31, 1962  
**Ethnicity:** Caucasian  
**Gender:** Male  
**Age:** 50 years  
**Examiner:** Shera D. Bradley, Ph.D.  
**Date of Evaluation:** July 24, 2013  
**Date of Report:** July 30, 2013

### Evaluation Procedures:

1. Interview with Christopher Pigeon conducted by Shera D. Bradley, Ph.D. at the Clark County Detention Center (CCDC).
2. Review of records provided by the Specialty Court Division of the 8<sup>th</sup> Judicial District Court:
  - Clark County Courts, Requests for Evaluation(s), dated December 9, 2010 and July 8, 2013.
  - Clark County District Court, Indictment, dated June 5, 2013.
  - Clark County Detention Center medical and mental health records.
  - Lake's Crossing Center records:
    - Letter to Judge Glass from Elizabeth Neighbors, Ph.D., dated June 14, 2011.
    - Psychiatric evaluation by Lindell Bradley, M.D., dated May 17, 2011.
  - Previous competency evaluations:
    - Completed by Shera D. Bradley, Ph.D., report dated May 28, 2009.
    - Completed by Charles P. Colosimo, Ph.D., report dated December 24, 2010.
    - Completed by Daniel Sussman, M.D., J.D., report dated December 27, 2010.
    - Completed by Daniel Malatesta, Ed.D., report dated January 15, 2011.

**Reason for Referral:** Mr. Pigeon was referred for a competency evaluation on July 8, 2013 by his attorney, Robert O'Brien, as he did not appear to understand the charges or allegations, understand the adversarial nature of the legal process, understand the range and nature of the penalties, display appropriate courtroom behavior, or demonstrate the ability to provide relevant testimony. In the Additional Information for Evaluating Doctor Form, it is noted, "defendant has a long mental health history and history of going off his medications when not in custody. During our interview, defendant was shaking and twitching. When discussing the facts of the case, defendant does not appear to understand the seriousness of the charges and would consistently ignore allegations or insist that allegations against him were never made (not that they are not there, but they that were never made)." Mr. Pigeon was indicted by a Grand Jury for two counts of Felony Prohibited Acts by a Sex Offender, one count of Felony Attempt First Degree Kidnapping, one count of Felony Aggravated Stalking, one count of Luring Children

with Intent to Engage in Sexual Conduct, one count of Felony Burglary, one count of Felony Open or Gross Lewdness, and one count of Gross Misdemeanor Unlawful Contact with a Child.

**Limits of Confidentiality:** Mr. Pigeon was informed that he was referred for a competency evaluation by the Specialty Courts. Mr. Pigeon was informed that the information he provides during the evaluation is not confidential and a report will be prepared and sent to the presiding judge. Mr. Pigeon acknowledged the limits of confidentiality and agreed to participate in the evaluation.

#### **Mental Status Examination/Behavioral Observations**

Mr. Pigeon is a 50-year-old Caucasian male. He wore eyeglasses throughout the evaluation. He had gray, medium length hair and was well-groomed. He correctly identified the current month and year and stated that it was either the 23rd or the 24th. He correctly identified the current day of the week. He correctly identified the current and past Presidents of the United States. He correctly identified a current event. He denied experiencing any hallucinations nor did he appear to be responding to internal stimuli. He denied any suicidal and homicidal ideation. His thinking was delusional. His speech was somewhat pressured and he was tangential and had to be redirected on several occasions. He demonstrated deficits in his short-term memory. His rate of speech was rapid and tone of speech was within normal limits. His motoric activity was within normal limits.

#### **Brief Psychosocial History**

I previously evaluated Mr. Pigeon, and thus his entire biographical history will not be recounted here. Please note that I indicated to him that I was not going to re-ask him all the questions from his previous evaluation, he offered much of this information without being asked. He offered that he has two college degrees from Notre Dame in business administration and a minor in music theory and composition and he stated he is a guitar player and vocalist. He stated he has a degree from Drexel in architecture. He stated that he also has taken classes in software. He offered that he was an officer in the Army from 1984 to 1988.

He stated he has been unemployed for the past four years. He said that he receives Social Security disability benefits for depression and "overachiever's syndrome." He stated that it is tough to find a job because he is overqualified and employers do not like hiring overqualified people. He stated that he has difficulty keeping employment because managers are intimidated by him.

He denied any changes in his medical and relationship history.

Mr. Pigeon described himself as "very conceptual and can be slightly ditzy."

Regarding his legal history over the past four years, he stated that in 2009 he took a plea bargain for Misdemeanor Open and Gross Lewdness and received time served. He stated he was at Lake's Crossing Center in March 2009 and also in March 2011 and 2012. He stated that he had an additional lewdness charges and pled guilty for a three-year deal. He said that he was arrested May 17, 2013 for the instant offense.

Regarding substance use, he stated that he consumes a "few drinks" of alcohol 3 to 4 times a week. He denied any drug use.

He stated that his overachiever's syndrome contributes to his depression. He stated that Lake's Crossing Center said that he was "slightly schizophrenic." Mr. Pigeon stated that he is prescribed citalopram. He denied any additional inpatient psychiatric hospitalizations, aside from Lake's Crossing Center over the past four years. He stated that he did not like the medications that Lake's Crossing Center prescribed him; he stated that they told him that he was "mildly delusional." He denied any suicide attempts. Mr. Pigeon stated that he had "a little" sex offender treatment in 2007.

#### Review of Records

The Indictment indicates that on or about January 7, 2013, Mr. Pigeon failed to provide the Las Vegas Metropolitan Police Department his change of address information, as he is a convicted sex offender. He was convicted of Open or Gross Lewdness in 2006, 2010, and 2012. The second incident occurred between April 22, 2013 and May 17, 2013. Mr. Pigeon has two counts of Failing to Register his address. The other charges resulted from incidents that occurred between May 15<sup>th</sup> and May 17, 2013 when he is accused of attempting to kidnap a minor to begin a sexual relationship with her. He is alleged to have been stalking her by following her to school and/or a convenience store on multiple occasions, and attempting to grab or block her escape by chasing her. He is accused of contacting her or communicating with her with the intent for luring her away for the purposes of engaging in sexual conduct with her. He is accused of entering a Mini Mart store with the intent to commit Battery, Open or Gross Lewdness, Kidnapping, and/or Luring a Minor. He is accused of masturbating his penis in the presence of the minor and the employees and patrons of the Mini Mart on May 15, 2013.

This evaluator previously completed a competency evaluation on Mr. Pigeon for Open or Gross Lewdness charge from 2009. I opined that he was competent to stand trial and diagnosed with Sexual Disorder Not Otherwise Specified; Rule-out Major Depressive Disorder; and Narcissistic Personality Disorder.

A competency evaluation was completed on December 10, 2010 by Dr. Colosimo who opined that Mr. Pigeon was not competent without the probability of restoration and diagnosed Mr. Pigeon with Anxiety Disorder Not Otherwise Specified; Delusional Disorder with Paranoia; and Personality Disorder Not Otherwise Specified with Antisocial Characteristics. Dr. Colosimo indicates that Mr. Pigeon has not been assisted at Lake's Crossing Center due to his refusal to take psychotropic medications. Dr. Colosimo, in his initial report, diagnosed Mr. Pigeon with Anxiety Disorder Not Otherwise Specified and Personality Disorder Not Otherwise Specified with Antisocial Traits and opined that he was competent. Then following the submittal of that report, he spoke with Mr. Pigeon's attorney and then changed his opinion to not competent without the probability of restoration.

Dr. Sussman completed a competency evaluation on December 10, 2010 and opined that Mr. Pigeon was competent to proceed. Dr. Sussman diagnosed him with "likely Bipolar I Disorder with Psychotic Features; likely Asperger's Syndrome (Autistic Spectrum Disorder); Alcohol Abuse; Rule-out Exhibitionism; Narcissistic and Schizotypal Personality Disorder. Dr. Sussman

notes that Dr. Harder completed a competency evaluation on May 20, 2009 and found Mr. Pigeon to be competent. Dr. Harder diagnosed Mr. Pigeon with Depressive Disorder Not Otherwise Specified versus no Axis I diagnosis. He notes that Mr. Pigeon was evaluated at Lake's Crossing Center July 30, 2009 by Dr. Vieth and he was found competent and diagnosed with Alcohol Abuse; Paraphilia Not Otherwise Specified; and Schizoid and Schizotypal Personality Disorder. Dr. Lindell Bradley evaluated Mr. Pigeon at Lake's Crossing Center on August 4, 2009 and opined that he was competent and diagnosed Mr. Pigeon with Dysthymia and Personality Disorder Not Otherwise Specified with Narcissistic and Schizotypal features.

Dr. Malatesta evaluated Mr. Pigeon on January 15, 2011 and opined that he was not competent to proceed and diagnosed him with Delusional Disorder with Grandiose and Persecutory Features; Schizoaffective Disorder, Bipolar Type; Sexual Dysfunction Not Otherwise with Exhibitionistic Addictive Features; and Personality Disorder Not Otherwise Specified with Antisocial Narcissistic and Obsessive Compulsive Features.

Mr. Pigeon was sent to Lake's Crossing Center on March 10, 2011. In her letter, dated June 14, 2011, Dr. Neighbors notes that Mr. Pigeon was evaluated and observed at Lake's Crossing Center for approximately three months. She indicates that he needed psychotropic medications to assist in treating the symptoms of his psychosis, and without that, he would likely not become competent. She indicates that he was presently incompetent with the probability of achieving competence in the foreseeable future, if medication was allowed to be administered. In a psychiatric evaluation by Dr. Lindell Bradley, dated May 17, 2011 it is noted that Mr. Pigeon refused recommendations for treatment with antipsychotic medications and that he demonstrated paranoid delusions. It is indicated that he makes paranoid and delusional statements pertaining to the legal system and regarding the circumstances surrounding his arrest. During his prior admission to Lake's Crossing Center in June 2009, he was diagnosed with Dysthymic Disorder and Personality Disorder Not Otherwise Specified with Narcissistic and Schizotypal Features. Dr. Bradley diagnosed him with Schizophrenia, Chronic Paranoid Type; Alcohol Abuse; and Personality Disorder Not Otherwise Specified with Antisocial and Narcissistic Features.

In a Mental Health Screening Form from CCDC, dated May 17, 2013, Mr. Pigeon reported having problems with depression for the last ten years and stated that he receives treatment through the VA. In a mental health evaluation, dated May 18, 2013 it is indicated that Mr. Pigeon stated that he does not feel a need for a mental health evaluation and requested not to have any medication for depression while he was at CCDC. A psychiatric progress note, dated June 14, 2013 indicates that Celexa is the only medication he is willing to take. He was diagnosed with Schizophrenia, Paranoid Type.

#### Diagnostic Impressions

- Unspecified Paraphilic Disorder
- Rule-out Delusional Disorder
- Narcissistic Personality Disorder
- Imprisonment or Other Incarceration

**Opinion Regarding Competency:** According to the Dusky v. United States standard, substantial impairment or gross deficit in (1) The capacity to understand the nature of the

criminal charges, (2) The capacity to understand the nature and purpose of the court proceedings or (3) The capacity to aid and assist counsel in defense, would need to be present in order for an individual to be incompetent to stand trial.

Mr. Pigeon indicated that he has represented himself three times and stated that he is "pretty well-versed in the legal system." He stated that he was at Lake's Crossing Center for one year and he stated, "I think they like having me there. Why would they keep me so long?" He stated that he "maxed out" on memory tests he did at Lake's Crossing Center.

Mr. Pigeon stated that he would like to represent himself in this case.

Mr. Pigeon stated he is currently charged with two counts of failure to register as a sex offender, misdemeanor unlawful contact with the child, and open and gross lewdness. He stated they added additional charges for attempted kidnapping, aggravated stalking, and luring children. He stated luring children is a more serious charge and he could receive up to 15 years in prison. Mr. Pigeon stated that the burglary charge "won't stick." He stated that in order to have a luring children charge you have to have an attempt to transport and/or have sex with them.

Mr. Pigeon stated that he is charged with seven felonies and stated the unlawful contact is not a felony. He said he has been doing research on his charges. He stated that he could receive four years for the lewdness charge, and up to 15 years for two of the crimes and 10 years for the one of the charges. He stated that he could receive four years for prohibited acts by sex offender and up to 15 years for the kidnap charge, but he stated that the charge will not apply.

He stated that a more serious charge than his would be "a violent sexual assault, attempted murder." He stated that kidnap is a pretty serious charge. He stated the less serious charge would be stalking instead of aggravating stalking and petty theft.

He stated his attorney is Robert O'Brien. He stated the last time Mr. O'Brien represented him he went to prison. He stated when he has represented himself, he did not go to prison. He stated that the last time he was in court, his attorney said something about him being small. He then added "I'm not small, I'm 6 foot and my penis is not small either." He said the defense attorney's job is to "represent you, sometimes they don't try that hard." He stated the defense attorney is on the side of the defendant. He stated that the district attorney represents the state in the case and tries to convict you of the crimes the best that he can. He said the judge is the "coordinator and mediator in the court. Make sure the law is followed reasonably and trial is conducted professionally and fairly." He stated the judge is on neither side and he added, "but he could be biased perhaps." He stated the jury's role is to "decide the case and guilt or innocence on each charge then have to evaluate the case after." He stated the jury is unbiased.

He said that pleading guilty means that you "admit to charges at hand, probably pleading guilty to one charge and not all." He stated that pleading guilty means that "you said you did not commit the charge and you have to go to trial to decide if you're guilty or not." He stated a plea bargain is offered by the district attorney and it is "your chance to plead guilty to a lesser penalty for one or more charges." He identified it is his decision, along with his attorney's, whether to

Pigeon, Christopher

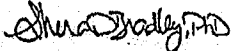
Page 6

take a plea bargain. He stated that you give up the right to a trial and it is more difficult to appeal and you give up your freedom if you take a plea deal.

Regarding whether he would take advice from his attorney, he stated that he thinks he can get his possible jail time down to a couple years if he represents himself. He then stated that he thinks he can get no jail time. He stated that he is willing to take medication if appropriate for the trial.

Mr. Pigeon demonstrated a clear understanding of the criminal justice system and demonstrated an understanding of the courtroom participants and their roles. Mr. Pigeon had ideas about his charges and his story about what led to his arrest that did not appear to be logical or rational. Further, he did not demonstrate a rational appreciation of the seriousness of his charges. Of further concern is Mr. Pigeon's steadfast idea of representing himself. Given that he did not demonstrate a rational understanding of the charges nor the rationale he gave for the events that led to his arrest, he is seen as incompetent to function as his own attorney. After reviewing previous records, it seems that his thinking becomes much more logical and rational when he is taking antipsychotic medications. He did indicate that he is willing to take antipsychotic medication; however, given his history of noncompliance, a Sell hearing may be necessary. Mr. Pigeon should be transferred to Lake's Crossing Center for treatment and competency restoration.

Respectfully submitted,



Shera D. Bradley, Ph.D.  
Licensed Psychologist



## PSYCHIATRIC EVALUATION

Name: Pigeon, Christopher E. #3469-B  
Date of Birth: 08/31/1962  
Date of Admission: 10/03/2013  
Date of Report: 11/18/2013

### IDENTIFICATION:

The client is a 51-year-old male admitted to Lake's Crossing Center pursuant to NRS 178.425, issued by Department 7, Eighth Judicial District Court, Clark County, Nevada, Case No. C-13-290261-1, as incompetent to stand trial on the charge of two counts of Prohibited Acts by a Sex Offender (Felony), Attempt First Degree Kidnapping (Felony), Aggravated Stalking (Felony), Luring Children with the Intent to Engage in Sexual Conduct (Felony), Burglary (Felony), Open or Gross Lewdness (Felony), and Unlawful Contact with a Child (Gross Misdemeanor). Intake Diagnostic Impression is Schizophrenia, Paranoid Type, Alcohol Abuse, and Personality Disorder Not Otherwise Specified with Narcissistic and Antisocial Features.

### LIMITS OF CONFIDENTIALITY:

The client is informed that I am performing an evaluation, the results of which will be available to the court for review.

### METHODS OF EVALUATION:

- Repeated interview of the client
- Review of the current chart
- Review of records from prior Lake's Crossing Center hospitalization in 2009 and 2011
- Review of Competency to Stand Trial Evaluation dated July 27, 2013, signed by Michael S. Krelstein, M.D., and Competency Evaluation dated July 24, 2013, signed by Shera D. Bradley, Ph.D.

### HOSPITAL COURSE:

The client has been cooperative with the rules and regulations of this facility. He has not demonstrated evidence of delusions, hallucinations or major mood disturbance. He has been compliant with administration of Celexa, an

antidepressant which he was taking at the time of admission. He has not been willing to restart an antipsychotic medication.

ON CLINICAL INTERVIEW:

The client is alert and cooperative with the assessment. He does not show evidence of delusions or hallucinations. He continues to show some paranoia and grandiosity, but this is not delusional in nature. He denies dysphoric mood, anhedonia, or hopelessness. There is no suicidal or homicidal ideation. He denies problems with sleep, appetite or energy level.

PAST PSYCHIATRIC HISTORY:

The client has previously been diagnosed with Schizophrenia, Chronic, Paranoid Type, and with a personality disorder during a Lakes Crossing hospitalization in 2011 to 2012, he demonstrated overt psychotic symptoms and disorganization of thought process. At that time, he tolerated and benefitted from treatment with Risperdal 6 mg p.o. q HS and Zyprexa 20 mg p.o. q HS. The client tells me that following his adjudication on that previous charge, he refused further treatment with antipsychotic medication.

SUBSTANCE ABUSE HISTORY:

The client has a history of heavy alcohol intake. He has been previously diagnosed with Alcohol Abuse. He denies history of drug abuse, prescription or illicit. The client smokes about a half a pack of cigarettes per day.

MEDICATIONS:

Citalopram 20 mg p.o. q AM  
Levothyroxine 75 mcg p.o. q AM

Allergies: No known drug allergies.

LABORATORY EVALUATION:

Comprehensive Metabolic Panel:  
Sodium: 139  
Potassium: 4.3  
BUN: 12  
Creatinine: 1.06

ALT and AST: Within normal limits

Complete Blood Count:

WBC: 7.5

Hemoglobin: 14

Hematocrit: 40.3

MCV: 88

Valproic Acid Level:

Hepatitis Panel: Negative

RPR: Non-reactive

Lipid Panel:

LDL Cholesterol: High at 134

Thyroid Panel:

TSH: Normal at 2.38

PSA: Unremarkable at 0.7

Vital signs (at time of admission):

Blood Pressure: 99/63

He is afebrile.

Height: 5'11"

Weight: 163#

MEDICAL HISTORY:

History of hypothyroidism

Dyslipidemia per current labs

COGNITIVE EVALUATION:

The client is oriented on four out of four axes. He is able to relate recent and past personal history in a goal-directed manner.

LEGAL COMPETENCY:

The client knows the charges against him and the nature of these charges. He understands legal process well. He knows the role of Defense Attorney, Prosecuting Attorney, and Judge. He understands the adversarial nature of court proceedings. He knows the purpose and process of a plea bargain, and understands the pros and cons of entering into a plea bargain. He can define the role of witnesses, of evidence, and of a jury. He understands the pleas that are available to him in a court of law. He is able to describe appropriate courtroom behavior and a reasonable means by which he would assist his attorney in his defense.

SOCIAL HISTORY:

See Psychiatric Evaluation dated 5/17/2011.

LEGAL HISTORY:

The client has previous convictions for lewdness, trespassing, and petty larceny. He has been imprisoned previously.

DIAGNOSTIC IMPRESSION:

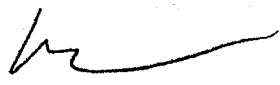
Axis I:	295.30 305.00	Schizophrenia, Chronic, Paranoid Type Alcohol Abuse
Axis II:	301.9	Personality Disorder Not Otherwise Specified with Antisocial and Narcissistic Features
Axis III:		See medical history dictated above
Axis IV:		Severe stressors: Criminal charges pending, current incarceration
Axis V:		GAF: 65

ASSESSMENT RECOMMENDATIONS:

The client is a 51-year-old male with a prior diagnosis of Schizophrenia, Chronic, Paranoid Type. On the occasion of his previous Lake's Crossing Center hospitalization, the client demonstrated prominent psychotic symptoms and a formal thought disorder. At the present time, he does not demonstrate delusions

or hallucinations. As noted, he continues to have some paranoid and grandiose ideation, but this is not delusional in nature. He is able to rationally discuss the charges against him and the adjudication of these charges.

In my opinion the client is presently competent. He possesses the ability to understand the nature of the criminal charges against him, and to understand the nature and purpose of the court proceedings. He is able to aid and assist his attorney in a defense with a reasonable degree of rational understanding at any time during the proceedings.



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Lindell Bradley, M.D.  
Lake's Crossing Center

LB:dkm  
11/18/2013  
11/18/2013

## **PSYCHOLOGICAL EVALUATION OF COMPETENCY TO PROCEED WITH ADJUDICATION**

**Name:** Pigeon, Christopher E., # 3469B  
**Date of Birth:** 08/31/1962  
**Date of Admission:** 10/03/2013  
**Date of Report:** 11/18/2013

### **IDENTIFICATION:**

Christopher E. Pigeon is a 51 year old Caucasian male admitted to Lake's Crossing Center as incompetent to stand trial by Clark County District Court Department VII, per NRS 178.425. He is charged with two counts of Prohibited Acts by a Sex Offender (Felony), Attempt First Degree Kidnapping (Felony), Aggravated Stalking (Felony), Luring Children with the Intent to Engage in Sexual Conduct (Felony), Burglary (Felony), Open or Gross Lewdness (Felony), and Unlawful Contact with a Child (Gross Misdemeanor). His criminal charges originated in Department VIII.

### **LIMITS OF CONFIDENTIALITY:**

Mr. Pigeon was informed of the limits of confidentiality pertinent to this court-ordered evaluation of competency. He was informed that all information gathered in this facility could be used to support findings of competency provided to the court. He was further advised that the final reports would be provided to the court, the defense attorney's office, and the district attorney's office. He appeared to understand these limits of confidentiality and agreed to be interviewed.

### **ASSESSMENT PROCEDURES:**

Review of Order of Commitment filed 08/16/2013  
Review of Indictment filed 06/05/2013  
Review of arrest report dated 05/17/2013  
Review of Officer's Report dated 05/18/2013  
Review of Lake's Crossing Center records  
Clinical interviews and Mental Status Examination  
Behavioral observations  
Review of pre-commitment competency evaluations performed by Drs. Michael

S. Krelstein and Shera D. Bradley

**BACKGROUND INFORMATION:**

Background information was obtained from the client and his clinical chart. It has not been independently verified.

**Family History:**

Mr. Pigeon stated that he was born in Albany, New York; his father served in the United States Army, so he grew up in Georgia, Massachusetts, Germany, and El Paso, and changed schools frequently. His parents remained married until his father's death, two years ago. This client is the eldest of a sibship of five, with two younger brothers and two younger sisters; he indicated that he is not in touch with any of his siblings at this point. He denied being the victim of physical, sexual, or emotional abuse during his childhood. When asked about his marital status, Mr. Pigeon said he was married when he was 22 years old, and divorced seven years later. He stated that his marriage ended because he wanted more freedom, and because he was infatuated with a fellow student. He has three children, whose current ages are 27, 25, and 23. They live in North Carolina, and Mr. Pigeon has no contact with them.

**Education and Employment:**

This client said he completed a total of nine years of college, earning degrees in business administration and architecture from Notre Dame and Drexel University, respectively. He added that he also received a minor in music theory and composition, and that he has taken courses in software development. When queried about previous employment, Mr. Pigeon reported that he served in the United States Army between 1984 and 1988 as a personnel administrative officer. He said that after receiving his architecture degree, he obtained internships in four different firms over a four-year period, but was laid off from each position. He described himself as a "theoretical architect," adding that he has written music and a science fiction novel. He indicated that he also worked as a waiter at eight different restaurants, claiming that he has not been able to hold a job since his divorce. When asked the reason for these dismissals, he replied "being overqualified."

**Substance Use and Abuse:**

Mr. Pigeon said he consumes "a couple" of alcoholic beverages three or four times weekly. He denied experiencing blackouts, withdrawal symptoms, or the development of tolerance. He does not believe alcohol is problematic for him, but said he received a charge of driving under the influence in 1999, and one for

public intoxication around 2005. He denied using any illicit drugs, and said he has never participated in any substance abuse treatment.

**Medical History:**

The only medical problems Mr. Pigeon cited were broken ribs sustained while fighting, and a dislocated shoulder that occurred when he slipped on a hill. He denied current medical problems. A physical examination performed shortly after his admission to Lake's Crossing Center revealed that he is hypothyroid, for which he takes replacement medication. He denied suffering from any head injuries.

**Mental Health History:**

Mr. Pigeon said that the first time he received any mental health treatment was in 1992, when he attended psychotherapy sessions due to his infatuation with a fellow architecture student. He reported that he also voluntarily sought services through the Veterans' Administration in order to qualify for Disability benefits. He has been committed to Lake's Crossing on two previous occasions. His first admission occurred between 6/25/2009 and 8/06/2009. He initially expressed paranoid and delusional thought content, but during the course of his admission he ceased manifesting rigid false beliefs, and his thought patterns were attributed to a personality disorder. His second LCC admission occurred between 3/10/2011 and 3/15/2012. His initial presentation included paranoid and grandiose delusional thought content, and his demeanor was demanding, argumentative, and irritable. He displayed poor insight into his psychiatric symptoms and would not take recommended psychotropic medication. A Sell order was obtained, after which he was compliant with his medication regimen, which was effective in decreasing his level of intensity and increasing his flexibility about his defense. He was discharged as competent to proceed with adjudication after both LCC admissions.

**Legal History:**

Mr. Pigeon said he has been arrested on approximately 50 occasions for minor offenses, such as trespassing and failing to notify authorities about his change of address. He also reported serving a prison sentence between 2005 and 2008 for Open and Gross Lewdness. His records indicate that he was convicted of Open and Gross Lewdness in 2003 and 2006, and that other charges were for trespassing and other misdemeanors. He was also charged with forgery in Texas, and with indecent exposure in Pennsylvania.



### **MENTAL STATUS EXAM AND BEHAVIORAL OBSERVATIONS:**

Christopher E. Pigeon is a 51-year-old Caucasian male of average stature whose appearance is consistent with his chronological age. He has been appropriately dressed and adequately groomed throughout his hospitalization at Lake's Crossing Center. He displays no unusual physical characteristics or psychomotor difficulties. During his most recent evaluation session, Mr. Pigeon was alert and oriented to person, place, date and situation. He had no difficulty concentrating or attending to the information being discussed, and his immediate, recent and remote memory appeared intact. For example, he was able to count backwards from 100 by 7's quickly and accurately, and he provided sophisticated answers to questions designed to gauge his capacity to think abstractly. Based on his vocabulary, fund of general knowledge, and capacity for abstract thought, his intelligence level is estimated as being within the High Average range of cognitive ability.

This client was cooperative with the evaluation, making good eye contact and responding to all questions and tasks presented to him. His rate, volume and articulation of speech were within normal limits, with no undue pressure, neologisms, or other unusual verbalizations. Mr. Pigeon's thoughts were organized, goal-directed, and coherent. He did not exhibit loose associations, tangentiality, circumstantiality, or other signs of an active thought disorder. He neither endorsed nor exhibited behavioral manifestations of auditory or visual hallucinations, thought broadcasting, paranoia, delusions, or other signs of an active psychotic process. This client displayed a full range of affect and described his mood as "reasonable; I'm feeling pretty good." He said he is currently depressed, which he described as "not as happy, mainly" and "more likely to be introverted." However, he also stated that he is "doing well right now." He denied suicidal ideation or intent, and said he has never made a suicide attempt.

### **COURSE OF TREATMENT:**

Mr. Pigeon has been hospitalized at Lake's Crossing Center for over six weeks. During that time his evaluators, social worker, nurses and sponsor have met with him on numerous occasions. His behavior and demeanor in the milieu have been observed daily, and his clinical presentation has been discussed weekly in treatment team meetings and monthly in clinical coordinating committee meetings. He has been compliant with rules and procedures, and his behavior has not been problematic in the milieu. This client has participated in educational and recreational groups offered by staff members, and he has been observed

watching television, playing chess, and socializing with select peers. He has not exhibited any signs or symptoms of a major mental disorder during his hospitalization at this facility. The only psychotropic medication he has been willing to take is Citalopram, which is an antidepressant.

**ABILITY TO COMPREHEND CHARGES AND UNDERSTAND LEGAL PROCESS:**

Mr. Pigeon demonstrated both a factual and rational understanding of his criminal charges and legal proceedings. He cited his criminal charges accurately. He knew that all but one of his charges are felonies, and that he could be sentenced to prison for a significant period of time if convicted. He provided reasonable descriptions of the primary pleas available to him, e.g. stating that a person who pleads *Guilty* is admitting "that they committed the offense, and they're ready to receive their punishment, or their sentence," that a plea of *Not Guilty* means that a defendant is "saying they didn't commit the offense," after which they proceed to trial, and that a *No Contest* plea means "you're guilty but you don't want to have a contest; you're aiding the State by there being less legal action, including the trial, of course."

This client was familiar with the roles of courtroom participants. For example, he reported that a public defender's job is "to represent you as best they can, although public defenders tend not to be as thorough or as quick as a good private attorney," and that the district attorney "represents the State in the case, and tries to prove you guilty, even if you're not guilty." Mr. Pigeon described the judge as "the mediator [who] manages all the proceedings in the court," and he knew that the judge determines the sentence in either a bench or jury trial. He said that a jury "listens to all the evidence and all the testimony, and tries to decide your innocence or your guilt after the trial's over," and that witnesses are "people who allegedly were there at the scene of the crime, who allegedly said they were there at the time of the alleged incident." He knew that he is the defendant, and said that a defendant "tries to help his lawyer as best he can with all the proceedings."

Mr. Pigeon was familiar with the conditions one might have to follow after receiving a probated sentence. He was also acquainted with the process of plea bargaining, which he described as "in lieu of going to trial you agree to a deal that's supposedly lesser years; it's supposed to be an easier sentence than getting a sentence after a conviction at a trial." He knew that in order to accept such an arrangement, one must plead *Guilty* and relinquish one's rights to an appeal. In short, this defendant demonstrates both a factual and rational

understanding of his charges and legal proceedings. He is capable of learning any additional information that might be helpful in developing a reasonable defense strategy.

**ABILITY TO ASSIST COUNSEL IN OWN DEFENSE:**

This client knew his public defender's name. He was somewhat dissatisfied with his attorney's representation, as he believed his charges should have been dropped or reduced to misdemeanors. Mr. Pigeon stated that the level of his charges is higher than his actual behavior merited. His statements about this do not represent delusional beliefs; they are similar to explanations that are frequently made by individuals who are accused of sexual offenses. He has demonstrated the ability to engage in reciprocal conversation and work cooperatively with others across various settings at Lake's Crossing Center; he should have no difficulty doing so with his attorney, as well, if he so chooses. He has also exhibited the ability to track and attend to events as they unfold, as well as the capacity to disclose pertinent facts about the circumstances surrounding his arrest. He is aware of proper courtroom decorum, and anticipates no difficulty comporting his behavior to such standards.

**DIAGNOSIS:**

Axis I:	302.9	Paraphilia Not Otherwise Specified
Axis II:	301.9	Personality Disorder Not Otherwise Specified, with Antisocial, Narcissistic, and Schizotypal Features
Axis III:	No contributory medical problems	
Axis IV:	Problems related to interaction with the legal system: arrest, incarceration, facing adjudication	
Axis V:	Global Assessment of Functioning: 65	

**SUMMARY AND RECOMMENDATIONS:**

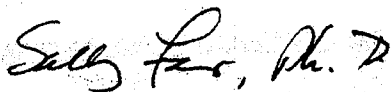
Christopher E. Pigeon is a 51 year old Caucasian male admitted to Lake's Crossing Center as incompetent to stand trial by Clark County District Court Department VII, per NRS 178.425. He is charged with two counts of Prohibited

Acts by a Sex Offender (Felony), Attempt First Degree Kidnapping (Felony), Aggravated Stalking (Felony), Luring Children with the Intent to Engage in Sexual Conduct (Felony), Burglary (Felony), Open or Gross Lewdness (Felony), and Unlawful Contact with a Child (Gross Misdemeanor). He has been evaluated and treated in this facility for over six weeks. During that time, he has not displayed signs or symptoms of a major mental disorder. He has been diagnosed with Schizophrenia in the past, and it is possible that he suffers from this disease; if so, it is currently in remission and is not interfering with his ability to work rationally with an attorney.

Mr. Pigeon knows what he has been charged with and that most of his alleged offenses are felonies. He understands courtroom procedure and knows the roles played by the judge, the defense attorney, the district attorney, and jury. He understands that his offense could lead to some length of incarceration. He also knows the pleas available to him and has been thinking about possible strategies for his defense. He displays the ability to work productively with an attorney.

**It is this evaluator's professional opinion that Christopher E. Pigeon has demonstrated the ability to understand the nature of the criminal charges against him, to understand the nature and purpose of the court proceedings, and to aid and assist his counsel in his defense at any time during the proceedings with a reasonable degree of rational understanding.**

This client may or may not be willing to work with his attorney. This is a totally volitional choice on his part, and is not a function of a mental illness.



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Sally Farmer, Ph.D.  
Nevada Licensed Psychologist  
Lake's Crossing Center

PSYCHOLOGICAL EVALUATION OF COMPETENCY  
TO PROCEED WITH ADJUDICATION

Name: Christopher Edward Pigeon #3469-B  
Date of Admission: 10/03/2013  
Date of Birth: 08/31/1962  
Date of Report: 12/04/2013

Identification:

Mr. Christopher Pigeon is a 51-year-old, white male, who was ordered to Lake's Crossing Center by the Honorable Linda Bell of the Eighth Judicial District Court, Clark County, for evaluation of competency to proceed with adjudication. He is charged with Prohibited Acts by a Sex Offender (Category D Felony-NRS 179D.470; 179D.550; 179D.460); Attempt First Degree Kidnapping (Category B Felony-NRS 193.330; 200.320); Aggravated Stalking (Category B Felony-NRS 200.575); Luring Children with the Intent to Engage in Sexual Conduct (Category B Felony-201.560); Burglary (Category B Felony-NRS 205.060); Open or Gross Lewdness (Category D Felony-201.210), and Unlawful Contact with a Child (Gross Misdemeanor-NRS 207.260).

Referral Question:

The court ordered that Mr. Pigeon receive treatment to competency and evaluation regarding his capacity to understand his charges in a factual and rational manner, to understand the nature and purpose of the court proceedings, and to aid and assist his attorney in his own defense.

Limits of Confidentiality:

Mr. Pigeon was apprised that there would be nothing confidential about the interview that he was to engage in with the examiner. He was told that this information would be provided to the District Attorney, the Public Defender, and the Court. He was informed that the information could only be used in his criminal trial if he chose to offer an affirmative defense. This information was explained and he appeared to understand and be willing to participate in the evaluation.

Method of Assessment:

Review of Court Order and Criminal Complaint:

Order of Commitment filed 08/16/2013 and signed by the Honorable Linda Bell

Indictment filed 06/05/2013 in Department 8, Case No.: C-13-290261-1  
Review of Arrest Report from the Las Vegas Metropolitan Police Department,  
dated 5/17/13

Review of pre-commitment competency reports by Drs. Michael S. Krelstein and Shera D. Bradley on 07/27/2013 and 07/30/2013 respectively  
Review of Lake's Crossing Center's records from date of admission to present

Assessment Outcome:

Relevant social, medical and psychiatric history:

Mr. Pigeon was interviewed regarding some of his history. The bulk of this information was gleaned from the chart and previous interviews. Mr. Pigeon himself does not appear to be a reliable reporter given some of his assertions about his many achievements. Records indicate that Mr. Pigeon was born in New York and then moved around a great deal over the course of his developmental years. While he has four younger siblings, two sisters and two brothers, he currently has no contact with them.

Mr. Pigeon reports being in the Armed Forces from 1984 to 1988. This information is not corroborated. He repeatedly reports having been awarded degrees in architecture and business administration and taken classes in other college courses. He does not report working in any of these disciplines. He does acknowledge being on Social Security Disability for "depression and overachievement syndrome." He proffers a similar explanation for not being employed in that he is repeatedly "overqualified" for the employment he is seeking.

At the present time Mr. Pigeon states he is not in a relationship which he regrets. He did not reference prior relationships which were reported in other documents. He was allegedly married when he was in his early 20's and had three children with whom he has no contact similar to his siblings. It appears that he has little by way of social support system and has been periodically homeless and without connections.

Mr. Pigeon has a significant criminal history and has been arrested many times. Some of those arrests involve substance abuse, although Mr. Pigeon denies any addictions to alcohol or other substances. While he admits an arrest for DUI he does not think he has an alcohol problem. He has many other arrests for a variety of offenses. He has been convicted of Open and Gross Lewdness and required to register as a sex offender. While he has had many offenses they appear to largely be misdemeanors and other minor charges.

At this time Mr. Pigeon describes no significant medical problems. He denies any suicidal or homicidal ideation. Progress notes indicate that the client has done well during his stay and that he has functioned appropriately in the milieu during the course of his stay.

**Clinical Interview/Mental Status Examination:**

Mr. Pigeon presented for interview in Classroom A in the secure area of Lake's Crossing Center. He was neatly groomed, wearing casual clothes and glasses. He was friendly and cooperative throughout the interview. He was oriented to person, place and the purpose of the evaluation. He displayed no symptoms of psychosis either positive or negative at this time. He did express a number of grandiose ideas but these assertions did not appear to be the product of a psychosis. He essentially denied any mental illness although he acknowledged prior hospitalization at Lake's Crossing Center. He indicated his mood was about 6 on a scale of 1 to 10. He explained he thought he was somewhat depressed but attributed this to his circumstances. He reported the anti-depressant he takes assists with that. He says he sleeps 7 to 8 hours at night. His appetite is good and he has no medical complaints. He exercises episodically.

**Competency Assessment:**

Mr. Pigeon readily reported his charges and identified each one. He could identify the role of the Grand Jury in indicting him and filing the charges which he now has. He could identify a potential defense for each charge and expressed his eagerness to discuss these possibilities with his lawyer. He explained that the charges were very severe and could give the specific sentencing structure for each offense. For example he stated that Attempted Kidnapping is a Class A felony and could result in a sentence of 5 to life. He took issue with his Failure to Register Charge on the basis that he was homeless. He could similarly discuss all of his other charges. He talked at length about the "elements of the crime" and the necessity of the prosecutor to prove those elements in his case and in general.

Mr. Pigeon is aware that his attorney is Robert O'Brien. He expressed some concern about his representation but stated that if he could not represent himself he would be able to work with this attorney. He states he has represented himself 3 times and acknowledges he lost each time. Hence he seems aware of the risks this would involve but still would want to proceed. He is very aware of the nature of the charges and can describe in detail the allegations in the police report.

When queried about his understanding of the legal system Mr. Pigeon's understanding was quite sophisticated. He can describe the roles of the officers of the court and their roles. He referred to the judge as an "arbiter" and "final decision maker." He noted that you may have a jury or a bench trial and opined that the decision of guilt or innocence is on each charge. He could identify the various pleas of guilty, not guilty, not guilty by reason of insanity, and no contest.

He was not aware of a guilty but mentally ill plea but noted, when it was explained, that he would have no interest in pleading that way.

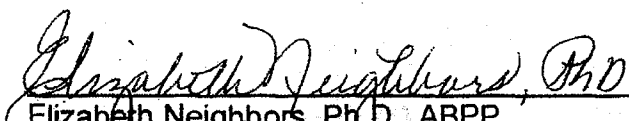
Mr. Pigeon expressed the belief that he was competent to proceed and that he would like to get on with his adjudication soon.

Diagnostic Impressions:

Axis I: 302.9 Paraphilia Not Otherwise Specified  
Axis II: 301.9 Personality Disorder Not Otherwise Specified with  
Narcissistic and Antisocial Traits  
Axis III: No significant medical problems  
Axis IV: Problems with the Criminal Justice System: Arrest and  
incarceration  
Axis V: GAF: 60

Summary and Recommendations:

Mr. Christopher Edward Pigeon is a 51-year-old divorced white male who is charged with a number of felony charges including Attempted Kidnapping, Aggravated Stalking, Burglary, and Open or Gross Lewdness. He has been observed and treated at Lake's Crossing Center for 2 months. During that time he has been able to conform his behavior to the demands of the milieu and demonstrate a sophisticated understanding of legal process. He expresses some thought processes consistent with the characteristics associated with a personality disorder, particularly narcissistic characteristics but it does not appear there are symptoms presently occurring that are the product of an Axis I diagnosis other than paraphilia. He displays the requisite capacities to be considered competent to proceed with adjudication. It is the opinion of this evaluator that Mr. Pigeon is able to understand his charges in a rational and factual manner, understand and participate in the court proceedings, and aid and assist his attorney in his own defense.

  
Elizabeth Neighbors, Ph.D., ABPP  
Nevada Licensed Psychologist PY261  
Lake's Crossing Center



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**August 02, 2013**

C-13-290261-1      State of Nevada  
vs  
Christopher Pigeon

**August 02, 2013      9:30 AM      Further Proceedings: Competency**

**HEARD BY:** Bell, Linda Marie

**COURTROOM:** RJC Courtroom 03F

**COURT CLERK:** Aaron Carbajal

**RECORDER:** Renee Vincent

**PARTIES** Bayudan, Josie T.

Public Defender for Defendant

**PRESENT:** Khamisi, Bitu

Public Defender for Defendant

O'Brien, Robert

Public Defender for Defendant

Pace, Barter G

Deputy District Attorney

Pigeon, Christopher

Defendant

State of Nevada

Plaintiff

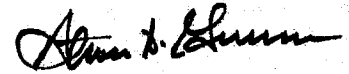
**JOURNAL ENTRIES**

- APPEARANCES CONTINUED: Christina Greene of the Specialty Courts present.

Court NOTED Drs. Krelstein and Bradley indicate not competent; therefore, pursuant to the doctors reports and the Dusky Standard, FINDS Defendant NOT COMPETENT as he/she is not capable of understanding the charges against him/her and is unable to assist counsel in his/her defense. Pursuant to NRS 178.425, COURT ORDERED, Defendant is REMANDED to the custody of the Administrator of the Division of Mental Health Development Services for the Department of Human Resources for detention and treatment at a secure facility operated by that Division. Once competency has been established, Defendant will be returned to this Court for findings and referred back to the originating department for further proceedings.

MATTER RECALLED. Robert O'Brien Esq., Public Defender, present. Mr. O'Brien, advised the Deft. was requesting to represent himself. Court noted Deft. cannot make a request until the issue of competency was resolved and he returned from Lakes Crossing.

CUSTODY (L.C.)

  
CLERK OF THE COURT

**ORDR**

STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
CHRISTOPHER J. LALLI  
Assistant District Attorney  
Nevada Bar #5398  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff  
THE STATE OF NEVADA

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
Plaintiff,

-vs-

CHRISTOPHER EDWARD PIGEON,  
#1694872

Defendant.

Case No: C-13-290261-1

Dept No: VII

**ORDER OF COMMITMENT**

THIS MATTER came before the Court on the 2nd day of August, 2013, when doubt arose as to competence of the Defendant, the Defendant being present with counsel, BITA KHAMSI, Deputy Public Defender, the State being represented by STEVEN B. WOLFSON, District Attorney, through BARTER PACE, his Deputy, and the Court having considered the reports of Dr. Michael Krelstein and Dr. Shera Bradley, licensed and practicing psychologists and/or psychiatrists in the State of Nevada, finds the Defendant incompetent, and that he is dangerous to himself and to society and that commitment is required for a determination of his ability to receive treatment to competency and to attain competence, and good cause appearing, it is hereby

ORDERED that, pursuant to NRS 178.425(1), the Sheriff and/or a designee(s) of the Division of Mental Health and Developmental Services of the Dept of Human Resources, shall convey the Defendant forthwith, together with a copy of the complaint, the

1 commitment and the physicians' certificate, if any, into the custody of the Administrator of  
2 the Division of Mental Health and Developmental Services of the Department of Human  
3 Resources or his designee for detention and treatment at a secure facility operated by that  
4 Division; and, it is

5 FURTHER ORDERED that, pursuant to NRS 433A.165, before the defendant may be  
6 transported to a public or private mental health facility he must:

7 (a) First be examined by a licensed physician or physician assistant or an  
8 advanced practitioner of nursing to determine whether the person has a medical problem,  
9 other than a psychiatric problem, which requires immediate treatment; and

10 (b) If such treatment is required, be admitted to a hospital for the appropriate  
11 medical care; and, it is

12 FURTHER ORDERED that the Defendant is required to submit to said medical  
13 examination which may include, but is not limited to, chest x-rays and blood work; and, it is

14 FURTHER ORDERED that the cost of the examination must be paid by Clark  
15 County, unless the cost is voluntarily paid by the Defendant or on his behalf, by his insurer  
16 or by a state or federal program of medical assistance; and, it is

17 FURTHER ORDERED that, pursuant to NRS 178.425(2), the Defendant must be  
18 held in such custody until a court orders his release or until he is returned for trial or  
19 judgment as provided in NRS 178.450, 178.455 and 178.460; and, it is

20 FURTHER ORDERED that, pursuant to NRS 178.425(4), these proceedings against  
21 the Defendant are suspended until the Administrator or his designee finds him capable of  
22 standing trial as provided in NRS 178.400; and, it is

23 FURTHER ORDERED that, pursuant to NRS 178.435, the expenses of the  
24 examination and of the transportation of the Defendant to and from the custody of the  
25 Administrator of the Division of Mental Health and Developmental Services of the  
26 Department of Human Resources or his designee are chargeable to Clark County; and, it is

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1 FURTHER ORDERED that the Administrator of the Division of Mental Health and  
2 Developmental Services of the Department of Human Resources or his designee shall keep  
3 the Defendant under observation and evaluated periodically; and, it is

4 FURTHER ORDERED that the Administrator or his designee shall report in writing  
5 to this Court and the Clark County District Attorney whether, in his opinion, upon medical  
6 consultation, the Defendant is of sufficient mentality to be able to understand the nature of  
7 the criminal charge against him and, by reason thereof, is able to aid and assist his counsel in  
8 the defense interposed upon the trial or against the pronouncement of the judgment  
9 thereafter. The administrator or his designee shall submit such a report within 6 months after  
10 this order and at 6 month intervals thereafter. If the opinion of the Administrator or his  
11 designee about the Defendant is that he is not of sufficient mentality to understand the nature  
12 of the charge against him and assist his own defense, the Administrator or his designee shall  
13 also include in the report his opinion whether:

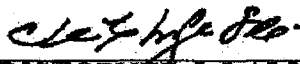
14 (a) there is a substantial probability that the Defendant can receive treatment to  
15 competency and will attain competency to stand trial or receive pronouncement of judgment  
16 in the foreseeable future; and

17 (b) the Defendant is at that time a danger to himself or to society.

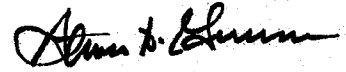
18 DATED this 16<sup>th</sup> day of August, 2013.

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DISTRICT JUDGE

22 STEVEN B. WOLFSON  
23 District Attorney  
24 Nevada Bar #001565

25 BY   
26 CHRISTOPHER J. LALLI  
27 Assistant District Attorney  
28 Nevada Bar #005398

kb

  
CLERK OF THE COURT

1 **ORDR**  
2 Linda Marie Bell  
3 District Court Judge, Department 7  
4 200 Lewis Avenue  
5 Las Vegas, Nevada 89155  
6 (702) 671-4344

**ORIGINAL**

DISTRICT COURT  
CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,

8 Plaintiff,

9 -vs-

10 **CHRISTOPHER PIGEON,**  
11 ID# 1694872,

12 Defendant.

Case No: **C290261-1**

Dept No: **7**

13 **ORDER TO TRANSPORT DEFENDANT FROM LAKE'S CROSSING**

14 TO: LAKE'S CROSSING CENTER AND/OR CLARK COUNTY DETENTION  
15 CENTER:

16 WHEREAS, on the 16th day of August, 2013 pursuant to Order of the above-entitled  
17 Court, you were directed to transport the above-named Defendant to the custody of the  
18 Division of Mental Health and Developmental Services of the Department of Human  
19 Resources, or his designee, for necessary care and treatment; and,

20 WHEREAS, the Defendant having been examined by Drs. Bradley, Farmer and  
21 Neighbors, pursuant to NRS 178.455, with the reports of that examination being forwarded  
22 to the Court for its review thereof;

23 IT IS ORDERED that you, the Sheriff of Clark County and/or designee(s) of the  
24 Division of Mental Health and Developmental Services of the Department of Human  
25 Resources, are hereby ordered to transport the Defendant from the Lake's Crossing Center,  
26 Washoe County, Nevada, to the Clark County Detention Center, Las Vegas, Nevada, by  
27 Friday, December 13, 2013 at 9:30 a.m. when further proceedings have been scheduled by  
28 the Court in this matter.

IT IS FURTHER ORDERED that the Sheriff of Clark County, Nevada, shall accept

DEC 06 2013

1 and retain custody of said Defendant in the Clark County Detention Center pending  
2 completion of proceedings in the above-captioned matter, or until the further Order of this  
3 Court, and that you continue the course of treatment of the Defendant as prescribed by the  
4 Administrator of the Division of Mental Health and Developmental Services of the  
5 Department of Human Resources or his designee.

6 DATED this 4th day of December, 2013.

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9 DISTRICT JUDGE  
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**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**December 13, 2013**

C-13-290261-1      State of Nevada  
                                 vs  
                                 Christopher Pigeon

**December 13, 2013      9:30 AM      Further Proceedings: Competency-Return From  
Lakes Crossing**

**HEARD BY:** Bell, Linda Marie

**COURTROOM:** RJC Courtroom 03F

**COURT CLERK:** Aaron Carbajal

**RECORDER:** Renee Vincent

<b>PARTIES</b>	Pace, Barter G	Attorney
<b>PRESENT:</b>	Pigeon, Christopher	Defendant
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- APPEARANCES CONTINUED: Christina Greene of the Specialty Courts present.

Court noted the Deft. was returned from Lakes Crossing and was found competent to proceed with adjudication. Ms. Harris noted there would be a challenge and inquired as to the Court's availability on January 17th for setting the hearing noting the doctors would be present. Further, Ms. Harris indicated the case was Mr. Obrien's. Court advised the hearing could be set for 1-17-14 at 11:00 am. Deft. requested a copy of the reports. Ms. Harris advised Mr. Obrien would provide a copy of the reports to the Deft., and requested a status check to confirm the hearing date with the doctors. COURT SO ORDERED.

**CUSTODY**

12-27-13 9:30 AM STATUS CHECK: CHALLENGE HEARING DATE

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**December 27, 2013**

C-13-290261-1

State of Nevada

vs

Christopher Pigeon

**December 27, 2013 9:30 AM**

**Status Check: Challenge Hearing Date**

**HEARD BY:** Bell, Linda Marie

**COURTROOM:** RJC Courtroom 03F

**COURT CLERK:** Aaron Carbajal

**RECORDER:** Debbie Winn

**PARTIES** Harris, Belinda T.  
**PRESENT:** Pace, Barter G  
Pigeon, Christopher  
State of Nevada

Public Defender for Defendant  
Deputy District Attorney  
Defendant  
Plaintiff

**JOURNAL ENTRIES**

- APPEARANCES CONTINUED: Christina Greene of the Specialty Courts present.

Ms. Harris advised the defense was challenging the findings and will be calling on Dr. Bradley to testify. Colloquy regarding scheduling. Statement by Defendant. COURT ORDERED, matter SET for a challenge hearing.

**CUSTODY**

**1-17-14 11:00 AM CHALLENGE HEARING (COMPETENCY COURT)**



Christopher Pigeon

**Greg Harder, Psy.D.**  
**Licensed Psychologist #PY0338**  
**4955 South Durango Dr. Suite 221**  
**Las Vegas, NV 89113**

**Phone: (702) 685-5297**

**Fax: (702) 685-5314**

**January 14, 2014**

**Robert O'Brien**  
**Deputy Public Defender**

**RE: Christopher Pigeon**  
**Case #: C-13-290261-1**

**Reason For Referral:**

Per your request, I evaluated Mr. Pigeon at the Clark County Detention Center on January 14, 2014. The purpose of the evaluation was to determine if the Defendant is presently competent to stand trial. The results of this evaluation are described below.

**Competency Determination:**

Mr. Pigeon is recommended to be found not competent to stand trial.

**Review of Records:**

According to the Criminal Complaint, the Defendant is accused of Prohibited Acts by a Sexual Offender, Attempt First Degree Kidnapping, Aggravated Stalking, Unlawful Contact with a Child, Burglary, Open or Gross Lawdness, etc. According to his public defender, Mr. Pigeon is delusional that the victim was in love with him and wanted a relationship with him, which is interfering with his ability to make appropriate decisions about his case.

**Informed Consent:**

Before interviewing the Defendant, I explained to him that he was being evaluated to determine if he is competent to stand trial. I explained to him that the results of the evaluation would be released to the judge and possibly the attorneys on both sides of the case, as well as the jail psychiatrist. He understood the purpose of the evaluation, and the limits of his confidentiality, and orally consented to participate in the evaluation in a voluntary manner.

**Competency Standard:**

The Defendant was evaluated according to the Dusky Standard, which is a federal standard of competency, and similar to the Nevada revised standard. The Dusky standard states "Whether he (the defendant) has a rational as well as factual understanding of the proceedings against him" and whether he (the defendant) has sufficient present ability to consult with his lawyer with a reasonable degree of rational understanding."

**Interview of Defendant:**

**Capacity to Understand Charges:**

Mr. Pigeon was surprisingly candid about his criminal behavior and seemed rather oblivious to the fact that he committed a crime. He stated in a rather naïve, possibly psychotic manner that the victim was 12 years old and that he was in love with her and thought she might be in love with him, and that he wanted to marry her. He was able to articulate his charges very well and that they happened on May 17<sup>th</sup>, 2013. He stated that he was charged with Open or Gross Lewdness. He stated he was also charged with Failure to Change Address, which he informed me was the reason he was given a charge of Prohibited Acts by a Sexual Offender. He stated he was also charged with Unlawful Contact with a child and told me that she was 12 years old. He knew her name was Candace Carpenter. He stated that he found her attractive. He stated he was trying to get to know her so he could see if she wanted to see him over the summer. He stated he walked with her to school a few times and wanted to meet her mom and dad. I asked him if he thought her parents would be open to that, and he was not sure. He stated that is what he wanted to find out. He stated that he knew it was not okay to have sex with a minor age 12, but he thought it was okay to be married with her. He stated that he thought if she was 13 that it might be okay. He told me that he thinks she liked him based on her body language. He also told me that he is accused of trying to kidnap her, but stated that has no merit. He stated he did not have a ransom note and did not have a rope, and they accused him of this because he touched her arm and stood in her way. He stated the reason he touched her arm was because he was trying to tell her he loved her. He stated that he did get in her way while she was walking, but he did not restrain her and she could have walked around him if she

wanted to. He stated he wanted to chase after her to make sure she was okay and even though she might have felt he was weird, he stated he thinks she really liked him anyway.

He stated that he had a grand jury trial and they indicted him on 3 out of 8 charges. He stated most of the charges have no merit and only thinks that perhaps they could hold him on the charge of unlawful contact with a child if she really did not want to talk to him. He stated there is a Burglary charge, but he did not steal anything, so he could not be charged with that. He also understood that he had a Luring a child charge. He stated these are serious charges. He told me that they have no merit and he should be okay at trial. Mr. Pigeon informed me that he was at Lakes Crossing in the past, and did one year at Lakes Crossing and one year at CCDC on a different case, and now he is back again and his lawyer is questioning to see if he should stay at Lakes a little longer. He stated his lawyer does not think he is incompetent, but just wants to make sure he is still competent.

He denied the charge of open or gross lewdness, which he allegedly received for masturbating in front of the victim. He stated that there were no witnesses and that the victim did not say he did that. He stated they claimed to have a video but then could not make the video work.

#### Understanding of Court Proceedings and Legal Terminology:

He denied having any confusion about the court process. He was interviewed by this examiner in the past and previously he demonstrated no problems understanding the court process. He told me that he was the best chess player at Lakes Crossing and in CCDC. He defined plea bargain as a penalty in lieu of the charges. He stated that he told Lakes Crossing that he would be okay with a plea bargain if they gave him 1-2 years in jail maximum. He stated that he plans to plead not guilty because there are so many charges and feels most of them have no merit, but he has to plead to all of them, which he disagrees with. He stated he is facing 5-15.

#### Ability to Assist Counsel:

Mr. Pigeon informed me that he has been diagnosed with depression and "overachiever syndrome." He stated he is overqualified and his resume is too good so he is having a hard time getting a job and is on disability. He stated the main reason he cannot get a job is because he is too over qualified. He stated he also does not have a phone and that is another reason. He reminded me of how I had met with him a few years ago on a separate case and told me then that he had majored in architecture and music. Although he did not tell me this time, last time I met with him he told me he had millions of dollars worth of drawings on his computer. During my visit with him at the jail, he spent the entire session drawing some pictures of what he said were condominium plans. He denied hearing voices or being delusional.

Christopher Pigeon

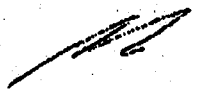
**Conclusion:**

My impression is that Mr. Pigeon is not competent to stand trial. He understands his charges and he understands the court process. But he seems either psychotic or his social skills are grossly impaired, such as an individual with high functioning autistic disorder. He does not realize that following a 12 year old girl around, being in love with her, or wanting to have sex with her is illegal or inappropriate. He is likely delusional and may have an "erotomania" delusion, which is when an individual thinks someone is in love with him and they are not. He seems very naïve and lacks insight into his mental illness. While he is intelligent enough to understand the court process and claims to be the best chess player in the jail, he appears to lack insight into reality. He is completely unable to testify on his own behalf without incriminating himself, and yet he wants to take the case to trial, which would make no sense.

**Recommendations:**

Mr. Pigeon is recommended to be found not competent to stand trial. He is recommended for a formal competency hearing and sent back to Lakes Crossing for further rehabilitative efforts. It is my belief that with psychiatric treatment he can become competent in the future.

Respectfully,



Greg Harder, Psy.D.  
Licensed Psychologist

*Thank you for your referral. Please contact me if you have any questions or feedback about this report.*

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 17, 2014**

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C-13-290261-1      State of Nevada  
                                 vs  
                                 Christopher Pigeon

---

**January 17, 2014      11:00 AM      Challenge Hearing  
(Competency Court)**

**HEARD BY:** Bell, Linda Marie

**COURTROOM:** RJC Courtroom 03F

**COURT CLERK:** Aaron Carbajal

**RECORDER:** Renee Vincent

**PARTIES**      O'Brien, Robert  
**PRESENT:**      Pace, Barter G  
                         Pigeon, Christopher  
                         State of Nevada

Public Defender for Defendant  
Deputy District Attorney  
Defendant  
Plaintiff

**JOURNAL ENTRIES**

- APPEARANCES CONTINUED: Christina Greene of the Specialty Courts present.

Mr. O'Brien requested a continuance noting the District Attorney handling the case in the trial court needed additional time to review the doctor evaluations. Statement by the Defendant. Colloquy regarding scheduling. COURT ORDERED, matter CONTINUED for a status check.

**CUSTODY**

1-24-14 9:30 AM STATUS CHECK: CHALLENGE HEARING DATE

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 24, 2014**

C-13-290261-1      State of Nevada  
                                 vs  
                                 Christopher Pigeon

**January 24, 2014      9:30 AM      Status Check: Challenge Hearing Date**

**HEARD BY:** Bell, Linda Marie

**COURTROOM:** RJC Courtroom 03F

**COURT CLERK:** Aaron Carbajal

**RECORDER:** Renee Vincent

**PARTIES**      Harris, Belinda T.  
**PRESENT:**      Pace, Barter G  
                         Pigeon, Christopher  
                         State of Nevada

Public Defender for Defendant  
Deputy District Attorney  
Defendant  
Plaintiff

**JOURNAL ENTRIES**

- APPEARANCES CONTINUED: Christina Greene of the Specialty Courts present.

Colloquy regarding scheduling and doctor availability. Court advised a Senior Judge would be present on the 13th of February. Statement by Deft. requesting a copy of the reports. Ms. Harris advised a report was forwarded to the Deft. MATTER TRAILED for Ms. Harris to contact Mr. O'Brien on how to proceed.

MATTER RECALLED. All previous parties present. Upon counsel's request, COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 1-31-14 9:30 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 31, 2014**

C-13-290261-1      State of Nevada  
                                 vs  
                                 Christopher Pigeon

**January 31, 2014      9:30 AM      Status Check: Challenge Hearing Date**

**HEARD BY:** Bell, Linda Marie

**COURTROOM:** RJC Courtroom 03F

**COURT CLERK:** Aaron Carbajal

**RECORDER:** Renee Vincent

**PARTIES**      Harris, Belinda T.  
**PRESENT:**      Pigeon, Christopher

Public Defender for Defendant  
Defendant

**JOURNAL ENTRIES**

- APPEARANCES CONTINUED: Danae Adams, Deputy District Attorney, present on behalf of the State. Christina Greene of the Specialty Courts present.

Colloquy in regards to scheduling the challenge hearing and the doctors' availability. Statement by Defendant. COURT ORDERED, matter SET for a challenge hearing.

**CUSTODY**

**2-14-14 1:00 PM CHALLENGE HEARING (COMPETENCY COURT)**

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 14, 2014**

C-13-290261-1

State of Nevada

vs

Christopher Pigeon

**February 14, 2014**

**1:00 PM**

**Challenge Hearing  
(Competency Court)**

**HEARD BY:** Bell, Linda Marie

**COURTROOM:** RJC Courtroom 03F

**COURT CLERK:** Sylvia Perez

**RECORDER:** Renee Vincent

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- Court noted, a message was received from Mr. O'Brien requesting to reschedule today's hearing due to scheduling issues. COURT ORDERED, a status check to be SET.

**CUSTODY**

**2/21/14 9:30 AM STATUS CHECK: RESET CHALLENGE HEARING**

*Updated  
reset*



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**March 21, 2014**

C-13-290261-1      State of Nevada  
                                 vs  
                                 Christopher Pigeon

**March 21, 2014      11:00 AM      Challenge Hearing  
(Competency Court)**

**HEARD BY:** Bell, Linda Marie

**COURTROOM:** RJC Courtroom 03F

**COURT CLERK:** Sylvia Perez

**RECORDER:** Renee Vincent

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Harris, Belinda T.	Deputy Public Defender
	Mercer, Elizabeth A.	Deputy District Attorney
	O'Brien, Robert	Deputy Public Defender
	Schifalacqua, Marc M.	Deputy District Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- Defendant present, in custody.

Drs. Bradley and Harder sworn and testified.

Opposition by Mr. O'Brien, arguing as to the findings of Drs. Bradley and Harder, stating Defendant claims he is competent and therefore; wishes to have this case tried before a jury. Further advising the Court to take judicial notice as to Defendant's outburst, courtroom conduct and requested Defendant be sent back to Lakes Crossing for further evaluation. Arguments by Mr. Schifalacqua stating there is no testimony or evidence that the Defendant cannot or will not work with his attorney or be able to proceed in a rational way. Statement by Defendant. Further arguments by Mr. O'Brien. COURT ORDERED, matter CONTINUED PENDING DECISION.

**CUSTODY**

PRINT DATE: 03/25/2014

Page 1 of 2

Minutes Date:

March 21, 2014

**C-13-290261-1**

**3/28/14 9:30 AM DECISION**

**PRINT DATE: 03/25/2014**

**Page 2 of 2**

**Minutes Date: March 21, 2014**

**055**

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**March 28, 2014**

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C-13-290261-1      State of Nevada  
                                 vs  
                                 Christopher Pigeon

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**March 28, 2014      9:30 AM      Further Proceedings: Decision**

**HEARD BY:** Bell, Linda Marie

**COURTROOM:** RJC Courtroom 03F

**COURT CLERK:** Tia Everett

**RECORDER:** Renee Vincent

**PARTIES**      Bart Pace, Deputy District Attorney, present on behalf of the State. Defendant  
**PRESENT:**      present in custody and represented by Bitu Khamsi, Deputy Public Defender.

**JOURNAL ENTRIES**

- Bart Pace, Deputy District Attorney, present on behalf of the State. Defendant present in custody and represented by Bitu Khamsi, Deputy Public Defender.

COURT ORDERED, matter CONTINUED one week for decision.

CUSTODY

CONTINUED TO: 4/04/2014 9:30 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**April 04, 2014**

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C-13-290261-1

State of Nevada

vs

Christopher Pigeon

---

**April 04, 2014**

**9:30 AM**

**Further Proceedings: Competency**

**HEARD BY:** Bell, Linda Marie

**COURTROOM:** RJC Courtroom 03F

**COURT CLERK:** Tia Everett

**RECORDER:** Renee Vincent

**REPORTER:**

**PARTIES** Danae Adams, Deputy District Attorney, present on behalf of the State. Defendant  
**PRESENT:** present in custody and represented by Claudia Romney, Deputy Public Defender.

**JOURNAL ENTRIES**

- Danae Adams, Deputy District Attorney, present on behalf of the State. Defendant present in custody and represented by Claudia Romney, Deputy Public Defender.

**APPEARANCES CONTINUED:** Christina Greene of the Specialty Courts present.

Court stated she will enter an order finding defendant competent to proceed with trial and will issue a written order with findings; therefore, COURT ORDERED, matter TRANSFERRED back to the originating court for further proceedings.

**CUSTODY**

**4/23/2014 8:00 AM FURTHER PROCEEDINGS: RETURN FROM COMPETENCY COURT (DEPT. 8)**

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**April 23, 2014**

C-13-290261-1      State of Nevada  
vs  
Christopher Pigeon

**April 23, 2014      8:00 AM      Further Proceedings: Return From  
Competency Court**

**HEARD BY:** Smith, Douglas E.

**COURTROOM:** RJC Courtroom 16D

**COURT CLERK:** Tia Everett

**RECORDER:** Jill Jacoby

**PARTIES** Sam Bateman, Deputy District Attorney, present on behalf of the State. Defendant  
**PRESENT:** present in custody and represented by Robert O'Brien, Deputy Public Defender.

**JOURNAL ENTRIES**

- Sam Bateman, Deputy District Attorney, present on behalf of the State. Defendant present in custody and represented by Robert O'Brien, Deputy Public Defender.

Court noted Defendant has been found competent and matter needs to be set for trial. Mr. O'Brien advised Defendant has a pending motion to withdraw counsel and represented himself. Further, counsel advised he has provided Defendant with the farretta material. Court canvassed Defendant. Court Finds, Defendant is intelligent, graduated from university and although Defendant is not a law individual is aware of the procedures. Further, Court Finds Defendant is competent to waive his constitutional right to be represented by an attorney according to RULE 254 subsection 4; Defendant is waiving his right to counsel freely voluntarily and knowingly and has a full understanding of this waiver and its consequences. COURT ORDERED, Defendant's Motion to Withdraw Counsel GRANTED; Public Defender WITHDRAWN; and Defendant shall proceed in Pro Per status. Colloquy regarding scheduling. FURTHER ORDERED, matter SET for trial.

**CUSTODY**

**7/30/2014 8:00 AM CALENDAR CALL**

**8/04/2014 9:30 AM JURY TRIAL**

**PRINT DATE:** 07/02/2014

**Page 1 of 2**

**Minutes Date:**

**April 23, 2014**



DISTRICT COURT  
CLARK COUNTY, NEVADA

C-13-290261-1

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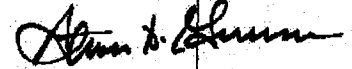
STATE OF NEVADA  
PLAINTIFF

CASE NO. C290261

DEPT. NO. #3

VS.

FILED:



CLERK OF THE COURT

CHRISTOPHER E. PIGEON  
1694872

7-7-14 @ 8:00 am

DEFENDANT

MOTION TO WITHDRAW COUNSEL

DEFENDANT IS OFFICIALLY REPRESENTING HIMSELF AS  
OF HIS 23 APRIL 2014 FARETTA CANVAS HEARING  
WITH JUDGE DOUGLAS E. SMITH PRESIDING.

DEFENDANT HAS BEEN APPROVED FOR COMPETENCY  
AND HE WISHES TO OBTAIN A HEARING TO TRY  
THE ATTACHED MOTION(S).

MOTION TO WITHDRAW COUNSEL06/16/14C290261

RESPECTFULLY SUBMITTED



CHRISTOPHER E. PIGEON - 1694872

DEFENDANT - PRO SE

RECEIVED

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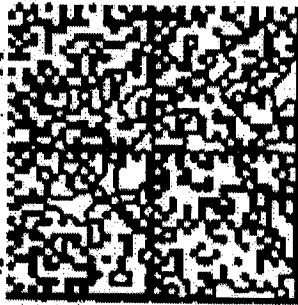


CLERK OF THE COURT

-1694872

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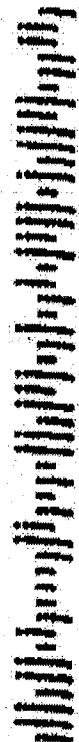
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FORE

CLERK OF THE COURT, 3RD FLOOR  
REGIONAL JUSTICE CENTER  
200 LEWIS AVE.

LAS VEGAS, NV 89101

89101630000





CEP



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**June 18, 2014**

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C-13-290261-1      State of Nevada  
                                 vs  
                                 Christopher Pigeon

---

**June 18, 2014      8:00 AM      All Pending Motions**

**HEARD BY:** Smith, Douglas E.

**COURTROOM:** RJC Courtroom 16D

**COURT CLERK:** Louisa Garcia

**RECORDER:** Jill Jacoby

**PARTIES**

<b>PRESENT:</b>	Mercer, Elizabeth A.	Attorney
	Pigeon, Christopher	Defendant
	Schifalacqua, Marc M.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- DEFT'S PRO PER MOTION TO DROP CHARGES DROP TO IMPROPER INDICTMENT...DEFT'S PRO PER MOTION TO WITHDRAW COUNSEL

Court noted this motion was actually a motion for pretrial writ. Statement by Defendant stating he was being held illegally and illegally indicted. Mr. Schifalacqua stated this was presented to the grand jury in the course of two days resulting in one indictment. In the indictment returned it had all the charges. Colloquy between Court and Defendant. COURT stated its findings, and ORDERED, Deft's Pro Per Motion to Drop Charges, DENIED and Pro Per Motion to Withdraw Counsel, DENIED, as Defendant already represents himself. State to prepare Findings of Fact, Conclusion of Law consistent with their opposition.

**CUSTODY**

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**July 07, 2014**

C-13-290261-1      State of Nevada  
   vs  
   Christopher Pigeon

**July 07, 2014      8:00 AM      All Pending Motions**

**HEARD BY:** Smith, Douglas E.

**COURTROOM:** RJC Courtroom 16D

**COURT CLERK:** Melissa Murphy

**RECORDER:** Jill Jacoby

**PARTIES**

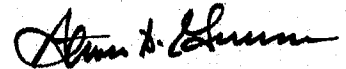
**PRESENT:**      Lexis, Agnes      Deputy District Attorney  
   Pigeon, Christopher      Defendant

**JOURNAL ENTRIES**

DEFENDANT'S PRO PER MOTION TO WITHDRAW COUNSEL....DEFENDANT'S PRO PER  
MOTION TO QUASH OPPOSING MOTION: DEFENDANT'S OPPOSITION TO STATE'S  
OPPOSITION TO/OF MOTION TO DROP CHARGES DUE TO IMPROPER INDICTMENT

Court noted Deft does not need to file a Motion to Withdraw as Counsel every time as it has  
previously been done. COURT ORDERED, Motions DENIED as moot. Deft stated there were four  
charges added at the Grand Jury that were not mentioned. Court advised the Deft to file the proper  
documentation. Deft requested information on a new witness by the name of Monalisa Carillo. Ms.  
Lexis stated she will obtain information from the Deputy District Attorney handling this case. Upon  
receipt of the requested information, Court will issue a minute order in reference to said witness.

**CUSTODY**



CLERK OF THE COURT

1 NOTC  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 MARC SCHIFALACQUA  
6 Chief Deputy District Attorney  
7 Nevada Bar #10435  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

7 DISTRICT COURT  
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

CASE NO: C290261

12 CHRISTOPHER PIGEON, aka,  
13 Christopher Edward Pigeon, #1694872

DEPT NO: VIII

14 Defendant.

15 NOTICE OF INTENT TO SEEK PUNISHMENT AS  
16 A HABITUAL CRIMINAL

17 TO: CHRISTOPHER PIGEON, aka, Christopher Edward Pigeon, Defendant; and

18 TO: PRO PER, Counsel of Record:

19 YOU, AND EACH OF YOU, WILL PLEASE TAKE NOTICE that pursuant to NRS  
20 207.010, the STATE OF NEVADA will seek punishment of Defendant CHRISTOPHER  
21 PIGEON, aka, Christopher Edward Pigeon, as a habitual criminal in the event of a felony  
22 conviction in the above-entitled action.

23 That in the event of a felony conviction in the above-entitled action, the STATE OF  
24 NEVADA will ask the court to sentence Defendant CHRISTOPHER PIGEON, aka,

25 Christopher Edward Pigeon as a habitual criminal based upon the following felony  
26 convictions, to-wit:

27 1. Having in 2012, been convicted of OPEN OR GROSS LEWDNESS  
28 (Category D Felony - NRS 201.210 - NOC 50972), in Case Number C269318, in the District  
Court, Clark County, a felony under the laws of the State of Nevada.

1           2.     Having in 2006, been convicted of OPEN OR GROSS LEWDNESS  
2 (Category D Felony - NRS 201.210 - NOC 50972), in Case Number C216318, in the District  
3 Court, Clark County, a felony under the laws of the State of Nevada.

4           3.     Having in 2000, been convicted of FORGERY - FINANCIAL  
5 INSTRUMENT, in Case Number 980D04426, in the District Court, El Paso County, a felony  
6 under the laws of the State of Texas.

7                               STEVEN B. WOLFSON  
8                               Clark County District Attorney  
9                               Nevada Bar #001565

10                              BY    /s/ MARC SCHIFALACQUA  
11                                       MARC SCHIFALACQUA  
12                                       Chief Deputy District Attorney  
13                                       Nevada Bar #10435

14   CERTIFICATE OF SERVICE

15           I certify that on the 31st day of July, 2014, I mailed a copy of the foregoing Notice to:

16  
17  
18                              BY    /s/ J. MOTL  
19                                       Secretary for the District Attorney's Office  
20  
21  
22  
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26  
27

28   jm/SVU

AUG 04 2014

BY: Louisa Garcia  
LOUISA GARCIA, DEPUTY

**ORIGINAL**

1 **IND**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 MARC SCHIFALACQUA  
6 Chief Deputy District Attorney  
7 Nevada Bar #010435  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

12 THE STATE OF NEVADA,

13 Plaintiff,

14 -vs-

15 CHRISTOPHER PIGEON, aka,  
16 Christopher Edward Pigeon, #1694872

17 Defendant.

CASE NO: C-13-290261-1

DEPT NO: VIII

AMENDED  
INDICTMENT

18 STATE OF NEVADA }  
19 COUNTY OF CLARK } ss.

20 The Defendant above named, CHRISTOPHER PIGEON, aka, Christopher Edward  
21 Pigeon, accused by the Clark County Grand Jury of the crime(s) of ATTEMPT FIRST  
22 DEGREE KIDNAPPING (Category B Felony – NRS 193.330; 200.320); AGGRAVATED  
23 STALKING (Category B Felony - NRS 200.575); LURING CHILDREN WITH THE  
24 INTENT TO ENGAGE IN SEXUAL CONDUCT (Category B Felony - 201.560);  
25 BURGLARY (Category B Felony – NRS 205.060); OPEN OR GROSS LEWDNESS  
26 (Category D Felony – 201.210); UNLAWFUL CONTACT WITH A CHILD (Gross  
27 Misdemeanor - NRS 207.260), and, PROHIBITED ACTS BY A SEX OFFENDER  
28 (Category D Felony - NRS 179D.470; 179D.550; 179D.460); committed at and within the  
County of Clark, State of Nevada, on or between January 7, 2013 and May 17, 2013 as  
follows:

1 COUNT 1 – ATTEMPT FIRST DEGREE KIDNAPPING

2 did or between May 15, 2013 and May 17, 2013, wilfully, unlawfully, feloniously,  
3 and without authority of law, attempt to lead, take, entice, carry away or kidnap CANDACE  
4 CARPENTER, a minor, with the intent to keep, imprison, or confine said victim, from  
5 his/her parents, guardians, or other person or person having lawful custody of said minor, or  
6 with the intent to hold said minor to unlawful service, or perpetrate upon the person of said  
7 minor, any unlawful act by defendant following and/or chasing and/or grabbing and/or  
8 touching said CANDACE CARPENTER with the intent to begin a sexual relationship with  
9 said minor.

10 COUNT 2 – AGGRAVATED STALKING

11 did on or between May 15, 2013 and May 17, 2013 then and there wilfully,  
12 unlawfully, feloniously, and intentionally engage in a course of conduct that would cause a  
13 reasonable person to feel terrorized, frightened, intimidated, or harassed, to-wit: by  
14 following CANDACE CARPENTER to her school and/or a convient store on multiple  
15 occasions and attempting to grab or block her escape and/or by chasing said CANDACE  
16 CARPENTER, and that course of conduct did, in fact, cause CANDACE CARPENTER to  
17 feel terrorized, frightened, intimidated or harassed, and defendant also did threaten  
18 CANDACE CARPENTER with the intent that CANDACE CARPENTER be placed in  
19 reasonable fear of death or substantial bodily harm.

20 COUNT 3 – LURING CHILDREN WITH THE INTENT TO ENGAGE IN SEXUAL  
21 CONDUCT

22 did on or between May 15, 2013 and May 17, 2013 then and there wilfully and  
23 feloniously and knowingly contact or communicate with, or attempt to contact or  
24 communicate with CANDACE CARPENTER, who is less than 16 years of age and who is at  
25 least 5 years younger than the defendant, or a person who the defendant believed to be a  
26 child less than 16 years of age and at least 5 years younger than the defendant, regardless of  
27 the actual age of the person, with the intent to persuade, lure or transport the said child away  
28 from her home or from any location known to her parent or guardian or other person legally

1 responsible for the child without the express consent of the parent or guardian or other  
2 person legally responsible for the child and with the intent to avoid the consent of the parent  
3 or guardian or other person legally responsible for the child, the Defendant committing the  
4 crime in the following manner, to-wit: by Defendant following said CANDACE  
5 CARPENTER to her school and/or a convient store and interacting with said minor on  
6 multiple occasions, Defendant possessing the intent to engage in sexual conduct with the  
7 child or to cause the child to engage in sexual conduct.

8 COUNT 4 – BURGLARY

9 did on May 15, 2013, May 16, 2013 and/or May 17, 2013 then and there wilfully,  
10 unlawfully, and feloniously enter, with intent to commit Battery and/or, Kidnapping, and/or  
11 Luring a Minor, that certain building occupied by CJ's Mini Mart, located at 4030 W.  
12 Charleston Ave., Las Vegas, Clark County, Nevada.

13 COUNT 5 – OPEN OR GROSS LEWDNESS

14 did on or about May 15, 2013, then and there wilfully and unlawfully and feloniously  
15 commit an act of open or gross lewdness by masturbating his penis while in presence of  
16 CANDACE CARPENTER and/or other employees or patrons of CJ's Mini Mart, said  
17 Defendant having previously committed the offense of Open or Gross Lewdness in 2006,  
18 2010 and/or 2012.

19 COUNT 6 - UNLAWFUL CONTACT WITH A CHILD

20 did on or between May 15, 2013 and May 17, 2013, at and within the County of  
21 Clark, State of Nevada, did, without lawful authority, wilfully and maliciously engage in a  
22 course of conduct with CANDACE CARPENTER, a child under 16 years of age and being  
23 at least 5 years younger than the said Defendant , which acts would cause a reasonable child  
24 of like age to feel terrorized, frightened, intimidated or harassed, and which actually caused  
25 CANDACE CARPENTER to feel terrorized, frightened, intimidated or harassed, by the  
26 Defendant following the said CANDACE CARPENTER to Hyde Park Middle School and/or  
27 to a convenience store, and/or by committing the acts set forth in counts 3, 4 and 5.

28 ///



1 COUNT 7 - PROHIBITED ACTS BY A SEX OFFENDER

2 did on or about January 7, 2013, then and there wilfully, unlawfully and feloniously  
3 fail to change or update his registration information by failing to provide to the Las Vegas  
4 Metropolitan Police Department within 48 hours the change of address information along  
5 with all other information that is relevant to updating his records of registration, said  
6 Defendant having been convicted of a sex offense, to-wit: Open or Gross Lewdness in 2003  
7 in Case No. C186418, in the Eighth Judicial District Court of Clark County, State of Nevada,  
8 and/or Open or Gross Lewdness in 2006 in Case No. C216699, in the Eighth Judicial District  
9 Court of Clark County, State of Nevada, and/or Open or Gross Lewdness in 2010 in Case  
10 No. C254530, in the Eighth Judicial District Court of Clark County, State of Nevada, and/or  
11 Open or Gross Lewdness in 2012 in Case No. C269318, in the Eighth Judicial District Court  
12 of Clark County, State of Nevada, Defendant committing this crime by registering at 200  
13 South 8<sup>th</sup> Street, Las Vegas; thereafter moving to an unknown address without notifying Las  
14 Vegas Metropolitan Police Department of the change of address as required.

15 COUNT 8 - PROHIBITED ACTS BY A SEX OFFENDER

16 did on or between April 22, 2013 and May 17, 2013, then and there wilfully,  
17 unlawfully and feloniously fail to change or update his registration information by failing to  
18 provide to the Las Vegas Metropolitan Police Department within 48 hours the change of  
19 address information along with all other information that is relevant to updating his records  
20 of registration, said Defendant having been convicted of a sex offense, to-wit: Open or  
21 Gross Lewdness in 2003 in Case No. C186418, in the Eighth Judicial District Court of Clark  
22 County, State of Nevada, and/or Open or Gross Lewdness in 2006 in Case No. C216699, in  
23 the Eighth Judicial District Court of Clark County, State of Nevada, and/or Open or Gross  
24 Lewdness in 2010 in Case No. C254530, in the Eighth Judicial District Court of Clark  
25 County, State of Nevada, and/or Open or Gross Lewdness in 2012 in Case No. C269318, in

26 ///

27 ///


28 ///

1 the Eighth Judicial District Court of Clark County, State of Nevada, Defendant committing  
2 this crime by registering at 200 South 8<sup>th</sup> Street, Las Vegas; thereafter moving to an  
3 unknown address without notifying Las Vegas Metropolitan Police Department of the  
4 change of address as required.

5 DATED this \_\_\_\_ day of August, 2014.

6  
7 STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
8

9  
10 BY

  
11 MARC SCHIFALACQUA  
Chief Deputy District Attorney  
Nevada Bar #010435  
12

13 ENDORSEMENT: A True Bill  
14

15 \_\_\_\_\_  
16 Foreperson, Clark County Grand Jury  
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1 Names of witnesses testifying before the Grand Jury:  
2 BRYANT, JOHN, 4413 BAXTER PL, LV NV 89107  
3 CARPENTER, CANDANCE, 925 SIERRA VISTA DR. #309, LV NV 89169  
4 FRANTZ, WAYNE, 200 C 8TH STREET, LV NV 89101  
5 HERNANDEZ, KATHYRN, 925 SIERRA VISTA DR. #309, LV NV 89169  
6 JUAREZ, ROBERTO, LMVPD# 3831  
7 LAFRENIERE, JASON, LVMPD# 7570  
8  
9 Additional witnesses known to the District Attorney at time of filing the Indictment:  
10 CUSTODIAN OF RECORDS, CCDC  
11 CUSTODIAN OF RECORDS, LVMPD COMMUNICATIONS  
12 CUSTODIAN OF RECORDS, LVMPD RECORDS  
13 GIVENS, TROY, LVMPD# 5914  
14 PRICHARD, DAVID, LVMPD# 6210  
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27 13AGJ006X/13F06455X/13F08007X/ed-GJ  
28 LVMPD EV# 1301281554; 1305170960  
(TK11)

FILED IN OPEN COURT  
STEVEN D. GRIERSON  
CLERK OF THE COURT

AUG 05 2014 3:25 pm.

BY Louisa Garcia  
LOUISA GARCIA, DEPUTY

1 VER

2  
3  
4  
5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,

8 Plaintiff,

9 -vs-

CASE NO: C290261

10 CHRISTOPHER PIGEON, aka,  
11 Christopher Edward Pigeon,

DEPT NO: VIII

12 Defendant.

13 VERDICT

14 We, the jury in the above entitled case, find the Defendant CHRISTOPHER PIGEON,  
15 aka, Christopher Edward Pigeon, as follows:

16 COUNT 1 - ATTEMPT FIRST DEGREE KIDNAPPING

17 (please check the appropriate box, select only one)

18 ☒ Guilty of Attempt First Degree Kidnapping

19 ☐ Not Guilty

20 COUNT 2 - AGGRAVATED STALKING

21 (please check the appropriate box, select only one)

22 ☒ Guilty of Aggravated Stalking

23 ☐ Not Guilty  
24  
25  
26  
27  
28

**COUNT 3 - LURING CHILDREN WITH THE INTENT TO ENGAGE IN SEXUAL  
CONDUCT**

*(please check the appropriate box, select only one)*

- ☒ Guilty of Luring Children With The Intent To Engage In Sexual  
Conduct
- ☐ Not Guilty

**COUNT 4 - BURGLARY**

*(please check the appropriate box, select only one)*

- ☒ Guilty of Burglary
- ☐ Not Guilty

**COUNT 5 - OPEN OR GROSS LEWDNESS**

*(please check the appropriate box, select only one)*


- ☒ Guilty of Open Or Gross Lewdness
- ☐ Not Guilty

**COUNT 6 - UNLAWFUL CONTACT WITH A CHILD**

*(please check the appropriate box, select only one)*

- ☒ Guilty of Unlawful Contact With a Child
- ☐ Not Guilty

DATED this 5<sup>th</sup> day of August, 2014



FOREPERSON

AUG 05 2014 4:17pm

BY, Louisa Garcia  
LOUISA GARCIA, DEPUTY

1 VER

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4  
5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

7 THE STATE OF NEVADA,

8 Plaintiff,

9 -vs-

CASE NO: C290261

10 CHRISTOPHER PIGEON, aka,  
11 Christopher Edward Pigeon,

DEPT NO: VIII

12 Defendant.

13 VERDICT

14 We, the jury in the above entitled case, find the Defendant CHRISTOPHER PIGEON,  
15 aka, Christopher Edward Pigeon, as follows:

16 COUNT 7 – PROHIBITED ACTS BY A SEX OFFENDER

17 (please check the appropriate box, select only one)

18 ☒ Guilty of Prohibited Acts by a Sex Offender

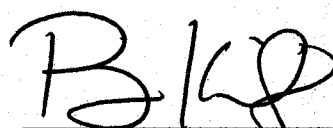
19 ☐ Not Guilty  
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1  
2 **COUNT 8 - PROHIBITED ACTS BY A SEX OFFENDER**

3 *(please check the appropriate box, select only one)*

- 4 ☒ Guilty of Prohibited Acts by a Sex Offender  
5 ☐ Not Guilty

6  
7  
8 DATED this 5<sup>th</sup> day of August, 2014

9  
10 

11 FOREPERSON

MC  
DA  
PP

P. 1 OF 1  
11/11/14

25

DISTRICT COURT  
CLARK COUNTY, NEVADA

STATE OF NEVADA

Plaintiff,

vs.

CHRISTOPHER PIGEON  
1694872  
Defendant

Case No.:

6-13-290261-1

Dept. No.:

8

Docket No.:

Electronically Filed

12/01/2014 11:41:08 AM

Hearing Date: 12/29/14 CLERK OF THE COURT

Time: 8:00AM

MOTION TO WITHDRAW COUNSEL

DEFENDANT REMINDS THE CLERK OF THE COURT THAT  
HE IS FORMALLY REPRESENTING HIMSELF FOR THIS  
CASE. FURTHER, HE IS COMPETENT AND WAS READ  
THE FARETTA CANVAS ON 04/23/14.

THE DEFENDANT, PIGEON, WISHES TO GAIN A  
HEARING FOR THE ATTACHED MOTIONS, PREFERRABLY  
ON OR BEFORE THE 8TH OF DECEMBER, 2014. DEFENDANT  
PRAYS THAT COURT GRANT HIM THIS REQUEST. FORMALLY,

*Chign*

CHRISTOPHER B. PIGEON - 1694872 C290261  
DEFENDANT, PRO SE 11/11/14

330 S. CASINO CENTER BLVD  
LAS VEGAS, NV 89101

RECEIVED

47 DEC 01 2014  
CLERK OF THE COURT

077

CLERK OF THE COURT

NOV 24 2014

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**DISTRICT COURT  
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****December 10, 2014**

C-13-290261-1      State of Nevada  
                                 vs  
                                 Christopher Pigeon

**December 10, 2014      8:00 AM****All Pending Motions****HEARD BY:** Smith, Douglas E.**COURTROOM:** RJC Courtroom 16D**COURT CLERK:** Louisa Garcia**RECORDER:** Jill Jacoby**PARTIES**

<b>PRESENT:</b>	Mercer, Elizabeth A.	Attorney
	Pigeon, Christopher	Defendant
	Schifalacqua, Marc M.	Attorney
	State of Nevada	Plaintiff

**JOURNAL ENTRIES**

- DEFT'S PRO PER MOTION TO WITHDRAW COUNSEL...DEFT'S PRO PER MOTION TO COPY  
TRANSCRIPTS FOR DEFENSE...DEFT'S PRO PER MOTION TO APPROVAL OF HOUSE ARREST  
FOR DEFT...DEFT'S PRO PER MOTION FOR MISTRIAL...SENTENCING

Following statements by Defendant, COURT ORDERED, as follows: As to Deft's Motion for Mistrial, COURT ADVISED, said motion was actually for appellate procedures. Further, there was no indication there was any new evidence and motion was untimely. Statement to prepare Findings of Fact, Conclusions of Law, consistence with their opposition. As to Defendant's Pro Per Motion for Approval of House Arrest for Defendant, COURT ORDERED, DENIED. As to Defendant's Pro Per Motion to Copy Transcripts for Defense, COURT ORDERED, GRANTED. As to Defendant's Pro Per Motion to Withdraw Counsel, COURT noted Defendant files the same motion every time and ORDERED, DENIED.

Court advised this was the time for sentencing. Defendant stated he never received a copy of the verdict and Pre-sentence (PSI) Report. At the request of the Court, Clerk provided copies of the verdicts and the Presentence Investigation (PSI) Report. MATTER TRAILED for Defendant to review PSI. Upon Court's inquiry, Defendant stated he was ready to proceed.

PRINT DATE: 12/15/2014

Page 1 of 2

Minutes Date: December 10, 2014

Ms. Mercer presented certified copies of Defendant's prior Judgment of Convictions to the Court and same were marked and admitted as Exhibit 1. Same were provided to Defendant for review. Argument by Mr. Schifalacqua in mitigation of sentence. Argument by Mr. Pigeon. Defendant presented Exhibits marked and admitted as Exhibits A and B. (See Worksheets) Victim Speaker, David Morris, sworn and gave victim impact statement.

DEFT PIGEON ADJUDGED GUILTY of COUNT 1 - ATTEMPT FIRST DEGREE KIDNAPPING (F); COUNT 2 - AGGRAVATED STALKING (F); COUNT 3 - LURING CHILDREN WITH THE INTENT TO ENGAGE IN SEXUAL CONDUCT (F); COUNT 4 - BURGLARY (F); COUNT 5 - OPEN OR GROSS LEWDNESS (F); COUNT 6 - UNLAWFUL CONTACT WITH A CHILD (GM); COUNT 7 - PROHIBITED ACTS BY A SEX OFFENDER (F) and COUNT 8 - PROHIBITED ACTS BY A SEX OFFENDER (F). Argument by Mr. Schifalacqua. Argument by Defendant. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$3.00 DNA collection fee, a \$150.00 DNA analysis fee, including testing to determine genetic markers, and \$760.00 psychosexual fee, Defendant SENTENCED UNDER THE LARGE HABITUAL CRIMINAL STATUTE as to COUNTS 1, 2, 3, 4, 5, 7 and 8. COURT ORDERED, Defendant SENTENCED in Court 1 - to LIFE in the Nevada Department of Corrections (NDC) WITHOUT THE POSSIBILITY OF PAROLE; COUNT 2 - to LIFE in the Nevada Department of Corrections (NDC) WITHOUT THE POSSIBILITY OF PAROLE; COUNT 3 - to LIFE in the Nevada Department of Corrections (NDC) WITHOUT THE POSSIBILITY OF PAROLE; COUNT 4 - to LIFE in the Nevada Department of Corrections (NDC) WITHOUT THE POSSIBILITY OF PAROLE; COUNT 5 - to LIFE in the Nevada Department of Corrections (NDC) WITHOUT THE POSSIBILITY OF PAROLE; COUNT 6 - Deft. SENTENCED to Clark County Detention Center (CCDC) for 364 DAYS; COUNT 7 - to LIFE in the Nevada Department of Corrections (NDC) WITHOUT THE POSSIBILITY OF PAROLE; COUNT 8 - to LIFE in the Nevada Department of Corrections (NDC) WITHOUT THE POSSIBILITY OF PAROLE. FURTHER ORDERED, COUNTS 1, 2, 3, 4, 5, 7 and 8 TO RUN CONCURRENT with 573 DAYS credit for time served.

Upon Court's inquiry, Defendant stated he does not wish to have counsel appointed for the appeal; he will represent himself.

NDC

CLERK'S NOTE: Pursuant to sentencing, the Court sentenced Defendant to life without the possibility of parole on each felony count. To be clear, these sentences are to be concurrent on each count. On the gross misdemeanor charge, Defendant is sentenced to 364 days in jail with credit for time served. /lg 12-15-14

1 **SANDRA L. STEWART**  
2 Attorney at Law  
3 Nevada Bar No. 6834  
4 140 Rancho Maria Street  
5 Las Vegas, Nevada 89148  
6 (702) 363-4656

  
CLERK OF THE COURT

5 Attorney for CHRISTOPHER PIGEON

8 **DISTRICT COURT**

9 **CLARK COUNTY, NEVADA**

11 STATE OF NEVADA,

12 Plaintiff,

13 v.

14 CHRISTOPHER PIGEON,

15 Defendant.

DISTRICT COURT NO.: - C-290261

JUSTICE COURT NO.: - 13AGJ006

SUPREME COURT NO.: - TBD

**ORDER APPOINTING APPELLATE  
COUNSEL**

16 The district court having determined that CHRISTOPHER PIGEON wishes to appeal  
17 from his judgment of conviction, that he is indigent, and good cause appearing therefor,

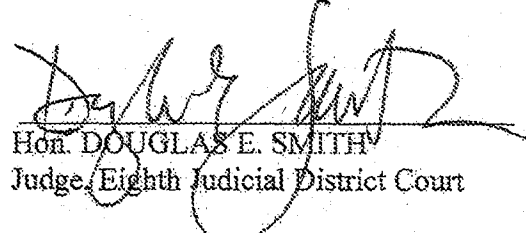
18 **IT IS HEREBY ORDERED AS FOLLOWS:**

19 1. **SANDRA L. STEWART, Esq.** be, and hereby is, appointed as counsel to  
20 represent CHRISTOPHER PIGEON at the appellate level;

22 2. The entire court file shall be copied and provided to Ms. Stewart; and

23 3. All requested transcripts shall be prepared and served on Ms. Stewart.

24 Dated this 15th day of December, 2014.

25   
26 Hon. DOUGLAS E. SMITH  
27 Judge, Eighth Judicial District Court  
28

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on December 15, 2014, I served a copy of the:

3 **ORDER APPOINTING APPELLATE COUNSEL**

4 by e-filing the document with the Eighth Judicial District Court via Wiznet, thereby providing  
5 access to a copy to all other interested parties, including but not limited to, the following:  
6

7  
8 STEVEN B. WOLFSON, ESQ.  
9 **CLARK COUNTY DISTRICT ATTORNEY**  
10 200 Lewis Avenue  
11 Las Vegas, NV 89155-2212

12 /s/ Sandra L. Stewart  
13 SANDRA L. STEWART  
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CLERK OF THE COURT

JOC

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CASE NO. C290261-1

CHRISTOPHER PIGEON  
aka Christopher Edward Pigeon  
#1694872

Defendant.

DEPT. NO. VIII

JUDGMENT OF CONVICTION  
(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of  
COUNT 1 – ATTEMPT FIRST DEGREE KIDNAPPING (Category B Felony) in violation  
of NRS 193.330, 200.320; COUNT 2 – AGGRAVATED STALKING (Category B Felony)  
in violation of NRS 200.575; COUNT 3 – LURING CHILDREN WITH THE INTENT TO  
ENGAGE IN SEXUAL CONDUCT (Category B Felony) in violation of NRS 201.560;  
COUNT 4 – BURGLARY (Category B Felony) in violation of NRS 205.060; COUNT 5 –  
OPEN OR GROSS LEWDNESS (Category D Felony) in violation of NRS 201.210;  
COUNT 6 – UNLAWFUL CONTACT WITH A CHILD (Gross Misdemeanor) in violation  
of NRS 207.260, COUNTS 7 & 8 – PROHIBITED ACTS BY A SEX OFFENDER

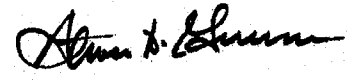
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1 (Category D Felony) in violation of NRS 179D.470, 179D.550, 179D.460, and the matter  
2 having been tried before a jury and the Defendant having been found guilty of said  
3 crimes; thereafter, on the 10<sup>th</sup> day of December, 2014, the Defendant being Pro Per,  
4 was present in court for sentencing representing himself, and good cause appearing.  
5

6 THE DEFENDANT IS HEREBY ADJUDGED guilty under the LARGE HABITUAL  
7 Criminal Statute of said offenses and, in addition to the \$25.00 Administrative  
8 Assessment Fee, \$760.00 Psycho-Sexual Evaluation Fee and a \$150.00 DNA  
9 Analysis Fee including testing to determine genetic markers plus a \$3.00 DNA  
10 Collection Fee, the Defendant is SENTENCED to the Nevada Department of  
11 Corrections (NDC) as follows: AS TO **COUNT 1** – LIFE WITHOUT the possibility of  
12 parole; AS TO **COUNT 2** – LIFE WITHOUT the possibility of parole; AS TO **COUNT 3** –  
13 LIFE WITHOUT the possibility of parole; AS TO **COUNT 4** – LIFE WITHOUT the  
14 possibility of parole; AS TO **COUNT 5** – LIFE WITHOUT the possibility of parole; AS TO  
15 **COUNT 6** – THREE HUNDRED SIXTY-FOUR (364) DAYS in the Clark County  
16 Detention Center (CCDC) with THREE HUNDRED SIXTY-FOUR (364) DAYS credit for  
17 time served as to Count 6; AS TO **COUNT 7** – LIFE WITHOUT the possibility of parole;  
18 AND AS TO **COUNT 8** – LIFE WITHOUT the possibility of parole, ALL Counts to run  
19 CONCURRENT with each other with FIVE HUNDRED SEVENTY-THREE (573) DAYS  
20 credit for time served.  
21  
22  
23

24 DATED this 22<sup>nd</sup> day of December, 2014.

25  
26  
27  
28  
DOUG SMITH  
DISTRICT JUDGE



CLERK OF THE COURT

1 RTRAN

2

3

4

DISTRICT COURT

5

CLARK COUNTY, NEVADA

6

THE STATE OF NEVADA,

7

Plaintiff,

8

CASE NO. C290261

9

VS.

DEPT. VIII

10

CHRISTOPHER EDWARD PIGEON,

11

Defendant.

12

BEFORE THE HONORABLE DOUGLAS E. SMITH, DISTRICT COURT JUDGE

13

14

TUESDAY, AUGUST 5, 2014

**TRANSCRIPT OF PROCEEDINGS**

15

**PENALTY PHASE**

16

17

18

For the State:

ELIZABETH A. MERCER, ESQ.

19

Chief Deputy District Attorney

20

MARC M. SCHIFALACQUA, ESQ.

21

Chief Deputy District Attorney

22

For the Defendant:

PRO SE

23

24

RECORDED BY: JILL JACOBY, COURT RECORDER

25

TRANSCRIBED BY: BRITTANY MANGELSON, INDEPENDENT TRANSCRIBER

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Motel off 8<sup>th</sup> Street.

11



1 TUESDAY, AUGUST 5, 2014 AT 3:31 P.M.

2  
3 [In the presence of the jury]

4 THE COURT: Okay. There's a second part to this now that you couldn't  
5 know of and you didn't know of. And that is there's two other counts that have to be  
6 decided. If you'll read the second indictment then to the jury. This will -- there will  
7 only be a couple witnesses.

8 [Colloquy between the Court and the Marshal]

9 THE DEFENDANT: Can I use the restroom?

10 CORRECTIONS OFFICER: [Indiscernible].

11 THE DEFENDANT: Can I use the restroom? It'll only be three or four  
12 minutes.

13 THE COURT: Yeah. If you want to go to the restroom, go to the restroom.

14 [Pause in proceedings]

15 THE COURT: We're going to finish this trial now. The -- if you'll have a seat,  
16 Mr. Pigeon, please. Thank you. The clerk will read the second indictment to the  
17 jury.

18 [The Clerk reads the Indictment]

19 THE COURT: All right. Go ahead, State.

20 MR. SCHIFALACQUA: Thanks, Judge.

21 Ladies and gentleman, this will be a very brief portion of the trial.  
22 These counts revolve around the Defendant being a sex offender. There's sex  
23 offender registration laws, which you'll have in a moment, that require someone to  
24 change their address within 48 hours of moving.

25 One of the counts is for him moving from the address he was registered

1 at and not telling Metro. And the second one is actually when he was living in his  
2 storage facility that last month or so and/or St. Vincent's, you heard that on the tape,  
3 and not saying he was living there. So, it's not changing it when he moved initially  
4 and then actually moving somewhere and not registering.

5 This will be very brief. We have a couple of witnesses in the hallway for  
6 you.

7 THE COURT: All right. Call your first witness.

8 MR. SCHIFALACQUA: It would be Detective Roberto Juarez.

9 **ROBERTO JUAREZ**

10 [having been called as a witness and being first duly sworn, testified as follows:]

11 THE CLERK: Please be seated. Please state and spell your full name for the  
12 record.

13 THE WITNESS: First name is Roberto and that's R-O-B-E-R-T-O. Last name  
14 is Juarez, J-U-A-R-E-Z.

15 **DIRECT EXAMINATION BY THE STATE**

16 BY MR. SCHIFALACQUA:

17 Q Sir, how are you employed?

18 A I'm a police detective with the Las Vegas Metropolitan Police  
19 Department.

20 Q Okay. Detective Juarez, how long have you been with Metro?

21 A 25 years, sir.

22 Q And are you assigned to any particular unit with Metro right -- currently?

23 A Yes, sir. I'm assigned to Metro's Sexual Offender Apprehension Unit.

24 Q And what is that?

25 A It's a unit that's charged with the responsibility of supervising all

1 registered sex offenders within Clark County.

2 Q I see. And when someone has been convicted of a sex offense, are  
3 there certain laws that pertain -- the requirements they need to fulfill when they're  
4 out of custody?

5 A Yes, sir. That's correct. Our NRS -- or Nevada Revised Statute is very  
6 specific. It says that sex offenders need to update their residence within "X" amount  
7 of hours within our jurisdiction.

8 Q And in fact when someone moves out of a --  
9 Okay. Is open or gross lewdness a sex offense?

10 A Yes. Yes, sir, it is.

11 Q And in this particular case, did you try to determine whether or not  
12 Christopher Pigeon -- did you do an investigation in that -- in his regard?

13 A Yes, sir. I did.

14 Q What did you do?

15 A Ultimately, Mr. Pigeon is one of our registered sex offenders that we're  
16 responsible for supervising. The way our case load works out is everyone's  
17 assigned specific people by alphabet. Mr. Pigeon is assigned to me by the last  
18 letter of his name. With that being said, we have a system referred to as Offender  
19 Watch, which is our management system. And chronologically will pop up the name  
20 of the offender in a respective are that we need to go and verify their information.

21 On the date of question, we were actually doing what we refer to as  
22 verification operations, which means we go out into the valley and we check to  
23 ensure that the person who has updated the information is actually living there.

24 Q I see. And did you do that in this case?

25 A Yes, sir.

1 Q And where did you go to update --

2 A We --

3 Q -- to make sure wherever Mr. Pigeon was registered as being living --  
4 where he was living?

5 A Yes, sir. Mr. Pigeon had updated his address, I want to say specifically  
6 mid-December of '12 -- 2012. And he had updated his registered address at the  
7 Bargain Motel, which is located at 200 South 8<sup>th</sup> Street. So that's the location in fact  
8 that we went out to, to determine whether or not he was physically residing where  
9 he was registered at.

10 Q And did you go actually yourself to that residence?

11 A Yes, sir. I did.

12 Q Did you locate Mr. Pigeon as living there?

13 A No, sir.

14 Q He was not living there?

15 A He was not living there.

16 Q And did you eventually talk to management as well?

17 A Yes, sir. I did.

18 Q And this is a hotel or a motel?

19 A Yes, sir. It's a motel.

20 Q And at that point did you have any further idea of where Mr. Pigeon was  
21 located?

22 A No, sir. What we ended up doing -- we spoke to the manager, who was  
23 a Mr. Frantz and we obtained a voluntary statement from him outlining the fact that  
24 Mr. Pigeon had left the residence or had left the location and hadn't updated. And I  
25 want to say -- if I remember specifically, it was January 5<sup>th</sup> of 2013. The date that

1 we responded was approximately 23 days later; was on or about January 28<sup>th</sup>.

2 We did a comprehensive investigation following that date in where we  
3 would check all available data systems; DMV's, LexisNexis, just a whole caveat of  
4 different systems that we have available to us. And on or about April of 2013, all  
5 those investigative leads were exhausted and we went ahead and submitted a  
6 warrant for his arrest.

7 Q And did you obtain certified judgment of convictions of Mr. Pigeon's  
8 prior sex offenses?

9 A Yes, sir.

10 Q And then did you also hold the registration documents of -- for the last  
11 address he was registered at.

12 A Yes, sir. Correct.

13 Q And that's something you brought to court with you today?

14 A Yes, sir.

15 Q Okay. And for somebody to register or update their address with Metro,  
16 can you do it over the phone or --

17 A No, sir.

18 Q How do you do it?

19 A They physically have to come to the Las Vegas Metropolitan Police  
20 Department. Whether it be out location at -- over on MLK or whether it be the  
21 Fingerprint Bureau over on Cameron; regardless, they come in, they identify  
22 themselves, they show some type of an identification, and they would go ahead and  
23 fill out a four-page questionnaire which outlines their address, telephone number,  
24 employer, so on and so forth.

25 Q I see. And the last one on record that you had was in December of

1 2012?

2 A That is correct, sir.

3 Q Was not updated since?

4 A That is correct.

5 MR. SCHIFALACQUA: May I approach, Your Honor?

6 THE COURT: Yes.

7 MR. SCHIFALACQUA: This is an exhibit. It's proposed 35 and 36.

8 BY MR. SCHIFALACQUA:

9 Q Do you recognize 35?

10 A Yes, sir.

11 Q And do you recognize 36?

12 A Yes, sir. I do.

13 Q What is 35 and 36?

14 A 35 is a copy of JOC -- certified copy of the JOC from district court  
15 outlining his sexual offense and what he's been convicted of. And it also requires  
16 him to -- it mandates to register within 48 hours of being released from the  
17 detention.

18 The other document that we're looking at, that's our registered sex  
19 offender questionnaire that they have to fill out to update their address.

20 Q And these are both documents that one, you have access to and two,  
21 you've actually brought to court with you?

22 A That's correct, sir.

23 Q And 35, the prior judgment and convictions. These are actually certified  
24 with the Clerk of the Court, are they not?

25 A Yes, sir.

1 MR. SCHIFALACQUA: Okay. I'd ask for the admission of 35 and 36, Your  
2 Honor.

3 THE COURT: Hearing no objection. That'll be admitted.

4 **[STATE'S EXHIBITS 35 AND 36 ADMITTED]**

5 BY MR. SCHIFALACQUA:

6 Q And just on the screen -- I'll do this very briefly. 36. Is this this  
7 questionnaire that someone needs to fill in -- fill when they go into your office?

8 A That's correct, sir.

9 Q I see. And here do we have Christopher Pigeon from December 7<sup>th</sup> of  
10 2012 registered at 200 South 8<sup>th</sup> Street?

11 A That's correct, sir.

12 Q And that's the last one you have on record?

13 A Yes, sir. That's correct.

14 Q And the prior judgment of convictions is 35. And I'll just read them and  
15 that may be all I have for you, sir. In 2003, Case C186418, is there a conviction for  
16 two counts of open or gross lewdness?

17 A Yes, sir.

18 Q In 2006, was there a conviction for open or gross lewdness, Case  
19 C216699?

20 A Yes, sir.

21 Q Case C254530, in 2010, a conviction for open or gross lewdness?

22 A Yes, sir.

23 Q And lastly from 2012, a conviction open or gross lewdness, Case  
24 C269318?

25 A Yes, sir.

1 Q Okay.

2 MR. SCHIFALACQUA: Thank you, Your Honor. Pass the witness.

3 THE COURT: Do you have any questions of this witness, Mr. Pigeon?

4 THE DEFENDANT: No, I do not, Your Honor.

5 THE COURT: All right. Does the jury have any questions of this witness?

6 Thank you, Detective. You're free to go.

7 THE WITNESS: Thank you, Your Honor.

8 THE COURT: Both of those two exhibits were admitted.

9 MR. SCHIFALACQUA: Yes, Your Honor.

10 THE COURT: Call your next witness.

11 MS. MERCER: The State calls Wayne Frantz, Your Honor.

12 **WAYNE FRANTZ**

13 [having been called as a witness and being first duly sworn, testified as follows:]

14 THE CLERK: Please state and spell you name for the record.

15 THE WITNESS: Wayne Frantz. W-A-Y-N-E, F-R-A-N-T-Z.

16 MS. MERCER: May I proceed, Your Honor?

17 THE COURT: Yes.

18 **DIRECT EXAMINATION BY THE STATE**

19 BY MS. MERCER:

20 Q Sir, where are you currently employed?

21 A Bargain Motel.

22 Q How long have you been employed there?

23 A Four years.

24 Q Are you the manager at that business?

25 A Yes.



1 Q And as the manager are you responsible for maintaining rental records?

2 A Yes.

3 MS. MERCER: Your Honor, may I approach the witness?

4 THE COURT: Yes.

5 BY MS. MERCER:

6 Q Those records are created at the time a room is rented. Correct?

7 A Yes.

8 Q I'm showing you what's been marked as State's Proposed Exhibit 37.

9 Do you recognize what is depicted in this exhibit?

10 A Yes.

11 Q You can just flip through. Do you recognize it?

12 A Yes.

13 Q Okay. And how do you recognize it?

14 A It's our ledger card that we keep when somebody checks in. It's the  
15 paperwork that they have to sign when they're checking in.

16 Q Okay. So it's the all the paperwork created at the time of a rental?

17 A Yes.

18 Q And did the documents I handed you appear to be fair and accurate  
19 copies?

20 A Yes.

21 MS. MERCER: Your Honor, at this point I would move for the admission of  
22 State's Proposed 37.

23 THE COURT: Yes.

24 **[STATE'S EXHIBIT 37 ADMITTED]**

25 MS. MERCER: Permission to publish.

1 THE COURT: Yes.

2 BY MS. MERCER:

3 Q Okay. And I'm publishing the first page of that exhibit. This is the  
4 ledger that you just referred to?

5 A Yes.

6 Q And this is where you keep track of payments you receive from  
7 customers?

8 A Yes.

9 Q The second page is the actual rental application. Correct?

10 A Yes.

11 Q And this rental application specifically pertains to Christopher Pigeon?

12 A Yes.

13 Q And it's actually signed by him and dated at the bottom?

14 A Yes.

15 Q And is that date the date that he would have completed his application?

16 A Based on the one before it?

17 Q Yes.

18 A Yes. 12-5.

19 Q Okay.

20 A Yes.

21 Q And when you lease a room to someone, do you also obtain a copy of  
22 their driver's license?

23 A Yes, I do.

24 Q And is that what's on the third page?

25 A Yes.

1 Q And what is on the fourth page of that exhibit?

2 A That's the receipt and it also shows the dates that are paid for.

3 Q Okay. So this receipt reflects payment for the period of 12-5 to 1-5?

4 A Yes.

5 Q And this is a copy of the same receipt with the documentation of the

6 payment that was made. Correct?

7 A Yes.

8 Q And this is just a copy of the rules that he had to sign?

9 A Yes.

10 Q Okay. And the Lease Addendum. Correct?

11 A Yes.

12 Q And it specified that it was for Unit 310. Is that accurate?

13 A Yes.

14 Q And then this is the lease itself. Correct?

15 A Yes.

16 Q And it says that the lease shall commence on the 5<sup>th</sup> day of December

17 2012?

18 A Yes.

19 Q And how long was that lease good for?

20 A 30 days on this one.

21 Q So the lease expired in January of 2013?

22 A Yes.

23 Q Did Mr. Pigeon ever renew his lease with you all?

24 A No. He never came back after this period of time.

25 Q So he left on January 5<sup>th</sup>, 2013?

1 A Yes.

2 MS. MERCER: No further questions, Your Honor.

3 THE COURT: Do you have any questions of this witness, Mr. Pigeon?

4 THE DEFENDANT: Just a couple.

5 **CROSS-EXAMINATION**

6 BY THE DEFENDANT:

7 Q Hello, Mr. Frantz. How you doing? I lived there at other times other  
8 than this specific December that I lived there. Is that correct?

9 A Yes.

10 Q And I also lived there before you were even a manager there. Do you  
11 remember that?

12 A I believe you were there when I started. Yes.

13 Q Yeah. And I had also rented a time before that. I think it was a total of  
14 about probably a year and nine months, something like that; however, you do  
15 remember me being there for several months earlier?

16 A Yes.

17 Q All right. I think that's all I have. Thank you. Good to see you.  
18 Hopefully everything's nice.

19 THE COURT: Anything further?

20 MS. MERCER: No further questions, Your Honor.

21 THE COURT: Any questions by the jury? You're free to go. Thank you.

22 Call your next witness.

23 MR. SCHIFALACQUA: David Dena.

24 **DAVID DENA**

25 [having been called as a witness and being first duly sworn, testified as follows:]

1 THE CLERK: Please be seated. Please state and spell your name for the  
2 record.

3 THE WITNESS: David Andrew Dena.

4 THE CLERK: Spell it.

5 THE COURT: Spell it, please.

6 THE WITNESS: David, D-A-V-I-D. Dena, last name, D-E-N-A.

7 **DIRECT EXAMINATION BY THE STATE**

8 BY MR. SCHIFALACQUA:

9 Q Mr. Dena, how are you employed?

10 A I am a manager for Store-n-Lock and a relief manager for Edwards Self  
11 Storage.

12 Q I see. And Edwards Storage, where is that located at?

13 A 5000 Cheyenne.

14 Q Is that here in Las Vegas, Clark County, Nevada?

15 A Pardon me?

16 Q That's here in Las Vegas, Nevada. Correct?

17 A Yes.

18 Q Okay. And this is a storage facility that you can rent a unit at. Is that  
19 correct?

20 A Yes, sir.

21 Q Okay. Would you take a look at -- and you have access to the  
22 documents and the rental records --

23 A Yes.

24 Q -- for your company. Right?

25 A Yes.

1 Q Could you take a look to see if Christopher Pigeon was renting a  
2 storage unit from you folks?

3 A Yes. He does and is still.

4 Q Okay. When did that begin and what unit?

5 A It began August 5<sup>th</sup>, 2004 and currently until now.

6 Q And this is one storage locker?

7 A Yes.

8 Q What number is it?

9 A The storage locker is going to be D43.

10 Q Okay. And are people allowed to actually live in the units?

11 A No.

12 Q Make them their residence?

13 A No.

14 MR. SCHIFALACQUA: That's all I have, Judge. Thank you.

15 THE COURT: Do you have any questions of this witness?

16 THE DEFENDANT: No.

17 THE COURT: Thank you -- does jury have any questions of this witness?

18 You're free to go. Thank you.

19 MR. SCHIFALACQUA: The State rests this portion.

20 THE COURT: State's rested their case in chief. Do you have any witnesses  
21 to call, Mr. Pigeon?

22 THE DEFENDANT: No, I do not.

23 THE COURT: Argument.

24 MR. SCHIFALACQUA: Judge, we did prepare an extra packet --

25 THE COURT: Oh, I need to read jury instructions to you again. Sorry.

1 Ladies and gentleman, I'm going to read these instructions.

2 [The Court read the instructions to the jury]

3 THE COURT: It says May January. We'll strike the January date.

4 MR. SCHIFALACQUA: Judge, it's -- it should be January and not May.

5 Excuse me.

6 THE COURT: All right. Strike May. I will initial that.

7 [The Court continues to read the instructions to the jury]

8 THE COURT: And you'll have a verdict form. I only have one. Seven?

9 There is no eight.

10 MR. SCHIFALACQUA: There is, Judge.

11 THE COURT: We're not going to make copies of these. You'll have one. If  
12 you want to review it, review it. You'll be given those.

13 Argument.

14 MR. SCHIFALACQUA: Judge, the --

15 **CLOSING ARGUMENT BY THE STATE**

16 BY MR. SCHIFALACQUA:

17 Ladies and gentleman on count 7, just so you understand, is specifically  
18 on January 7<sup>th</sup>. The law is that a sex offender, 48 hours after moving out, has got to  
19 let that jurisdiction know. So on January 7<sup>th</sup> that was 48 hours after he moved out  
20 from that Bargain Motel. He didn't tell Metro that he moved out. So that's that  
21 crime.

22 The second count is the last month you heard in his statements -- Mr.  
23 Pigeon's statement that he was living at either the St. Vincent's shelter or this  
24 storage unit. So he physically moved to a location and was residing somewhere.  
25 He needs to update the authorities of where that was. And he didn't either. So

1 that's what these counts are for.

2 THE COURT: All right. Do you have any argument for the jury, Mr. Pigeon?

3 **CLOSING ARGUMENT BY THE DEFENDANT**

4 BY THE DEFENDANT:

5 The last 15 minutes of talk has all been about a failure to change  
6 address. There are two counts of it. It's all for the same instance. There weren't  
7 two instances. It's one instance. It's one count. The statute does not say you have  
8 to register when you're homeless. I don't have an address. There was no address.  
9 It does not say -- you can read the whole thing if you'd like. Does not say you have  
10 to register when you're homeless. There is no address when you're homeless.

11 It just says: Fails to notify the law enforcement agency of a change of  
12 name, residence, employment, or student status.

13 I do not have a residence. That's all I have to say. It's one count. Not  
14 two.

15 THE COURT: Anything further?

16 **REBUTTAL CLOSING ARGUMENT BY THE STATE**

17 BY MR. SCHIFALACQUA:

18 There -- I would just say there was a change of address because he  
19 wasn't living at the Bargain Motel anymore. So, certainly there's a change in  
20 address and then he started living someplace. So. Thank you.

21 MR. SCHIFALACQUA: That's it, Judge.

22 THE COURT: All right. The alternates will go with Susanne. And the jury will  
23 follow Tom.

24 [The jury retired to deliberate at 4:03 p.m.]

25 [Outside the presence of the jury]



1 THE COURT: Do you want to just leave him here for a while? Or you can  
2 leave him right there, if you want.

3 [Recess taken at 4:03 p.m.]

4 [Trial resumed at 4:14 p.m.]

5 [In the presence of the jury]

6 THE MARSHAL: All rise, please.

7 And be seated.

8 THE COURT: Stipulate to the presence of the jury.

9 MR. SCHIFALACQUA: Yes, Judge.

10 THE DEFENDANT: Yes, sir.

11 THE COURT: The record will reflect the presence of the Defendant, the  
12 Deputy District Attorneys for the State, and all members of the jury.

13 Mr. Foreman, has the jury reached a verdict?

14 THE FOREPERSON: Yes, Your Honor.

15 THE COURT: Would you hand that to the marshal, please?

16 The clerk will now read the verdict aloud and inquire as to this verdict of  
17 the jury.

18 THE CLERK: District Court, Clark County, Nevada, State of Nevada, Plaintiff  
19 versus Christopher Pigeon, also known as Christopher Edward Pigeon, Defendant.  
20 Case Number C290261, Department VIII.

21 Verdict: We, the jury in the above entitled case, find the Defendant,  
22 Christopher Pigeon, also known as Christopher Edward Pigeon as follows:

23 Count 7, prohibited acts by a sex offender. Guilty of prohibited acts by  
24 a sex offender.

25 Count 8, prohibited acts by a sex offender. Guilty of prohibited acts by

1 a sex offender.

2 Dated this 5<sup>th</sup> day of August 2014.

3 THE COURT: Before the verdict is recorded do I -- the clerk will poll the jury.

4 THE CLERK: Juror Number -- should I just --

5 THE COURT: Just 1.

6 THE CLERK: Okay. Juror Number 1, is that your verdict as read? Seat  
7 Number 1?

8 JUROR NUMBER 1: Yes.

9 THE CLERK: Juror Number 2, is that your verdict as read?

10 JUROR NUMBER 2: Yes.

11 THE CLERK: Juror Number 3, is this your verdict as read?

12 JUROR NUMBER 3: Yes.

13 THE CLERK: Juror Number 4, is that your verdict as read?

14 JUROR NUMBER 4: Yes.

15 THE CLERK: Juror Number 5, is that your verdict as read?

16 JUROR NUMBER 5: Yes.

17 THE CLERK: Juror Number 6, is that your verdict as read?

18 JUROR NUMBER 6: Yes.

19 THE CLERK: Juror Number 7, is that your verdict as read?

20 JUROR NUMBER 7: Yes.

21 THE CLERK: Juror Number 8, is that your verdict as read?

22 JUROR NUMBER 8: Yes.

23 THE CLERK: Juror Number 9, is that your verdict as read?

24 JUROR NUMBER 9: Yes.

25 THE CLERK: Juror Number 10, is that your verdict as read?

1 JUROR NUMBER 10: Yes.

2 THE CLERK: Juror Number 11, is that your verdict as read?

3 JUROR NUMBER 11: Yes.

4 THE CLERK: Juror Number 12, is that your verdict as read?

5 JUROR NUMBER 12: Yes.

6 THE COURT: The Clerk will now record the verdict in the minutes of the  
7 Court.

8 THE DEFENDANT: Your Honor, can I ask question?

9 THE COURT: No.

10 THE DEFENDANT: Of the jury?

11 THE COURT: No. Ladies and gentleman, as you know, the right to trial by  
12 jury is one of our basic fundamental constitutional guarantees. I firmly believe in  
13 that right. That is the right of every person accused of a crime to be judged by a fair  
14 and impartial jury, but to have a fair and impartial jury panel you must have jurors  
15 and unfortunately, jury service is something that many persons shirk. They don't  
16 wish to become involved. That is why I'm pleased that 12 men and women have  
17 been willing to give of your valuable time.

18 You've been most attentive and most consciousness. On behalf of  
19 Counsel, the parties, the Eighth Judicial District Court, I wish to thank you for your  
20 careful deliberation in the case. The question may arise as to whether you may now  
21 talk to other persons regarding this matter. I advise you that you may, if you wish,  
22 talk to other persons and discuss your deliberation which you have -- you've given in  
23 this case. You're not required to do so, however, and if any person persists in  
24 discussing with this case after you've indicated you don't wish to them, raise an  
25 objection as to your result, or has any -- as to how you deliberated your report that

1 fact to me and I can handle it. And I promise you I would.

2 Jury's now excused with the thanks of the Court. And the marshal will  
3 take you to the jury room. I'll be in in a minute.

4 [Outside the presence of the jury]

5 THE COURT: Door's closed. Defendant is remanded without bail pending a  
6 presentence investigative report for --

7 THE CLERK: December 10<sup>th</sup> at 8:00 a.m.

8 THE COURT: Thank you all.

9 MR. SCHIFALACQUA: Thanks, Judge.

10 MS. MERCER: Thank you.

11 CORRECTIONS OFFICER: [Indiscernible]

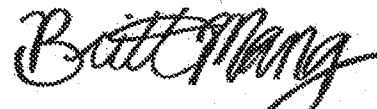
12 THE COURT: What's that?

13 CORRECTIONS OFFICER: December 10<sup>th</sup>?

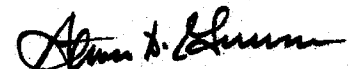
14 THE COURT: December 10<sup>th</sup>, 8:00 a.m.

15 [Trial concluded at 4:19 p.m.]

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21 ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual  
22 recording in the above-entitled case.

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24 Brittany Mangelson  
25 Independent Transcriber

  
CLERK OF THE COURT

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5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

7  
8 STATE OF NEVADA,

9 Plaintiff,

10 vs.

11  
12 CHRISTOPHER PIGEON,

13 Defendant.

CASE NO. C290261

DEPT. VIII

14 BEFORE THE HONORABLE DOUGLAS E. SMITH, DISTRICT COURT JUDGE  
15 MONDAY, JULY 8, 2013

16 **TRANSCRIPT OF PROCEEDINGS**  
17 **HEARING REQUEST: STATUS CHECK ON COMPETENCY**

18 APPEARANCES:

19 For the State:

MARC M. SCHIFALACQUA, ESQ.  
Chief Deputy District Attorney

20  
21 For the Defendant:

ROBERT E. O'BRIEN, ESQ.  
Deputy Public Defender

22  
23  
24  
25 RECORDED BY: JILL JACOBY, COURT RECORDER

1 MONDAY, JULY 8, 2013 AT 8:36 A.M.

2  
3 THE COURT: C290261, Christopher Pigeon.

4 THE DEFENDANT: Yes, Your Honor.

5 MR. SCHIFALACQUA: Marc Schifalacqua for the State. Mr. O'Brien's here.  
6 He just stepped out.

7 MR. O'BRIEN: Thank you for calling Mr. Pigeon, Your Honor.

8 THE COURT: Sure.

9 MR. O'BRIEN: Put this on calendar for a status check. But first before we get  
10 into that, Mr. Pigeon represents he sent the Court a motion to represent himself in  
11 this matter. Has the Court received that motion?

12 THE COURT: I have not.

13 MR. O'BRIEN: Okay. I'm not sure if the Court be willing to hear Mr. Pigeon's  
14 request orally.

15 THE COURT: Not until I get a copy of that and satisfied he's reviewed the  
16 *Faretta* case.

17 MR. O'BRIEN: Okay. In that case, at this point, Your Honor, I'd be requesting  
18 a referral for -- to the competency court for Mr. Pigeon.

19 THE COURT: All right.

20 MR. O'BRIEN: I do have paperwork, if I can approach.

21 THE COURT: Please.

22 What is today, the 8<sup>th</sup>?

23 And we'll deal with any other motions when we get those. Do you need  
24 this back or?

25 MR. O'BRIEN: No, Your Honor, I believe it goes to the mental health

1 court -- or to the competency court.

2           There is one other issue I -- sorry --

3 THE COURT: That's all right.

4 MR. O'BRIEN: I believe your clerk was going to announce a date.

5 THE CLERK: August 2<sup>nd</sup> at 9:30 a.m., District Court 7.

6 MR. O'BRIEN: Thank you.

7           And the other issue, Your Honor, is just based on the filing of the  
8 transcript of the Grand Jury. The deadline for filing a writ would be Wednesday, per  
9 the statute. However --

10 THE COURT: I'll give you time.

11 MR. O'BRIEN: -- my understanding is essentially once we go to competency  
12 court, I can't do anything but competency court.

13 THE COURT: Right.

14 MR. O'BRIEN: I just wanted to put that on the record upfront.

15 THE COURT: I will reserve the right for him to file a writ until competency  
16 court makes its decision. It comes back here and then he'll have 21 days from when  
17 it comes back here, if it does.

18 MR. O'BRIEN: Okay.

19 THE COURT: Okay?

20 MR. O'BRIEN: Thank you, Your Honor.

21 THE COURT: Thanks.

22 THE DEFENDANT: What was the motion for, Your Honor?

23 THE COURT: We're going to have a doctor see you.

24 THE DEFENDANT: All right. I spent a whole year at Lake's Crossing the last  
25 time and they found me completely competent.

1 THE COURT: All right. Well --

2 THE DEFENDANT: I've represented myself twice before, once in 2002 and  
3 once in 2009.

4 THE COURT: All right. I need to be satisfied that you review the *Faretta*  
5 canvass. We're going to have a doctor see you and you may come back and I  
6 haven't gotten any motion that you have filed.

7 THE DEFENDANT: I'll refile the motion, then.

8 THE COURT: That's fine.

9 THE DEFENDANT: Thank you.

10 THE COURT: Thanks.

11 [Proceeding concluded at 8:39 a.m.]

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21 ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual  
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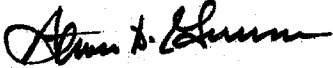
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Jill Jacoby  
Court Recorder



  
CLERK OF THE COURT

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DISTRICT COURT  
CLARK COUNTY, NEVADA

6  
7 STATE OF NEVADA,

8 Plaintiff,

9 vs.

10  
11 CHRISTOPHER PIGEON,

12 Defendant.

CASE NO. C290261

DEPT. VIII

13 BEFORE THE HONORABLE DOUGLAS E. SMITH, DISTRICT COURT JUDGE  
14 MONDAY, MARCH 17, 2014

15 **TRANSCRIPT OF PROCEEDINGS**  
16 **DEFENDANT'S PRO PER MOTION TO WITHDRAW COUNSEL**  
17 **DEFENDANT'S PRO PER MOTION TO DROP**  
18 **CHARGES DUE TO IMPROPER INDICTMENT**  
19 **DEFENDANT'S PRO PER MOTION TO DISMISS CHARGES**  
20 **DUE TO FAILURE TO GRANT THE RIGHT TO A SPEEDY TRIAL**

21 APPEARANCES:

22 For the State:

TIERRA D. JONES, ESQ.  
Deputy District Attorney

23 For the Defendant:

ROBERT E. O'BRIEN, ESQ.  
Deputy Public Defender

24  
25 RECORDED BY: JILL JACOBY, COURT RECORDER

1 MONDAY, MARCH 17, 2014 AT 7:58 A.M.

2  
3 MR. O'BRIEN: And then, Your Honor, if you'd like to call Christopher Pigeon  
4 that is on --

5 THE MARSHAL: Page 5.

6 MR. O'BRIEN: -- page 5.

7 THE DEFENDANT: Good morning, Your Honor.

8 THE COURT: Good morning.

9 MS. JONES: And, Your Honor, this case is being handled by  
10 Mr. Schifalacqua.

11 MR. O'BRIEN: I think we can actually -- well, I guess we can wait for Marc.

12 THE COURT: We need to wait until Schifalacqua comes.

13 MR. O'BRIEN: That's good, Your Honor. If you'd like to call --

14 THE COURT: See, you thought I would only mess up your name.

15 MR. O'BRIEN: -- Joshua Squires on page 4.

16 THE DEFENDANT: What was that, Your Honor?

17 THE COURT: I'll pass it until we get the attorney here from the State.

18 MR. O'BRIEN: We're waiting for the DA. We're waiting for the DA,  
19 Christopher, have a seat.

20 THE DEFENDANT: All right.

21 [Matter trailed at 7:59 a.m.]

22 [Matter recalled at 8:18 a.m.]

23 THE COURT: And who's coming on Pigeon again?

24 MS. JONES: Schifalacqua.

25 MR. O'BRIEN: Schifalacqua from the DA's office.

1 THE COURT: And you're handling it?

2 MR. O'BRIEN: Yes, Your Honor.

3 THE COURT: As soon as Schifalacqua --

4 Have you paged Mr. Schifalacqua?

5 MS. JONES: Yes.

6 [Matter trailed at 8:18 a.m.]

7 [Matter recalled at 8:20 a.m.]

8 MR. O'BRIEN: Your Honor, I think we've got one we can call.

9 THE COURT: Okay.

10 MR. O'BRIEN: If you'd like to recall Mr. Pigeon.

11 MS. JONES: We can go ahead on that one, Your Honor.

12 THE COURT: What page is that?

13 MR. O'BRIEN: It's page 5, Your Honor.

14 THE MARSHAL: Five.

15 THE DEFENDANT: Your Honor, I'd like to ask for a speedy trial. And in  
16 addition, there are five charges that are added at the Grand Jury hearing that  
17 weren't even discussed during the hearing.

18 MR. O'BRIEN: And, Your Honor, I know Mr. Pigeon's anxious to have his  
19 legal issues --

20 THE COURT: First of all, I haven't called the case.

21 MR. O'BRIEN: Sure.

22 THE COURT: You're out of order. You don't need to talk. You have a good  
23 lawyer. Do you understand me?

24 THE DEFENDANT: Um --

25 THE COURT: Do you understand me? Yes or no.

1 THE DEFENDANT: I understand you.

2 THE COURT: Then don't talk. Thank you.

3 C290261, Christopher Pigeon.

4 MR. O'BRIEN: Thank you, Your Honor. At the moment, Mr. Pigeon's still in  
5 competency court in DC 7. We have a challenge hearing this Friday. I'd ask that  
6 you stay all of his pro se motions. If he's released from competency court, I know  
7 Mr. Pigeon does intend to try to represent himself.

8 THE COURT: All right.

9 They are having a hearing on -- when?

10 MR. O'BRIEN: This Friday.

11 THE COURT: This Friday, Mr. Pigeon. You'll make your appearance there  
12 and then we'll review these motions. Thank you.

13 THE DEFENDANT: Thank you, Your Honor.

14 MS. JONES: Thank you, Your Honor.

15 THE COURT: His motions are all faulty in any event.

16 So if you want to work on your motions, you probably should work on  
17 them, Mr. Pigeon.

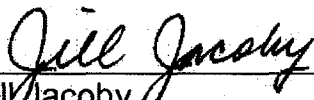
18 THE DEFENDANT: All right, Your Honor.

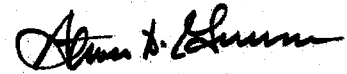
19 THE COURT: They're all faulty.

20 [Proceeding concluded at 8:21 a.m.]

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22 ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual  
23 recording in the above-entitled case.

24   
25 Jill Jacoby  
Court Recorder



CLERK OF THE COURT

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5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

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8 STATE OF NEVADA,

9 Plaintiff,

CASE NO. C290261

DEPT. VIII

10 vs.

11  
12 CHRISTOPHER PIGEON,

13 Defendant.

14 BEFORE THE HONORABLE DOUGLAS E. SMITH, DISTRICT COURT JUDGE  
15 WEDNESDAY, JUNE 18, 2014

16 **TRANSCRIPT OF PROCEEDINGS**  
17 **DEFENDANT'S PRO PER MOTION TO DROP CHARGES**  
18 **DUE TO IMPROPER INDICTMENT**  
19 **DEFENDANT'S PRO PER MOTION TO WITHDRAW COUNSEL**

20 APPEARANCES:

21 For the State:

ELIZABETH A. MERCER, ESQ.  
MARC M. SCHIFALACQUA, ESQ.  
Chief Deputy District Attorneys

22  
23 For the Defendant:

PRO SE

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25 RECORDED BY: JILL JACOBY, COURT RECORDER

1 WEDNESDAY, JUNE 18, 2014 AT 9:43 A.M.

2  
3 THE COURT: C290261, Christopher Pigeon.

4 THE DEFENDANT: Good morning, Your Honor.

5 MR. DIXON: Your Honor, if we could --

6 THE COURT: He entitles this motion to drop -- a motion to dismiss, but it's  
7 actually a pretrial petition for a writ.

8 MR. DIXON: Your Honor, if we could wait. Mr. Schifalacqua is -- will be back  
9 to have this heard.

10 THE COURT: Oh, okay.

11 THE DEFENDANT: Your Honor, I don't believe it's a pretrial writ, by the way.

12 THE COURT: Yeah, it is. Thanks. Have a seat.

13 [Matter trailed at 9:43 a.m.]

14 [Mater recalled at 9:48 a.m.]

15 THE COURT: C290261, Christopher Pigeon.

16 MR. SCHIFALACQUA: Good morning, Your Honor.

17 THE DEFENDANT: Your Honor. May I say something? There's -- there's an  
18 aspect to writ of habeas corpus -- corpuses that requires that the Defendant be held  
19 illegally, but there are still valid charges listed. There are eight counts total. Valid  
20 charges would be one count of prohibitive actions and one count of unlawful contact  
21 with child. Those are still valid so in that sense I'm not being held illegally. We can  
22 still go to trial on those and I'd like to go to trial on those as soon as possible.

23 THE COURT: The trial's set in August.

24 THE DEFENDANT: That's correct. That's all right with me. But I feel that the  
25 four Class B felonies they added which is attempted kidnapping, aggravated

1 stalking, burglary, and luring children, those four charges were never even  
2 discussed at the Grand Jury hearing. So they just appeared out of nowhere. I was  
3 originally indicted only for two charges, maybe a third. I have Indictments here from  
4 5/21, May 21<sup>st</sup> of 2013, but then approximately a week and a half or two later on  
5 June 5<sup>th</sup> they had the Grand Jury hearing and they added charges to it. And they  
6 were never even discussed or mentioned, except once. I mean, they didn't discuss  
7 the merits, they just said they were there. This is all for a single act. That's also a  
8 good many charges extra for just one --

9 THE COURT: Did you guys want to respond to that --

10 THE DEFENDANT: -- situation or one --

11 THE COURT: -- argument in writing or?

12 MR. SCHIFALACQUA: You know, Judge, I think what happened is I  
13 presented to the Grand Jury in the course of two days. There's just one Indictment,  
14 though, there wasn't multiple Indictments. In the Indictment that was returned, it had  
15 all the charges. That's from the June 5<sup>th</sup> date.

16 As far as the -- my opposition, this was a writ of habeas corpus. I know  
17 it wasn't titled that, but he was challenging the probable cause presented in most of  
18 the charges. That's what a writ is, and it was outside the time period. He certainly  
19 will have an opportunity to challenge those charges, but at this point it will be at a  
20 jury trial.

21 THE DEFENDANT: Yeah, but Your Honor, probable cause should be for one  
22 or two counts, there shouldn't be five or six counts for one event -- or one --

23 THE COURT: Well, they can charge what they can charge. They've got to  
24 show it at trial.

25 THE DEFENDANT: But they didn't even talk about it at the Grand Jury.

1 Usually you have to at least mention one of --

2 THE COURT: Okay. You're not timely with a writ. And you have tried to  
3 circumvent the timeliness by entitling it a motion to drop charges due to improper  
4 Indictment, and you can't do it that way. So --

5 THE DEFENDANT: Well, that's not --

6 THE COURT: -- your motion --

7 THE DEFENDANT: -- that's not true --

8 THE COURT: -- your --

9 THE DEFENDANT: -- because you have -- you have to -- I wrote -- I wrote  
10 O'Brien, my Public Defender, twice. I wrote yourself once and I wrote Judge Bell  
11 twice saying those charges shouldn't be on there. And I also would like to mention  
12 that the motion to drop charges due to improper Indictment which is being  
13 challenged today has been submitted three times. This is the third time I've sent it.  
14 The first time I sent it --

15 THE COURT: All right.

16 THE DEFENDANT: -- was on July 30<sup>th</sup> of last year. Then I sent it in again on  
17 February 13<sup>th</sup>. So it hasn't been circumvented. I was way ahead.

18 THE COURT: Okay. Motion to dismiss is denied. Thank you. Trial stands.

19 You'll prepare a findings of fact, conclusions of law consistent with your  
20 objection.

21 MR. SCHIFALACQUA: I will.

22 THE CLERK: He also has a motion to withdraw counsel.

23 THE COURT: Well, he's --

24 THE CLERK: -- so that should be --

25 THE COURT: The motion to withdraw counsel, you're representing yourself.



1 Are you trying to withdraw yourself?

2 THE DEFENDANT: Talking to me, Your Honor?

3 THE COURT: Yeah.

4 THE DEFENDANT: No. You have to, you have to put one of those in every  
5 time or else they just put -- the County Clerk puts those aside if you don't --

6 THE COURT: No.

7 THE DEFENDANT: -- put a motion to withdraw.

8 THE COURT: All right. That's denied because he already represents himself.

9 THE DEFENDANT: All right. Thank you.

10 [Proceeding concluded at 9:53 a.m.]

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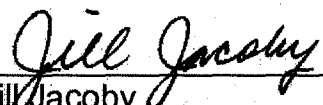
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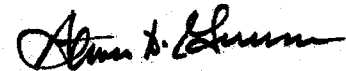
21 ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual  
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Jill Jacoby  
Court Recorder



CLERK OF THE COURT

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4 DISTRICT COURT  
5 CLARK COUNTY, NEVADA

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7 STATE OF NEVADA,

8 Plaintiff,

9 vs.

10  
11 CHRISTOPHER PIGEON,

12 Defendant.

CASE NO. C290261

DEPT. VIII

13 BEFORE THE HONORABLE DOUGLAS E. SMITH, DISTRICT COURT JUDGE  
14 MONDAY, JULY 7, 2014

15 **TRANSCRIPT OF PROCEEDINGS**

16 **DEFENDANT'S PRO PER MOTION TO WITHDRAW COUNSEL**  
17 **DEFENDANT'S PRO PER MOTION TO QUASH OPPOSING MOTION:**  
18 **DEFENDANT'S OPPOSITION TO STATE'S OPPOSITION TO/OF**  
19 **"MOTION TO DROP CHARGES DUE TO IMPROPER INDICTMENT"**

20 **APPEARANCES:**

21 For the State:

AGNES M. LEXIS, ESQ.  
Deputy District Attorney

22 For the Defendant:

PRO SE

23  
24  
25 RECORDED BY: JILL JACOBY, COURT RECORDER

1 MONDAY, JULY 7, 2014 AT 8:39 A.M.

2  
3 THE COURT: C290261, Christopher Pigeon. It's a pro se motion.

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: It's a motion to quash opposing motion which is actually --

6 MS. LEXIS: Your Honor, you had already ruled on the motion.

7 THE COURT: I've already ruled on that.

8 MS. LEXIS: So we would just ask you --

9 THE COURT: It's actually a reply. You're not a lawyer, but that's a reply to  
10 their motion. It's not a motion to oppose a motion, it's a reply to a motion.

11 THE DEFENDANT: All right, Your Honor.

12 THE COURT: I've already responded to it. And you don't have to file a  
13 motion to withdraw counsel every time. It's already been done.

14 THE DEFENDANT: They usually send it back if you don't do that. Done  
15 that --

16 THE COURT: No, you don't have to do it every time.

17 THE DEFENDANT: All right.

18 THE COURT: I'll talk to Master Calendar.

19 Make sure we talk to Master Calendar. Once withdrawn, always  
20 withdrawn.

21 Thank you.

22 THE DEFENDANT: Can I -- can I add something?

23 THE COURT: And your other, your motion, your reply or your motion to  
24 oppose the opposition is -- is moot as I've already ruled on it.

25 THE DEFENDANT: I have something -- I have something I'd like to mention,

1 though.

2 THE COURT: All right.

3 THE DEFENDANT: There were four charges added at the Grand Jury which  
4 I've mentioned before that weren't even talked about. They didn't mention any of  
5 the elements of the crime and --

6 THE COURT: File the proper motion and I'll review it.

7 THE DEFENDANT: Oh, you want me to refile.

8 THE COURT: I want you to file a proper document.

9 THE DEFENDANT: All right. Do I need to refile the original motion on top of  
10 that?

11 THE COURT: No. Just file the appropriate document.

12 THE DEFENDANT: All right. I can do that for you, Your Honor.

13 THE COURT: Thank you.

14 THE DEFENDANT: The other issue is they've added a new witness what has  
15 a different name. And I was wondering if that meant anything for me. It's Carillo,  
16 Mona Lisa Carillo.

17 MS. LEXIS: Sorry, I don't have the file.

18 THE COURT: Who's in charge of this?

19 MS. LEXIS: Liz Mercer.

20 THE COURT: Okay. Get Ms. Mercer to give us an explanation or we'll do a  
21 minute order explaining who that is.

22 MS. LEXIS: And I'm sorry, what has the last name? Carillo?

23 THE COURT: Carillo.

24 THE DEFENDANT: Carillo.

25 THE COURT: Thank you.

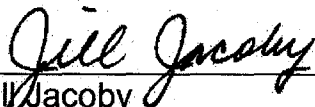
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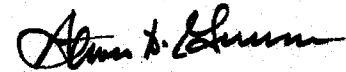
THE DEFENDANT: Thank you, Your Honor.

THE COURT: So those two motions were denied as moot.

[Proceeding concluded at 8:42 a.m.]

ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual recording in the above-entitled case.

  
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Jill Jacoby  
Court Recorder



CLERK OF THE COURT

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5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

7  
8 STATE OF NEVADA,

9 Plaintiff,

10 vs.

11  
12 CHRISTOPHER PIGEON,

13 Defendant.

CASE NO. C290261

DEPT. VIII

14 BEFORE THE HONORABLE DOUGLAS E. SMITH, DISTRICT COURT JUDGE  
15 WEDNESDAY, JUNE 12, 2013

16 **TRANSCRIPT OF PROCEEDINGS**  
17 **INITIAL ARRAIGNMENT**  
18 **INDICTMENT WARRANT RETURN**

19 APPEARANCES:

20 For the State:

ELANA L. GRAHAM, ESQ.  
Deputy District Attorney

21  
22 For the Defendant:

ROBERT E. O'BRIEN, ESQ.  
Deputy Public Defender

23  
24  
25 RECORDED BY: JILL JACOBY, COURT RECORDER

1 WEDNESDAY, JUNE 12, 2013 AT 7:35 A.M.

2  
3 THE COURT: C290261, Christopher Pigeon.

4 MR. O'BRIEN: Good morning, Your Honor, Robert O'Brien, Number 10944,  
5 here on behalf of Mr. Pigeon. He's present, in custody.

6 THE COURT: All right.

7 MR. O'BRIEN: This is time --

8 THE COURT: This is an Indictment return. Were you appointed below as  
9 well?

10 MR. O'BRIEN: I was, Your Honor. And I had the lower case number, so I  
11 believe it's going to stay with me.

12 THE COURT: All right.

13 MR. O'BRIEN: At this point, Mr. Pigeon will be entering a plea of not guilty.  
14 We waive reading of the -- I guess we're here pursuant to Indictment. We waive  
15 reading of the Indictment. And we'd invoke speedy trial at this point.

16 THE COURT: All right. That'll be the order. Thank you.

17 MR. O'BRIEN: And, Your Honor, if I could just ask the District Attorney to  
18 send over -- they're -- these are two cases that came into one. I only have  
19 discovery from one of the cases. If I can just ask that their office supply us with  
20 discovery from both.

21 THE COURT: All right. Make sure that they get all of the discovery. If you  
22 don't get those -- who's prosecuting this case?

23 MS. GRAHAM: Marc Schifalacqua.

24 THE COURT: Marc?

25 MS. GRAHAM: Schifalacqua.

1 THE COURT: Schifalacqua.

2 MS. GRAHAM: I'll make sure that --

3 THE COURT: All right. Make sure.

4 Mr. O'Brien, you get Schifalacqua as well.

5 MR. O'BRIEN: Yes, Your Honor.

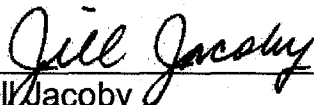
6 THE CLERK: Calendar call, August 7<sup>th</sup> at 8 a.m. Jury trial, August 12<sup>th</sup> at  
7 9:30.

8 THE DEFENDANT: Thank you, Your Honor.

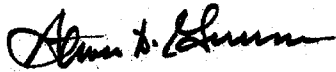
9 THE COURT: Uh-huh.

10 [Proceeding concluded at 7:36 a.m.]

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21 ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual  
22 recording in the above-entitled case.

23   
24 Jill Jacoby  
25 Court Recorder



  
CLERK OF THE COURT

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5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

7  
8 STATE OF NEVADA,

9 Plaintiff,

10 vs.

11  
12 CHRISTOPHER PIGEON,

13 Defendant.

CASE NO. C290261

DEPT. VIII

14 BEFORE THE HONORABLE DAVID BARKER, DISTRICT COURT JUDGE  
15 WEDNESDAY, JULY 31, 2013

16 **TRANSCRIPT OF PROCEEDINGS**  
17 **DEFENDANT'S PRO PER MOTION TO WITHDRAW COUNSEL**

18 APPEARANCES:

19 For the State:

ELANA L. GRAHAM, ESQ.  
Deputy District Attorney

20  
21 For the Defendant:

BITA KHAMSI, ESQ.  
Deputy Public Defender

22  
23  
24  
25 RECORDED BY: CHERYL CARPENTER, COURT RECORDER

1 WEDNESDAY, JULY 31, 2013 AT 11:07 A.M.

2  
3 THE COURT: C290261, State of Nevada v Christopher Pigeon.

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: Record should reflect the presence of the Defendant in  
6 custody with counsel, representative of the State.

7 Time set Defendant's pro per motion to withdraw counsel. I also note  
8 further proceedings for the 2<sup>nd</sup>.

9 MS. KHAMSI: That's correct. He's in Competency Court right now. And I  
10 can tell the Court that we've gotten the reports back and they've both come back  
11 incompetent. So.

12 THE COURT: Incompetent?

13 MS. KHAMSI: Incompetent.

14 THE COURT: So you're -- Competency Court's going to send him to Lake's?

15 MS. KHAMSI: Yes, he's been to Lake's before for a year previous.

16 THE DEFENDANT: Yeah. I have two college degrees, I was an officer in the  
17 Army also. I'm completely literate. It's ridiculous that they say I'm incompetent.

18 THE COURT: Well, I don't know you, Mr. Pigeon, at all. Just those kind of  
19 statements kind of lead me to believe you have a --

20 THE DEFENDANT: I just got out of Lake's a little over a year ago.

21 THE COURT: But if their doctor's got a competency saying that he's  
22 incompetent.

23 MS. KHAMSI: Mr. O'Brien told me that he got the reports back from the  
24 doctors and that they said that he is not competent. So.

25 THE COURT: So has Judge Bell already --

1 MS. KHAMSI: No, that's on -- that will be on Friday. That will be this Friday.

2 And as the Court knows --

3 THE DEFENDANT: I tell you what, Your Honor, would you like --

4 THE COURT: No, not yet.

5 MS. KHAMSI: Hold on, Mr. Pigeon.

6 THE COURT: I'll give you your chance, but not yet.

7 THE DEFENDANT: All right.

8 MS. KHAMSI: And as the Court knows, once competency starts, everything  
9 else stops --

10 THE COURT: Stops.

11 MS. KHAMSI: -- so this Court actually cannot even hear this motion until that  
12 competency determination is made.

13 THE COURT: You just want me to -- you're recommending status quo. Do I  
14 vacate trial dates and calendar calls? Because you're in the stack, Judge Smith's  
15 stack.

16 MS. KHAMSI: Yes, I would say that.

17 THE COURT: I think I have to.

18 MS. KHAMSI: Because, I mean, I think, yes, because at this point,  
19 competency first needs to be determined. So I think that's or held in abeyance or  
20 something along those lines until that competency date on Friday.

21 THE COURT: All right. State, you heard what Ms. Khamisi had to say, the  
22 position defense is taking. Do you have any response to that?

23 MS. GRAHAM: No, I agree with that.

24 THE COURT: All right. Mr. Pigeon. Now.

25 THE DEFENDANT: Judge, I have a 25-page motion here to drop charges.

1 Just to let you know, there was originally three charges and they added five charges  
2 that were completely ridiculous, I thought. The original charge was a misdemeanor,  
3 the primary one. And they added five Class B and even one Class A felony. So I  
4 have a motion to drop charges here. They have no evidence.

5 THE COURT: Okay, why don't you give that to your current lawyer  
6 Ms. Khamsi. I'm going to have the minutes reflect that you prepared that document  
7 and you would seek --

8 THE DEFENDANT: Can I get a copy of this?

9 THE COURT: Certainly, we'll get you a copy of it.

10 THE DEFENDANT: Thank you, Your Honor, I appreciate it.

11 THE COURT: No problem. But you should understand, Mr. Pigeon, my  
12 hands are tied. They're tied because two doctors as part of the competency hearing  
13 have determined that you are not competent. And then the competent --

14 THE DEFENDANT: I went to Notre Dame, Your Honor, I --

15 THE COURT: Say what?

16 THE DEFENDANT: I went to Notre Dame.

17 THE COURT: Okay. Well, I know a lot --

18 THE DEFENDANT: I have a business degree, I was -- I'm a composer, and I  
19 was an architect at Drexel University also.

20 THE COURT: See, I don't know what the reasons for the doctor's decisions  
21 are. And frankly the competent --

22 THE DEFENDANT: They're just being ridiculous, they're always ridiculous.

23 THE COURT: And what you need to do --

24 THE DEFENDANT: That's what those psychologists are like.

25 THE COURT: Then what you need to do with the assistance of current --

1 continue assistance of counsel is to talk to the competency judge on the 2<sup>nd</sup> of  
2 August. So you're in two, three days, two days, you're going to be down talking to  
3 Judge Bell. You probably had a conversation I would suspect with her before  
4 because you tell me you've been a --

5 THE DEFENDANT: It used to be Mosley and one other woman, I can't  
6 remember her name.

7 THE COURT: Right. You're absolutely right. Delaney.

8 THE DEFENDANT: Right.

9 THE COURT: But you're going to have a conversation with that judge and  
10 they're going to -- she's going to review those reports and make decisions. I can't  
11 make those decisions right now. All I can do is follow the direction and your lawyer  
12 said that experts have made those decisions and it's up to Judge Bell on whether or  
13 not you're headed back to Lake's. Do you understand that?

14 THE DEFENDANT: I do understand it.

15 THE COURT: All right. Now we're going to get you a copy of your motion so  
16 you have a copy of it. We're going to make sure your lawyer has a copy of your  
17 motion so she can review it, consider it with her staff and other lawyers in her office.  
18 But I am under rule have to -- I do have to vacate the calendar call and the trial  
19 dates for the 7<sup>th</sup> and the 12<sup>th</sup>, respectively, based upon those two findings at this  
20 point.

21 Mr. Pigeon, do you have any other questions?

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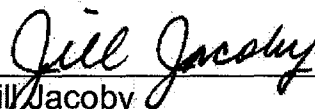
THE DEFENDANT: No, that's it.

THE COURT: All right. Very good.

THE DEFENDANT: Thank you.

[Proceeding concluded at 11:13 a.m.]

ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual recording in the above-entitled case.

  
\_\_\_\_\_  
Jill Jacoby  
Court Recorder

  
CLERK OF THE COURT

1 RTRAN  
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5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA  
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8 STATE OF NEVADA,

9 Plaintiff,

10 vs.

11  
12 CHRISTOPHER PIGEON,

13 Defendant.

CASE NO. C290261

DEPT. VIII

14 BEFORE THE HONORABLE DOUGLAS E. SMITH, DISTRICT COURT JUDGE  
15 WEDNESDAY, APRIL 23, 2014

16 **TRANSCRIPT OF PROCEEDINGS**  
17 **FURTHER PROCEEDINGS: RETURN FROM COMPETENCY COURT**

18 APPEARANCES:

19 For the State:

SAMUEL G. BATEMAN, ESQ.  
Chief Deputy District Attorney

21 For the Defendant:

ROBERT E. O'BRIEN, ESQ.  
Deputy Public Defender

23  
24  
25 RECORDED BY: JILL JACOBY, COURT RECORDER

1 WEDNESDAY, APRIL 23, 2014 AT 8:09 A.M.

2  
3 THE COURT: C290261, Christopher Pigeon.

4 THE DEFENDANT: Good morning, Your Honor.

5 THE COURT: Hey, Chris.

6 Apparently, Competency Court has determined that he is able to assist  
7 counsel and we --

8 MR. O'BRIEN: That's correct, Your Honor.

9 THE COURT: -- and we need to set a trial date.

10 MR. O'BRIEN: We do, Your Honor. We also -- Mr. Pigeon has a pending  
11 motion for to represent himself. I have provided him with the *Faretta* materials and I  
12 can represent in the past Mr. Pigeon has passed through *Faretta* on at least two  
13 prior occasions in the state of Nevada.

14 THE COURT: Are you prepared to go through the *Faretta* canvass,  
15 Mr. Pigeon?

16 THE DEFENDANT: That's correct, Your Honor.

17 THE COURT: Okay.

18 Under the Sixth Amendment of the United States Constitution, you are  
19 entitled to the assistance of an attorney at all stages of a criminal proceeding.

20 Do you understand that?

21 THE DEFENDANT: Yes, I do, Your Honor.

22 THE COURT: You have the right to represent yourself and conduct your own  
23 defense.

24 You understand that?

25 THE DEFENDANT: Yes, I do, Your Honor.



1 THE COURT: The Court can't force a lawyer upon you should you insist if  
2 you want to conduct your own defense. You are given this right under the United  
3 States Supreme Court decision of *Faretta v California* which you have a copy. And  
4 apparently you've reviewed it in the past at least twice.

5 THE DEFENDANT: Yes, that's correct.

6 THE COURT: But you first must knowingly and voluntarily waive and give up  
7 your right to the assistance of an attorney.

8 Do you give up your right to assistance of an attorney?

9 THE DEFENDANT: That's correct, Your Honor.

10 THE COURT: You understand you have the right at all stages of the criminal  
11 proceeding to have an attorney?

12 THE DEFENDANT: Yes, I do.

13 THE COURT: And you give that up.

14 THE DEFENDANT: That's correct, Your Honor.

15 THE COURT: Criminal law's a complex area where experience and  
16 professional training is both required and desirable.

17 Have you had any legal training?

18 THE DEFENDANT: Only while I've been locked up.

19 THE COURT: You've never gone to school for the law?

20 THE DEFENDANT: Well, I have two college degrees, but I've never  
21 formally trained. I do have one Business Law course.

22 THE COURT: Okay. You realize an attorney is trained in the law and has the  
23 skill and experience to properly conduct a defense in your case.

24 THE DEFENDANT: That's correct.

25 THE COURT: An attorney knows the elements of the offense which you have

1 been charged with, possible defenses which may be presented on your behalf.

2 You understand?

3 THE DEFENDANT: Yes.

4 THE COURT: Criminal trials present difficult choices as to strategy and  
5 tactics and even attorneys can differ as to the proper defense to making a case.  
6 You're not entitled -- excuse me, you're not trained to make those choices, an  
7 attorney knows the degree of proof that the state must meet to prove your guilt  
8 beyond a reasonable doubt and by investigation and review of the State's evidence  
9 and may determine that the State cannot prove its case.

10 You understand that?

11 THE DEFENDANT: Yes, I do, Your Honor.

12 THE COURT: You must determine how to subpoena witnesses to testify in  
13 your behalf.

14 Do you know how to subpoena a witness?

15 THE DEFENDANT: It will be with motion is -- if I'm not mistaken, Your Honor.

16 THE COURT: Well, no, it would be with a subpoena.

17 THE DEFENDANT: With a subpoena?

18 THE COURT: Yes.

19 THE DEFENDANT: I've never subpoenaed a witness before, but I think I can  
20 handle it.

21 THE COURT: Okay. Do you know how to disqualify a juror?

22 THE DEFENDANT: Yes, I do.

23 THE COURT: An attorney is trained to observe jurors and select the ones  
24 most favorable in your case.

25 You understand that?

1 THE DEFENDANT: That's correct, Your Honor.

2 THE COURT: Because their training and their experience in being sometimes  
3 kicked in the teeth or elsewhere, they may or may not know who to pick in a jury.  
4 But they may feel strongly about they didn't want this person on a jury, and you don't  
5 have that training and experience.

6 THE DEFENDANT: I have gone through voir dire once before. I did  
7 reasonably well.

8 THE COURT: All right. Well, what's going to happen if you don't do well and  
9 you're convicted?

10 THE DEFENDANT: I'm willing to face those consequences, Your Honor.

11 THE COURT: You know how -- okay. We'll get to the number of years in a  
12 bit.

13 You know what the consequences are if you decide to testify in your  
14 own behalf?

15 THE DEFENDANT: Yes, I do.

16 THE COURT: What is the consequence?

17 THE DEFENDANT: Well, anything you say can be used against you. And  
18 everything you --

19 THE COURT: Do you have any felony convictions?

20 THE DEFENDANT: Yes, I do.

21 THE COURT: They may come -- they may come out too.

22 Do you understand that?

23 THE DEFENDANT: That's an issue. I may decide to have those stricken  
24 from the trial because of present motion -- present charge.

25 THE COURT: All right. You're going to file charge -- or file motions to stop

1 them from coming forward; is that what you're saying?

2 THE DEFENDANT: That's correct, Your Honor.

3 THE COURT: All right. Well, they may come in to show other things than --  
4 than what you think they're coming in for. I don't know what you think they're  
5 coming in for, but.

6 THE DEFENDANT: I think I have good argument for it.

7 THE COURT: Okay. Well, we'll look at your motions.

8 Do you understand the offenses that you're -- that are included within  
9 the charges against you and that you have the right to be convicted of a lesser and  
10 included charge if there is one?

11 THE DEFENDANT: Yes, I do understand that.

12 THE COURT: Do you understand the nature of the charges against you, any  
13 possible defenses to the charges?

14 THE DEFENDANT: Yes, I do, Your Honor.

15 THE COURT: An attorney can research the law for similar cases and present  
16 possible defenses.

17 Do you know how to research the law?

18 THE DEFENDANT: Yes, I do, Your Honor.

19 THE COURT: Do you know the range of punishment for the crimes that  
20 you're charged? And the --

21 THE DEFENDANT: Yes, I do.

22 THE COURT: What's the total sentence you could receive?

23 THE DEFENDANT: Well, if it's concurrent, it'll be 5 to 15.

24 THE COURT: And if it's consecutive?

25 THE DEFENDANT: Well, it could be a lot. But I don't feel there's merit for

1 any of the Class B felonies at all. So I doubt I'd face more than one.

2 THE COURT: There's two felonies, prohibited acts by a sex offender. There  
3 is attempt first-degree kidnapping, a felony. Aggravated stalking, a felony. Luring  
4 children with intent to engage in sexual conduct, a felony. Burglary, a felony. Open  
5 or gross lewdness, a felony. And unlawful contact with a child, a gross  
6 misdemeanor. I mean, just roughly, it looks like there's -- attempt first-degree  
7 kidnapping --

8 What's the sentence on that, do you know? A maximum 15 years?

9 THE DEFENDANT: It's a Class -- Class B felony.

10 MR. BATEMAN: Be 15 -- it'd be --

11 THE COURT: So you're looking --

12 MR. BATEMAN: -- 5 to 15.

13 THE COURT: -- at maybe 30 or 40 years in prison, if it ran consecutive.

14 Do you understand that?

15 THE DEFENDANT: I do understand that. But there's no merit for those  
16 Class B --

17 THE COURT: I didn't ask for a defense. I just asked if you understand you're  
18 the one that's going to represent yourself and take the chance. Is that what you're  
19 telling me?

20 THE DEFENDANT: That's correct, Your Honor.

21 THE COURT: Do you know the difference between an opening statement  
22 and a closing argument?

23 THE DEFENDANT: Yes, I do, Your Honor.

24 THE COURT: Do you know how to object to a question that may be  
25 improper?

1 THE DEFENDANT: Yes, I do.

2 THE COURT: You represent yourself, you must still follow all the legal rules  
3 even though you may not know them.

4 Do you understand that?

5 THE DEFENDANT: That's correct, Your Honor.

6 THE COURT: You're not going to be given any special leeway because you  
7 represent yourself. You're going to get the same responsibilities that an attorney  
8 would have in court. Can't speak out, you can't -- you've got to be calm in court.  
9 You've got to ask proper questions and those kinds of things.

10 Do you understand that?

11 THE DEFENDANT: I do understand that, Your Honor.

12 THE COURT: Okay. You understand that once you decide on  
13 self-representation, you may not change your mind in the middle of the proceeding  
14 and request an attorney.

15 Do you understand that?

16 THE DEFENDANT: I understand that, Your Honor.

17 THE COURT: How old are you?

18 THE DEFENDANT: 51.

19 THE COURT: And you've got two college degrees?

20 THE DEFENDANT: That's correct, Your Honor.

21 THE COURT: In what?

22 THE DEFENDANT: I have a business degree from the University of Notre  
23 Dame. I have an architecture degree which is a five-year degree from Drexel  
24 University which is in Philadelphia.

25 THE COURT: Why have you decided to represent yourself?

1 THE DEFENDANT: Well, I felt I've done pretty well in the past representing  
2 myself. And I didn't like the Grand Jury Indictment. And I feel I could help more  
3 than Mr. O'Brien would be willing to help.

4 THE COURT: Well, it's either you represent yourself or you let Mr. O'Brien  
5 who is by far more experienced than you are and by far a better lawyer than you  
6 are.

7 MR. O'BRIEN: For the record, Your Honor, Christopher's very intelligent. He  
8 has thought about this a lot. We have butted heads numerous times about strategy  
9 which is why he's a little frustrated.

10 THE COURT: You know the Supreme Court thinks it's not wise to represent  
11 yourself. Even an attorney that gets in trouble, if he decides to represent himself  
12 has a fool for a client and a fool for an attorney.

13 Do you understand that?

14 THE DEFENDANT: Yes, I do, Your Honor.

15 THE COURT: You still want to represent yourself?

16 THE DEFENDANT: Yes, I do.

17 THE COURT: You understand the -- and appreciate the nature and severity  
18 of the crimes charged that I read to you?

19 THE DEFENDANT: Yes, I do. I have all the statutes and I've read them all.  
20 I've read all the police reports and I have the Discovery.

21 THE COURT: And you understand that you can't at the end of the trial if  
22 you're convicted, then claim ineffective assistance of counsel on appeal.

23 THE DEFENDANT: That, I do understand.

24 THE COURT: All right. You're not going to be given any special library  
25 privileges because you represent yourself.

1 THE DEFENDANT: Yeah, that's unfortunate, but I understand that.

2 THE COURT: That's, you know, that's between you and the sheriff. I don't  
3 get involved in that.

4 THE DEFENDANT: All right.

5 THE COURT: The prosecution would likely have an advantage because you  
6 don't understand fully all your rights and defenses.

7 Do you understand that?

8 THE DEFENDANT: Yes, I do, Your Honor.

9 THE COURT: Your defense may be diminished by your dual role as an  
10 attorney and as accused. And that's quoted out of Supreme Court Rule 253,  
11 Subsection 2.

12 Do you understand that?

13 THE DEFENDANT: Yes, I do, Your Honor.

14 THE COURT: All right.

15 Find me Supreme Court -- Alan, where'd you go?

16 THE LAW CLERK: I'm right here.

17 THE COURT: I need 253, Subsection 4.

18 THE LAW CLERK: Okay.

19 THE COURT: All right. I find that you are intelligent; that you've graduated  
20 from university; that you're not a law-trained individual but you certainly know what  
21 you're doing, you've done it twice in the past.

22 We've had you go to Competency Court. The Competency Court has  
23 found you competent to -- and I find specifically that you are competent to waive  
24 your constitutional right to be represented by an attorney according to Rule 254 [sic],  
25 Subsection 4(b), that you are waiving your right to counsel freely, voluntarily, and



1 knowingly and has a full appreciation and an understanding of the waiver and its  
2 consequences.

3 THE DEFENDANT: Yes, I am.

4 THE COURT: All right. Again, self-representation is often unwise and may  
5 be to your detriment.

6 Do you understand that?

7 THE DEFENDANT: I do understand that, Your Honor.

8 THE COURT: You still want to represent yourself after everything we've  
9 talked about?

10 THE DEFENDANT: That's correct, Your Honor.

11 THE COURT: You're willing to take that chance.

12 THE DEFENDANT: I am willing to take that chance.

13 THE COURT: All right.

14 THE DEFENDANT: Thank you, Your Honor, I appreciate it.

15 THE COURT: You're appointed to represent yourself. Thank you.

16 THE DEFENDANT: Thank you, Your Honor. Appreciate it.

17 MR. O'BRIEN: And, Your Honor, just as a friend of the Court, did you want to  
18 set a trial date for Mr. Pigeon?

19 THE COURT: Yeah.

20 MR. BATEMAN: We were just asking for not -- I don't know what's your  
21 ordinary course, Your Honor.

22 THE COURT: Ordinary course is next year. So.

23 THE CLERK: March.

24 THE COURT: March.

25 MR. BATEMAN: I'm assuming he's waived?

1 THE COURT: Well, he went to Competency Court so it naturally got waived.

2 Do you understand you have the right to a trial within 60 days of your  
3 arrest? But that's already passed. You went to Competency Court. Do you want to  
4 invoke that right or waive a speedy trial?

5 THE DEFENDANT: I still prefer a speedy trial, Your Honor. I know it's tough,  
6 but I've already done a lot of the background research myself. And I feel I'm ready.

7 MR. BATEMAN: We just can't do early July so anything else that works for  
8 the Court is fine.

9 THE COURT: I can't -- we can't try this in June. That doesn't give him time to  
10 subpoena cases. And then --

11 THE CLERK: We have August after that for now.

12 THE COURT: October.

13 THE CLERK: October?

14 THE COURT: It may go in October if we don't have something more telling.  
15 Or we can do it in March.

16 MR. O'BRIEN: Court's indulgence, Your Honor.

17 THE DEFENDANT: Your Honor, I prefer the July date, if we can do that. I'll  
18 go -- go ahead and work on the motions.

19 [Colloquy between the Judge and the Court Clerk]

20 THE COURT: August, give him August.

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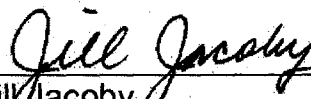
THE CLERK: Calendar call will be July 30<sup>th</sup> at 8 a.m. Jury trial is August 4<sup>th</sup>.

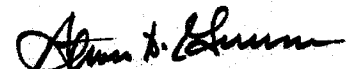
THE DEFENDANT: Thank you, Your Honor. Appreciate it.

THE COURT: Thank you.

[Proceeding concluded at 8:25 a.m.]

ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual recording in the above-entitled case.

  
\_\_\_\_\_  
Jill Jacoby  
Court Recorder

  
CLERK OF THE COURT

1 RTRAN  
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DISTRICT COURT  
CLARK COUNTY, NEVADA

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7 STATE OF NEVADA,

8 Plaintiff,

9 vs.

10  
11 CHRISTOPHER PIGEON,

12 Defendant.

CASE NO. C290261

DEPT. VIII

13 BEFORE THE HONORABLE DOUGLAS E. SMITH, DISTRICT COURT JUDGE  
14 WEDNESDAY, DECEMBER 10, 2014

15 **TRANSCRIPT OF PROCEEDINGS**  
16 **DEFENDANT'S PRO PER MOTION TO WITHDRAW COUNSEL**  
17 **DEFENDANT'S PRO PER MOTION TO COPY TRANSCRIPTS FOR DEFENSE**  
18 **DEFENDANT'S PRO PER MOTION FOR APPROVAL OF**  
19 **HOUSE ARREST FOR DEFENDANT**  
20 **DEFENDANT'S PRO PER MOTION FOR MISTRIAL**  
21 **SENTENCING**

22 APPEARANCES:

23 For the State:

ELIZABETH A. MERCER, ESQ.  
MARC M. SCHIFALACQUA, ESQ.  
Chief Deputy District Attorneys

24 For the Defendant:

PRO SE

25 RECORDED BY: JILL JACOBY, COURT RECORDER

1 WEDNESDAY, DECEMBER 10, 2014 AT 8:18 A.M.

2  
3 THE COURT: C290261, Christopher Pigeon.

4 MS. MERCER: Your Honor, I just texted Mr. Schifalacqua to find out where  
5 he is.

6 THE COURT: Okay.

7 THE DEFENDANT: Good morning, Your Honor.

8 THE COURT: Just have a seat, we're waiting for the DA to get here.

9 THE DEFENDANT: All right.

10 THE COURT: Thanks.

11 [Proceeding trailed at 8:18 a.m.]

12 [Proceeding recalled at 8:34 a.m.]

13 THE COURT: C290261, Christopher Pigeon.

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: This is time set for rendition of sentence. Is there any cause or  
16 reason why sentencing should not proceed today?

17 THE DEFENDANT: Well, I have a couple important issues. I did file a motion  
18 for mistrial.

19 THE COURT: I've read the motion for mistrial. You covered everything in  
20 your motion that should be covered, but it's actually -- the majority of it, if not all of it,  
21 is really for appellate procedures and not for a motion for mistrial. There was no  
22 indication that there's any new evidence that was discovered and it wasn't timely  
23 filed. So the motion for mistrial is denied.

24 State will prepare findings of facts, conclusions of law consistent with  
25 their opposition.

1 MR. SCHIFALACQUA: Yes, sir. Your Honor --

2 THE COURT: You have a motion for house arrest. That's denied. Motion for  
3 transcripts is granted. And I've instructed the clerk to prepare them and she is  
4 working on them.

5 THE DEFENDANT: All right.

6 THE COURT: And she will get those to you. And a motion to withdraw. You  
7 file this every time. I don't know why.

8 THE DEFENDANT: They've always made you do that or else they just mail it  
9 back to you.

10 THE COURT: All right. That's denied. So motions were taken care of, it's  
11 now time for sentencing.

12 THE DEFENDANT: I'd like to say two things --

13 THE COURT: Before you -- the State gets to speak first, then you get to  
14 speak.

15 THE DEFENDANT: Well, this is separate from sentencing.

16 THE COURT: Okay. Go ahead.

17 THE DEFENDANT: I never got official copy of the verdict, and I never got a  
18 copy of the PSI report and those are important issues.

19 THE COURT: Oh, the PSI is very important. Yep. Give him a copy. I can  
20 make a copy of the PSI.

21 THE DEFENDANT: And also, Mr. Schifalacqua has a motion to oppose my  
22 motion for mistrial. And they say that the jury and the trial was finished on the 5<sup>th</sup>  
23 but I was not present there on the 5<sup>th</sup>.

24 THE COURT: I don't know what the dates were. But --

25 THE DEFENDANT: Well, it was day -- it was the following day.

1 THE COURT: You need -- well, what concerns me more is you didn't get a  
2 copy of the PSI and you have the right through that. Why don't you sit down and  
3 read it. If you need more time, I'll give you more time. But just have a seat for a  
4 second.

5 THE DEFENDANT: All right.

6 MR. SCHIFALACQUA: I'll stop back here.

7 [Proceeding trailed at 8:36 a.m.]

8 [Proceeding recalled at 9:02 a.m.]

9 THE COURT: Mr. Pigeon, are you ready? Or do you need more time to  
10 review your presentence report?

11 THE DEFENDANT: I have some things I want to say.

12 THE COURT: About the presentence report? About sentencing? What --

13 THE DEFENDANT: I still would like the copy of the verdict. I never got a  
14 copy of the --

15 THE COURT: We'll give you a copy of the verdict.

16 THE DEFENDANT: Okay. Second of all, in terms of the recommendations  
17 here they put for sentencing --

18 THE COURT: Well, wait, before you -- are you ready to argue your  
19 sentencing from that PSI?

20 THE DEFENDANT: Yes. It might be lengthy, but yes, I am.

21 THE COURT: I don't care how lengthy it is.

22 THE DEFENDANT: All right.

23 THE COURT: I'm just saying are you ready?

24 THE DEFENDANT: Yes, I'm ready.

25 THE COURT: All right. The State has the first opportunity to speak, then you

1 can speak. If they have any speakers, they can speak.

2 Go ahead, State.

3 MS. MERCER: Your Honor, we do have a speaker. The victim's father would  
4 like to address the Court at the conclusion of argument. May I approach your --

5 THE COURT: And this Case C290261, Christopher Pigeon.

6 Sorry.

7 MS. MERCER: And I need to have these marked as exhibits, Your Honor, but  
8 for the record, we do have proof -- certified copies of three of the Defendant's prior  
9 felony convictions.

10 One from Case Number 269318, the -- it was filed on November 9<sup>th</sup> of  
11 2012 and the Defendant was represented by Deputy Public Defender Ryan Bashor.  
12 It's a judgment of conviction pursuant to a plea of guilty.

13 In addition, we have a certified copy of the judgment of conviction from  
14 Case Number --

15 THE COURT: And what's the first case, what did he get convicted of?

16 MS. MERCER: It was open and gross lewdness, a felony.

17 And then in Case Number C216699, the Defendant was adjudged guilty  
18 of open and gross lewdness, a felony, following a jury trial. He was represented by  
19 the Deputy Public Defender Mark Cichoski. And that was filed on April 5<sup>th</sup> of 2006.

20 In addition, there's another judgment of conviction for another plea of  
21 guilty out of the state of Texas in Case Number 980D04426. And in that case, the  
22 Defendant was represented by an individual by the name of Bill Cox.

23 And may I approach and have these marked?

24 THE COURT: That's a felony for?

25 MS. MERCER: Oh, I'm sorry. It was a felony conviction for forgery.



1 THE COURT: All right, would you show --

2 Tom, show those to Mr. Pigeon, please.

3 MS. MERCER: And, Your Honor, would it be possible for us to get our copy  
4 of the PSI just for argument. We can leave it with him, but.

5 THE CLERK: Thank you.

6 THE COURT: Yeah. Make a copy of the PSI.

7 THE CLERK: Okay.

8 THE COURT: We're going to give you your own copy.

9 THE DEFENDANT: All right. And the verdict, please.

10 THE COURT: And we're getting the verdict.

11 [Pause in proceedings]

12 MR. SCHIFALACQUA: Your Honor, may I be heard briefly?

13 THE COURT: No, just wait for a minute --

14 MR. SCHIFALACQUA: Oh, okay.

15 THE COURT: -- until he gets his PSI.

16 MR. SCHIFALACQUA: Oh, I understand.

17 [Pause in proceedings]

18 THE COURT: The record will reflect we have provided Mr. Pigeon with the  
19 verdict. And the PSI will be given to Mr. Pigeon in just a moment.

20 [Pause in proceedings]

21 THE COURT: And the PSI is being handed to you as soon as it's stapled,  
22 Mr. Pigeon.

23 You may give him a pencil, Tom, so that he can make notes as there's  
24 argument going on.

25 Go ahead.

1 MR. SCHIFALACQUA: Thank you, Your Honor.

2 Your Honor, based on everything, Mr. Pigeon has a life of crime. And  
3 not only that, a life of sexually-based crime. The psychosexual evaluation came  
4 back as a pure high risk to reoffend. There's probably very few of individuals. You  
5 know, I -- it was noted in the PSI, Your Honor, on page 4 --

6 THE COURT: Okay.

7 MR. SCHIFALACQUA: -- that Ms. Lujan did the psychosexual evaluation and  
8 he came back pure high risk to sexually or criminally reoffend. That's extremely  
9 rare, first of all. It also makes that the sexual offenses here are nonprobationable,  
10 including the luring the child and the open and gross lewdness counts.

11 The question is really what to do with Mr. Pigeon. He's someone who  
12 is not going to stop and he showed the Court that he's not going to stop what he's  
13 doing.

14 THE DEFENDANT: There are only four counts.

15 THE COURT: Hold on, hold on.

16 THE DEFENDANT: No, I think he's being out of bounds.

17 THE COURT: Well, you can --

18 THE DEFENDANT: There are many counts --

19 THE COURT: I --

20 THE DEFENDANT: -- here and they're duplicate counts --

21 THE COURT: Okay. Would --

22 THE DEFENDANT: -- and he's not being reasonable.

23 THE COURT: Mr. Pigeon, I'm trying to be calm with you. You have the right  
24 to argue in a minute, not interrupting.

25 THE DEFENDANT: Yes, I understand but I think this man's a criminal, and I

1 question what this Court does.

2 THE COURT: I understand. You called me a criminal.

3 THE DEFENDANT: Yes, I did.

4 THE COURT: And that's okay. Just make notes so that you can argue.  
5 Don't interrupt. I'm not going to let them interrupt you when you start.

6 THE DEFENDANT: I don't like him calling me a habitual criminal.

7 THE COURT: Well.

8 MR. SCHIFALACQUA: The reason why I'm saying that, Your Honor, is it's  
9 over -- his criminal history starts in 1997 in Texas which is one of the felony  
10 convictions we provided to Your Honor this morning. And it was certified. And then  
11 he moves to Las Vegas and continually commits some petty type of crimes but also  
12 masterbating in public on multiple occasions that he was convicted of. I looked --

13 THE DEFENDANT: Only twice they claimed.

14 MR. SCHIFALACQUA: Okay. One was at a McDonald's, and one was at the  
15 Bellagio Hotel. That was the 2010 case, then he was sentenced to prison on that.

16 In this case, it's getting worse and he's really stalking a 12 year old and  
17 believes that he should have sex with this individual. I think without the good work  
18 of Detective Jason Lafreniere in this case as well as the clerk at the CJ's Mini Mart, I  
19 think this was moments away from her being kidnapped and raped. And that's why  
20 the State took such a strong stance here.

21 The psychosexuals come back high, his history shows that he's going  
22 to reoffend. There's really no other option at this point, I would argue, other than  
23 habitual treatment. I am asking that the Defendant be sentenced to life in prison on  
24 the large habitual. I'm -- I was -- I'm cautious to ever ask for that unless it's the  
25 worst of the worst, and Mr. Pigeon is one of those individuals.

1 I would ask that Mr. David Carpenter, Candace's father, he is here to  
2 speak. I did provide notice of him being to speak to Mr. Pigeon in CCDC, so he  
3 does know this. And he'd be able to speak after Mr. Pigeon, Your Honor.

4 THE COURT: Thank you.

5 Mr. Pigeon, what have you got to say?

6 THE DEFENDANT: An awful lot. He claims -- he claims I have a life of crime.  
7 All those misdemeanors -- I mean, all those felony convictions were misdemeanors  
8 to begin with except for the one forgery check from Texas which was my parents'  
9 check. That's the only genuine felony I have. Every other one would have been a  
10 misdemeanor except for -- every other one would have been a misdemeanor period  
11 except for the fact that they automatically enhance it to a felony conviction after your  
12 first offense. But that's technically illegal because there are technically not  
13 supposed to be any mandatory enhancements according to *Booker v State* and a  
14 few other cases that are referenced by *Booker v State*.

15 There are only two instances where the claimed masturbation and only  
16 one of them was an exposure. That was at the Bellagio. And I plead to that, they  
17 didn't convict me for that. The other one that Mr. Schifalacqua mentioned that was  
18 at the McDonald's was for having my hand in my pocket. That was it. There was  
19 nothing else there. That was a misdemeanor also.

20 I had another charge for a misdemeanor lewdness where I was in  
21 Treasure Island and I touched a waitress in the back. And that came back four  
22 months later and they claimed that that was lewdness for touching a waitress in the  
23 back.

24 THE COURT: Well, you pled to one, you went to trial on one, you were  
25 convicted twice of a lewdness or gross lewdness.

1 THE DEFENDANT: Right. I represented myself once for those and the other  
2 one was Mr. Cichoski that represented me.

3 THE COURT: And you have the prior felony conviction in Texas.

4 THE DEFENDANT: For forgery. But those are all --

5 THE COURT: You actually -- you actually told the jury you had those. After I  
6 told --

7 THE DEFENDANT: Yes, I did. But I did -- I -- did --

8 THE COURT: I told you not to.

9 THE DEFENDANT: You did say that.

10 THE COURT: And you --

11 THE DEFENDANT: That's what --

12 THE COURT: And you did. Even Mr. Schifalacqua said we're not going to  
13 talk about them, don't you talk about them. And then what's first, one of the first  
14 things you brought up were the convictions.

15 THE DEFENDANT: But he also mentioned it in the recorded voluntary  
16 statement that he played. It was also mentioned there. Those four were priors -- or  
17 three priors.

18 I also want to mention that when it comes to sentencing, the attempted  
19 kidnapping charge, the minimum is five months, not -- I mean, five years, not eight  
20 years. Aggravated stalking, the minimum is two years, not six years. Luring  
21 children, the minimum is two years, not six years. Burglary, it's one year, not four  
22 years.

23 MS. MERCER: Your Honor, I believe the Defendant is looking at the  
24 Department of Probation and Parole's recommendations. They've actually outlined  
25 the appropriate penalties on the first couple of pages.

1 THE DEFENDANT: You're recommending life, however.

2 THE COURT: Well, they are. And --

3 THE DEFENDANT: Yes, they are so I'm arguing it.

4 THE COURT: All right.

5 THE DEFENDANT: The rest are a minimal one year and max of four years.

6 I also want to remind -- I want to read the statement by Candace  
7 Carpenter that she wrote when she was first interviewed about me when I was  
8 arrested.

9 She says: Today I was riding the city bus and I got off at Valley View  
10 and Charleston, and an elderly male guy with circular glasses got off the  
11 same bus. And I was walking to the Sinclair on Hinson and Charleston. And  
12 as I was walking, I looked back and I saw him so I started walking a little  
13 faster. And I got to the gas station and I was looking around at the chips and  
14 drinks and the man went to the cashier and paid for a coke. And still after that  
15 didn't leave the store. And was looking around and as he was doing so, the  
16 store clerk asked me, "Is that guy your dad?" I shook my head no. And the  
17 guy came, passed me, and commented, "Hello, miss, you look nice today." I  
18 didn't pay attention to him and I went to the back of the store to get a  
19 Gatorade and I paid for it. And after that, I went to school. And the bell rang  
20 and I was rushing, therefore I don't know if he was following me.

21 On Tuesday, I was on my regular routine, but this time I was going  
22 northbound on Valley View, after the bus dropped me off. And the same man  
23 caught up with me and stopped me and said, "You know you don't have to be  
24 scared and run from me." I just tried to get to school, and he made a light  
25 touch on my hand. And I said leave me alone. I started running from in front

1 of Sonio's Café and ran to the gas station to get away from him. And as I was  
2 in the store, the guy kept looking at me and the clerk that was working at the  
3 time wasn't the one it was for Thursday and Friday. I bought a pack of gum  
4 and I went out at the store -- out of the store and I was by the park by my  
5 school and I looked back and saw him. This is the first time it happened and I  
6 got to school.

7 That's all she says. There's no lewdness charge, there's no threat  
8 claimed. A threat is a necessary part of both attempted kidnapping and aggravated  
9 stalking. You could maybe argue misdemeanor stalking, but not aggravated  
10 stalking.

11 Burglary is not even related to this at all because that usually involves  
12 theft and there is no obvious commission of a felony involved.

13 The open gross lewdness, she doesn't claim it and neither does the  
14 store clerk so that essentially didn't happen. Perhaps she was a little unsettled or as  
15 she says weirded out, so that maybe means unlawful contact with a child as a  
16 misdemeanor might apply.

17 The other big issue here is that attempted kidnapping, aggravated  
18 stalking, luring children, and burglary all seem to be for the same act or  
19 circumstance in this case. There're not claimed, but they all seem to be redundant  
20 which means there should be really only one crime there and not two. It's an issue  
21 of double jeopardy which is pretty important I think.

22 Attempted kidnapping and luring children are relatively the same crime  
23 almost exactly if there's no threat, no ransom, or no intention to have transported  
24 her anywhere or to have detained her at all. And certainly that wasn't the case, she  
25 doesn't claim that. So a lesser degree of attempted first-degree kidnapping is really

1 like luring children itself. So they're really so redundant, it's a big issue here at  
2 sentencing.

3           Also, I really believe that it wasn't luring children at all that you can  
4 claim because you didn't prove that I tried to transport her anywhere. And since I  
5 didn't try and transport her anywhere and had no intent -- intent to avoid her  
6 appearance any because I didn't really know her that well, I had just been with her  
7 briefly, maybe a total of a half hour on three mornings that week. I really think  
8 maybe attempted luring is a charge you could have had in the courtroom for the trial.  
9 But the other Class B felonies and that Class B felony itself are so extreme, it's  
10 ridiculous in my opinion.

11           Also, in the jury instructions for the trial, you had an incomplete  
12 attempted kidnapping jury instruction, and the jury instruction for open and lewdness  
13 says it had to occur in a private manner. But that's not actually the definition. If you  
14 look at *Young v State* and the statute, later on in the statute it says it's in a public  
15 manner. So that's a big issue in that jury instruction alone. However, as I said, it's  
16 not claimed by the witness or by the -- by anyone else as a witness except for the  
17 police officer who wrote up the report, that was it. But he doesn't claim anything  
18 other than rubbing my crotch. However that wasn't -- that wasn't claimed by anyone  
19 else, and he claimed he saw it on a video that doesn't exist.

20           I'll remind the Court, I was an officer in the Army, personnel  
21 administrative officer from 1980 to 1984 -- I mean, 1984 to 1988. I attended the  
22 University of Notre Dame from 1980 to 1984. I graduated with a B average, studied  
23 Management Information Systems and Business Administration. I was in ROTC,  
24 and also studied music theory and composition so I'm trained as a composer.

25           I served four years in the Army after that immediately for an obligation.



1 And while I was in the Army, I got transferred to Philadelphia and began going to  
2 Drexel University at their nighttime architecture program. And I also completed a  
3 five-year nighttime architecture program at Drexel University so I'm also an architect  
4 in town. And have written many letters to the editors at the Review Journal. I wrote  
5 letters to the editor in El Paso while I was there as well. I completed my internship  
6 in Philadelphia. I'm really quite talented and valuable person.

7 I draw while I'm locked up. I have almost 400 drawings I've drawn,  
8 architectural drawings. I showed these at trial for everyone. They're drawn in pen  
9 and ink and I do it to expand my theoretical ability and my technical ability. So I stay  
10 active while I'm locked up.

11 Despite the fact that I haven't worked in a few years, although I have  
12 been on Social Security and I have tried to seek work with the city as an architect  
13 and with architecture firms in the city who -- in the city who don't hire people very  
14 often, especially if they're board experienced. I have a copy of my resume here that  
15 I'd like to make public for the record, if I could give that to you.

16 THE COURT: Sure, let's mark it.

17 THE DEFENDANT: It's three-page resume there.

18 I think there's no reason for habitual here, especially since two of the  
19 open and gross lewdnesses were not even really lewdness. One was a hand in a  
20 pocket, one was touching a waitress in the back. And I pled guilty to two of them.  
21 One as a misdemeanor, and one as a felony. So I actually have two misdemeanors  
22 and two misdemeanor felonies for the lewdnesses. So technically I only have three  
23 felonies and two of those were misdemeanors to begin with. I don't think I'm a  
24 habitual at all. I think I'm a good citizen, very valuable, very positive. I agree that it  
25 was questionable perhaps that I spent three mornings following and walking with

1 Candace Carpenter to school.

2 THE COURT: I think you said in your -- in either an argument or your  
3 examination that you'd spent a month following her.

4 THE DEFENDANT: Well, I did walk with her previously and I did see her at  
5 the bus station, but she didn't complain about it any and she didn't seem to mind  
6 me. We did talk briefly on occasion, it's just small talk, nothing lewd. And in her  
7 state -- in her verbal statement, she claims there was no threats or anything or  
8 nothing inappropriate said. So even she claims that. And I was very fond of her. I  
9 have never followed a girl repeatedly before ever. There was one girl in El Paso --

10 THE COURT: Wait, you said in your statement that you follow 15 year olds,  
11 not 12 year olds.

12 THE DEFENDANT: No, there was no --

13 THE COURT: Yeah, you did.

14 THE DEFENDANT: Well, I wasn't --

15 THE COURT: I made note of it.

16 THE DEFENDANT: No, there was no following. I said I usually only  
17 considered going out with 15 year olds.

18 THE COURT: Okay.

19 THE DEFENDANT: It wasn't -- wasn't a following thing.

20 THE COURT: Okay.

21 THE DEFENDANT: I might have said, used the word chase, but that's slang  
22 for courting, not --

23 THE COURT: Okay.

24 THE DEFENDANT: -- not following.

25 Although my convictions are serious and the situation with respect to

1 the young victim, Candace Marie Carpenter, is questionable, if I wasn't  
2 well-intentioned and genuinely sincere about her, my actions were none other than  
3 reasonable and sincere. The level of severity for all these crimes is relatively low,  
4 especially for the Class B felony is involved. I mean, you know, there are people  
5 that threaten people, they injure them.

6 Aggravated stalking and attempted kidnapping you have to actually  
7 have an obvious threat of bodily harm or else it's -- or else they don't apply. I mean,  
8 I can see you sentencing me -- sentencing me maybe for attempted luring only at all  
9 those Class B felonies, but that would make it a Class C felony.

10 I don't normally walk with or follow underage girls at all, except I did in  
11 this instance. I have no plans to do so in the future. I'm interested in remaining a  
12 valuable citizen for Las Vegas, Clark County, and the state of Nevada. I ask that  
13 you strongly consider running everything concurrently, maybe dropping the Class B  
14 felonies, reducing the luring children to a Class C felony, not making it a maximum  
15 sentence because I really feel that you didn't really even prove that because I had  
16 no intent to transport her.

17 I didn't mind meeting the parents, if that was possible. That's one of  
18 the -- what I -- one of the reasons I was following her that week is I was trying to get  
19 to know her before the summertime so I could meet her parents, if possibly come  
20 over for dinner or something over the summer. And I did have intentions of marrying  
21 her, possibly.

22 I ask you to be lenient. You know, I'm sorry for causing the family  
23 trouble and perhaps other people around her trouble, maybe the school, some of the  
24 officers, some -- the Court in general, yourself. I really feel I did pretty well  
25 representing myself the whole time. I will add that while Robert O'Brien was

1 representing me, the only thing that occurred was he added four Class B felonies  
2 and one Class D felony to my slate of charges. And he'd said he -- that none of  
3 those charges would be reduced. This is what he told me.

4 THE COURT: He, who? Because --

5 THE DEFENDANT: Robert O'Brien.

6 THE COURT: Okay. He didn't add them. He's your -- he was a defense  
7 attorney.

8 THE DEFENDANT: No, but they were -- they --

9 THE COURT: Schifalacqua may have added them.

10 THE DEFENDANT: When I went to Judge Goodman's Justice Court, I  
11 believe that was probably 5/22, I'm not sure, it was somewhere around then, that  
12 was of 2013, there were only three -- three charges there and they claim there were  
13 only two. The Grand Jury added five charges and possibly a sixth because I think  
14 they may have dismissed one of the charges in Judge Sullivan's court.

15 The fact is that they added those charges at the Grand Jury hearing but  
16 they never discussed them, they just said they were there. So it there -- it's  
17 questionable that those charges were even there at all, even from the beginning  
18 before I came to your court here in District Court 8. On here, I have a register of  
19 actions and it says here that attempted first-degree stalking was issued on 5/15.  
20 Aggravated stalking also on 5/15. Luring children, burglary, and open or gross  
21 lewdness all were charges that say 5/15. But I wasn't arrested until 5/17, and they  
22 weren't there. So there's a questionable Grand Jury there also.

23 But the most important issue is that the Class B felonies are all  
24 duplicate and there should be only one of them. And I recommend reducing luring  
25 children to an attempt crime, maybe get a Class C felony in that you give me a

1 sentence that's correspondingly lesser than ten years which is maximum, I think, for  
2 a Class C felony.

3 I'd like to add this to the record also.

4 THE COURT: Tom.

5 We'll mark it. What is it?

6 THE DEFENDANT: It's the register of actions that shows incorrect dates.

7 THE COURT: All right.

8 THE DEFENDANT: That's an Indictment issue, a Grand Jury Indictment  
9 issue.

10 THE COURT: All right.

11 THE DEFENDANT: I was never told I was going to have added charges until  
12 much later by Robert O'Brien himself, and not in a courtroom. So I wasn't present at  
13 the hearing. I think I have a right to be present at the hearing. I brought that up in  
14 three different motions, but you denied all of them. Again, you denied my motion for  
15 mistrial.

16 I think the repetition of burglary, attempted kidnapping, luring children,  
17 and aggravated stalking is very repetitive. That should be one charge. And that's --  
18 that's a mistrial issue there, I feel.

19 That's all I want to say.

20 THE COURT: All right.

21 THE DEFENDANT: I -- I'm a respectful citizen. I went to Notre Dame, Drexel  
22 University, I was an officer in the Army.

23 THE COURT: You've been very respectful.

24 THE DEFENDANT: Thank you. The most serious crime I have is just my  
25 writing a \$2600 check of my parents to buy a used car. And I used it to go to Los

1 Angeles to try and find work because I had been unemployed in El Paso for three  
2 years at that time.

3 THE COURT: Okay. Thank you. You can have a seat if you want.

4 THE DEFENDANT: I'll stand. It's okay.

5 THE COURT: Have another witness you want to talk.

6 MR. SCHIFALACQUA: It'll just be one, Your Honor.

7 THE COURT: You'll raise your right hand. Stand there. Be sworn in, please.

8 **DAVID MORRIS**

9 [having been called as a speaker and being first duly sworn, testified as follows:]

10 THE CLERK: Please state and spell your name.

11 THE VICTIM IMPACT SPEAKER: My name's David Morris; D-A-V-I-D,  
12 M-O-R-R-I-S. And I'm Candace Carpenter's father.

13 THE COURT: Go ahead.

14 THE VICTIM IMPACT SPEAKER: First of all, I am thankful to the people who  
15 work at CJ store and to Detective Jason and the office of District Attorney -- District  
16 Attorney, the jury, and all law enforcement who helped in this case. Thank you from  
17 the bottom of my heart. There are absolutely no words that I can say to even come  
18 close to the gratitude I have for you.

19 To the Court, I would like to say that I'm thankful that I live in a country  
20 where the rights of the accused and the victim are treated with the same respect.  
21 Oftentimes in trial such as this one where the accused proceeds pro se, it might  
22 appear that the rights of the accused are the ones that are protected. I would like to  
23 thank the Court for doing its best to protect my daughter during her time on the  
24 witness stand. This has been a very traumatic experience for Candace.  
25 And Mr. Pigeon's decision to further traumatize her and try to exercise control over

1 her on the stand was very difficult to endure for us. I appreciate Your Honor doing  
2 the best that you could legally to minimize the psychological and emotional damage  
3 done to my daughter.

4 With that being said, we the family would like to ask the Court to  
5 consider Mr. Pigeon's own testimony. He brought up a letter that Candace wrote.  
6 His own testimony was that he intended to have sex with her. His own testimony is  
7 very disturbing and unremorseful. His current actions and testimony in court and  
8 also his prior criminal history as a sex offender, so this behavior is still ongoing. His  
9 total disregard to register as a sex offender is witness that he has no intentions of  
10 ever, in his testimony, he has no intentions of ever taking any responsibility for any  
11 of his current or past actions and demonstrates an unwillingness to admit the  
12 wrongs in which he inflicts on the most defenseless of our society. My concern is for  
13 my daughter and to prevent any other future victims from Mr. Pigeon. The violations  
14 that I'm personally experiencing as a parent are nothing compared to the emotional  
15 issues that my daughter has to endure each and every day for months and years to  
16 come.

17 I humbly ask this Court to be the voice of children everywhere and  
18 impose a maximum sentence on every count. Furthermore, we would ask this Court  
19 to run any -- any sentences available consecutively, if possible. And I pray that you  
20 consider the safety of our children in this decision, Your Honor. The laws that  
21 protect our children from those who prey upon the most defenseless and fragile of  
22 our society must be enforced to the fullest extent of the law.

23 That's all I have, Your Honor.

24 THE COURT: Okay, hold on a sec.

25 Do you have any questions of this gentlemen?

1 THE DEFENDANT: I would like to respond to that.

2 THE COURT: Well, I'll -- you've responded.

3 THE DEFENDANT: I --

4 THE COURT: Do you have any questions of him? I have to allow that.

5 THE DEFENDANT: Well, I have statements I need to make, they're not  
6 questions.

7 THE VICTIM IMPACT SPEAKER: I'm not interested.

8 THE COURT: Nope, then you can't.

9 Okay, you can have a seat. Thank you.

10 THE VICTIM IMPACT SPEAKER: Thank you.

11 THE COURT: All right. The Court heard the trial. The Court has given you  
12 ample opportunity to speak, Mr. Pigeon. It's now my responsibility to sentence you.

13 A jury found a verdict on August 5<sup>th</sup>, 2014, found you guilty. Count 1,  
14 you're adjudged guilty of attempt first-degree kidnapping, a felony. Count 2,  
15 aggravated stalking, a felony. Count 3, luring children with intent to engage in  
16 sexual conduct, felony. Count 4, burglary, felony. Count 5, open or gross lewdness,  
17 felony. Count 6, unlawful contact with a child, a gross misdemeanor. Count 7 and  
18 8, prohibited acts by a sex offender, felonies.

19 Together with a \$25 administrative assessment fee, a \$3 DNA  
20 assessment, \$150 DNA analysis, if it wasn't taken, has to be, \$760 psychosexual  
21 fee.

22 This is a very troubling case, Mr. Pigeon. For a 52-year-old man to  
23 stalk a 12-year-old girl the way you did, lay hand on her, follow her to her school,  
24 and then to tell her that you loved her and wanted to marry her. Which I didn't hear  
25 until you made that statement in front of the jury. You have two lewdness with a



1 minor. How do I protect our citizens?

2 THE DEFENDANT: There are no lewdnesses with minors.

3 THE COURT: Excuse me, give me the convictions. I have to address them  
4 exactly.

5 THE DEFENDANT: There was a --

6 THE COURT: Okay, I misspoke on the names. You have felony forgery  
7 financial instrument, and you have open or gross lewdness. Two counts, two felony  
8 counts certified here.

9 THE DEFENDANT: Misdemeanor felonies originally was --

10 THE COURT: Okay. That's what you say.

11 THE DEFENDANT: Yeah.

12 THE COURT: They are felonies on the certified documents.

13 THE DEFENDANT: Yes, I understand.

14 THE COURT: You told the jury about the felonies before I -- when I told you  
15 not to. It wasn't helpful to you.

16 I think it was the jury that asked the question: Are you still interested in  
17 her even though she took the stand? My recollection was you said, yes, that didn't  
18 bother you.

19 THE DEFENDANT: Yes, I did say that.

20 THE COURT: Because she was a sweet person. And I wrote this down and I  
21 kept my notes. I have never kept notes on a case. You said she was a nice  
22 specimen.

23 THE DEFENDANT: I did say that.

24 THE COURT: A nice specimen.

25 THE DEFENDANT: Yeah. That means I thought -- although she's not --

1 THE COURT: You said to the jury that you'd stalked her for a month.

2 THE DEFENDANT: Walked her to school for a month.

3 THE COURT: This is troublesome. It isn't an easy sentence to -- to impose.

4 But based upon the evidence that I have and the fact you still try to contact her,  
5 sending her a letter or a Christmas card or something.

6 THE DEFENDANT: Just a simple Christmas card. Very simple.

7 THE COURT: While you're in custody pending sentencing, you still make  
8 contact with this 12-year-old, now 13-year-old girl.

9 THE DEFENDANT: Well, it was just to make her feel better. I do --

10 THE COURT: Well --

11 THE DEFENDANT: -- do consider her feelings some.

12 THE COURT: You're adjudged guilty of those counts. You're adjudged guilty  
13 of a large habitual. I believe you are a threat to society, Mr. Pigeon.

14 THE DEFENDANT: Well, I think with the duplicate --

15 THE COURT: Question I have is, is it with or without the possibility of parole?  
16 And the only way I can protect our children from you, Mr. Pigeon, is sentence you to  
17 life without the possibility of parole.

18 THE DEFENDANT: I don't even have anything more than a misdemeanor.

19 THE COURT: That will be the order of the Court. Thank you.

20 THE DEFENDANT: I disagree, Your Honor, and I think that's --

21 THE COURT: You -- now --

22 THE DEFENDANT: -- extremely unjust -- unjust.

23 THE COURT: Now, you represent yourself. I tried to get you an attorney,  
24 you didn't want an attorney. For appellate reasons, I have contacted our -- our  
25 appellate court's appointment, Drew Christensen. Do you want an attorney for

1 appeal or do you want to do it yourself?

2 THE DEFENDANT: I'd rather do it myself.

3 THE COURT: Are you sure?

4 THE DEFENDANT: I'm positive.

5 THE COURT: All right. Now if you change your mind, there are time frames  
6 that you've got to file this notice of appeal and this fast track. If you want me to  
7 appoint you an attorney, I will get with an attorney with Drew Christensen and have  
8 an attorney contact you in the prison. Unless you want to do it yourself, that's up to  
9 you.

10 MS. MERCER: Your Honor, just for the record. It would be full briefing  
11 because of the life tail.

12 THE COURT: Okay. So it'd be full briefing. And rather --

13 THE DEFENDANT: What do you mean by full briefing?

14 THE COURT: You'd -- it's not the fast tracking.

15 THE DEFENDANT: Fast tracking appeal?

16 THE COURT: Yeah. Do you want me to appoint you an attorney for appeal?

17 THE DEFENDANT: No.

18 THE COURT: Okay.

19 THE DEFENDANT: I would like --

20 THE COURT: I'm giving you that chance.

21 THE DEFENDANT: I would like to add that the sentence without parole is a  
22 bit extreme. Even Mr. Schifalacqua didn't ask for life without parole.

23 THE COURT: It's not his charge, it's my charge. I've got to determine  
24 whether you're a threat to society. And I believe --

25 THE DEFENDANT: I've never --

1 THE COURT: -- that we are lucky to have caught this when we did so that  
2 little girl wasn't violated. I saw your bedroom in that storage unit. I'm sure that's  
3 where you were headed. Thank you.

4 Please take him out.

5 MR. SCHIFALACQUA: Judge, Count 6 is a gross misdemeanor so that would  
6 have to be just a --

7 [Colloquy between the Judge and the Court Clerk]

8 THE COURT: Go ahead and take him.

9 THE MARSHAL: No, the State wants something.

10 MR. SCHIFALACQUA: Judge, the only thing I want to say is the -- there was  
11 a gross misdemeanor, Count 6 --

12 THE COURT: Oh, yes.

13 MR. SCHIFALACQUA: -- we can't do habitual on that. So that would be --

14 THE COURT: Right. On the gross misdemeanor, I meant to step aside from  
15 that. On the gross misdemeanor, he has a year in jail. I think he's been there  
16 longer than a year.

17 MR. SCHIFALACQUA: Yes, Judge, credit for time served is --

18 THE COURT: Credit for time served on that.

19 MR. SCHIFALACQUA: -- 572.

20 THE COURT: So on Count 6, is -- is the unlawful contact with a child or gross  
21 misdemeanor is credit for time served. Thank you.

22 Thanks for reminding me.

23 MR. SCHIFALACQUA: I also have that letter that he sent to Candace. I'll just  
24 make it part of court record.

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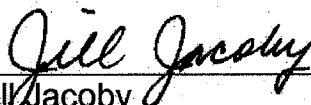
THE COURT: Okay. Thank you.

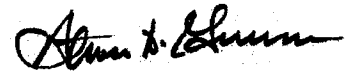
MS. MERCER: Bye, Your Honor.

MR. SCHIFALACQUA: Thank you, Your Honor.

[Proceeding concluded at 9:44 a.m.]

ATTEST: I hereby certify that I have truly and correctly transcribed the audio/visual recording in the above-entitled case.

  
\_\_\_\_\_  
Jill Jacoby  
Court Recorder



CLERK OF THE COURT

TRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

STATE OF NEVADA

Plaintiff,

vs.

CHRISTOPHER PIGEON,

Defendant.

CASE NO. C13-290261-1

DEPT. VII

BEFORE THE HONORABLE LINDA MARIE BELL, DISTRICT COURT JUDGE  
FRIDAY, AUGUST 2, 2013

**RECORDER'S TRANSCRIPT OF  
FURTHER PROCEEDINGS: COMPETENCY**

**APPEARANCES:**

For the State:

BARTER PACE, ESQ.  
Chief Deputy District Attorney

For the Defendant:

ROBERT O'BRIEN, ESQ.  
Deputy Public Defender

RECORDED BY: RENEE VINCENT, COURT RECORDER

1 Friday - August 2, 2013 - 9:15 a.m.

2  
3 THE COURT: State of Nevada versus Christopher Pigeon, C290261-1.  
4 There's no challenge to that. We're going to send him to Lake's Crossing for  
5 restoration of competence pursuant to NRS 170.425.

6 MR. PACE: May I approach with the order?

7 THE COURT: Sure.

8 [Proceeding concluded at 9:15 a.m.]

9 [Matter recalled at 9:27 a.m.]

10 THE COURT: Back on page 19.

11 MR. O'BRIEN: Thank, Your Honor. And I know that the Court has  
12 already issued the order to send Mr. Pigeon to the Lake's. Mr. Pigeon would  
13 like to put in a request to represent himself in this matter and to -- for the  
14 Court to delay his transportation to Lake's so that he can address that motion.

15 THE COURT: Okay. So, Mr. Pigeon, since the doctors are saying that  
16 you need to go to Lake's Crossing, I can't let you do that. You can do that  
17 when you get back, though. Okay?

18 THE DEFENDANT: Well, they'll quash the motion in the meantime, and  
19 it will cost me more time there probably.

20 THE COURT: Unfortunately, I think that you're right on both counts,  
21 but you can't do it until you get back. We can't do anything in your case until  
22 this issue gets resolved.

23 THE DEFENDANT: Why can't you -- why can't you use my two  
24 previews from before? Because I was there for a whole year the last time I  
25 was -- I got out in March 2012.

1 THE COURT: Well, you're going back. So when you get back, then  
2 you can make the motion to represent yourself if you want.

3 THE DEFENDANT: You can't use an old report?

4 THE COURT: No, because it's about how you're doing right now. So,  
5 you know --

6 THE DEFENDANT: I am perfectly well. I have two college degrees,  
7 and I was an officer in the Army, and I'm an architect and I'm opposing --

8 THE COURT: Then we should get you back real quick. Okay?

9 MR. O'BRIEN: Thank, Your Honor.

10 THE DEFENDANT: Well, with the charges I have, they might not let me  
11 back real quick.

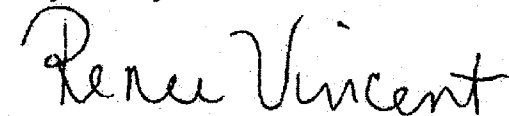
12 THE COURT: Well, this part isn't about the charges. It's just about,  
13 you know, how you're doing. So if you're doing well, they'll send you back  
14 very quickly, and then you'll go forward with the case. I don't know what's  
15 going to happen with your case, but it doesn't have anything to do with the  
16 charges. It's really just with how -- how well you're doing. Okay?

17 THE DEFENDANT: I'm doing perfectly well, Your Honor.

18 THE COURT: Then, like I said, you'll get back real quick.

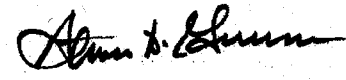
19 [Proceedings concluded at 9:31 a.m.]

20  
21 ATTEST: I do hereby certify that I have truly and correctly transcribed the  
22 audio-visual recording of the proceeding in the above entitled case to the  
23 best of my ability.

24 

25 Renee Vincent, Court Recorder/Transcriber





CLERK OF THE COURT

TRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

STATE OF NEVADA

Plaintiff,

vs.

CHRISTOPHER PIGEON,

Defendant.

CASE NO. C13-290261-1

DEPT. VII

BEFORE THE HONORABLE LINDA MARIE BELL, DISTRICT COURT JUDGE  
FRIDAY, DECEMBER 13, 2013

**RECORDER'S TRANSCRIPT OF  
FURTHER PROCEEDINGS: COMPETENCY  
RETURN FROM LAKE'S CROSSING**

APPEARANCES:

For the State:

BARTER PACE, ESQ.  
Chief Deputy District Attorney

For the Defendant:

BELINDA HARRIS, ESQ.  
Deputy Public Defender

RECORDED BY: RENEE VINCENT, COURT RECORDER

1 Friday - December 13, 2013 - 9:28 a.m.

2  
3 THE COURT: State of Nevada versus Christopher Pigeon, C290261-1.  
4 The Defendant is present in custody. He was sent back from Lake's Crossing.  
5 He was found competent to proceed with adjudication. Any challenge to that  
6 finding?

7 MS. HARRIS: There is going to be a challenge for that finding, Judge.  
8 Is January 17th good for the Court's calendar for a hearing date? This is more  
9 unusual. We'll be having the doctors present, hopefully.

10 THE DEFENDANT: You said there was a challenge? What's the  
11 challenge?

12 (Counsel confer)

13 THE COURT: Looks great --

14 MS. HARRIS: Judge, this is Mr. O'Brien's case.

15 THE COURT: I have one hearing set at 10:30 that day, so I can set it.  
16 It's 11:00 or 1:00.

17 MS. HARRIS: 11:00?

18 THE COURT: How's 11:00?

19 MS. HARRIS: That's fine.

20 THE DEFENDANT: Can I have a copy of the report, please, Your  
21 Honor?

22 MS. HARRIS: And, Judge, Mr. O'Brien is going to speak to him and  
23 give him the report.

24 THE COURT: So Mr. O'Brien will be over and get that to you.

25 THE DEFENDANT: All right. Thank you.

1 THE COURT: Okay.

2 MS. HARRIS: And, Judge, can we have a status check date of 12-27  
3 just so we can confirm with the doctors in the next few weeks that is -- that is  
4 a good date?

5 THE COURT: That's perfect.

6 MS. HARRIS: Or if not, then we can change it.

7 THE CLERK: December 27th, 9:30.

8 MR. PACE: Now, the time of the hearing on the 11th was what?

9 MS. HARRIS: On the 17th.

10 THE COURT: On the 17th at 11:00.

11 MR. PACE: I'm sorry, 17th.

12 MS. HARRIS: It's at 11:00.

13 MR. PACE: 11:00. Thank you.

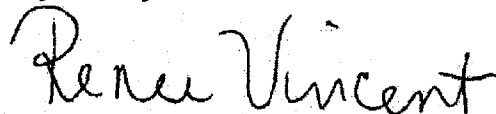
14 THE COURT: But I have flexibility. I don't really have anything that  
15 afternoon, so if you need to change that --

16 MS. HARRIS: Okay.

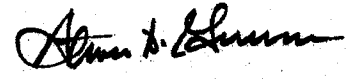
17 THE COURT: -- for the doctors' convenience, I'm happy to do that as  
18 well. It's just that we have one right before, so it may be easier for them.

19 (Proceedings concluded at 9:30 a.m.)

20  
21  
22 ATTEST: I do hereby certify that I have truly and correctly transcribed the  
23 audio-visual recording of the proceeding in the above entitled case to the  
24 best of my ability.

25 

Renee Vincent, Court Recorder/Transcriber



CLERK OF THE COURT

TRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

STATE OF NEVADA

Plaintiff,

vs.

CHRISTOPHER PIGEON,

Defendant.

CASE NO. C13-290261-1

DEPT. VII

BEFORE THE HONORABLE LINDA MARIE BELL, DISTRICT COURT JUDGE  
FRIDAY, JANUARY 17, 2014

**RECORDER'S TRANSCRIPT OF  
FURTHER PROCEEDINGS: COMPETENCY  
CHALLENGE HEARING**

**APPEARANCES:**

For the State:

BARTER PACE, ESQ.  
Chief Deputy District Attorney

For the Defendant:

ROBERT O'BRIEN, ESQ.  
Deputy Public Defender

RECORDED BY: RENEE VINCENT, COURT RECORDER

1 Friday - January 17, 2014 - 9:47 a.m.

2  
3 THE COURT: State of Nevada versus Christopher Pigeon, C290261-1.  
4 This is also on for a hearing today.

5 MR. O'BRIEN: It is, Your Honor. I emailed your chambers yesterday  
6 and the State and the other parties involved. We are requesting a continuance  
7 on the challenge hearing for two weeks. Specifically, the District Attorney  
8 who's handling this matter in the District Court -- or, you know, in the trial  
9 court has asked for additional time to look at the final evaluating doctor's  
10 report. He would like time to look at that before the challenge hearing.

11 THE COURT: So we're going to pass it to the 31st.

12 THE CLERK: January 31st, 9:30.

13 MR. O'BRIEN: Thank you.

14 THE COURT: Hold on. Hold on, hold on.

15 THE DEFENDANT: I'd like a copy of the report myself, Your Honor.

16 THE COURT: Okay. But if we do it on the 31st, I need to do it at 1:00  
17 o'clock because I have a meeting in the morning.

18 MR. O'BRIEN: 1:00 o'clock?

19 THE COURT: Uh-huh.

20 MR. O'BRIEN: All right. I'll --

21 (Defense counsel confer)

22 MR. O'BRIEN: Your Honor, if we could do a status check next week,  
23 I'll just clear with the Lake's doctor that it's --

24 THE COURT: So we'll pass it one week.

25 THE CLERK: January 24th, 9:30.

1 THE DEFENDANT: And, also, Your Honor, I'd like -- I'd like a speedy  
2 trial.

3 THE COURT: But, Mr. Pigeon, we got to get through this part first.  
4 Okay?

5 THE DEFENDANT: Understood, I'm already at a year's time.

6 THE COURT: Okay.

7 THE DEFENDANT: Thank you for your --

8 THE COURT: We're going to try to get this resolved as quickly as  
9 possible.

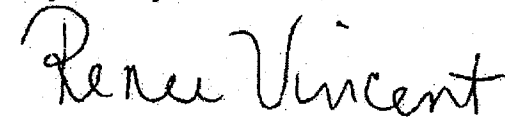
10 THE DEFENDANT: -- time.

11 MR. O'BRIEN: Thank, Your Honor.

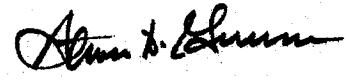
12 THE COURT: Thank you.

13 (Proceedings concluded at 9:48 a.m.)  
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19 ATTEST: I do hereby certify that I have truly and correctly transcribed the  
20 audio-visual recording of the proceeding in the above entitled case to the  
21 best of my ability.

22 

23 Renee Vincent, Court Recorder/Transcriber  
24  
25



CLERK OF THE COURT

TRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

STATE OF NEVADA

Plaintiff,

vs.

CHRISTOPHER PIGEON,

Defendant.

CASE NO. C13-290261-1

DEPT. VII

BEFORE THE HONORABLE LINDA MARIE BELL, DISTRICT COURT JUDGE  
FRIDAY, JANUARY 24, 2014

**RECORDER'S TRANSCRIPT OF STATUS CHECK:  
CHALLENGE HEARING DATE**

APPEARANCES:

For the State:

BARTER PACE, ESQ.  
Chief Deputy District Attorney

For the Defendant:

BELINDA HARRIS, ESQ.  
Deputy Public Defender

RECORDED BY: RENEE VINCENT, COURT RECORDER

1 Friday - January 24, 2014 - 9:21 a.m.

2  
3 THE COURT: State of Nevada versus Christopher Pigeon.

4 THE DEFENDANT: Good morning, Your Honor.

5 MS. HARRIS: He is present in custody, Judge. They said that Dr.  
6 Harter is available on February 7th at 10:30. We still haven't confirmed  
7 anything with Dr. Bradley from Lake's.

8 MR. PACE: Those Fridays are usually fine for Lake's is my experience.

9 THE COURT: That is fine. We will have a senior judge that day.

10 THE DEFENDANT: Can I get a copy of the report, by the way, Your  
11 Honor.

12 MS. HARRIS: Okay --

13 THE DEFENDANT: They said they would send me one, but they didn't  
14 allow me -- allow me to read it.

15 THE COURT: I -- you're going to have to get that from them.

16 MS. HARRIS: And, Judge, I know that Mr. O'Brien did send it to the  
17 challenge -- you know, the last time we went to see him, we gave -- we let  
18 him read it, and we have an extra copy. He should be receiving it shortly.

19 THE COURT: It's jail mail, so it takes a minute.

20 MS. HARRIS: Judge, we'd prefer to have Your Honor sitting, so --

21 THE COURT: That's -- that's the only Friday I'm --

22 MS. HARRIS: Okay.

23 THE COURT: That I'm aware that I'm not available, but I'm just -- we  
24 have a senior sitting that particular day.

25 MS. HARRIS: Okay. If we could just trail this one.



1 THE COURT: Sure.

2 MS. HARRIS: And I'll contact Mr. O'Brien and see what he wants to  
3 do.

4 THE COURT: Mr. Pigeon, sir, go ahead and have a seat.

5 THE DEFENDANT: Thank you, Your Honor.

6 (Matter trailed at 9:22 a.m.)

7 (Matter recalled at 9:45 a.m.)

8 MS. HARRIS: Is that the only Friday that you know?

9 THE COURT: That's the only Friday that -- we just have a senior sitting  
10 that date. At least I have a preference that week, so --

11 MS. HARRIS: So any other Friday would be with the Court?

12 THE COURT: Any other Friday should be just fine.

13 MS. HARRIS: Okay. Then we'll set it on for the 31st, and we'll try to  
14 do it that day. Our doctor is available for any other Friday.

15 THE COURT: That's fine. If you can get a date prior to that --

16 MS. HARRIS: Okay.

17 THE COURT: -- just figure out a Friday prior to that, then we can just  
18 vacate the 31st.

19 MS. HARRIS: Okay.

20 THE COURT: I just hate having Mr. Pigeon keep coming back.

21 MS. HARRIS: I understand.

22 THE COURT: Yeah.

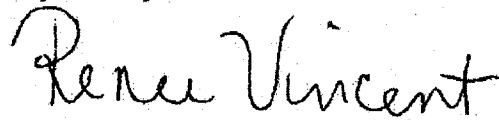
23 THE CLERK: January 31st, 9:30.

24 MS. HARRIS: Thank you.

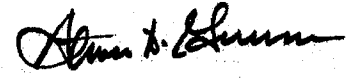
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(Proceedings concluded at 9:46 a.m.)

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-visual recording of the proceeding in the above entitled case to the best of my ability.



Renee Vincent, Court Recorder/Transcriber



CLERK OF THE COURT

1 TRAN

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA

4  
5 STATE OF NEVADA

6 Plaintiff,

7 vs.

CASE NO. C13-290261-1

DEPT. VII

8 CHRISTOPHER PIGEON,

9 Defendant.

10  
11  
12 BEFORE THE HONORABLE LINDA MARIE BELL, DISTRICT COURT JUDGE  
13 FRIDAY, FEBRUARY 14, 2014

14 **RECORDER'S TRANSCRIPT OF**  
15 **FURTHER PROCEEDINGS: COMPETENCY**  
16 **CHALLENGE HEARING**

17 **APPEARANCES:**

18 For the State:

BARTER PACE, ESQ.  
Chief Deputy District Attorney

19  
20 For the Defendant:

BELINDA HARRIS, ESQ.  
Deputy Public Defender  
CLAUDIA ROMNEY, ESQ.  
Deputy Public Defender

21  
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25 RECORDED BY: RENEE VINCENT, COURT RECORDER

1 Friday - February 14, 2014 - 9:25 a.m.

2  
3 THE COURT: State of Nevada versus Christopher Pigeon.

4 MS. HARRIS: Can we approach?

5 THE COURT: Sure.

6 [Bench Conference begins at 10:24 a.m.]

7 MS. HARRIS: Judge, I have a confession to tell you on Mr. Pigeon.  
8 Mr. O'Brien is like having some -- a deathly ill right now. I'm prepared to do  
9 the hearing, but I remember you only had an hour, and they told the doctor  
10 1:30. And I know that --

11 MR. PACE: And is the hearing at 1:30 or --

12 MS. HARRIS: Yes.

13 THE COURT: The hearing's at 1:00, and I had from 1 to 2:30 --

14 MS. HARRIS: Right.

15 THE COURT: -- which was going to be a tight fit.

16 MS. HARRIS: Right.

17 THE COURT: But we talked about it, and they thought they could do  
18 it --

19 MS. HARRIS: Right.

20 THE COURT: -- but then they told the doctor 1:30, which the problem  
21 is --

22 MS. HARRIS: Because Dr. Bradley --

23 THE COURT: -- I got to leave here by 2:30.

24 MS. HARRIS: I know. And he's not going to be at Lake's until 1:45.  
25 That's how we had did it at 1:00, and we thought we could put our doctor on

1 and then have the other doctor on. That's why we staggered it like that, and  
2 we thought it would be a perfect time, but --

3 THE COURT: Do you want to just see if you can get a hold of Marc? I  
4 mean, I've got Grand Jury -- I'm going to be here till 11:00. I got Grand Jury  
5 in about 15 minutes, so --

6 MS. HARRIS: I'm sure Marc will be fine with it, I mean, because --

7 THE COURT: I'm sure he will, too, if I can --

8 MR. PACE: Yeah, probably just to make sure.

9 MS. HARRIS: All right.

10 MR. PACE: Because he's got to communicate with the doctors, too.

11 MS. HARRIS: No, we subbed the doctors.

12 MR. PACE: Oh, you subbed the doctors?

13 MS. HARRIS: Yes. So it's basically informing him.

14 THE COURT: If they don't have any problem with that because --

15 MS. HARRIS: Okay.

16 THE COURT: -- I really honestly think I would much rather just do it  
17 once with Mr. Pigeon because he's a little --

18 MS. HARRIS: Okay. Yeah.

19 THE COURT: -- high-strung.

20 MS. HARRIS: He is, and so that's -- that's --

21 MS. ROMNEY: That's a good word for it.

22 MR. PACE: I don't know him myself.

23 MS. HARRIS: That's why I wanted to tell you.

24 THE COURT: You do, Bart.

25 MS. HARRIS: You do.

1 THE COURT: He's -- he's --

2 MR. PACE: I recognize the name, but I don't --

3 MS. ROMNEY: You'll know when you see him.

4 MS. HARRIS: So do you want us to email you?

5 THE COURT: He's like mid-50s.

6 MS. HARRIS: Yes.

7 MS. ROMNEY: And he's the --

8 THE COURT: Like a -- like mid-50s, white male.

9 MR. PACE: Just -- just go email Marc, so he knows and --

10 MS. HARRIS: Okay.

11 MS. ROMNEY: He's loud and really outspoken. He'll be the one where  
12 we -- you know, we'll make whatever representations --

13 THE COURT: He always has a whole (indiscernible). I had a flight --  
14 we went into Dallas at four something (indiscernible).

15 MS. HARRIS: I know -- I know you only had an hour. I would --

16 MR. PACE: You should try it when he gets the trampoline --

17 THE COURT: Sure.

18 MS. HARRIS: I don't know if you want me -- I'm going to go back to  
19 the office and get ready to tee it up. I can just cancel it. I didn't know they  
20 told the doctors 1:30.

21 THE COURT: With Mr. Pigeon, I think it would be better just to do it  
22 on a day where we absolutely can do it because --

23 MS. HARRIS: That's why --

24 THE COURT: -- I think --

25 MR. PACE: Who's representing from our office at 11:00?

1 MS. HARRIS: Sicalacqua (phonetic), Marc.

2 MR. PACE: Mark Schifalacqua.

3 MS. HARRIS: Shiffalacqua (phonetic). Schifalacqua.

4 THE COURT: Schifalacqua. You can't look at it.

5 MR. PACE: Yes.

6 THE COURT: Just -- you just got to stay --

7 MR. PACE: I just -- I just call him Skippy.

8 THE COURT: Well, I had them on my team at some point, so --

9 MR. PACE: He's a great guy.

10 THE COURT: So I had to learn it.

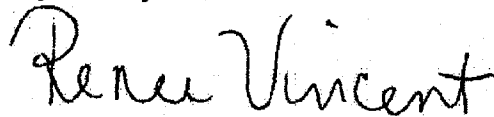
11 MS. HARRIS: So he -- O'Brien is really, really sick, and --

12 THE COURT: Okay.

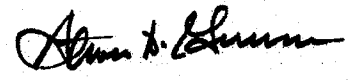
13 MS. HARRIS: -- I was going to go to his house and get the stuff from  
14 him and get ready to do it --

15 [Audio concluded at 10:26 a.m.]

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19 ATTEST: I do hereby certify that I have truly and correctly transcribed the  
20 audio-visual recording of the proceeding in the above entitled case to the  
21 best of my ability.

22 

23 Renee Vincent, Court Recorder/Transcriber  
24  
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CLERK OF THE COURT

TRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

STATE OF NEVADA

Plaintiff,

vs.

CHRISTOPHER PIGEON,

Defendant.

CASE NO. C13-290261-1

DEPT. VII

BEFORE THE HONORABLE LINDA MARIE BELL, DISTRICT COURT JUDGE  
FRIDAY, MARCH 28, 2014

**RECORDER'S TRANSCRIPT OF  
FURTHER PROCEEDINGS: COMPETENCY  
DECISION**

APPEARANCES:

For the State:

BARTER PACE, ESQ.  
Chief Deputy District Attorney

For the Defendant:

BITA KHAMSI, ESQ.  
Deputy Public Defender

RECORDED BY: RENEE VINCENT, COURT RECORDER



1 Friday - March 28, 2014 - 9:25 a.m.

2  
3 THE COURT: State of Nevada versus Christopher Pigeon.

4 THE DEFENDANT: Good morning, Your Honor.

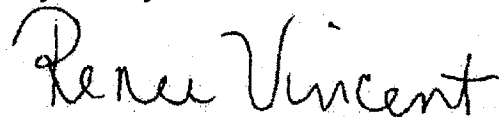
5 THE COURT: Good morning. Mr. Pigeon, I put this on for a decision so  
6 that I wouldn't forget, but I was really, really busier than I anticipated this  
7 week, so I'm going to pass it one week. We'll just pass a week.

8 THE CLERK: April 4, 9:30.

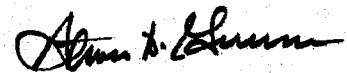
9 THE DEFENDANT: Thank you, Your Honor.

10 [Proceedings concluded at 9:26 a.m.]  
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20 ATTEST: I do hereby certify that I have truly and correctly transcribed the  
21 audio-visual recording of the proceeding in the above entitled case to the  
22 best of my ability.

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24 Renee Vincent, Court Recorder/Transcriber  
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CLERK OF THE COURT

1 TRAN

2 DISTRICT COURT

3 CLARK COUNTY, NEVADA

4  
5 STATE OF NEVADA

6 Plaintiff,

7 vs.

CASE NO. C13-290261-1

DEPT. VII

8 CHRISTOPHER PIGEON,

9 Defendant.

10  
11  
12 BEFORE THE HONORABLE LINDA MARIE BELL, DISTRICT COURT JUDGE

13 FRIDAY, APRIL 4, 2014

14 **RECORDER'S TRANSCRIPT OF**  
15 **FURTHER PROCEEDINGS: COMPETENCY**  
16 **DECISION**

17 **APPEARANCES:**

18 For the State:

DENAE ADAMS, ESQ.  
Chief Deputy District Attorney

19  
20 For the Defendant:

CLAUDIA ROMNEY, ESQ.  
Deputy Public Defender

21  
22  
23  
24  
25 RECORDED BY: RENEE VINCENT, COURT RECORDER

1 Friday - April 4, 2014 - 9:58 a.m.

2  
3 THE COURT: State of Nevada versus Christopher Pigeon.

4 THE DEFENDANT: Good morning.

5 THE COURT: Mr. Pigeon, how are you? I'm going to enter an order  
6 finding Mr. Pigeon competent to proceed with trial and return him to the  
7 original department.

8 THE DEFENDANT: I'm sorry, I didn't hear you.

9 THE COURT: Mr. Pigeon, we're returning you back to District Court  
10 Department 8 so you can go forward with your case.

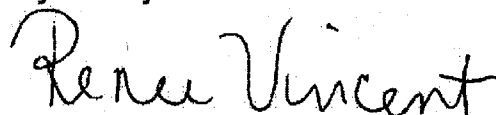
11 THE DEFENDANT: All right. Thank you very much.

12 THE CLERK: That's going to be April 23rd at 8:00.

13 THE COURT: And the Court will issue a written order shortly with the  
14 findings.

15 (Proceedings concluded at 9:58 a.m.)  
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20 ATTEST: I do hereby certify that I have truly and correctly transcribed the  
21 audio-visual recording of the proceeding in the above entitled case to the  
22 best of my ability.

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24 Renee Vincent, Court Recorder/Transcriber  
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CLERK OF THE COURT

1 TRAN

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA

4  
5 STATE OF NEVADA

6 Plaintiff,

7 vs.

CASE NO. C13-290261-1

DEPT. VII

8 CHRISTOPHER PIGEON,

9 Defendant.

10  
11  
12 BEFORE THE HONORABLE LINDA MARIE BELL, DISTRICT COURT JUDGE

13 FRIDAY, JANUARY 31, 2014

14 **RECORDER'S TRANSCRIPT OF STATUS CHECK:**  
15 **CHALLENGE HEARING DATE**

16 APPEARANCES:

17 For the State:

No Appearances

18  
19 For the Defendant:

BELINDA HARRIS, ESQ.  
Deputy Public Defender

20  
21  
22  
23  
24 RECORDED BY: RENEE VINCENT, COURT RECORDER

1 Friday - January 31, 2014 - 9:26 a.m.

2  
3 THE COURT: State of Nevada versus Christopher Pigeon.

4 MS. HARRIS: Judge, he's present in custody. We have a challenge  
5 hearing date for February the 14th at 1:00 p.m. That was emailed to Ms.  
6 Hurd.

7 THE COURT: Okay.

8 MS. HARRIS: Both doctors are available.

9 THE COURT: How long do you anticipate that's going to take?

10 MS. HARRIS: I didn't hear you, Judge.

11 THE COURT: How long do you anticipate that's going to take?

12 MS. HARRIS: Maybe an hour.

13 THE COURT: Okay.

14 MS. HARRIS: Because we have our doctor who's testifying live coming  
15 at 1:00, and then -- because Dr. Bradley says he only works part time, so he's  
16 going to try and get there by 1:00, but he should be there no later than 1:30.  
17 So we'll be ready to proceed regardless.

18 THE COURT: Okay.

19 THE DEFENDANT: Your Honor, can I ask you a question?

20 THE COURT: Yes, sir.

21 THE DEFENDANT: On what grounds is my lawyer challenging the  
22 competency reports? Because I was found competent by all three  
23 psychologists.

24 MS. HARRIS: And, Judge, we went to the jail and spoken to Mr.  
25 Pigeon about our beliefs and different information, so --

1 THE COURT: That's something you really need to address with them,  
2 sir.

3 THE DEFENDANT: So we have --

4 THE COURT: If they have concerns, they have an obligation to bring  
5 that up.

6 THE DEFENDANT: So we have a hearing on the 14th?

7 THE COURT: Yes, sir.

8 THE DEFENDANT: All right. Thank you, Your Honor.

9 THE COURT: At 1:00 o'clock.

10 (Proceedings concluded at 9:27 a.m.)

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18 ATTEST: I do hereby certify that I have truly and correctly transcribed the  
19 audio-visual recording of the proceeding in the above entitled case to the  
20 best of my ability.

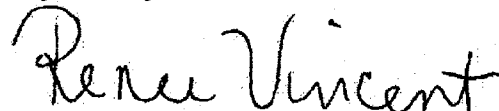
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Renee Vincent, Court Recorder/Transcriber



CLERK OF THE COURT

1 TRAN

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA  
4

5 STATE OF NEVADA

6 Plaintiff,

7 vs.

CASE NO. C13-290261-1

DEPT. VII

8 CHRISTOPHER PIGEON,

9 Defendant.  
10  
11

12 BEFORE THE HONORABLE LINDA MARIE BELL, DISTRICT COURT JUDGE

13 FRIDAY, MARCH 21, 2014

14 **RECORDER'S TRANSCRIPT OF**  
15 **CHALLENGE HEARING**

16 **APPEARANCES:**

17 For the State:

MARC SCHIFALACQUA, Esq.  
Chief Deputy District Attorney  
ELIZABETH MERCER, ESQ.  
Chief Deputy District Attorney

20 For the Defendant:

ROBERT O'BRIEN, ESQ.  
Deputy Public Defender  
BELINDA HARRIS, ESQ.  
Deputy Public Defender

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25 RECORDED BY: RENEE VINCENT, COURT RECORDER

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WITNESS: GREGORY HARDER, PH.D.

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Cross-Examination by Mr. Schifalacqua 22

Redirect Examination by Mr. O'Brien 26



1 Friday - March 21, 2014 -11:06 a.m.

2  
3 THE COURT: State of Nevada versus Christopher Pigeon.

4 MR. O'BRIEN: Thank, Your Honor. Robert O'Brien, Number 10944 on  
5 behalf of Mr. Pigeon. We thought with the video connection already  
6 established, we'd start with Dr. Bradley.

7 THE COURT: That's fine.

8 MR. SCHIFALACQUA: Marc Schifalacqua and Liz Mercer for the State.

9 THE COURT: Thank you. Okay. And, Dr. Bradley, sir, if you'd just  
10 stand and raise your right hand, the clerk will swear you in.

11 **WENDELL BRADLEY, M.D.**

12 being first duly sworn as a witness, testified by  
13 videoconferencing as follows:

14 THE COURT: Thank you. Sir, if you could just state your name and  
15 then spell it for the record, please.

16 THE WITNESS: Wendell Bradley, B-R-A-D-L-E-Y.

17 THE COURT: Mr. O'Brien?

18 MR. O'BRIEN: Does the State want to do Direct?

19 MR. SCHIFALACQUA: Go for it.

20 THE COURT: Okay.

21 MR. O'BRIEN: Okay.

22 **DIRECT EXAMINATION**

23 **BY MR. O'BRIEN:**

24 Q Okay. Dr. Bradley, you had an occasion to meet with  
25 Christopher Pigeon while he was staying at the Lake's Crossing; is that

1 correct?

2 A Correct.

3 Q And I know it's been some time. I apologize. We've had  
4 trouble getting the hearing finally scheduled, but your report was dated back in  
5 November of 2013?

6 A Yes.

7 Q Okay. As part of that report, you went over Mr. Pigeon's  
8 history?

9 A Yes.

10 Q Specifically, his psychiatric history?

11 A Yes, I did.

12 Q And he has been a prior resident of the Lake's?

13 A Correct.

14 Q I believe it was 2009 and 2011?

15 A Yes.

16 Q Do you recall how long he stayed at the facility in 2009 and  
17 2011?

18 A I -- I don't -- I don't have that. I can (indiscernible) --

19 THE DEFENDANT: It was approximately five weeks, Your Honor.

20 THE COURT: Mr. Pigeon, I'm just going to ask you, sir, if you'll wait  
21 until it's your turn to speak. Okay?

22 THE DEFENDANT: All right, Your Honor.

23 BY MR. O'BRIEN:

24 Q Mr. Pigeon is representing that it was about five weeks, Doctor.  
25 Would you have any reason to dispute that?

1           A       Well, the hospitalization in 2011 was substantially longer than  
2 five weeks. The 2009 hospitalization was shorter, but the 2011  
3 hospitalization was substantially longer.

4           THE COURT: The records I have for June 25th, 2009, till August 6th  
5 of 2009 and then March 10th of 2011 until March 15th of 2012.

6           MR. O'BRIEN: Thank, Your Honor.

7           THE COURT: That's what I have in the report. Does that sound right,  
8 Doctor?

9           THE WITNESS: Actually, yes. I haven't had some -- I pulled up some  
10 of my dictations, and day of admission 3/10/11, date of the addendum here is  
11 2/3/12, and so he would've been discharged from this facility sometime after  
12 this addendum. So that's the timeframe, yes.

13          THE COURT: Okay.

14          MR. O'BRIEN: And --

15          THE WITNESS: About what -- this indicates about 11 months.

16          THE COURT: I have 3/15 of '12, which would make it a year and five  
17 days or something like that.

18          THE WITNESS: That's very -- yeah, very possible because, as I said,  
19 the 2/3/12 is the date of my addendum. Actually, affecting the transfer out of  
20 here would've taken longer.

21          THE COURT: Okay.

22          BY MR. O'BRIEN:

23               q       And, Doctor, did you -- during the 2009 stay and the 2011,  
24 2012 stay, did you have an opportunity -- did you deal with Mr. Pigeon during  
25 those two prior visits?

1 A Yes.

2 Q Okay. And just looking over your report, it looks like you had  
3 noted that based on his past psychiatric history, you noted a diagnosis for  
4 schizophrenia?

5 A Yes.

6 Q And I notice on page two of your report, you wrote  
7 "schizophrenia, comma, chronic." Is chronic relating to the schizophrenia  
8 diagnosis?

9 A Yeah. Chronic refers -- or just indicates that it's an ongoing  
10 disorder.

11 Q And specifically with the schizophrenia, would you agree with  
12 me that schizophrenics often respond to external stimuli that may not be  
13 present?

14 A Yes.

15 Q Sometimes in the form of voices that they hear?

16 A Yes.

17 Q Okay. And then you also noted that he has a prior diagnosis as  
18 paranoid type with a personality disorder?

19 A Yes.

20 Q And during your interview, I believe you noted that Mr. Pigeon  
21 appeared to show some paranoia when speaking with you?

22 A Yes.

23 Q Okay. And also noted a little bit of -- I think the phrase used is  
24 grandiosity?

25 A Yes, but could you be more specific about the timeframe which

1 we're talking.

2 Q Sure.

3 A Such as which hospitalization are you referring to.

4 Q Sure. I'm specifically focusing during your interview of 2013 at  
5 this point.

6 A Okay.

7 Q During the 2013, you noted that he exhibited some types of --  
8 some type of grandiosity at the time?

9 A Yes.

10 Q Did -- and Mr. Pigeon informed you that he has multiple degrees  
11 from higher education institutions?

12 A Well, I -- he was maintaining some grandiosity, which was  
13 delusional in nature, which was prominent during the hospitalization in 2011 to  
14 2012. He -- his return in 2013, he was generally exhibiting some paranoia and  
15 some -- some grandiosity, but it wasn't of a delusional nature. It was -- it was  
16 more of the kind of boastful grandiosity that one sees in a person with a -- sort  
17 of a narcissistic personality.

18 Q Okay. And, Doctor, I'm sorry if I'm a little confused. You had  
19 said that he did express some -- say some things that were delusional in  
20 nature, but that you didn't believe the grandiosity was delusional in nature.  
21 What was the -- what was the delusional activity that you observed?

22 A Well, in 2013, he did not really present with overt delusions. He  
23 did present with paranoiac thoughts and just a general paranoid attitude  
24 towards the legal system in general. But it's the kind of paranoia that's very  
25 prominent among people who have been arrested and incarcerated on

1 numerous occasions.

2 And he expressed grandiosity, but, once again, it's kind of  
3 grandiose, sort of boastfulness that people who are narcissistic oftentimes will  
4 exhibit, but not of a delusional nature. In 2011, it was, you know, clearly of a  
5 delusional quality. For instance -- let me just give you an example, if that  
6 would be helpful.

7 Q Sure.

8 A In the last hospitalization, while he had a high opinion, an  
9 exaggerated opinion of his artistic and architectural abilities, but it basically  
10 didn't go beyond that kind of attitude. Whereas in 2011 into '12, he was  
11 making statements such that -- you know, his work was worth hundreds of  
12 millions of dollars, and his time was worth, you know, tens of thousands,  
13 hundreds of thousands of dollars an hour because of the extraordinary  
14 exceptional nature of it. There, you know, he entered the realm of delusional  
15 grandiosity.

16 Q Thank you for explaining that, Doctor. Let me ask you a couple  
17 questions about the paranoia, specifically about the legal process. When you  
18 said that he exhibited some paranoia about the legal process, by that do you  
19 mean he was hesitant to answer certain questions?

20 A No, he was fairly willing to discuss his case and to answer  
21 questions.

22 Q And how would you describe -- or how would you specifically  
23 say that paranoia about the legal process was exhibited by Mr. Pigeon?

24 A Okay. It would be just a general attitude of mistrust in the legal  
25 system in the sense that -- and his belief or sense that he, you know, was

1 unfairly treated or persecuted by the legal system, and the police don't like  
2 him. Things like that. It's kind of, you know, a basic paranoia stance towards  
3 the legal system that, you know, we see very commonly here among people  
4 who have had multiple arrests and incarcerations. In other words, it's  
5 basically just sort of a general stance or general attitude as opposed to specific  
6 beliefs which would be clearly delusional in nature.

7           So, for instance, a delusional paranoid belief would be that there  
8 was a conspiracy in the police department, and tape recordings were falsified  
9 and generated, you know, in a movie studio to demonstrate some crime that  
10 he actually had not committed. That would be of a delusional nature. He  
11 didn't express any -- any delusional paranoia like that, but just sort of a general  
12 attitude of mistrust.

13           Q     And, Doctor, during your -- I believe you also noted in your  
14 report that he was unwilling to start any anti-psychiatric -- anti-psychotic  
15 medications.

16           A     Correct.

17           Q     And during your interview, did Mr. Pigeon -- Mr. Pigeon asserted  
18 that he believed he was competent?

19           A     Yes.

20           Q     And Mr. Pigeon asserted that he did not believe he needed that  
21 medication?

22           A     Correct.

23           Q     Okay.

24           A     Except for his Citalopram, which he was willing to take, which  
25 is an anti-depressant.

1 Q Understood. And Mr. Pigeon expressed that he didn't trust the  
2 diagnosis that he would -- that he would need medication?

3 A Correct.

4 Q Okay. And if I can ask you, did -- you did have a chance to talk  
5 to him about the legal process?

6 A Yes.

7 Q And his understanding of the court system?

8 A Yes.

9 Q And you talked to him about his charges as well?

10 A Yes.

11 Q Did you have a chance to talk to him about the specific  
12 allegations in this case?

13 A Yes, I did.

14 Q And did Mr. Pigeon relate to you that he had an established  
15 relationship with the alleged victim in this case?

16 A He -- I'm not sure how to address established relationship. He  
17 had clearly a fixation and interest in this girl and expressed the belief that she  
18 was not adverse to the -- him or the attention he was paying to her.

19 Q And specifically by not adverse, he told you that she was in love  
20 with him?

21 A I don't know that he ever told me that, no.

22 Q Okay. You never discussed whether or not the alleged victim  
23 was in love with Mr. Pigeon?

24 A I don't believe that I ever discussed that with him, no.

25 Q Okay. And you did not discuss how Mr. Pigeon understood that



1 the alleged victim was interested in his -- his attention?

2 A No.

3 Q Okay. And you did not discuss their history of interactions  
4 together?

5 A No, not -- not to my recollection.

6 Q You didn't discuss their prior conversations on a bus?

7 A No.

8 Q You did not discuss his intention to ask her family to allow him  
9 to marry her?

10 A No.

11 Q Okay. Did you discuss with Mr. Pigeon how he intended to  
12 defend this case?

13 A Not in detail. I don't typically ask people in detail what their  
14 legal strategies will be. That's really between them and their attorney.

15 Q Understood. Did Mr. Pigeon express his belief that informing the  
16 jury that the 13-year-old girl was in love with him, would -- he would receive a  
17 not guilty verdict by telling the jury that?

18 A No, I didn't hear that.

19 Q Okay. Exactly what was your process for determining how Mr.  
20 Pigeon was able to assist counsel in the defense of this -- these charges?

21 A Well, it was determining that he understood the charges and the  
22 nature of the charges and that he had a good grasp of legal process and that  
23 he had a flexibility in discussing his approach to the case, in the sense that I  
24 would discuss with him, well, let's say the strategies that you have in mind,  
25 your attorney informs you that they're not realistic and that they're not going

1 to be accepted by the Court in testing whether or not he has flexibility around  
2 the question of whether he can -- he can accept that and deal with that and  
3 move forward with how it's going to be dealt with or viewed in court, he  
4 indicated flexibility around those issues. He indicated flexibility around the  
5 issue of discussing a plea bargain, for instance. So on that basis, I felt he was  
6 competent.

7 Q Understood. And that was you discussing his flexibility in  
8 general; you didn't get into specifics about the case specifically?

9 A Not as -- not as specific as you have questioned me about, no.

10 Q Okay. And, Doctor, one of the -- you would agree with me that  
11 for people that do exhibit delusional belief, it's possible for that delusion -- for  
12 them to become so fixated on that delusion, that they will not believe anyone  
13 that tries to challenge it?

14 A Delusions can become quite fixed, yes.

15 Q Okay. And in -- just in a hypothetical instance, if someone was  
16 charged with a home invasion and their specific delusion was that they owned  
17 that home and therefore could never become guilty of a home invasion, it  
18 would be quite difficult to convince that person to stop believing their  
19 delusion?

20 A I know cases where people have specifically had that delusional  
21 belief, and it can be very difficult to dissuade them. It can be impossible.

22 Q And even if an attorney were to show them proof that the  
23 home is actually owned by someone else, they -- someone with that type of  
24 fixed delusion would often reject that proof as fabricated?

25 A Yes.

1 MR. O'BRIEN: Okay. Court's indulgence.

2 (Defense Counsel confer)

3 MR. O'BRIEN: Court's indulgence. Your Honor, no further questions.

4 Thank you, Doctor.

5 THE COURT: Okay.

6 THE WITNESS: Sure.

7 THE COURT: Ms. Mercer.

8 **CROSS-EXAMINATION**

9 **BY MS. MERCER:**

10 Q Dr. Bradley, how many opportunities did you have to interview  
11 the Defendant in this case while he was up at Lake's?

12 A I don't have a record of the number of interviews, but it was  
13 several.

14 Q Would you say that it was more than five? More than ten?

15 A No. I mean, for the purposes of the competency assessment,  
16 probably -- I discussed that in detail with him maybe three times.

17 Q Okay. And each time you met with him, how much time did  
18 you spend with him?

19 A Once again, I don't have a record, and that would vary  
20 depending upon the circumstances, but, you know, a complete evaluation can  
21 take 50 minutes, an hour. Briefer, checking in with the patient and seeing  
22 where -- where their thought process is at with regards to any particular issue  
23 would take shorter periods of time, 15, 20 minutes, 30 minutes.

24 Q And you indicated that you had previous experience with this  
25 specific Defendant back in 2009 and 2011?

1 A Yes.

2 Q Were you one of the evaluators back then as well?

3 A Yes.

4 Q Okay. You were asked some questions about the Defendant's  
5 willingness to start taking anti-psychotic medications. What would the  
6 purpose of that anti-psychotic medication be?

7 A Well, in 2011 and '12, he was discharged at that time  
8 competent on two anti-psychotic medications, a combination of Risperdal and  
9 Zyprexa.

10 Q Okay.

11 A In his most recent hospitalization, although I recommended that  
12 he restart an anti-psychotic medication, because in general people with  
13 schizophrenia do better if they're on maintenance therapy, I didn't push the  
14 issue just because he was not exhibiting overt psychotic symptoms.

15 Q Thank you. And, Doctor, how is that you determined whether  
16 or not someone understands the legal process and the charges that they're  
17 facing? What types of questions do you ask?

18 A Well, we ask them questions about the charges themselves.  
19 They have to understand the nature of those charges, you know, felonies,  
20 gross misdemeanors or what the meaning of that is in terms of the kinds of  
21 penalties they could -- they could incur.

22 You discuss with them the circumstances of the arrest, in other  
23 words, what they're specifically accused of doing, and then you discuss with  
24 them legal process so that they know who the basic players are in a  
25 courtroom, and they understand, you know, the adversarial nature of court

1 proceedings and, you know, what witnesses do, what evidence is. They have  
2 to be able to understand what a plea bargain is, how it's -- how it's derived,  
3 who sets it up, do they have to accept it, what are the advantages,  
4 disadvantages. Things of that nature.

5 Q And Mr. Pigeon was able to understand all of those concepts  
6 when you --

7 A Yes, yes.

8 Q -- had that discussion with him?

9 A Yes.

10 MS. MERCER: I don't believe I have any further questions, Your Honor.

11 THE COURT: Mr. O'Brien?

12 MR. O'BRIEN: No further questions, Your Honor.

13 THE COURT: Okay. Thank you, Dr. Bradley. We appreciate your time  
14 today.

15 THE WITNESS: All right. Thank you.

16 THE COURT: Are we all done with Lake's?

17 MR. O'BRIEN: Yes, Your Honor.

18 THE COURT: So we can turn that off. Do you have any additional  
19 witnesses?

20 MR. O'BRIEN: We do, Your Honor. Dr. Harder's present outside the  
21 courtroom. We'll call him at this point.

22 **GREG HARDER, PH.D.,**

23 being first duly sworn as a witness, testified as follows:

24 THE COURT: Good morning, Dr. Harder. Would you just state your  
25 name and spell it for the record.

1 THE WITNESS: Dr. Greg Harder, G-R-E-G, H-A-R-D-E-R.

2 THE COURT: Thank you.

3 **DIRECT EXAMINATION**

4 **BY MR. O'BRIEN:**

5 Q Dr. Harder, thank you for being here today. I'll ask you a few  
6 questions about this case. You had a chance to interview Christopher Pigeon  
7 at the jail; is that correct?

8 A Yes, it is.

9 Q And you interviewed Mr. Pigeon for the purpose of determining  
10 whether or not he was competent to stand trial?

11 A Yes.

12 (Defense Counsel confer)

13 **BY MR. O'BRIEN:**

14 Q Doctor, if you would briefly just inform the Court what your  
15 qualifications are, your mental health or medical qualifications.

16 A Well, I'm a licensed psychologist, and I've been doing  
17 competency evaluations for about 17 years. Probably done a couple thousand  
18 by now. So I think I'm pretty qualified of doing those type of evaluations.

19 Q And to do those evaluations, you're -- you hold a license from  
20 the State of Nevada?

21 A Yes.

22 Q And you're licensed or under contract with the County to  
23 perform evaluations here?

24 A That's true. That's correct.

25 Q Okay.

1           A       And I also complete a certification every year to make I'm still  
2 qualified to do competency evaluations.

3           Q       Thank you, Doctor. And when you were speaking with Mr.  
4 Pigeon, did he inform you -- did he talk about the details of this case at all?

5           A       Yes, he did.

6           Q       What did he tell you about the nature of his relationship with the  
7 alleged victim?

8           A       He seemed to feel that the relationship was -- like he was in love  
9 with the victim; that the victim was in love with him. It was kind of a strange  
10 -- strange quality. I mean, he said she was 12 years old, and he wanted to  
11 marry her. He wanted to be in a relationship with her.

12          Q       And how did he say that he knew that she was in love with  
13 him?

14          A       I know he mentioned something about her body language. He  
15 perceived that she was attracted to him. I don't know if he went into great  
16 detail about, you know, why he thought she loved him. He said --

17          Q       And -- sorry, go ahead.

18          A       No, go ahead.

19          Q       I was going to say, at -- did he inform you at some point that he  
20 met her while riding the bus?

21          A       I don't think I wrote that in my report, so I don't recall that.

22          Q       Okay. At -- at some point during the interview, did you ask Mr.  
23 Pigeon about a time where he might've chased after the 12-year-old girl?

24          A       I believe so, yes.

25          Q       What did he say in response to your question?

1           A       Well, I believe he said something to the effect that he had  
2 touched her or grabbed her in some way to keep her from going by him,  
3 something like that. He wanted to -- I think he wanted to tell her that he loved  
4 her and he didn't want her to go, something like that.

5           Q       Did he indicate to you that she had -- she tried to stop him in  
6 any way?

7           A       That she tried to stop him?

8           Q       Yes.

9           A       (No response).

10          Q       Maybe I'll rephrase the question. Did he explain to you why she  
11 would've been okay with it?

12          A       Well, he -- I mean, in my -- in my report I wrote, "He stated he  
13 wanted to chase after her to make sure she was okay, and even though she  
14 might have felt he was weird, he stated he thinks that she liked him anyway."

15          Q       And by "liked him anyway," he's referring to the fact that the  
16 12-year-old was in love with him?

17          A       Right.

18          Q       All right. And at some point did he explain to you that -- as part  
19 of his defense of these charges, he intended to inform the jury that the 12-  
20 year-old was in love with him?

21          A       I believe so.

22          Q       Okay. I'll ask you a few other questions, one about, under the  
23 *Dusky* standard, one of the criteria you look into is the ability to show  
24 appropriate courtroom behavior; is that correct?

25          A       Yes.



1 Q And can you explain to me what -- what you're looking for when  
2 you make that analysis?

3 A Well, I'm not sure where you're going with this, but, I mean, in  
4 terms of courtroom behavior, some people are able to act appropriately in the  
5 sense that they're able to follow the rules of the courtroom. I don't know if  
6 that's an issue for him, but in his case, I think an issue possibly could be his  
7 ability, you know, to not incriminate himself or perhaps to not -- not say  
8 something that he shouldn't say that might be damaging to his case, you  
9 know, those kind of issues.

10 Q And so would you agree with me that if he were to just start  
11 shouting out in the middle of court, that would not be appropriate courtroom  
12 behavior?

13 A That would certainly be inappropriate, yes.

14 Q If he were to inform the judge that his attorney, quote, doesn't  
15 know shit, that would be inappropriate courtroom behavior?

16 A You would think so.

17 Q If he were to inform the court that the judge, quote, doesn't  
18 know shit, that would be inappropriate courtroom behavior?

19 A You would say that was inappropriate, I would think.

20 Q All right. And, Doctor, in your report you discussed I believe at  
21 one point Mr. Pigeon diagnosed himself with overachiever syndrome?

22 A I believe he did say that, yes.

23 Q Can you explain what overachiever syndrome is, at least from  
24 Mr. Pigeon's understanding.

25 A Well, I mean, there's no diagnosis called that. I mean,

1 obviously, he perceives himself to be an overachiever, but, you know, there's  
2 no official diagnosis with that terminology. From looking at his report, I mean,  
3 here was a number of things that he stated that suggested he was a little bit  
4 on the grandiose side; that he believed he was the best chess player in the jail  
5 and the best chess player at Lake's Crossing. And he told me he had like  
6 million dollar drawings and all these kind of things that, you know, suggested  
7 maybe he was a little bit -- you know, believing he was better than everyone  
8 else kind of a thing.

9 Q And in your interview, did you -- did Mr. Pigeon exhibit any  
10 paranoia?

11 A Grandiosity, yes. Paranoia, I'm not sure if he was really that  
12 paranoid.

13 Q In your previous dealings -- I think you said you've been doing  
14 this for 17 years. In your time doing this work, have you ever encountered  
15 someone that has a fixed delusion?

16 A Of course.

17 Q And sometimes those delusions can be specifically fixated on  
18 the criminal conduct at issue?

19 A Sure.

20 Q And by fixed delusion, I mean, it can be difficult to shake  
21 someone from that belief?

22 A That's true.

23 Q No matter what their attorney or a doctor tells them, they would  
24 assure you that their delusion is actually correct?

25 A That's true.

1 Q And did you -- while you were talking to Mr. Pigeon, did you ask  
2 him -- I believe you asked him what the basis of his belief that the 12-year-old  
3 was in love with him was?

4 A He really didn't explain the basis for that.

5 Q Okay.

6 A But there was evidence, obviously, from the police report which  
7 would suggest that she didn't really want to talk to him, was trying to get  
8 away from him, you know, those kind of things. So, I mean, it would suggest  
9 that his statements were delusional. It's also kind of common sense, I mean,  
10 but he didn't really articulate.

11 MR. O'BRIEN: Thank you. Court's indulgence.

12 (Defense counsel confer)

13 BY MR. O'BRIEN:

14 Q And, Dr. Harder, you issued your report in January of 2014; is  
15 that correct?

16 A Yes.

17 Q Did you have a chance to review the competency reports from  
18 Lake's Crossing?

19 A I don't know if I have those or not. If I did, I didn't mention  
20 them in my report.

21 MR. O'BRIEN: Okay. Court's indulgence.

22 (Defense counsel confer)

23 BY MR. O'BRIEN:

24 Q And, Dr. Harder, at some point during your report, I believe you  
25 indicated that Mr. Pigeon was rather candid about his criminal behavior.

1 A That's true.

2 Q He seemed rather oblivious to the fact that he had committed  
3 any crime?

4 A That was one of my biggest concerns about him. He seemed  
5 like he had -- it seemed like he was potentially going to incriminate himself,  
6 while at the same time, he believed he hadn't done anything wrong.

7 Q And in your experience, when someone has -- could that qualify  
8 as a -- as a fixed delusion?

9 A I believe so.

10 Q In your experience where someone has that type of fixed  
11 delusion, can that interfere with the ability of counsel to -- the ability of -- I'll  
12 rewind that. Can that type of fixed delusion interfere with the ability of a  
13 defendant to aid his counsel in his defense?

14 A Well, of course.

15 MR. O'BRIEN: Thank you, Your Honor. No further questions.

16 THE DEFENDANT: Can I say something, Your Honor?

17 THE COURT: Not just yet, Mr. Pigeon. Just hang on. You'll get your  
18 turn.

19 **CROSS-EXAMINATION**

20 **BY MR. SCHIFALACQUA:**

21 Q Dr. Harder, how long did you meet with Mr. Pigeon?

22 A About 45 minutes to an hour.

23 Q On one occasion?

24 A I've actually met with him before on a different case, but --

25 Q For this evaluation.

1 A -- for this case one time.

2 Q Okay. One time, 45 minutes. You said you didn't recall  
3 reviewing the Lake's Crossing reports; is that correct?

4 A That's correct.

5 Q Okay. Are you aware that Drs. Bradley, Farmer and Neighbors  
6 did find him competent to proceed?

7 A I have heard that he was found competent, and he informed me  
8 that he was previously at Lake's Crossing, and he had been sent back and ---

9 Q Have you been to Lake's Crossing?

10 A I never have, no.

11 Q Okay. Are you aware that -- you know, they have, obviously, a  
12 full staff up there of people who observe a particular patient over an extended  
13 period to time?

14 A Of course.

15 Q Is that a situation that -- you know, nothing against you, but  
16 you didn't have that type of option in the jail over 45 minutes; is that correct?

17 A That is true.

18 Q Okay. Did you talk to him about in general the legal  
19 proceedings, the court process as far as, you know, the players and the  
20 charges that he was facing?

21 A We went into that very superficially, and, quite honestly, I didn't  
22 believe that that was going to be a problem for him. He seems fairly bright,  
23 and like I told you, I had evaluated him before, and we through all that stuff  
24 before, and he's clearly not incompetent on the basis of understanding the  
25 court process. That's more other issues.

1 Q Yeah. He knew what a plea bargain was?

2 A I'm sure that he does.

3 Q Okay. In your report, though, it says that --

4 THE COURT: Mr. Schifalacqua, I don't have any concerns about that  
5 from my interactions with Mr. Pigeon, and all of the reports said he is quite  
6 bright, and he understands the process, but the issues are really whether he  
7 can cooperate with -- whether he is capable of cooperating with counsel.

8 MR. SCHIFALACQUA: I understand. It kind of dovetails one --

9 THE COURT: So if we can --

10 MR. SCHIFALACQUA: -- together, but I understand.

11 THE COURT: -- focus on that.

12 BY MR. SCHIFALACQUA:

13 Q Did he recognize you from the previous meeting with him?

14 A Yes, he did.

15 Q Okay. Did you note any auditory or visual hallucinations that he  
16 was suffering from?

17 A He denied those.

18 Q And you didn't see any evidence of that?

19 A I saw evidence of delusions, but not hallucinations.

20 Q That was my question --

21 A Right.

22 Q -- you didn't see any hallucinations. Did you see any type of  
23 evidence of -- in your discussions with him that he was being framed by the  
24 police, that they were cooking up artificial evidence, large scale conspiracy by  
25 the police department?

1           A       Not really.

2           Q       In your report it looks like he says to you that he believed that it  
3 was not okay to have sex with the named victim in this case; is that correct?

4           A       He said that about her being 12, but then he rephrased and said  
5 that if she was 13, that might not be a problem.

6           Q       If your report says that he stated to you that it was not okay to  
7 have sex with a minor, but he thought it would be okay if he married her;  
8 would be an accurate statement?

9           A       Right. That's accurate.

10          Q       Okay. Did -- was he able to point out some potential  
11 weaknesses in the charges? Did he mention at what point that there may be  
12 video missing, that some of the charges may not hold up?

13          A       Right, he did mention that.

14          Q       Okay. So he was able to point out some potential weaknesses  
15 in the case?

16          A       Right. I think he's intelligent, and he's able to understand some  
17 of those kind of issues.

18          Q       Okay. Your concern was that you didn't think he could  
19 necessarily testify without incriminating himself?

20          A       I was concerned about that, yes.

21          Q       Okay. Would you agree with me that may be true for many  
22 defendants charged with crimes?

23          A       That's probably true.

24          Q       And I think at the end you said it wouldn't have made much  
25 sense for him to take his case to trial; is that correct?

1           A       I didn't think it would be a good idea based on the fact that he  
2 didn't think he had done anything wrong, but he wanted to take it to trial.

3           Q       Okay. Have you seen cases where people don't think they did  
4 anything wrong, but yet they still go to trial and get convicted?

5           A       That's true, but, I mean, I don't know if you want me to get into  
6 that kind of stuff in terms, you know, of ways he incriminated himself during  
7 my interview with him. But, I mean, I think any person with common sense  
8 would recognize that some of the things he was telling me were things that  
9 potentially could be used against him in a court case if he did go to trial.

10          Q       Did you ever say in your -- I think in the section regarding ability  
11 to assist counsel, that you don't believe he can?

12          A       I don't know if I was quite specific about that, but I do have  
13 some concerns about his ability to assist counsel based on what I've --

14          Q       Okay. You said he was grandiose, but you didn't see any overt  
15 paranoia in your meeting; is that correct?

16          A       Not as much paranoia, no.

17          Q       Okay. And, you know, this -- this -- that the victim may have  
18 loved -- may have loved the Defendant, she may have loved him or he may  
19 have loved her, is that anywhere in your report?

20          A       I think I mention that several times, and I think I wrote down  
21 that he may have what's called an erotomania delusion, which is a DSM  
22 diagnosis for people who someone's in love with them when you're not.

23          Q       Did you diagnosis him with that?

24          A       I did put that in my report, yes.

25          Q       But did you diagnose him with that?



1           A       I can't recall. I believe I diagnosed him with a delusional  
2 disorder, but that's a specific type of delusional disorder.

3           Q       Okay. You said when you were talking about whether or not  
4 the victim loved, that he never really articulated why or really not -- didn't get  
5 into depth on that point; is that correct?

6           A       Right.

7                               (State counsel confer)

8           MR. SCHIFALACQUA: Thank, Your Honor.

9           MR. O'BRIEN: Just briefly, Your Honor.

10                               **REDIRECT EXAMINATION**

11       **BY MR. O'BRIEN:**

12           Q       Dr. Harder, in your experience doing this type of work, you are  
13 familiar with Lake's Crossing?

14           A       Yes.

15           Q       You're familiar with their mission statement?

16           A       I'm not sure what their mission statement is, but --

17           Q       Okay. You're familiar that they goal is to restore people to  
18 competency?

19           A       Correct.

20           MR. O'BRIEN: No further questions, Your Honor.

21           THE COURT: Okay. Anything else?

22           MR. SCHIFALACQUA: No, Your Honor.

23           THE COURT: Thank you, Dr. Harder.

24           THE WITNESS: Thank you.

25           THE COURT: We're going to take a break for just a minute, so I can do

1 Grand Jury returns.

2 (A break was taken at 11:45 a.m.; recommencing at 12:12 p.m.)

3 THE COURT: All right. Mr. O'Brien, do you have any additional  
4 witnesses?

5 MR. O'BRIEN: We do not, Your Honor. Just argument.

6 THE COURT: Okay. Does the State have any additional witnesses?

7 MR. SCHIFALACQUA: No, Your Honor.

8 THE COURT: Then go right ahead.

9 MR. O'BRIEN: Thank, Your Honor. I think it's really straightforward,  
10 Your Honor, that the entire time our arguments have been on the second prong  
11 of *Dusky*, the ability to assist and -- aid and assist counsel in defense of this  
12 case. At the heart of this, going through with it with the doctors, I would  
13 have necessarily preferred to dump all of these details out, but Mr. Pigeon  
14 chose to speak to Dr. Harder about the significant amount of admissions about  
15 what happened for this case, including the fact that he believes that a 12-year-  
16 old girl's in love with him.

17 Now, I understand the Lake's finding that he's competent and  
18 that Dr. Bradley went through his history of schizophrenia, paranoia and that --  
19 that he didn't believe it specifically affected this case, but I'd point out a  
20 couple of things with that finding. One, he never got to the specifics of this  
21 delusion, and I would argue it is absolutely a fixated delusion and that -- not to  
22 cast aspersions on the Lake's as a whole, but its goal is to return to people  
23 competency.

24 Mr. Pigeon desperately wants to be found competent because he  
25 desperately wants to stand in front of a jury and explain that a 12-year-old girl

1 is in love with him, so everything's okay. That's all he wants. And he wants  
2 me to stop talking about competency, and he wants the Court to just find him  
3 competent, and he wants the doctors to say whatever the doctors need to  
4 hear so that he can get his trial and explain that to the jury. That's the heart  
5 of our problem. I can't -- we have no ability to go over the defenses together  
6 because that's the heart of the only thing he wants to argue and do with this  
7 case.

8           On top of that -- on top of that, you know, this goes more  
9 towards ability to adhere to appropriate courtroom conduct. I think the Court  
10 can take judicial notice of Mr. Pigeon's prior sessions in front of you. He has a  
11 very hard time controlling his outbursts, and that has continued with every  
12 court that I've been in with him. Even today he had a couple of outbursts. He  
13 cannot restrain himself. He needs to talk on the record, and in the middle of  
14 trial and in the middle of hearings, he will do that all the time.

15           On top of that, Mr. Pigeon is dying to let everyone know he's  
16 the smartest man in the room, and he wants to let the jury know he's the  
17 smartest man in the room, and this 12-year-old absolutely fell in love with the  
18 smartest man in the room, and they should just understand that. And he  
19 doesn't understand why --

20           THE COURT: That's like half the lawyers that appear in front of me.

21           MR. O'BRIEN: Well, I've already challenged that he's the smartest man  
22 in the room, Your Honor, but I think that that's -- at the heart of it is -- you  
23 know, we have the appropriate court behavior issue, but the heart of it is is  
24 the fixed delusion that we're never going to get past. Based on that, I'd ask  
25 the Court to send him back to Lake's as incompetent. Thanks.

1 THE COURT: Okay.

2 MR. SCHIFALACQUA: Thank, Your Honor.

3 THE COURT: Mr. Schifalacqua.

4 MR. SCHIFALACQUA: You know, we have three doctors who  
5 evaluated, as you know, the Defendant over the course of several weeks at  
6 Lake's, who made dozens, if not hundreds, of observations of him in multiple  
7 interviews. I'd ask that those findings be given some weight. They got to see  
8 him in a very different environment than Dr. Harder was able to do,  
9 admittedly.

10 The crux of this, as the Defense said, is his fixed delusion.  
11 Well, frankly, we haven't heard a ton about that even from Dr. Harder. You  
12 know, he said that we talked to the Defendant. He didn't really talk very  
13 much about it. She loved him or he loved her very much. They didn't really  
14 get into it. The Defendant never said that was going to be his defense; that  
15 he was just going to get up and say that, and that was going to be the end of  
16 it. That was never testified to or gotten into. So this fixed delusion is -- is -- I  
17 know Defense is saying it, but I just don't think there's evidence to support it  
18 here.

19 Dr. Harder talks about, well, he would hurt himself testifying.  
20 Well, that in and of its reason, Your Honor, wouldn't be a reason to find  
21 somebody incompetent or challenge competency. That happens for many  
22 defendants who take the stand and --

23 THE COURT: Well, that's true, but he would have to be able to make a  
24 rational decision about his ability -- his right to testify or not. I think --

25 MR. SCHIFALACQUA: And that would always be his decision, you

1 know. It wouldn't necessarily --

2 THE COURT: But he has to be able to make a rational decision about  
3 that. I think that's what Doctor -- I think that's what Dr. Harder was hinting  
4 at. It may not be a legally correct way, but that's what I understood his point  
5 to be, is that he felt that Mr. Pigeon, because of the delusion that he has,  
6 wasn't capable of making a rational decision about his ability to testify  
7 because of the delusion. That's how I think that --

8 MR. SCHIFALACQUA: And if we're going kind of at a point of whether  
9 or not he can work with his defense, he did say he would consider a plea  
10 bargain and talked to his attorneys about that. He can -- he went over  
11 different defenses and different weaknesses, perhaps, and strengths in the  
12 case. Went over that. I never said he wasn't going to be -- try to work with  
13 his counsel or refused to do so in any of these interviews.

14 Dr. Bradley testified that no overt delusion that he saw with -- in  
15 the 45 days or so, no paranoia. He wasn't prescribed anti-psychotic meds.  
16 This is a good thing that we have a doctor who's seen him before in some  
17 ways because he saw him a lot better this time and that he was able to show  
18 flexibility, and that's really what it comes down to.

19 Dr. Bradley saw flexibility there. He's able to make decisions, go  
20 in a different route, move in a different way if a certain thing doesn't work  
21 or -- there was no testimony that for sure he won't work with his attorney or  
22 at least have the ability to do so. I just think there was no evidence about  
23 this, that he can't talk or get over the fact that he thought this girl cared for  
24 him or deal with that in a rational way.

25 Overall, I'd ask that the findings of Lake's be given some

1 deference given the amount of time they've seen him and that they've seen  
2 him before, and they've seen him a lot better this time.

3 THE COURT: All right.

4 THE DEFENDANT: May I say something, Your Honor?

5 THE COURT: Sure, Mr. Pigeon. Go right ahead.

6 THE DEFENDANT: I'll be brief. Concerning Dr. Bradley's statements  
7 today, I'd like to say, he said I was schizophrenic; however, he only said that  
8 on one occasion, and out of probably 14 or 15 psychologists that I've seen  
9 throughout the last decade, only one of them found me schizophrenic. I'm  
10 typically diagnosed with depression by most psychologists. Also, I'd like to  
11 say, none of the three psyches and the reports in here claim that I was  
12 delusional at all.

13 On my argument, since the young girl involved, Candace  
14 Carpenter, didn't -- I mean, did claim that she was somewhat weirded out and  
15 perhaps scared of me doesn't necessarily mean that I was delusional about  
16 her. I mean, I believe you can look at it that way, but I don't believe that's  
17 really what it is. And we enjoyed one another's company seemingly due to  
18 body language, due to nearness, upbeat small talk and also facial expressions.

19 The other thing I'd like to do is add some light to the case based  
20 on these charges. Dr. Harder said that I seem to be delusional about the  
21 charges somewhat in that he claimed that I didn't seem to think I was guilty of  
22 any of them; however, that's not necessarily the case. I did say that I was  
23 perhaps guilty of unlawful contact with a child, which is a gross misdemeanor.

24 At the Grand Jury, there were four major charges --

25 MR. O'BRIEN: Your Honor, at this point I'm going to ask that the Court

1 stop this kind of --

2 THE COURT: Well --

3 THE DEFENDANT I'll be brief --

4 MR. O'BRIEN: Mr. Pigeon has several --

5 THE DEFENDANT: There were four --

6 MR. O'BRIEN: -- court motions that he would like heard in District  
7 Court related to these legal arguments.

8 THE COURT: So, Mr. Pigeon, all we're -- all we're doing today is just  
9 determining whether you are competent to proceed or not. It's really not in  
10 your best interest to talk about the case, and I'm not going to make any  
11 decision on any of the motions, so that's a waste of everybody's time, so --

12 THE DEFENDANT: So I'm not talking about a motion. I was talking  
13 about a comment that Dr. Harder made; he said I was delusional about the  
14 charges.

15 THE COURT: Uh-huh.

16 THE DEFENDANT: I'll be brief. I'll be very brief.

17 MR. O'BRIEN: Mr. Pigeon, are you going to get into the Grand Jury?

18 THE DEFENDANT: They never talked about four major charges at the  
19 Grand Jury.

20 MR. O'BRIEN: Okay. Then, once again, at this point --

21 THE COURT: Okay. But we are -- but we're not here to decide  
22 anything about the charges.

23 THE DEFENDANT: All I'm saying I wasn't delusional about the \  
24 charges --

25 THE COURT: Okay.

1 THE DEFENDANT: -- because -- because there are elements of the  
2 crime they didn't even claim that I commit -- committed. Even -- even in the  
3 police reports they don't claim anything was committed because the police  
4 reports never mention the added charges at the Grand Jury. That's all I need  
5 to say.

6 THE COURT: All right.

7 THE DEFENDANT: Thank you for that time. I appreciate it.

8 MR. O'BRIEN: Your Honor, if I could just briefly --

9 THE COURT: Sure.

10 MR. O'BRIEN: And I will be very brief. I'd just say, what Dr. Harder  
11 specifically said is that Mr. Pigeon seems rather oblivious to the fact that he  
12 committed a crime. In his statement right now to the Court, he's again fixated  
13 on -- he's obsessed with the statement that he was delusional that she loved  
14 him. He's still focused there. With that, I'll submit it.

15 THE COURT: Okay. I'm going to think about this for a little bit. I will  
16 get you guys a decision, and I'll put this on next week just for decision, but I  
17 just got to think about it before then. Okay.

18 MR. O'BRIEN: Thank, Your Honor.

19 MS. HARRIS: Thank the Court.

20 THE CLERK: March 28 at 9:30?

21 THE COURT: Yes.

22 THE CLERK: March 28, 9:30.

23 THE COURT: March 28 at 9:30. It's just for decision.

24 THE DEFENDANT: Thank you, Your Honor.

25 MS. HARRIS: Neither one of us are available on that day --



1 THE COURT: Well, it's just a date for decision.

2 MS. HARRIS: Okay.

3 THE COURT: Just so I have a date, I don't -- I don't want anything to  
4 get lost.

5 MS. HARRIS: Okay.

6 THE COURT: So I won't forget.

7 MR. O'BRIEN: Thank you.

8 MS. HARRIS: Thank you.

9 THE COURT: Nobody needs to be here.

10 MR. O'BRIEN: Oh, okay.

11 THE COURT: It's just for me.

12 MS. HARRIS: Okay.

13 MR. SCHIFALACQUA: Okay.

14 THE COURT: So that nothing gets lost.

15 MR. SCHIFALACQUA: We just don't have to appear. Okay.

16 MS. HARRIS: Okay.

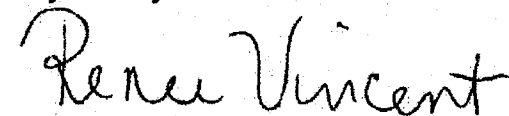
17 THE COURT: You don't have to be here.

18 MR. SCHIFALACQUA: Thank you.

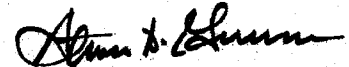
19 MS. HARRIS: Thank you.

20 (Proceedings concluded at 12:23 p.m.)

21  
22 ATTEST: I do hereby certify that I have truly and correctly transcribed the  
23 audio-visual recording of the proceeding in the above entitled case to the  
24 best of my ability.

25 

Renee Vincent, Court Recorder/Transcriber



CLERK OF THE COURT

RTRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

CASE NO. C290261-1

DEPT. VII

CHRISTOPHER PIGEON,

Defendant.

BEFORE THE HONORABLE LINDA MARIE BELL, DISTRICT COURT JUDGE  
FRIDAY, DECEMBER 27, 2013

**RECORDER'S TRANSCRIPT OF  
STATUS CHECK**

**APPEARANCES:**

For the State:

BART PACE, ESQ.  
Chief Deputy District Attorney

For the Defendant:

BELINDA T. HARRIS, ESQ.  
Deputy Public Defender

RECORDED BY: DEBRA WINN, COURT RECORDER

1 Friday, December 27, 2013 -- 9:24 a.m.

2  
3 THE COURT: State of Nevada versus Christopher Pigeon.

4 MS. HARRIS: He's present in custody, Judge. This is one we'll be  
5 challenging. We did contact the doctors. We'll only be able to use Dr.  
6 Bradley. Dr. Farmer is out on medical leave, and Dr. Neighbors, I believe, has  
7 another engagement. So we'll just use Dr. Bradley. The hearing date was  
8 1-17-2014 at 11:00 a.m.

9 THE DEFENDANT: Your Honor, may I say something?

10 THE COURT: Sure.

11 THE DEFENDANT: I'm unhappy with my counsel. My counsel's the  
12 one that's raising the objection. I'd like new counsel. He wants me to plead  
13 incompetent so he can win this case, but there are a lot of extra charges on  
14 there that should even be there. I have three Class B felonies and an  
15 attempted kidnapping that they have no evidence for. He hasn't even talked  
16 to me about any of those.

17 THE COURT: Well, sir, you have an excellent lawyer --

18 THE DEFENDANT: I disagree.

19 THE COURT: -- and he's appeared in front of me many times, so he  
20 knows what he's doing. But part of his job is to make sure you're okay, and  
21 we got to -- have to get that figured out before he can do anything else in your  
22 case, so --

23 THE DEFENDANT: Well, I'm sure that I'm okay. They approved -- they  
24 found me competent.

25 THE COURT: Well, we will --

1 THE DEFENDANT: I was the best chess player there.

2 THE COURT: We'll

3 THE DEFENDANT: I have two college degrees.

4 THE COURT: -- deal with that on the 17th.

5 MS. HARRIS: Thank you, Judge.

6 MR. PACE: Which public defender is that?

7 THE DEFENDANT: Thank you, Your Honor.

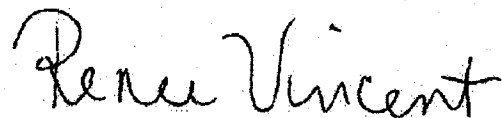
8 MS. HARRIS: Robert O'Brien.

9 MR. PACE: Okay.

10 THE CLERK: January 17, 11:00 a.m.

11 [Proceeding concluded at 9:26 a.m.]

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18  
19 ATTEST: I do hereby certify that I have truly and correctly transcribed the  
20 audio-visual recording of the proceeding in the above entitled case to the  
21 best of my ability.

22  
23 

24 Renee Vincent, Court Recorder/Transcriber