

**Form 1. Notice of Appeal to the Supreme Court From a Judgment or Order of a District Court**

Electronically Filed  
Feb 16 2022 09:46 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

No.....

NOASC  
Yuxia Zhang  
P.O. Box 1014  
Danville, AR 72833-1014  
(702)857-0597  
no fax number  
[cicyzhangyu@gmail.com](mailto:cicyzhangyu@gmail.com)  
Defendant

**IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND  
FOR THE COUNTY OF CLARK**

THE STATE OF NEVADA,  
Plaintiff,

Vs.

Yuxia Zhang,  
Defendant

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CASE NO. C-19-343540-1

DEPT NO. IX

**NOTICE OF APPEAL(S)**

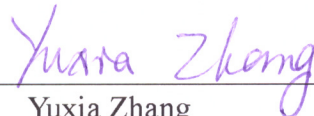
Notice is hereby given that Yuxia Zhang, defendant above named, hereby appeals to the Supreme Court of Nevada from the 02/07/2022 OMNINUS [sic] FINDINGS [sic] OF FACT, CONCLUSIONS OF LAW, AND DECISION ON PRE-TRIAL MOTIONS for the motions listed below (this was done for the purposes of judicial economy) from judge David Barker entered on the 11th day of February, 2022.

**NOTICE TO THE SUPREME COURT OF NEVADA:** It is not understood why a former district court judge, David Barker, signed this filing as judge Cristina Silva presided over the 01/20/2022 hearing upon which this filing is based, not to mention the fact that judge Silva is the judge assigned to this case.

**SEVEN (7) MOTIONS BEING APPEALED TO THE SUPREME COURT OF NEVADA**

(listed by filing date with the Eighth Judicial District Court):

1. 08/27/2021 - MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED
2. 08/28/2021 - MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION
3. 10/15/2021 - MOTION TO COMPEL THE COURT TO TAKE MANDATORY JUDICIAL NOTICE OF ADJUDICATIVE FACTS AND LAW
4. 10/30/2021 - MOTION TO COMPEL THE COURT TO ORDER A WRITTEN FINDINGS OF FACT CONCLUSIONS OF LAW FOR EACH AND EVERY PRETRIAL MOTION WITHIN 21 DAYS OF THE HEARING DATE PURSUANT TO EDCR RULE 1.90(a)(4)
5. 10/30/2021 - MOTION TO COMPEL THE COURT TO ORDER MISSING DISCOVERY FROM FORMER COUNSEL AND THE CHIEF DEPUTY DISTRICT ATTORNEY PURSUANT TO NRS 174.295 AND NRS 7.055
6. 10/31/2021 - MOTION TO COMPEL THE COURT TO ORDER THE DISTRICT ATTORNEY TO PROVIDE A BILL OF PARTICULARS PURSUANT TO THE FEDERAL RULES OF CRIMINAL PROCEDURE RULE 7(f) AND 5TH AND 6TH AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES
7. 11/03/2021 - MOTION TO COMPEL TO ORDER CHIEF DEPUTY DISTRICT ATTORNEY TO RESPOND IN WRITING WITH A COUNTER-AFFIDAVIT POINT BY POINT RESPONSE TO THE PREVIOUSLY COURT FILED AFFIDAVIT OF STATUS AND AFFIDAVIT OF FACT PURSUANT TO NRS 174.135(3)



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Yuxia Zhang

CSERV

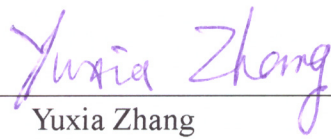
**CERTIFICATE OF SERVICE**

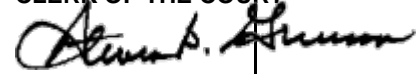
I, the undersigned, hereby certify that a true and correct copy of the attached NOTICE OF APPEAL(S) was e-filed on February 11, 2022 to:

STEVEN B. WOLFSON, Clark County District Attorney

MICHELLE Y. JOBE, Chief Deputy District Attorney

EMAIL: [motions@clarkcounty.da.com](mailto:motions@clarkcounty.da.com)

  
Yuxia Zhang



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6 **IN THE EIGHTH JUDICIAL DISTRICT COURT OF THE**  
7 **STATE OF NEVADA IN AND FOR**  
8 **THE COUNTY OF CLARK**  
9

10 STATE OF NEVADA,

11 Plaintiff(s),

12 vs.

13 YUXIA ZHANG,

14 Defendant(s),  
15

Case No: C-19-343540-1

Dept No: IX

16  
17 **CASE APPEAL STATEMENT**  
18

19 1. Appellant(s): Yuxia Zhang

20 2. Judge: David Barker

21 3. Appellant(s): Yuxia Zhang

22 Counsel:

23 Yuxia Zhang  
24 P.O. Box 1014  
Danville, AR 72833-1014

25 4. Respondent: The State of Nevada

26 Counsel:

27 Steven B. Wolfson, District Attorney  
28 200 Lewis Ave.  
Las Vegas, NV 89101

(702) 671-2700

5. Appellant(s)'s Attorney Licensed in Nevada: N/A  
Permission Granted: N/A

Respondent(s)'s Attorney Licensed in Nevada: Yes  
Permission Granted: N/A

6. Has Appellant Ever Been Represented by Appointed Counsel In District Court: No

7. Appellant Represented by Appointed Counsel On Appeal: N/A

8. Appellant Granted Leave to Proceed in Forma Pauperis: N/A

9. Date Commenced in District Court: September 25, 2019

10. Brief Description of the Nature of the Action: Criminal

Type of Judgment or Order Being Appealed: Misc. Order

11. Previous Appeal: Yes

Supreme Court Docket Number(s): 83446, 83447, 83801

12. Child Custody or Visitation: N/A

Dated This 14 day of February 2022.

Steven D. Grierson, Clerk of the Court

/s/ Amanda Hampton

Amanda Hampton, Deputy Clerk  
200 Lewis Ave  
PO Box 551601  
Las Vegas, Nevada 89155-1601  
(702) 671-0512

cc: Yuxia Zhang

# CASE SUMMARY

## CASE NO. C-19-343540-1

State of Nevada  
vs  
Yuxia Zhang

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§

Location: **Department 9**  
Judicial Officer: **Silva, Cristina D.**  
Filed on: **09/25/2019**  
Case Number History:  
Cross-Reference Case Number: **C343540**  
Defendant's Scope ID #: **7070425**  
Grand Jury Case Number: **19AGJ104A**  
Supreme Court No.: **83446**  
**83801**

### CASE INFORMATION

Offense	Statute	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. CHILD ABUSE, NEGLECT, OR ENDANGERMENT	200.508.1b1	F	01/20/2019	Case Status:	<b>09/25/2019 Open</b>
2. CHILD ABUSE, NEGLECT OR ENDANGERMENT RESULTING IN SUBSTANTIAL BODILY HARM	200.508.1a2	F	01/26/2019		
3. CHILD ABUSE, NEGLECT, OR ENDANGERMENT	200.508.1b1	F	04/04/2019		

### Related Cases

C-19-343540-2 (Multi-Defendant Case)

### Bonds

Cash #Pt-2019-04191 \$10,000.00  
5/29/2019 Posted

Counts: 1, 2, 3

Comments: Cash Bail Transfer. Boulder City check number 2804 for \$10,000.00 / Notice And Order To Transfer Bail

### DATE

### CASE ASSIGNMENT

#### Current Case Assignment

Case Number	C-19-343540-1
Court	Department 9
Date Assigned	09/07/2021
Judicial Officer	Silva, Cristina D.

### PARTY INFORMATION

		Lead Attorneys
<b>Defendant</b>	<b>Zhang, Yuxia</b>	<b>Pro Se</b> 702-857-0597(H)
<b>Plaintiff</b>	<b>State of Nevada</b>	<b>Wolfson, Steven B</b> 702-671-2700(W)


### DATE

### EVENTS & ORDERS OF THE COURT

### INDEX


#### EVENTS

09/25/2019

 Indictment  
[2]

Index #2

09/25/2019















 Summons  
[3] Summons (Indictment)

Index #3

09/25/2019














Index #4

**CASE SUMMARY**  
**CASE NO. C-19-343540-1**

	 Notice <i>[4] Notice and Order to Transfer Bail</i>	
09/27/2019	 Reporters Transcript <i>[1] Reporter's Transcript of Proceedings, Grand Jury Hearing, Volume 1, September 3, 2019</i>	Index #1
09/30/2019	 Reporters Transcript Filed By: Plaintiff State of Nevada <i>[5] Reporter's Transcript of Proceedings - Grand Jury - Hearing - 09/24/19 - Volume 2</i>	Index #5
10/02/2019	 Receipt <i>[6] Of Passport</i>	Index #6
10/03/2019	 Certification Filed by: Plaintiff State of Nevada <i>[7] Record of Chain of Custody for Transfer of Defendants' Passports to District Court, by Order of the Court</i>	Index #7
10/09/2019	 Amended Order <i>[8] Amended Notice and Order to Transfer Bail</i>	Index #8
10/14/2019	 Cash Bond Acceptance Notice <i>[9] Cash Bond Acceptance Notice</i>	Index #9
10/14/2019	 Notice of Receipt of Bond Transfer <i>[10]</i>	Index #10
11/20/2019	 Petition for Writ of Habeas Corpus Filed by: Defendant Zhang, Yuxia <i>[11] Petition for Writ of Habeas Corpus</i>	Index #11
11/20/2019	 Clerk's Notice of Hearing <i>[12] Notice of Hearing</i>	Index #12
12/04/2019	 Notice of Motion Filed By: Plaintiff State of Nevada <i>[13] State's Notice of Motion and Motion for Extension of Time</i>	Index #13
12/04/2019	 Clerk's Notice of Hearing <i>[14] Notice of Hearing</i>	Index #14
12/23/2019	 Receipt of Copy Filed by: Plaintiff State of Nevada <i>[15] Receipt of Copy for Discovery Provided</i>	Index #15
01/06/2020	 Return Party: Plaintiff State of Nevada <i>[16] State's Return to Zhang's Petition for Writ of Habeas Corpus and Sachs' Joinder</i>	Index #16
03/04/2020	 Reply Filed by: Defendant Zhang, Yuxia <i>[17] Reply to Return to Petition for Writ of Habeas Corpus</i>	Index #17

# CASE SUMMARY







CASE NO. C-19-343540-1

04/30/2020	 Filed Under Seal <i>[18] SEALED PER ORDER INSIDE THIS ORDER Ex Parte Motion and Order for Release of CPS/DFS Records and Order to File Under Seal</i>	Index #18
05/04/2020	 Notice of Witnesses and/or Expert Witnesses Filed By: Plaintiff State of Nevada <i>[19] State's Notice of Witnesses and/or Expert Witnesses</i>	Index #19
05/05/2020	 Filed Under Seal <i>[20] Ex Parte Motion and Order for Release of Certified Medical Records and Order to File Under Seal</i>	Index #20
05/05/2020	 Filed Under Seal <i>[21] Ex Parte Motion and Order for Release of Medical Records and Order to File Under Seal</i>	Index #21
06/02/2020	 Receipt of Copy <i>[22] Receipt of Copy</i>	Index #22
06/25/2020	 Finding of Fact and Conclusions of Law <i>[23] Findings of Fact, Conclusions of Law and Order Denying Defendant Zhang's Petition for Writ of Habeas Corpus, Defendant Sach's Joinder, and Defendant's Joint Statement</i>	Index #23
06/28/2020	 Motion to Withdraw As Counsel Filed By: Defendant Zhang, Yuxia <i>[24] Motion to Withdraw as Counsel</i>	Index #24
07/01/2020	 Clerk's Notice of Hearing <i>[25] Notice of Hearing</i>	Index #25
08/17/2020	 Notice <i>[26] Notice to the Court</i>	Index #26
08/26/2020	 Memorandum Filed By: Plaintiff State of Nevada <i>[27] Bench Memorandum</i>	Index #27
08/27/2020	 Order to Show Cause <i>[28] Order to Appear</i>	Index #28
09/08/2020	 Memorandum Filed By: Defendant Zhang, Yuxia <i>[29] Bench Memorandum</i>	Index #29
09/24/2020	 Memorandum Filed By: Defendant Zhang, Yuxia <i>[30] Bench Memorandum</i>	Index #30
10/20/2020	 Notice of Motion Filed By: Defendant Zhang, Yuxia <i>[31] BILL OF PARTICULARS</i>	Index #31
11/17/2020	 Opposition Filed By: Plaintiff State of Nevada	Index #32















# CASE SUMMARY

CASE NO. C-19-343540-1


	<i>[32] State's Opposition to "Defendant's Bill of Particulars"</i>	
11/18/2020	 Affidavit Filed By: Defendant Zhang, Yuxia <i>[33] Affidavit of Yuxia Zhang</i>	Index #33
11/18/2020	 Notice of Default Filed By: Defendant Zhang, Yuxia <i>[34] Notice of Default to Bill of Particulars</i>	Index #34
12/28/2020	 Notice of Default Filed By: Defendant Zhang, Yuxia <i>[35] NOTICE OF DEFAULT - SECOND REQUEST FOR BILL OF PARTICULARS</i>	Index #35
01/04/2021	Case Reassigned to Department 23 <i>Judicial Reassignment to Judge Jasmin Lilly-Spells</i>	
01/14/2021	 Motion to Quash Filed By: Defendant Zhang, Yuxia <i>[36] Motion to Quash Indictment and Motion to Dismiss</i>	Index #36
01/20/2021	 Response Filed by: Plaintiff State of Nevada <i>[37] State's Response to Defendant's Motion to Quash Indictment and Motion to Dismiss</i>	Index #37
01/20/2021	 Clerk's Notice of Hearing <i>[38] Clerk's Notice of Hearing</i>	Index #38
02/01/2021	 Affidavit Filed By: Defendant Zhang, Yuxia <i>[39] Affidavit</i>	Index #39
03/04/2021	 Notice of Hearing <i>[40] Status of Case</i>	Index #40
03/12/2021	 Findings of Fact, Conclusions of Law and Order <i>[41] Findings of Fact, Conclusion of Law and Order Denying Defendants' Motion to Quash Indictment and Motion to Dismiss</i>	Index #41
03/14/2021	 Findings of Fact, Conclusions of Law and Order <i>[42] Finding of Fact, Conclusions of Law and Order Denying Defendants' Motion to Quash Indictment and Motion to Dismiss</i>	Index #42
04/01/2021	 Affidavit Filed By: Defendant Zhang, Yuxia <i>[43] AFFIDAVIT OF STATUS</i>	Index #43
04/01/2021	 Affidavit Filed By: Defendant Zhang, Yuxia <i>[44] AFFIDAVIT OF MOTION TO DIMISS FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED</i>	Index #44
04/13/2021	 Affidavit Filed By: Defendant Zhang, Yuxia	Index #45

**CASE SUMMARY****CASE NO. C-19-343540-1**

	<i>[45] AFFIDAVIT FOR DISQUALIFYING JUDGE JASMIN LILLY-SPILLS PER NRS 1.230 AND NRS 1.235</i>	
05/05/2021	 Receipt of Copy Filed by: Plaintiff State of Nevada <i>[46] Receipt of Copy for Discovery Provided</i>	<i>Index #46</i>
05/13/2021	 Motion to Dismiss Filed By: Defendant Zhang, Yuxia <i>[47] Motion to Dismiss Charges with Prejudice for Prosecutorial Misconduct</i>	<i>Index #47</i>
05/13/2021	 Clerk's Notice of Hearing <i>[48] Notice of Hearing</i>	<i>Index #48</i>
05/18/2021	 Clerk's Notice of Hearing <i>[50] Notice of Hearing</i>	<i>Index #50</i>
05/25/2021	 Notice Filed By: Defendant Zhang, Yuxia <i>[51] Judicial Notice to the Court, the Court is Deprived of Jurisdiction</i>	<i>Index #51</i>
05/26/2021	 Opposition Filed By: Plaintiff State of Nevada <i>[52] State's Opposition to Defendant's Pro Se Motions to Dismiss Charges with Prejudice for Prosecutorial Misconduct and State's Countermotion to Strike Defendant's Motion for Violation of NRS EDCR 3.20 and EDCR 7.20</i>	<i>Index #52</i>
05/26/2021	 Response Filed by: Plaintiff State of Nevada <i>[53] State's Response to Defendant's Pro Se Emergency Motion to Compel Anise Robinson Law Clerk to Judge Lilly-Spills to Serve the Judge with Two Affidavits That Were Already Filed Through the Court's Odyssey EFile System That Anise Roberson Unlawfully Ignored</i>	<i>Index #53</i>
06/01/2021	 Notice of Default Filed By: Defendant Zhang, Yuxia <i>[54] Notice of Default for "Affidavit for Disqualifying Judge Jasmin Lilly-Spills Per NRS 1.230 and NRS 1.235</i>	<i>Index #54</i>
06/24/2021	 Affidavit Filed By: Defendant Zhang, Yuxia <i>[55] Affidavit of Fact</i>	<i>Index #55</i>
06/28/2021	 Reply to Opposition Filed by: Defendant Zhang, Yuxia <i>[56] REPLY TO STATES OPPOSITION TO EMERGENCY MOTION TO COMPEL LAW CLERK TO JUDGE TO SERVE THE JUDGE WITH TWO AFFIDAVITS</i>	<i>Index #56</i>
06/30/2021	 Reply to Opposition Filed by: Defendant Zhang, Yuxia <i>[57] REPLY TO STATES OPPOSITION TO MOTION TO DISMISS CHARGES WITH PREJUDICE FOR PROSECUTORIAL MISCONDUCT</i>	<i>Index #57</i>
07/20/2021	 Recorders Transcript of Hearing <i>[58] Recorder's Transcript of Proceedings: All Pending Motions, July 14, 2021</i>	<i>Index #58</i>

# CASE SUMMARY

CASE NO. C-19-343540-1









07/20/2021	 Affidavit in Support Filed By: Defendant Zhang, Yuxia <i>[59] AFFIDAVIT IN SUPPORT FOR DISQUALIFYING JUDGE JASMIN LILLY-SPELLS PER NRS 1.230 AND NRS 1.235</i>	Index #59
07/21/2021	 Motion to Disqualify Judge Filed By: Defendant Zhang, Yuxia <i>[60] Motion to Disqualify Judge Jasmin Lily-Spells Per NRS 1.230 and NRS 1.235</i>	Index #60
07/21/2021	 Affidavit in Support Filed By: Defendant Zhang, Yuxia <i>[61] EXHIBIT A - AFFIDAVIT IN SUPPORT FOR DISQUALIFYING JUDGE JASMIN LILLY-SPELLS PER NRS 1.230 AND NRS 1.235</i>	Index #61
07/21/2021	 Exhibits Filed By: Defendant Zhang, Yuxia <i>[62] EXHIBIT B - PROOF OF MAILING OF AFFIDAVIT IN SUPPORT BY WAY OF US POSTAL SERVICE CERTIFIED MAIL RETURN RECEIPT</i>	Index #62
07/23/2021	 Clerk's Notice of Hearing <i>[63] Notice of Hearing</i>	Index #63
08/06/2021	 Response <i>[64] ANSWER IN RESPONSE TO AFFIDAVIT FOR DISQUALIFICATION</i>	Index #64
08/24/2021	 Decision and Order <i>[65] Decision and Order</i>	Index #65
08/27/2021	 Motion to Continue Trial Filed By: Defendant Zhang, Yuxia <i>[66] Emergency Motion to Continue Trial and Motion for State Appointed Assistance of Counsel - Hearing Requested</i>	Index #66
08/27/2021	 Notice of Appeal (Criminal) Party: Defendant Zhang, Yuxia <i>[67] NOTICE OF APPEAL TO THE SUPREME COURT FROM A JUDGMENT OR ORDER OF A DISTRICT COURT</i>	Index #67
08/27/2021	 Affidavit in Support Filed By: Defendant Zhang, Yuxia <i>[68] Affidavit in Support of Emergency Motion to Continue Trial and Motion for State Appointed Assistance of Counsel</i>	Index #68
08/27/2021	 Clerk's Notice of Hearing <i>[69] Notice of Hearing</i>	Index #69
08/27/2021	 Motion to Dismiss Filed By: Defendant Zhang, Yuxia <i>[70] Motion to Dismiss to State a Claim Upon Which Relief Can Be Granted</i>	Index #70
08/28/2021	 Motion to Dismiss Filed By: Defendant Zhang, Yuxia <i>[71] Motion to Dismiss for Lack of Subject Matter Jurisdiction</i>	Index #71

# CASE SUMMARY

CASE NO. C-19-343540-1

08/30/2021	 Clerk's Notice of Hearing <i>[72] Notice of Hearing</i>	Index #72
08/30/2021	 Case Appeal Statement Filed By: Defendant Zhang, Yuxia <i>[73] Case Appeal Statement</i>	Index #73
08/31/2021	 Order Filed By: Plaintiff State of Nevada <i>[74] Order Denying Defendants' Motions Heard July 14, 2021 and Denying State's Countermotion</i>	Index #74
09/01/2021	 Opposition <i>[75] State's Opposition to Defendants Pro Se Motions to Dismiss For Failure to State a Claim Upon Which Relief Can Be Granted</i>	Index #75
09/02/2021	 Opposition Filed By: Plaintiff State of Nevada <i>[76] State's Opposition to Defendant's Pro Se Motions to Dismiss for Failure to State a Claim Upon Which Relief Can Be Granted</i>	Index #76
09/02/2021	 Opposition Filed By: Plaintiff State of Nevada <i>[77] State's Opposition to Defendant's Pro Se Motions To Dismiss For Failure to State a Claim Upon Which Relief Can Be Granted</i>	Index #77
09/02/2021	 Motion Filed By: Defendant Zhang, Yuxia <i>[78] Motion to Impeach State's Witnesses and State's Expert Witnesses</i>	Index #78
09/02/2021	 Exhibits Filed By: Defendant Zhang, Yuxia <i>[80] Exhibit 66 from the Joint Declaration</i>	Index #80
09/02/2021	 Exhibits Filed By: Defendant Zhang, Yuxia <i>[81] Exhibit 67 from the Joint Declaration</i>	Index #81
09/02/2021	 Exhibits Filed By: Defendant Zhang, Yuxia <i>[82] Exhibit 21 from the Joint Declaration</i>	Index #82
09/02/2021	 Clerk's Notice of Hearing <i>[83] Notice of Hearing</i>	Index #83
09/03/2021	 Opposition Filed By: Plaintiff State of Nevada <i>[84] State's Opposition to Defendants' Emergency Motions to Continue Trial and Motions for State Appointed Assistance of Counsel, and Motions to Dismiss for Lack of Subject Matter Jurisdiction</i>	Index #84
09/04/2021	 Reply to Opposition Filed by: Defendant Zhang, Yuxia <i>[85] REPLY TO STATE'S OPPOSITION TO MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED</i>	Index #85

**CASE SUMMARY**  
**CASE NO. C-19-343540-1**

09/04/2021	 Notice of Change of Hearing <i>[87] Notice of Change of Hearing</i>	Index #87
09/06/2021	 Reply to Opposition Filed by: Defendant Zhang, Yuxia <i>[88] Reply to State's Opposition to Emergency Motion to Continue Trial and Motion for State Appointed Assistance of Counsel and Motion to Dismiss for Lack of Subject Matter Jurisdiction</i>	Index #88
09/06/2021	 Exhibits Filed By: Defendant Zhang, Yuxia <i>[89] Exhibit A to the "Reply"</i>	Index #89
09/06/2021	 Exhibits Filed By: Defendant Zhang, Yuxia <i>[90] Exhibit B to the "Reply"</i>	Index #90
09/06/2021	 Affidavit Filed By: Defendant Zhang, Yuxia <i>[91] Affidavit of Yuxia Zhang</i>	Index #91
09/07/2021	Case Reassigned to Department 9 <i>From Judge Jasmin Lilly-Spells to Judge Cristina Silva</i>	
09/07/2021	 Opposition <i>[92] State s Amended Opposition to Defendants Pro Se Emergency Motions to Continue Trial and Motions for State Appointed Assistance of Counsel, and Motions to Dismiss for Lack of Subject Matter Jurisdiction</i>	Index #92
09/10/2021	 Opposition Filed By: Plaintiff State of Nevada <i>[93] State's Opposition to Defendants' Pro Se Motion to Impeach State's Witnesses and State's Expert-Witnesses</i>	Index #93
10/15/2021	 Motion to Compel Filed By: Defendant Zhang, Yuxia <i>[94] Motion to Compel the Court to Take Mandatory Judicial Notice of Adjudicative Facts and Law</i>	Index #94
10/15/2021	 Notice Filed By: Defendant Zhang, Yuxia <i>[95] JUDICIAL NOTICE OF ADJUDICATIVE FACTS AND LAW</i>	Index #95
10/17/2021	 Motion to Compel Filed By: Defendant Zhang, Yuxia <i>[96] Defendant Motion to Compel the Court to Order the Grand Jury to Reconvene and Redeliberate Pursuant to NRS 172.241(5)</i>	Index #96
10/18/2021	 Clerk's Notice of Hearing Party: Defendant Zhang, Yuxia <i>[97] Notice of Hearing</i>	Index #97
10/18/2021	 Clerk's Notice of Hearing Party: Defendant Zhang, Yuxia	Index #98

**CASE SUMMARY**  
**CASE NO. C-19-343540-1**

	<i>[98] Notice of Hearing</i>	
10/20/2021	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>[99] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i>	<i>Index #99</i>
10/30/2021	 Motion for Order Filed By: Defendant Zhang, Yuxia <i>[100] Emergency Motion for Order for Court to Follow EDCR Rule 1.90(a)(4) and EDCR Rule 3.20(b) for all Pretrial Motions with Attached Objection</i>	<i>Index #100</i>
10/30/2021	 Objection <i>[101] OBJECTION TO COURT'S VERBAL ORDER BRIEFING SCHEDULE PER THE SEPTEMBER 8, 2021 HEARING</i>	<i>Index #101</i>
10/30/2021	 Motion for Order Filed By: Defendant Zhang, Yuxia <i>[102] Emergency Motion for Order for Court to Follow EDCR Rule 1.90(a)(4) and EDCR Rule 3.20(b) for all Pretrial Motions with Attached Objection</i>	<i>Index #102</i>
10/30/2021	 Objection Filed By: Defendant Zhang, Yuxia <i>[103] OBJECTION TO COURT S VERBAL ORDER BRIEFING SCHEDULE PER THE SEPTEMBER 8, 2021 HEARING - WITH CERTIFICATE OF SERVICE</i>	<i>Index #103</i>
10/30/2021	 Motion to Reconsider Filed By: Defendant Zhang, Yuxia <i>[104] Emergency Motion to Reconsider Court's Verbal Order to Appear in Person on January 19, 2022 Pursuant to NRS 178.388(4)</i>	<i>Index #104</i>
10/30/2021	 Motion to Disqualify Attorney Filed By: Defendant Zhang, Yuxia <i>[105] Motion to Disqualify Chief Deputy District Attorney Michelle Jobe Pursuant to NRS 199.310</i>	<i>Index #105</i>
10/30/2021	 Motion to Compel Filed By: Defendant Zhang, Yuxia <i>[107] Motion to Compel the Court to Order Missing Discovery from Former Counsel and the Chief Deputy District Attorney Pursuant to NRS 174.295 and NRS 7.055</i>	<i>Index #107</i>
10/30/2021	 Motion to Compel Filed By: Defendant Zhang, Yuxia <i>[108] Motion to Compel the Court to Order a Written Findings of Fact Conclusions of Law for Each and Every Pretrial Motion Within 21 Days of the Hearing Date Pursuant to EDCR Rule 1.90(a)(4)</i>	<i>Index #108</i>
10/31/2021	 Motion to Compel Filed By: Defendant Zhang, Yuxia <i>[109] Motion to Compel the Court to Order the District Attorney to Provide a Bill of Particulars Pursuant to the Federal Rules of Criminal Procedure Rule 7(f) and 5th and 6th Amendments to the Constitution of the United States</i>	<i>Index #109</i>
10/31/2021	Affidavit in Support Filed By: Defendant Zhang, Yuxia <i>[110] AFFIDAVIT OF FACT</i>	<i>Index #110</i>
11/01/2021	 Clerk's Notice of Hearing	<i>Index #111</i>

# CASE SUMMARY

CASE NO. C-19-343540-1

	<i>[111] Notice of Hearing</i>	
11/01/2021	 Notice of Witnesses and/or Expert Witnesses Filed By: Defendant Zhang, Yuxia <i>[112] FALSELY ACCUSED S NOTICE OF WITNESSES AND/OR EXPERT WITNESSES PURSUANT TO NRS 174.234</i>	<i>Index #112</i>
11/02/2021	 Notice of Motion <i>[113] State's Notice of Motion and Motion In Limine to Admit Evidence Pursuant to Res Gestae</i>	<i>Index #113</i>
11/02/2021	 Notice of Motion <i>[114] State's Notice of Motion and Motion For Discovery Pursuant To NRS 174.234, 174.245 (1) And 174.295</i>	<i>Index #114</i>
11/02/2021	 Opposition to Motion <i>[115] State s Opposition to Defendant s Motion to Disqualify Deputy District Attorney Michelle Jobe Pursuant to NRS 193.310.</i>	<i>Index #115</i>
11/02/2021	 Notice of Motion <i>[116] State's Notice of Motion and Motion to Prohibit Defendants from Improperly Impeaching Witness(es)</i>	<i>Index #116</i>
11/02/2021	 Notice of Motion Filed By: Defendant Zhang, Yuxia <i>[117] State's Motion to Motion to Sever Defendants' Cases</i>	<i>Index #117</i>
11/03/2021	 Clerk's Notice of Hearing Party: Defendant Zhang, Yuxia <i>[118] Notice of Hearing</i>	<i>Index #118</i>
11/03/2021	 Clerk's Notice of Hearing <i>[119] Notice of Hearing</i>	<i>Index #119</i>
11/03/2021	 Clerk's Notice of Hearing <i>[120] Notice of Change of Hearing</i>	<i>Index #120</i>
11/03/2021	 Clerk's Notice of Hearing Party: Defendant Zhang, Yuxia <i>[121] Notice of Hearing</i>	<i>Index #121</i>
11/03/2021	 Clerk's Notice of Hearing Party: Defendant Zhang, Yuxia <i>[122] Notice of Hearing</i>	<i>Index #122</i>
11/03/2021	 Clerk's Notice of Hearing Party: Defendant Zhang, Yuxia <i>[123] Notice of Hearing</i>	<i>Index #123</i>
11/03/2021	 Order <i>[124] Scheduling Order Setting Briefing Schedule and Hearing</i>	<i>Index #124</i>
11/05/2021	 Motion in Limine Filed By: Defendant Zhang, Yuxia	<i>Index #128</i>

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	<i>[128] Motion in Limine Pursuant to EDCR Rule 3.28</i>	
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11/05/2021	 Exhibits Filed By: Defendant Zhang, Yuxia <i>[130] EXHIBIT B TO MOTION IN LIMINE</i>	Index #130
11/05/2021	 Exhibits Filed By: Defendant Zhang, Yuxia <i>[131] EXHIBIT C TO MOTION IN LIMINE</i>	Index #131
11/05/2021	 Exhibits Filed By: Defendant Zhang, Yuxia <i>[132] EXHIBIT D TO MOTION IN LIMINE</i>	Index #132
11/05/2021	 Exhibits Filed By: Defendant Zhang, Yuxia <i>[133] EXHIBIT E TO MOTION IN LIMINE</i>	Index #133
11/05/2021	 Exhibits Filed By: Defendant Zhang, Yuxia <i>[134] EXHIBIT F TO MOTION IN LIMINE</i>	Index #134
11/05/2021	 Notice Filed By: Defendant Zhang, Yuxia <i>[135] Notice and Opportunity for BCPD Detective Christopher Slack to Respond in Writing to my Affidavit of Status and Affidavit of Fact with Counter- Affidavits with Point By Point Responses Notarized and Signed Under the Penalty of Perjury Pursuant to the IV, V, VIII, and XIV Amendments to the Constitution of the United States</i>	Index #135
11/05/2021	 Affidavit Filed By: Defendant Zhang, Yuxia <i>[137] Affidavit of Fact</i>	Index #137
11/08/2021	 Clerk's Notice of Hearing <i>[138] Notice of Hearing</i>	Index #138
11/12/2021	 Notice of Appeal (Criminal) Party: Defendant Zhang, Yuxia <i>[139] NOTICE OF APPEAL</i>	Index #139
11/12/2021	 Notice of Rescheduling of Hearing <i>[140] Notice of Rescheduling of Hearing</i>	Index #140
11/12/2021	 Notice of Rescheduling of Hearing <i>[141] Notice of Rescheduling of Hearing</i>	Index #141
11/15/2021	 Case Appeal Statement Filed By: Defendant Zhang, Yuxia <i>[142] Case Appeal Statement</i>	Index #142





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11/18/2021	 Reply to Opposition Filed by: Defendant Zhang, Yuxia [144] Reply to "State's Opposition to Defendants' Motions to Disqualify Chief Deputy District Attorney Michelle Jobe Pursuant to NRS 199.310"	Index #144
11/19/2021	Affidavit Filed By: Defendant Zhang, Yuxia [148] Affidavit of Fact	Index #148
11/19/2021	 Opposition to Motion Filed By: Defendant Zhang, Yuxia [149] Opposition to State's Notice of Motion for Discovery Pursuant to NRS 174.234, 174.245 (1) And 174.295	Index #149
12/02/2021	 Reply Filed by: Defendant Zhang, Yuxia [152] NOTWITHSTANDING THE COURT'S ORDER BEING ULTRA VIRES AS THE COURT HAS FAILED TO STATE THE STATUTE RULE OR LAW REQUIRING THE PUTATIVE DEFENDANT'S DUTY TO ANSWER THE SHOW CAUSE HEARING PUTATIVE DEFENDANT SUBMITS THE FOLLOWING INTENDED TO COMPLY WITH THE SHOW CAUSE ORDER	Index #152
12/12/2021	 Opposition to Motion Filed By: Defendant Zhang, Yuxia [153] OPPOSITION TO STATE'S NOTICE OF MOTION IN LIMINE TO ADMIT EVIDENCE PURSUANT TO RES GESTAE	Index #153
12/12/2021	 Request for Judicial Notice Filed By: Defendant Zhang, Yuxia [154] Judicial Notice to the Court, the Court is Deprived of Jurisdiction	Index #154
12/12/2021	 Reply to Opposition Filed by: Defendant Zhang, Yuxia [155] EXHIBIT B TO OPPOSITION - REPLY TO STATES OPPOSITION TO DEFENDANTS' MOTIONS TO DISQUALIFY CHIEF DEPUTY DISTRICT ATTORNEY MICHELLE JOBE PURSUANT TO NRS 199.130	Index #155
12/13/2021	 Opposition to Motion Filed By: Defendant Zhang, Yuxia [156] OPPOSITION TO STATES MOTION TO SEVER DEFENDANTS CASES	Index #156
12/13/2021	 Request for Judicial Notice Filed By: Defendant Zhang, Yuxia [157] EXHIBIT A TO OPPOSITION - JUDICIAL NOTICE TO THE COURT, THE COURT IS DEPRIVED OF JURISDICTION	Index #157
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12/23/2021	 Affidavit in Support Filed By: Defendant Zhang, Yuxia	Index #160

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	<i>[160] EXHIBIT B - AFFIDAVIT OF STATUS</i>	
12/23/2021	 Affidavit in Support Filed By: Defendant Zhang, Yuxia <i>[161] EXHIBIT C - AFFIDAVIT OF FACT</i>	Index #161
12/23/2021	 Notice of Default Filed By: Defendant Zhang, Yuxia <i>[162] Notice Of Default And Opportunity To Cure For Chief Deputy District Attorney Michelle Jobe To Respond In Writing To My Affidavit Of Status And Affidavit Of Fact With Counter-Affidavits With Point By Point Responses Notarized And Signed Under The Penalty Of Perjury Pursuant To The Iv, V, Vi, Viii, And Xiv Amendments To The Constitution Of The United States</i>	Index #162
12/23/2021	 Affidavit in Support <i>[163] EXHIBIT B - AFFIDAVIT OF STATUS</i>	Index #163
12/23/2021	 Affidavit in Support Filed By: Defendant Zhang, Yuxia <i>[164] EXHIBIT C - AFFIDAVIT OF FACT</i>	Index #164
12/27/2021	 Notice of Motion Filed By: Plaintiff State of Nevada <i>[165] State's Notice of Motion and Motion to Strike All Pleadings Related to and Associated with Notices of Default Against BCPD Detective Christopher Slack and Chief Deputy District Attorney Michelle Jobe Filed on or About November 5, 2021, November 19, 2021, and December 23, 2021</i>	Index #165
01/02/2022	 Notice Filed By: Defendant Zhang, Yuxia <i>[166] NOTICE OF NON-APPEARANCE TO THE JANUARY 19, 2022 COMBINED HEARING PURSUANT TO THE EIGHTH JUDICIAL DISTRICT COURT ADMINISTRATIVE ORDER 21-04 AND NRS 178.388(4)</i>	Index #166
01/02/2022	 Motion to Reconsider Filed By: Defendant Zhang, Yuxia <i>[167] Emergency Motion to Reconsider Court's Verbal Order to Appear In Person on January 19, 2022 Pursuant to Nrs 178.388(4) - for Relief This Motion Needs to Heard Prior to 01/19/2022</i>	Index #167
01/03/2022	 Clerk's Notice of Hearing <i>[168] Notice of Hearing</i>	Index #168
01/04/2022	 Reply to Opposition Filed by: Plaintiff State of Nevada <i>[169] State's Reply to Defendant's Opposition to State's Motion for Discovery Pursuant to NRS 174.234, 174.245(1), and 174.295</i>	Index #169
01/04/2022	 NV Supreme Court Clerks Certificate/Judgment - Dismissed <i>[170] Nevada Supreme Court Clerk's Certificate/Remittitur Judgment - Dismissed</i>	Index #170
01/10/2022	 Reply to Opposition Filed by: Defendant Zhang, Yuxia <i>[171] Replt to Sate's Opposition to Defendant's Motion(s) in Limine Pursuant EDCR Rule 3.28</i>	Index #171
01/16/2022		Index #172

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	 <b>Opposition to Motion</b> Filed By: Defendant Zhang, Yuxia <i>[172] Opposition to State's Motion to Strike all Filings Related to and Associated with the Notices of Default Against BCPD Detective Christopher Slack and Chief Deputy District Attorney Michelle Jobe on or About November 5, 2021, November 19, 2021, and December 23, 2021</i>	
02/07/2022	 <b>Notice</b> <i>[173] Notice of Courtesy Copies</i>	Index #173
02/07/2022	 <b>Findings of Fact, Conclusions of Law and Judgment</b> <i>[174] Omnibus Findings of Fact, Conclusions of Law, and Decision on Pre-Trial Motions</i>	Index #174
02/08/2022	 <b>Notice</b> Filed By: Plaintiff State of Nevada <i>[175] State's Notice Regarding Boulder City Police Department Body Camera Recordings</i>	Index #175
02/11/2022	 <b>Notice of Appeal (Criminal)</b> Party: Defendant Zhang, Yuxia <i>[176] NOTICE OF APPEAL(S)</i>	Index #176
02/14/2022	 <b>Case Appeal Statement</b> <i>Case Appeal Statement</i>	Index #177
	<b>HEARINGS</b>	
09/25/2019	 <b>Grand Jury Indictment (11:00 AM)</b> (Judicial Officer: Bell, Linda Marie)  <b>MINUTES</b> Matter Heard; Journal Entry Details: <i>Brian Contreras, Grand Jury Foreperson, stated to the Court that at least twelve members had concurred in the return of the true bill during deliberation, but had been excused for presentation to the Court. State presented Grand Jury Case Number 19AGJ104A to the Court. COURT ORDERED, the Indictment may be filed and is assigned Case Number C-19-343540-1, Department XV. State requested a summons, advised Deft is not in custody, and that bail is currently at \$10,000.00. COURT ORDERED, INDICTMENT SUMMONS ISSUED. BAIL in the amount of \$10,000.00 TRANSFERRED with the ADDED CONDITION of no contact with named victims. COURT FURTHER ORDERED, Defendant to surrender her passport, State to obtain passport from Boulder City Justice Court and delivered to District Court. Matter SET for Arraignment. Upon Court's inquiry, the State advised there are no material witness warrants to quash. COURT FURTHER ORDERED, Exhibits 1-9 to be lodged with the Clerk of the Court. BOND (SUMMONS) 10/10/19 8:30 A.M. INITIAL ARRAIGNMENT (DEPT XV) ;</i>  <b>SCHEDULED HEARINGS</b>  <b>Initial Arraignment (10/10/2019 at 8:30 AM)</b> (Judicial Officer: Hardy, Joe)	
10/10/2019	 <b>Initial Arraignment (8:30 AM)</b> (Judicial Officer: Hardy, Joe) Plea Entered; Journal Entry Details: <i>Mr. Posin advised that he was SUBSTITUTING in as counsel of record for the Defendant. At Mr. Posin's request, COURT ORDERED, counsel has 21 days from the filing of the Grand Jury transcript or today's date, whichever is later, to file a Writ. DEFT. ZHANG ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. COURT ORDERED, matter set for trial. BOND 3/19/20 8:30 AM STATUS CHECK: TRIAL READINESS 4/16/20 8:30 AM CALENDAR CALL 4/20/20 10:30 AM JURY TRIAL;</i>	
12/05/2019	 <b>Petition for Writ of Habeas Corpus (8:30 AM)</b> (Judicial Officer: Hardy, Joe) <i>Defendant's Petition for Writ of Habeas Corpus</i>	

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Off Calendar;

Journal Entry Details:

*The Court noted that it received an e-mail from the State on December 5, 2019, indicating that the parties agreed to allow more time. COURT ORDERED the Petition was hereby OFF CALENDAR, and a status check regarding the parties' stipulation, was SET. BOND 1/9/20 8:30 AM STATUS CHECK: STIPULATION;*

12/17/2019



**Motion** (8:30 AM) (Judicial Officer: Hardy, Joe)

*State's Motion for Extension of Time*

Motion Granted;

Journal Entry Details:

*Mr. Posin advised that the parties stipulated to a date by which the State would respond. COURT ORDERED State's Motion for Extension of Time, was hereby GRANTED pursuant to the stipulation between the parties. COURT FURTHER ORDERED, the State's Opposition to the Petition for Writ of Habeas Corpus, would be DUE BY January 6, 2020, the Defendant's Response would be DUE BY January 21, 2020, and a hearing date was hereby SET. Pursuant to the briefing schedule and the hearing date for the Petition, COURT ORDERED the status check regarding stipulation, currently set to be heard on January 9, 2020, was hereby VACATED. The State advised that it would be out of the jurisdiction for the trial date, which was currently set for April 20, 2020, noting that the issue could be addressed at the next hearing date. BOND 1/28/20 8:30 AM PETITION FOR WRIT OF HABEAS CORPUS;*

01/09/2020

**CANCELED Status Check** (8:30 AM) (Judicial Officer: Hardy, Joe)

*Vacated*

*Status Check: Stipulation*

01/30/2020



**Petition for Writ of Habeas Corpus** (9:30 AM) (Judicial Officer: Hardy, Joe)

**01/30/2020, 03/05/2020, 06/09/2020**

Continued;

Continued;

Denied;

Journal Entry Details:

*Mitchell Posin, Esq. present via Blue Jeans; James Smith, Esq. present via Blue Jeans on behalf of co-Defendant Kimball Sachs; and Defendant Yuxia Zhang and co-Defendant Kimball Sachs present via Blue Jeans. The Court noted that it had reviewed the Petition, the State's Return, the Reply, and the Joint Declaration submitted by the Defendants. Mr. Posin argued in support of the Petition, stating that the State improperly presented evidence by way of a statement from the prosecutor, which caused hearsay issues. Mr. Smith joined Mr. Posin's arguments, stating that neither Defendant was properly served with Marcum Notice, which violated their due process rights. The State argued in opposition, stating that it presented exculpatory evidence to the Grand Jury through witness' testimony, in the exact way that it was presented to the State, as was required under the law. Additionally the State argued that Defendants' arguments related to Marcum Notice must fail under the law, as the State fulfilled its obligations regarding service of the Marcum Notice. COURT ORDERED Defendant Zhang's Petition for Writ of Habeas Corpus, as well as Defendant Sachs' Joinder to Defendant Zhang's Petition for Writ of Habeas Corpus, were hereby DENIED for all of the reasons set forth in the State's Return, FINDING the following: (1) based upon the standard of slight / marginal evidence, there was probable cause to support the criminal charges; (2) the State presented exculpatory evidence to the Grand Jury; the Defendants' arguments related to that point seemed to be that the State did not present the exculpatory evidence in a matter that the Defendants liked; (3) in light of all the evidence, including the properly presented exculpatory evidence, the Grand Jury chose to indict; and (4) there was no issue with service of the Marcum Notice, which was raised in the Joint Declaration. The State shall prepare the written Order, incorporating the State's arguments as conclusions of law, and submit it to the Court. Mr. Smith requested the return of the Defendants' passports, stating that they had business to attend to in China. The Court directed counsel to file a written Motion regarding the passport request. COURT ORDERED a status check regarding trial readiness, was hereby SET closer to the scheduled trial date. BOND 8/4/20 8:30 AM STATUS CHECK: TRIAL READINESS;*

Continued;

Continued;

Denied;

Journal Entry Details:

*Having been unable to properly review the pleadings, COURT ORDERED the Petition for*

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Writ of Habeas Corpus, was hereby CONTINUED. BOND CONTINUED TO: 3/19/20 8:30 AM;

Continued;

Continued;

Denied;

Journal Entry Details:

Also present: James Edward Smith, Esq. on behalf of the co-Defendant Kimball Sachs. Mr. Posin advised that the Defendant and the co-Defendant were present at the prior hearing, but were unable to appear for the instant hearing, due to recently having moved to Texas. Additionally, Mr. Posin noted that, after discussing the matter with the State and Mr. Smith, all parties agreed to continue the Petitions to March 5, 2020, to allow the Defendants to appear telephonically. The State noted that it was amenable to continuing the instant hearing, advising that the parties also needed to discuss new trial dates, as the State would be out of the jurisdiction for the currently set trial date of April 20, 2020. COURT ORDERED the Petition for Writ of Habeas Corpus, was hereby CONTINUED; DEFT shall be PERMITTED to appear telephonically at the continued hearing date. COURT FURTHER ORDERED that the trial date continuance would be discussed at the continued hearing. BOND CONTINUED TO: 3/5/20 8:30 AM;

04/21/2020

**CANCELED Status Check** (1:45 PM) (Judicial Officer: Hardy, Joe)

Vacated

Status Check: Trial Readiness

07/21/2020



**Motion to Withdraw as Counsel** (3:30 PM) (Judicial Officer: Hardy, Joe)

**07/21/2020, 09/17/2020, 10/01/2020, 10/08/2020**

Defendant's Motion to Withdraw as Counsel

Continued;

Continued;

Continued;

Continued;

Continued;

Continued;

Continued;

Continued;

Continued;

Journal Entry Details:

Michelle Jobe, DDA, Mitchell Posin, Esq., James Smith, Esq. (on behalf of co-Defendant Sachs), and Defendant present via Blue Jeans. Mandarin Interpreter Yao Min Lei, present via Blue Jeans. Mr. Posin advised that both he, and the co-Defendant's counsel (James Smith, Esq.), received an e-mail from the Defendants, indicating that they no longer wished to be represented by counsel, and would like to represent themselves going forward. Additionally, Mr. Posin represented that he provided his file to the Defendants via e-mail and thumb drive, and Mr. Smith had mailed his file to the Defendants. The State took no position on the Motion to Withdraw; however, regarding the Faretta Canvass, the State expressed concern that Defendant Sachs would attempt to represent himself, as well as Defendant Zhang. The State further noted that Defendant Zhang was entitled to her own counsel, and her own self-representation, and would have to pass the Faretta Canvass with the assistance of the Mandarin interpreter. Given the various issues raised, the Court advised that it would require the Faretta Canvass to be done in person, or by video (the Defendants did not have Blue Jeans' video option activated for the instant hearing). Defendant Sachs stated that he would be willing to turn on the video, but that traveling to Las Vegas from Houston, would be a financial hardship. The State argued that the Defendants chose to leave the jurisdiction, and absent the pandemic, must make all court appearances in person; therefore, citing financial hardship as a reason not to appear in court, would subject the Defendants to the issuance of a bench warrant. Upon Court's inquiry, Defendant Zhang and Defendant Sachs stated that they wished to represent themselves. Colloquy regarding scheduling. COURT ORDERED the instant Motion was hereby CONTINUED, and a Faretta Canvass hearing, was hereby SET; the DEFENDANTS shall be REQUIRED to appear IN PERSON for the Faretta Canvass hearing, in order for the Court to ensure that both Defendants could represent themselves as individuals. COURT FURTHER ORDERED that, all pending trial dates were hereby VACATED, due to the delays caused by the pandemic, as well as the delays caused by the need for the Faretta Canvass. BOND 9/17/20 8:30 AM DEFENDANT'S MOTION TO WITHDRAW AS COUNSEL...FARETTA CANVASS;

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08/04/2020	<b>CANCELED Status Check</b> (8:30 AM) (Judicial Officer: Hardy, Joe) <i>Vacated</i> <i>Status Check: Trial Readiness</i>
09/03/2020	<b>CANCELED Calendar Call</b> (8:30 AM) (Judicial Officer: Hardy, Joe) <i>Vacated</i>
09/08/2020	<b>CANCELED Jury Trial</b> (10:30 AM) (Judicial Officer: Hardy, Joe) <i>Vacated</i>
09/17/2020	<b>Faretta Canvass</b> (3:30 PM) (Judicial Officer: Hardy, Joe) Matter Heard;
09/17/2020	 <b>All Pending Motions</b> (3:30 PM) (Judicial Officer: Hardy, Joe) Matter Heard; Journal Entry Details: <i>FARETTA CANVASS...DEFENDANT'S MOTION TO WITHDRAW AS COUNSEL Mitchell Posin, Esq. present via Blue Jeans. Mandarin Interpreter Yao-Min Lei present to assist the Defendant. Co-Defendant Kimball Sachs excused from the courtroom for Defendant Zhang's hearing, as Defendant Sachs was unable to behave appropriately (see the minutes for C343540-2, from September 17, 2020). FARETTA CANVASS CONDUCTED. Upon concluding the Faretta Canvass, and without the Court making a determination as to whether the Defendant could represent herself, the Defendant determined that she wished to hire new private counsel. The State indicated it was amenable to allowing the Defendant to retain new private counsel, and requested that a status check regarding confirmation of counsel, be set. Upon Court's inquiry regarding any objection to Mr. Posin withdrawing as counsel of record, the Defendant stated that there was no objection, but the State requested that Mr. Posin remain on the case until such time as the Defendant retained new private counsel. Mr. Posin represented that his ability to communicate with the Defendant had broken down, and requested to withdraw from the case. Additionally, Mr. Posin stated that a substitution of attorney could be filed when the new attorney took over, which would not require any effort on the Defendant's part. The Defendant requested that Mr. Posin remain her attorney, until she retained a new attorney. The State requested that everything remain status quo pending the status check regarding confirmation of counsel. Given the totality of the circumstances, COURT ORDERED a status check was hereby SET for confirmation of counsel / retention of new counsel. COURT FURTHER ORDERED that Mr. Posin would remain the Defendant's attorney of record, pending her retention of new counsel, in order to transfer discovery to the new attorney. The Court provided the Defendant with the application for the Public Defender's Office, in case she wished to have that as an option. COURT ORDERED that the instant Defendant could appear at the status check via video. COURT FURTHER ORDERED the Defendant's Motion to Withdraw as Counsel, was hereby CONTINUED to the same date as the status check. BOND 10/1/20 3:30 PM FARETTA CANVASS...DEFENDANT'S MOTION TO WITHDRAW AS COUNSEL ;</i>
10/01/2020	<b>Status Check</b> (3:30 PM) (Judicial Officer: Hardy, Joe) <b>10/01/2020, 10/08/2020</b> <i>Status Check: Confirmation of Counsel / Retention of Counsel</i> Continued;
10/01/2020	 <b>All Pending Motions</b> (3:30 PM) (Judicial Officer: Hardy, Joe) Matter Heard; Journal Entry Details: <i>DEFENDANT'S MOTION TO WITHDRAW AS COUNSEL...STATUS CHECK: CONFIRMATION OF COUNSEL / RETENTION OF COUNSEL Mitchell Posin, Esq. and Defendant present via Blue Jeans. Co-Defendant Kimball Sachs present via Blue Jeans. Mandarin Interpreter Yao-Min Lei present (in the courtroom) to assist the Defendant. The Court noted that, after going through 99% of the Faretta Canvass on September 17, 2020, Defendant Zhang determined that she did not wish to represent herself, and would like to hire a new attorney. Mr. Posin advised that Defendant Zhang contacted him after the September 17, 2020, hearing, stating that she did wish to represent herself. Due to Defendant Zhang's representations, Mr. Posin requested that the Court finish the Faretta Canvass, and allow him to withdraw from the case. The State represented that, due to some of Defendant Zhang's</i>



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answers during the Faretta Canvass, it believed that some of the Canvass would have to be gone over again. Additionally, the State noted its concerns with co-Defendant Sachs being in the same room while the Faretta Canvass was being conducted, and requested that the Court canvass Defendant Zhang again regarding the fact that she must represent herself. Furthermore, the State requested that the Court canvass Defendant Zhang regarding her ability to speak English, as the State continued to receive notes and memorandums from Defendant Zhang in English; the concern was related to whether co-Defendant Sachs was attempting to represent Defendant Zhang, not the efficacy of the Mandarin Interpreter. Mr. Posin opposed the State's canvass requests, arguing that Defendant Zhang had already been adequately canvassed on those issues. The Court noted that it spent a good deal of time going through the Faretta Canvass with Defendant Zhang on September 17, 2020, and the Defendant determine that she wished to hire a new attorney, and did not want to represent herself. The Court inquired as to what had changed in the interim, to now make the Defendant want to represent herself again. After failing to answer the Court's question two times, the Court presented its question to Defendant Zhang again. Defendant Zhang stated that during the September 17, 2020, Faretta Canvass, she wished to represent herself up until the last five or six questions, at which time she felt that the Court was putting pressure on her to hire a new attorney; after considering the matter for the last two weeks, she now wished to represent herself again. The COURT FOUND and ORDERED the following: (1) given some of the answers provided by Defendant Zhang during the September 17, 2020, Faretta Canvass, the Court would have to conduct the Canvass again from the beginning; (2) the Court was required, by law, to ask the questions set forth in the Faretta Canvass, and was not responsible for how Defendant Zhang felt about those questions; (3) Defendant's Motion to Withdraw as Counsel, as well as the Status Check: Confirmation of Counsel / Retention of Counsel, were hereby CONTINUED, to allow for another Faretta Canvass to be conducted; and (4) Defendant Zhang would be required to appear at the continuance date IN PERSON, to allow for the Faretta Canvass to be conducted. Colloquy regarding scheduling. Defendant Zhang expressed confusion as to why the Faretta Canvass could not proceed while she was appearing on Blue Jeans, noting that she felt the case was dragging on. The Court stated that the record would speak for itself, noting that the case had dragged on due to Defendant Zhang's actions and co-Defendant Sachs' actions, as well as the COVID-19 shutdown. Defendant Zhang requested that the hearings be continued out only one week. BOND 10/8/2020 3:30 PM DEFENDANT'S MOTION TO WITHDRAW AS COUNSEL...STATUS CHECK: CONFIRMATION OF COUNSEL / RETENTION OF COUNSEL;

10/08/2020

**All Pending Motions (3:30 PM)** (Judicial Officer: Hardy, Joe)

Matter Heard;

Journal Entry Details:

STATUS CHECK: CONFIRMATION OF COUNSEL / RETENTION OF COUNSEL...DEFENDANT'S MOTION TO WITHDRAW AS COUNSEL Mitchell Posin, Esq. present via Blue Jeans. Mandarin Interpreter Yao-Min Lei present (in the courtroom) to assist the Defendant. Upon Court's inquiry, the Defendant stated that she wished to represent herself. The Court asked co-Defendant Kimball Sachs to exit the courtroom while the Faretta Canvass was conducted. co-Defendant Sachs requested the Court cite a law that required him to exit the courtroom, arguing that he should be permitted to sit in the back of the courtroom during the hearing. The State argued that it felt co-Defendant Sachs had an undue influence over Defendant Zhang, and if co-Defendant Sachs were permitted to remain in the courtroom, Defendant Zhang might be unwilling to speak freely. Additionally, the State argued that, during the investigation, Defendant Zhang offered different answers to hospital staff and law enforcement officers, when she was not in the presence of co-Defendant Sachs. COURT ORDERED co-Defendant Sachs to exit the courtroom during the Faretta Canvass proceedings, FINDING that the State had provided good cause for co-Defendant Sachs to not be present during said proceedings. Co-Defendant Sachs objected to the Court's Order. Co-Defendant Sachs exited the courtroom. Faretta Canvass CONDUCTED. At the request of the State, the Court canvassed Defendant Zhang regarding whether she understood that co-Defendant Sachs would not be permitted to represent her in the case, nor would he be permitted to represent her interests in the case. Defendant Zhang acknowledged that she understood that Co-Defendant Sachs would not be permitted to represent her, or her interests. COURT ORDERED that Defendant Zhang would be permitted to proceed PRO SE, FINDING the following: (1) Defendant Zhang had knowingly, intelligently, competently, and voluntarily, waived her right to counsel, and wished to represent herself; (2) Defendant Zhang had a full appreciation and understanding of the waiver and its consequences; and (3) the Court accepted the Defendant Zhang's waiver of her right to counsel. Pursuant to the Court's Faretta Canvass findings, COURT ORDERED Defendant's Motion to Withdraw as Counsel, was hereby GRANTED; Mitchell Posin, Esq. WITHDRAWN as counsel of record for Defendant Zhang. Upon Court's inquiry, Mr. Posin stated that he believed he already provided Defendant Zhang with the

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entirety of her file. co-Defendant Sachs entered the courtroom. Upon the State's inquiry regarding whether Defendant Zhang could read and write English, Defendant Zhang stated that she would need a Mandarin Interpreter to translate documents, or interpret in court. The State advised that, henceforth, all filings from Defendant Zhang, would need to be submitted in Mandarin. Additionally, the State noted that, prior to the instant hearing, the State received filings in English, which had Defendant Zhang's name signed to them. Defendant Zhang stated that she understood that all future filings would need to be submitted in Mandarin. **COURT ORDERED** that, if Defendant could not read or write English, all documents would have to be translated. The State requested that, if Defendant Zhang had any issues understanding a document / discovery item, that she make it known, so that a solution could be found. Defendant Zhang acknowledged that she understood the State's request. Arguments by co-Defendant Sachs regarding Brady material (see the 10/8/2020 Status Check: Set Trial Date minute order in case number C343540-2). During co-Defendant Sachs' arguments, the State inquired as to whether Defendant Zhang would consent to accept electronic service. Defendant Zhang consented to accepting electronic service, and the Court requested that Defendant Zhang provide her e-mail address, so that the e-filing link could be sent to her. Defendant Zhang provided the following e-mail address: cicyzhangyu@gmail.com. **COURT ORDERED** trial dates were hereby SET. At co-Defendant Sachs' inquiry, **COURT ORDERED** that Defendant Zhang and co-Defendant Sachs would be permitted to appear at the status check regarding trial readiness via video, but would be **REQUIRED** to appear at the calendar call hearing, **IN PERSON**. **BOND 3/30/21 8:30 AM STATUS CHECK: TRIAL READINESS 4/29/21 8:30 AM CALENDAR CALL 5/3/21 10:30 AM JURY TRIAL;**

02/01/2021

**Motion to Quash (12:30 PM)** (Judicial Officer: Lilly-Spells, Jasmin)**02/01/2021, 02/18/2021***Motion to Quash Indictment and Motion to Dismiss*

Continued for Chambers Decision;

Denied;

Journal Entry Details:

*This matter having come before the court's criminal calendar on February 1, 2021 on Defendant's to Quash Indictment and Motion to Dismiss. At the time of the hearing, defendants Zhang and Sachs both requested that the Court review Defendant's Joint Declaration and Defendant's Exhibits to Joint Declaration in Response to Plaintiff's Return to Writ of Habeas Corpus 1-6, filed between January 27, 2020 and January 29, 2020; notably not attached to or referenced within Defendant's Motion to Quash Indictment/Motion to Dismiss. Given that the exhibits were voluminous, the court deferred decision on the defendants request to review the additional documents. The Court considered the written pleadings; oral argument and Defendant's Join Declaration, inclusive of Exhibits Part 1, filed January 27, 2020, Exhibits Part 2 filed January 27, 2020, Exhibits Parts 3&4 filed January 27, 2020, Exhibits Continuation of Part 3, filed January 27, 2020, Exhibits Part 4 filed January 27, 2020, Exhibits Part 5 filed January 29, 2020 and Exhibits Part 6 filed January 29, 2020, Exhibits to the Joint Declaration in Response to Plaintiff's Return to Write of Habeas Corpus Filed For Zhang and Jointed By Sachs in making the instant ruling. The Court hereby rules that the Motion to Quash Indictment and Motion to Dismiss is hereby **DENIED**. The Court Finds that the Indictment on file comports with NRS 173.075. Nevada is a notice pleading jurisdiction. The Court further finds that the arguments presented in Motion, Joint Declaration and Exhibits thereto have already been presented and argued before this court in the pretrial writ of habeas corpus. Therefore, the Motion is untimely and does not comply with NRS 34.700 and NRS 34.710. The Court further finds that it does not have authority to decide the issues of fact presented in the Motion to Quash Indictment/Motion to Dismiss, Joint Declaration and Exhibits because issues of fact are the province of the jury. See United States v. Collazo, 984 F.3d 1308, 1321 (9th Cir. 2021). Therefore, the Motion to Quash Indict and Motion to Dismiss is hereby Denied. The State to prepare an order with Findings of Fact and Conclusions of Law and submit to Court for signature within 14 days pursuant to EDCR 7.21. **CLERK'S NOTE:** The above minute order has been electronically distributed.;*

Continued for Chambers Decision;

Denied;

Journal Entry Details:

*Mandarin Interpreter, Lijun Cao, also present. Co-Deft. Sachs also present, Pro Se. Argument by Mr. Sachs. Argument by the State to dismiss the motion. Further argument by Mr. Sachs. Court advised it would review the joint declaration and issue a written decision. Further argument by Mr. Sachs. Further argument by the State. Court stated it was prepared to rule on the basis of the motions and the reply but Mr. Sachs requested the Court review additional documents, noting that Mr. Sachs must in the future indicate and attach in his motions which documents and exhibits he wishes the Court to review. Court to review the exhibits and Faretta*



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*Canvas. Court noted its concerns regarding Mr. Sachs acting as if he is representing Deft. Zhang, as that is not allowed, and indicated it would review whether Deft. Zhang needs stand-by counsel. Written decision to issue via minute order. 2/11/21 3:00 AM (CHAMBERS) DECISION;*

03/08/2021



**Hearing (12:30 PM)** (Judicial Officer: Lilly-Spells, Jasmin)

Hearing: STATUS OF CASE

Matter Heard;

Journal Entry Details:

*APPEARANCES CONTINUED: Defendant Yuxia Zhang present at liberty with the assistance of Mandarin interpreter Waimei Borgel. Deft. Sachs present at liberty. COURT ADVISED, this matter was placed on calendar to address the inappropriate communication with the Court by Deft. Sachs, via phone and email. COURT SUMMARIZED the various communications and inquiries made by Deft. Sachs. COURT NOTED, it was not at liberty to give any party to a case legal advice or point anyone to case law or the statutes, or to assist any party with work that is to be done by the Clerk's office, it could not file anything on anyone's behalf, and it could not assist individuals with their filings or communicate with the clerks' office. COURT FURTHER NOTED, it could not have ex parte communications with one side of the case, as it was an impartial body, and any communications should be done on the record in open court. COURT REQUESTED the parties did not make demands on the court staff to respond within a timeframe, and any questions regarding service or how to serve parties, is to be directed to the clerks' office, therefore, if there were any further questions a motion should be filed to address the matter in open court; however, scheduling issues could be done, but should be done via email and the other parties should be courtesy copied (CC) in the email, and all written communications would be left side filed on the case. FURTHER, if there is not compliance with the appropriate ethic rules that attorneys have to abide by, the appropriate court rules, and the prohibition, the court will be forced to look at if it is disruptive and if it would have to appoint counsel. Colloquy regarding who the Defts. can contact regarding certain matters. Statement by Deft. Sachs and Deft. Zhang. Court summarized the reason for its ruling on a prior hearing, noting the items reviewed, and the reason for the delay to the minute order. COURT FURTHER NOTED, communications were inappropriate, the parties are required to comply with all the rules attorneys abide by. FURTHER NOTED, there was not a findings of fact including in the order. Ms. Jobe stated she would resubmit the order. Upon Court's inquiry, Deft. Zhang and Sachs stated they understood the meaning of the Court's words. COURT ORDERED, Deft. Sachs held in CONTEMPT and IS TO PAY a \$50.00 fee which is IMPOSED and DUE by 5/10/21. FURTHER, it would be considering appointing counsel. BOND (BOTH);*

03/31/2021

**CANCELED Status Check: Trial Readiness (12:30 PM)** (Judicial Officer: Hardy, Joe)

*Vacated*

*Status Check: Trial Readiness*

04/26/2021



**Calendar Call (12:30 PM)** (Judicial Officer: Lilly-Spells, Jasmin)

**MINUTES**

Trial Date Set;

Journal Entry Details:

*Court noted there was no Mandarin Interpreter present and noted it would proceed with Mr. Sachs first to allow time for the interpreter to arrive. Mr. Sachs indicated he reserved all rights and waived none ever, stated he was not ready for trial as he needs discovery and orally moved to dismiss the case without prejudice to perfect his pre-trial materials. Ms. Jobe informed the Court the State didn't have any more preparation to do to be ready for trial other than subpoena the witnesses; that was not done based on Covid and the current Administrative Orders from the Court. Ms. Jobe further noted once they are set on the Central Trial Readiness calendar the State will be prepared to move forward. Colloquy regarding outstanding discovery issues. COURT ORDERED Mr. Sachs' request to continue trial is GRANTED and his oral request to dismiss is DENIED WITHOUT PREJUDICE as that motion must be submitted in writing and is not properly before the Court at this time. Court suggested Ms. Jobe file the unsigned receipt for the jump-drive with the discovery with an attached e-mail so the record is complete and Advised Mr. Sachs if he has concerns regarding discovery the rules allow counsel to submit motions for the disputes to come before the Court. COURT FURTHER ORDERED trial dates VACATED. Court noted they are still waiting on a Mandarin interpreter to address Ms. Zhang's case and provide trial dates for both Defendant's. MATTER TRAILED. MATTER RECALLED. Court noted a Mandarin Interpreter was not available and noted for*

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the record Deft. usually has a Mandarin interpreter. Deft. indicated she did not need an interpreter and indicated she reserved all rights and waived none ever, stated she was not ready for trial as she need discovery and orally moved to dismiss the case without prejudice to perfect her pre-trial materials. Mr. Jobe Advised she had the same representations as to Mr. Sachs and noted she had no objection to continuance request. Colloquy regarding discovery. COURT ORDERED trial dates VACATED and RESET. BOND 09-13-2021 12:30 PM CALENDAR CALL 09-20-2021 09:30 AM JURY TRIAL ;

## SCHEDULED HEARINGS


**CANCELED Calendar Call** (09/13/2021 at 12:00 PM) (Judicial Officer: Silva, Cristina D.)

*Vacated - per Judge*

**CANCELED Jury Trial** (09/20/2021 at 9:30 AM) (Judicial Officer: Lilly-Spells, Jasmin)

*Vacated - per Judge*

05/03/2021 **CANCELED Jury Trial** (9:30 AM) (Judicial Officer: Lilly-Spells, Jasmin)  
*Vacated*

05/17/2021  **Motion to Dismiss** (11:00 AM) (Judicial Officer: Lilly-Spells, Jasmin)

**05/17/2021, 06/09/2021, 07/14/2021**

*Defendant's Motion to Dismiss Charges with Prejudice for Prosecutorial Misconduct*

*Matter Continued;*

*Denied;*

## MINUTES

*Matter Continued;*

*Denied;*

*Journal Entry Details:*

*Mandarin Interpreter, Yaomin Lei, also present. COURT ORDERED, all pending motions RESCHEDULED. State indicated none of the motions were properly noticed. Court noted the motions have Certificates of Service but were not calendared. Court advised the names of Court staff should not appear on the Certificate of Service. COURT ORDERED, Deft. to re-notice the documents to the State. State's response due by end of business day on 6/1/21; Deft's reply due by end of business day on 6/7/21. BOND 6/9/21 12:30 PM ALL PENDING MOTIONS;*

## SCHEDULED HEARINGS

**Motion to Compel** (06/09/2021 at 12:30 PM) (Judicial Officer: Lilly-Spells, Jasmin)


**06/09/2021, 07/14/2021**

*Emergency Relief Motion to Compel Anise Roberson Law Clerk to Judge Lilly-Spells to Serve the Judge With an Affidavit That was Already Filed Through the Courts Odyssey Efile System That Anise Roberson Unlawfully Ignored*

06/09/2021 **Motion to Compel** (12:30 PM) (Judicial Officer: Lilly-Spells, Jasmin)  
**06/09/2021, 07/14/2021**

*Emergency Relief Motion to Compel Anise Roberson Law Clerk to Judge Lilly-Spells to Serve the Judge With an Affidavit That was Already Filed Through the Courts Odyssey Efile System That Anise Roberson Unlawfully Ignored*


*Denied;*

06/09/2021  **All Pending Motions** (12:30 PM) (Judicial Officer: Lilly-Spells, Jasmin)

*Continued;*

*Journal Entry Details:*

*DEFENDANT'S MOTION TO DISMISS CHARGES WITH PREJUDICE FOR PROSECUTORIAL MISCONDUCT DEFENDANT'S EMERGENCY RELIEF MOTION TO COMPEL ANISE ROBERSON LAW CLERK TO JUDGE LILLY-SPILLS TO SERVE THE JUDGE WITH TWO AFFIDAVITS THAT WERE ALREADY FILED THROUGH THE COURT'S ODYSSEY EFILE SYSTEM THAT ANISE ROBERSON UNLAWFULLY IGNORED WITH ADDITIONAL ISSUE STATED HEREIN ISSUE ONE At the request of Defendant and there being on objection by the State. COURT ORDERED, motions CONTINUED for a Reply to be submitted. BOND CONTINUED....7/14/21 12:30PM;*

07/14/2021  **All Pending Motions** (12:30 PM) (Judicial Officer: Lilly-Spells, Jasmin)

*Denied;*

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## Journal Entry Details:

*Defendant's Emergency Relief Motion to Compel Anise Roberson Law Clerk to Judge Lilly-Spells to Serve the Judge With Two Affidavits That Were Already Filed Through The Court's Odyssey Efile System That Anise Roberson Unlawfully Ignored With Additional Issue Stated Herein Issue One Deft's Motion to Dismiss Charges with Prejudice for Prosecutorial Misconduct Argument by Defendant. Opposition by the State. Court finds no evidence of non compliance with Discovery. COURT ORDERED, motions DENIED. State to prepare the order. BOND;*

08/09/2021



**Motion to Disqualify Attorney** (12:30 PM) (Judicial Officer: Bell, Linda Marie)

08/09/2021, 08/12/2021

*Defendant's Motion to Disqualify Judge Jasmin Lily-Spells Per NRS 1.230 and NRS 1.235*

## MINUTES

Matter Continued;

Motion Denied;

## Journal Entry Details:

*Parties appeared via Bluejeans. Introductions by Co-Deft. Sachs on behalf of himself and Deft. Zhang. Co-Deft. Sachs made an Oral Motion for Continuance of the Trial Date, arguing he has not received Bill of Particulars. COURT ADVISED, the only matter before the Court today is the Motion to Disqualify. Arguments by Mr. Sachs he has never received a satisfactory answer from the Judge at any hearing. The State of Nevada is a fictitious party; the original jurisdiction belongs to the United States Supreme Court. Colloquy regarding cases in which a State is a party and who would have jurisdiction. COURT CLARIFIED, It is looking at whether the assigned Judge would have a bias or prejudice in the case. This Court can not do anything about a legal ruling Deft. may have issue with. Following additional arguments by Deft. and Co-Deft. regarding subject matter jurisdiction, Deft's. constitutional rights, statements Deputy District Attorney Michelle Jobe made to the Grand Jury, and the if there is a competent witness in the case, COURT ADVISED, It has the written Response from Judge Lilly- Spells; It did not receive any from the State and therefore, will not be taking argument from the State. A Decision WILL ISSUE. Colloquy regarding when the Court's Decision will ISSUE. BOND CLERK'S NOTE: This minute order was created utilizing the JAVS recording. /sb 09/01/21;*

Matter Continued;

Motion Denied;

## Journal Entry Details:

*Co-Deft. Sachs also present. Court indicated Judge Lilly-Spells may not hear a Motion to Disqualify herself and ORDERED, matter REFERRED to the Chief Judge. Co-Deft. Sachs requested the Blue Jeans link be emailed to him at kaustinsachs@gmail.com, noting this email would also suffice for Deft. Zhang. BOND REFERRED TO: 8/12/21 10:30 AM (DEPT. 7);*

## SCHEDULED HEARINGS

**CANCELED Status Check** (08/26/2021 at 10:30 AM) (Judicial Officer: Bell, Linda Marie)

*Vacated - per Clerk*

*Status Check: Motion to Disqualify Judge*

08/26/2021

**CANCELED Status Check** (10:30 AM) (Judicial Officer: Bell, Linda Marie)

*Vacated - per Clerk*

*Status Check: Motion to Disqualify Judge*

09/08/2021

**Motion** (12:00 PM) (Judicial Officer: Silva, Cristina D.)

*Emergency Motion to Continue Trial and Motion for State Appointed Assistance of Counsel - Hearing Requested*

*Granted in Part;*

09/08/2021

**Motion to Dismiss** (12:00 PM) (Judicial Officer: Silva, Cristina D.)

09/08/2021, 01/19/2022-01/20/2022

*[70] Defendant's Motion to Dismiss to State a Claim Upon Which Relief Can Be Granted*

Matter Continued;

Continued;

Deferred Ruling;

Matter Continued;

Continued;

Deferred Ruling;

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	<p>Matter Continued; Continued; Deferred Ruling;</p>
09/08/2021	<p><b>Motion to Dismiss</b> (12:00 PM) (Judicial Officer: Silva, Cristina D.) <b>09/08/2021, 01/19/2022-01/20/2022</b> [71] Defendant's Motion to Dismiss for Lack of Subject Matter Jurisdiction Matter Continued; Continued; Denied; Matter Continued; Continued; Denied; Matter Continued; Continued; Denied;</p>
09/08/2021	<p> <b>All Pending Motions</b> (12:00 PM) (Judicial Officer: Silva, Cristina D.) Matter Heard; Journal Entry Details:</p> <p><i>DEFENDANT'S MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION... DEFENDANT'S MOTION TO DISMISS TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED... EMERGENCY MOTION TO CONTINUE TRIAL AND MOTION FOR STATE APPOINTED ASSISTANCE OF COUNSEL - HEARING REQUESTED... APPEARANCES CONTINUED: Defendant SACHS present out of custody. Upon Court's inquiry, Defendant SACHS stated he is not prepared to go forward on the Motion to Impeach State's Witnesses, as he has not reviewed the documents, and he feels it is a violation of his due process rights to have the matter heard today, when it is set for hearing on September 13th. COURT STATED briefing on the Motion to Impeach is complete. Ms. Jobe stated she just received the Motion to Impeach late last week and the State has not filed their opposition yet, adding the Defendant's reply to the Emergency Motion raises additional issues. Defendant SACHS introduced himself, stating he is present by special appearance, under force, false threat and duress, and he reserves his rights to waive non ever, and he does not consent to anything the municipal corporation doing business as the 8th Judicial District Court has done in the past, present, or future, adding everything this Court has done in the past, and continues to do is against his will. Defendant ZHANG introduced herself, stating she is present by special appearance, under force, false threat and duress, and she reserves his rights to waive non ever, and she does not consent to anything the municipal corporation doing business as the 8th Judicial District Court has done in the past, present, or future, adding everything this Court has done in the past, and continues to do is against her will. Upon Court's inquiry, with regards to the Motion to Continue trial, Defendant SACHS stated he never received proper notice under NRS 72.241(5), and requested assistance of counsel, to help him prepare for trial, and prepare trial briefs. Defendant SACHS argued him and his Co-Defendant have been framed in this matter. COURT STATED that would an argument to make at the time of trial, adding the Court can appoint counsel. Upon Court's inquiry, Defendant SACHS stated he wants assistance of counsel, and to have the record reflect that individual is not representing him under any circumstances. COURT ADVISED that request is not how the appointment of counsel works, as if counsel was appointed they would be representing the Defendant, or he can remain in Pro Per, pointing out there is not a hybrid where the Defendant can obtain assistance of counsel for trial preparation, and still continue to represent himself. Upon Court's further inquiry, Defendant SACHS stated he would like to continue to represent himself, and informed the Court he will appeal the Court's decision. Upon Court's inquiry, Defendant ZHANG confirmed she is making the same argument, and would like to continue to represent herself. COURT SO NOTED. COURT STATED for the record, the Court has conducted a Farreta Canvas on behalf of both Defendants, and they have knowingly, willing waived their right to counsel. Upon Court's inquiry, Ms. Jobe would not be requesting the Defendant's receive another Farreta Canvas. Defendant SACHS argued it is unfair for him to proceed to trial when he does not even know how to do a trial brief, adding he was not given proper notice of the Indictment. COURT ADVISED since the Defendant has adamantly stated he is requesting to represent himself, the proceedings cannot just be stayed since the Defendant is not prepared, and the Court has an obligation to keep the cases moving forward. Upon Court's inquiry, Defendant SACHS stated he would need more time to figure out why he would need to continue the trial date. COURT ADVISED this is a Motion that was filed by the Defendant, and he needed to come prepared to Court today. Defendant SACHS requested a</i></p>


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right for an interrogatory appeal, and the proceedings be stopped. COURT ORDERED, Request DENIED, adding if the Supreme Court orders this Court to stay the proceedings, this Court will follow their order. COURT FURTHER ORDERED, Request to Continue trial DENIED. Upon Court's inquiry, Ms. Jobe stated they have had discussion in Department 23, since the Defendants would not be ready for trial, the State would allow more leeway since they represent themselves, adding there is numerous medical records the Defendants have to sort through, noting there are additional issues the Defendant's have and the State knows the Defendants want to file Motions on. Ms. Jobe proposed continuing the trial, and requested a briefing schedule to ensure all the Motion the Defendants want to file get filed. Ms. Jobe also stated her concern about whether both Defendants are representing themselves, or if Defendant SACHS is representing Defendant ZHANG as well, since al of the pleadings are nearly identical except with respects to the gender identity. Upon Court's inquiry, Ms. Jobe stated she was going to suggest severing the Defendants in Department 23, however due to the transfers of Courts, the matter has not been address. Ms. Jobe proposed to sever the Defendants, and have Defendants ZHANG's trial proceed first, and to exclude Defendant SACHS from viewing her trial. Upon Court's inquiry, Defendant ZHANG stated she is not ready for trial, as she needs assistance of counsel, and she stands by her Motion and her Reply. COURT STATED an attorney can be appointed if Defendant ZHANG is requesting assistance of counsel. Upon Court's further inquiry, Defendant ZHANG stated she does not want counsel appointed. COURT REVIEWED the docket and the assistance of a Mandarin Interpreter on behalf of ZHANG. COURT ORDERED, prior order WITHDRAWN, Motion to Continue Trial GRANTED; briefing schedule SET; Motion to Impeach State's Witnesses RESET. COURT FURTHER ORDERED, briefing schedule SET as follows: all Motions in this matter be filed on or before Friday November 5, 2021; State's Oppositions and Defendant's Responses shall be filed on or before Friday December 17, 2021; State and Defense Reply's shall be filed on or before Friday January 10, 2022; matter SET for argument on a special setting. COURT FURTHER ORDERED, two pending motions on calendar today CONTINUED. COURT ADDITIONALLY ORDERED, Defendant's are required to be present in the Courtroom for the argument. BOND 1/19/2022 1:30 P.M. STATUS CHECK: RESET TRIAL DATE... DEFENDANT'S MOTION TO IMPEACH STATE'S WITNESSES AND STATE'S EXPERT WITNESSES... DEFENDANT'S MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION... DEFENDANT'S MOTION TO DISMISS TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED...;

09/13/2021 CANCELED **Calendar Call** (12:00 PM) (Judicial Officer: Silva, Cristina D.)  
Vacated - per Judge

09/20/2021 CANCELED **Jury Trial** (9:30 AM) (Judicial Officer: Lilly-Spells, Jasmin)  
Vacated - per Judge

11/22/2021  **Motion to Disqualify Attorney** (12:00 PM) (Judicial Officer: Silva, Cristina D.)  
Defendant's Motion to Disqualify Chief Deputy District Attorney Michelle Jobe Pursuant to NRS 199.310  
Matter Heard; Defendant's Motion to Disqualify Chief Deputy District Attorney Michelle Jobe Pursuant to NRS 199.310  
Journal Entry Details:  
  
APPEARANCES CONTINUED: Defendant SACHS present out of custody. COURT STATED the Defendants are present via Blujeans, however the Court cannot see them. Defendant Sachs informed the Court they are having technical difficulties with the camera today. Upon Court's inquiry, Defendant Sachs stated him and Defendant Zhang are on the same phone call. COURT STATED they have reviewed the Motion and the Opposition. Upon Court's inquiry, Ms. Jobe stated there was no in person meeting that she has any recollection, adding at some point she did have contact with the Grassos regarding their representation of the Defendants, however the communication was telephonic. Ms. Jobe further stated the notes from Mr. Chris Grasso claim to state what took place during that meeting, arguing the statements attributed regarding him, are not some patently ever say. Ms. Jobe stated there was in person meeting, and she stated there was a phone call regarding the Discovery, pointing out there were a ton of medical records, however she does not take notes on phone calls. COURT STATED Defendants are requesting Ms. Jobe be removed from the case due to a conflict of interest, however there was no conflict of interest pointed out in the filings made, the Defendants disagree with Ms. Jobe's continued prosecution in this matter. Upon Court's inquiry, Defendant Zhang stated reason for the Motion to Disqualify is in her Reply. COURT STATED the reasons set forth in the Reply are not the basis for the Court to grant the Motion, the reasons have to be in the initial Motion. COURT STATED there are moments of silence in between the Court's questioning, and the Defendant Zhang's responses, which is in further



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support of the Court's concern that Defendant Sachs is acting as Defendant Zhang's attorney, adding due to the claim of technical difficulties the Defendants camera is not available, which further curtails the Court's ability to monitor what is happening along with Defendants and how they are interacting with each other during the Court hearings. Upon Court's further inquiry, Defendant Zhang requested a Chinese Mandarin Interpreter. COURT ORDERED, Request DENIED as this is the third court hearing and at no time in this Courtroom has Defendant Zhang requested an interpreter, as the Defendant has been able to understand the Court's questions, and to respond in English. COURT FURTHER STATED there was a previous record made regarding the flip flopping of a request for an interpreter, as the invocation of request for an interpreter seems to be a request of convenience of when the Defendant Zhang does not want to respond or engage the Court. Upon Court's inquiry, Defendant Sachs stated his conflict of interest is written out in the Reply to the State's Opposition. COURT STATED their inquiry was with regards to the Motion to Disqualify, not with regards to the Reply as to where the conflict of interest was stated. COURT STATED Rule 3.20(b), provides that a party filing a Motion, must provide a memorandum of Points and Authorities in support of each ground thereof, and the absence of that memorandum may be construed as an admission that the Motion is not meritorious and a cause for its denial, or as a waiver of all grounds not supported. COURT FURTHER STATED with regards to this Motion, the Court has asked both Defendant's multiple times where in the Motion is the conflict of interest that alleged exists argued and supported, and both Defendant stated it was in the Reply, which is not in the Motion, which would suggest the Motion itself is not meritorious and ORDERED, Motion DENIED. COURT FURTHER FINDS the Points and Authorities that are listed to qualify Ms. Jobe are allegations of malicious prosecution, and those allegations are not the same as a conflict of interest, therefore the Court cannot make a decision on the merits of this Motion, adding if there is a basis to pursue malicious prosecution, can be pursued outside this action and in a civil proceeding, outside this Courtroom. COURT FURTHER STATED on March 26, 2021 Judge Spells issued an Order for Summary Punishment of Contempt Committed in the Immediate View and Presence of the Court, and in that Order, Judge Spells laid out that Defendant Sachs was discourteous during ex parte communications with the Court's chambers, and in open Court, while Court was in session. COURT NOTES that in the course of the last several weeks, Department 9's Court staff has been in receipt of numerous demands, that are both discourteous and improper communications with this Court's staff. COURT STATED on October 28, 2021 there was a message to this Court's Judicable Assistant, advising the Defendants are requiring a written response, as the Court has provided one to the District Attorney, pointing out the e-mail states in all caps, "under what authority is the Judge acting here", and that is an improper ex-parte communication, and a demand for information, which is an improper procedure to try and get that information. COURT FURTHER STATED there was a request for a written response to questions that were submitted by the Defendants, adding these e-mails are sent jointly, which further supports the Court's concern there is joint representation going on by the Defendant, or that Defendant Zhang is unable to represent herself, or that Defendant Sachs is acting as Defendant Zhang's attorney. COURT STATED there was another e-mail sent on Friday October 29, 2021 that reads by your silent acquiescence, it appears a verbal order does not supersede EDCR Rules 3.20(b) and 1.90(a)(4), and this Court is without authority to delay our recently filed pretrial motions as the January 19, 2022 hearing. COURT FURTHER STATED the e-mail references the Defendant's statement they never agreed to the briefing schedule set by the Court, which is incorrect, as there is a record in the Court's proceeding that Defendant's did agree to the briefing schedule. COURT ADDITIONALLY STATED this e-mail reads the Defendants put you and the law clerk and the prosecutor on notice of this fact, based on the egregious abuse of discretion, this Court's silence on this matter is no construed as clear evidence of bias and prejudice, and you and the Court's law clerk and the Court and the Prosecutor are on notice of this fact by virtue of this e-mail. COURT ADVISED this e-mail is not only improper with regards to the content, in terms of it being an ex-parte communication, it also is an availed threat. COURT STATED there are additional demands and requests, and references an e-mail dated November 8, 2021 sent to JEA Beltran, where there are demands for information and a request for receipt of an e-mail within three business days from today, and request steps that were taken to resolve this inconsistency. COURT ADVISED there was another e-mail sent on November 11, 2021 to Department 9's Law Clerk, that indicates she is to provide a full copy of Judge Silva's public hazard bond (or equivalent) and to include the terms and conditions of the bond. COURT FURTHER STATED on Tuesday November 16, 2021, another e-mail was sent to Department 9's Law Clerk, which addresses a number of factors, however, again there is a Notice to the Judge that states: "If you do not immediately remedy this unjust and unfair situation, you shall force my wife and I to file motions to disqualify you for bias and prejudice to our due process rights under the Constitution of the United States and Nevada law (NRS's). In order to justify and fairly remedy this situation, our emergency motions must be heard first, ahead of the motion to disqualify Ms. Jobe.". COURT FURTHER STATED, again this e-mail constitutes a threat, and this one is again directed to Department 9's Law Clerk, which is a

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violation of Nevada's Criminal Rules of Procedure 20(b), as this rule specifically addresses contact with the Court's Law Clerk, and prevents abuse of the Court's staff, pointing out that Defendant Zhang and Defendant Sachs are acting as their own attorney and are held to the same standard. COURT CONVEYED Defendant's are trying to influence this Court's decision making, control of this case, and the courtroom with these repeated e-mails and threats to Department 9's staff. COURT ADVISED another e-mail was sent on November 18, 2021, and the Defendant's are making threats about judicial cannons. COURT ADVISED Defendant Zhang and Defendant Sachs to cease all communication with Department 9's staff, and making demands or request for information that are improper; adding the e-mail date November 19, 2021 is titled Notice of Default is another attempted threat of this Court, which will not be tolerated. COURT ORDERED, Order to Show Cause SET as to why Defendant Sachs and Defendant Zhang should not be held in contempt of court for repeated violations of Rule 20(b), as well as what has already been ordered by Judge Spells. COURT FURTHER STATED there are repeat Affidavits being filed that are in violation of any applicable rule of evidence, and ORDERED the following documents STRICKEN from the docket as they are rogue documents and not attached to any Motion or any other issue pending before the Court: Affidavit of Fact filed on November 19, 2021 Zhang #151, Sachs #162; Join Declaration of Kimball Austin Sachs and Yuxiz Zhang, filed November 19, 2021, Zhang #150, Sachs #161; Affidavit of Status Regarding my Property Y.L filed on November 19, 2021, Zhang #147, Sachs #158; Affidavit of Facts filed on September 2, 2021, Zhang #79, Sachs #92; Affidavit of Fact (Double Filed) filed on September 4, 2021, Zhang #86, Sachs #99; Affidavit of Kimball Austin Sachs filed on September 6, 2021, Sachs #104; Affidavit of Fact filed on October 30, 2021, Zhang #106, Sachs #118; Affidavit of Status filed on November 3, 2021, Zhang #126, Sachs #136; Affidavit of Fact filed on November 3, 2021, Zhang #127, Sachs #137; Affidavit of Status filed on November 5, 2021, Zhang #136, Sachs #147; Exhibit F - Affidavit in Support - Affidavit of Fact filed November 18, 2021, Zhang #145, Sachs 156; Notice and Opportunity for Chief Deputy District Attorney Michelle Jobe to Respond Point by Point in Writing to my Affidavit of Status Regarding My Property Y.L. and Affidavit of Fact with Counter-affidavits Notarized and Signed Under the Penalty of Perjury Pursuant to the IV, V, VI, VIII and XIV Amendments to the Constitution of the United States, filed on November 19, 2021, Zhang #146, Sachs #157. Mr. Sachs asked if this was an administrative court. COURT ADVISED this is a Court of General Jurisdiction. COURT ORDERED, Defendant's need to be present via Bluejeans on the Order to Show Cause hearing, and their camera be working. Defendant SACHS stated his objection to everything stated on the record today, and inquired to the Court's authority to strike the documents. COURT ADVISED the documents are rouge affidavits, and are not attached to any motions, and they can be stricken under the Court's General Jurisdiction authority. BOND 12/9/2021 10:00 A.M. SHOW CAUSE HEARING ;

12/09/2021



**Order to Show Cause** (10:00 AM) (Judicial Officer: Silva, Cristina D.)

Off Calendar;

Journal Entry Details:

Wai- Mei Borgel, Mandarin Interpreter present for Deft. Yuxia Zhang. The Court gave caution as to the Defendant's actions, which have been improper. The Court also noted the interpreter was present to assist if needed, but was not used for the hearing today. COURT ORDERED the Order to Show Cause is OFF CALENDAR.;

01/05/2022



**Motion to Reconsider** (12:00 PM) (Judicial Officer: Silva, Cristina D.)

[167] Emergency Motion to Reconsider Court's Verbal Order to Appear In Person on January 19, 2022 Pursuant to Nrs 178.388(4) - for Relief This Motion Needs to Heard Prior to 01/19/2022

Motion Granted;

Journal Entry Details:

- Pending before the Court is Defendant Kimball Sachs, and Yuxia Zhang's Emergency Motion to Reconsider Court's Verbal Order to Appear in Person On January 19, 2022 Pursuant to NRS 178.388(4). Having reviewed the Motion, the Court finds that there is good cause to allow the Defendants to appear remotely via Bluejeans due to the rising numbers of Covid-19 cases as a result of the Omicron variant. The Court prefers the Defendants appear from two different locations but understands that the Defendants live in the same household; however, Defendants must appear on camera from separate devices in different rooms. Therefore, COURT ORDERED Motion GRANTED, consistent with this Order. CLERK S NOTE: Counsel are to ensure a copy of the forgoing minute order is distributed to all interested parties; additionally, a copy of the foregoing minute order was distributed to the registered service recipients via Odyssey eFileNV E-Service (1-5-2022 ks) ;

EIGHTH JUDICIAL DISTRICT COURT

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01/05/2022	<b>CANCELED Minute Order</b> (12:00 PM) (Judicial Officer: Silva, Cristina D.) <i>Vacated</i>
01/19/2022	<b>Motion</b> (1:30 PM) (Judicial Officer: Silva, Cristina D.) <b>01/19/2022-01/20/2022</b> <i>[78] Defendant's Motion to Impeach State's Witnesses and State's Expert Witnesses</i> Continued; Denied; Continued; Denied;
01/19/2022	<b>Motion to Compel</b> (1:30 PM) (Judicial Officer: Silva, Cristina D.) <b>01/19/2022-01/20/2022</b> <i>[94] Defendant Motion to Compel the Court to Take Mandatory Judicial Notice of Adjudicative Facts and Law</i> Continued; Denied; Continued; Denied;
01/19/2022	<b>Motion to Compel</b> (1:30 PM) (Judicial Officer: Silva, Cristina D.) <b>01/19/2022-01/20/2022</b> <i>[96] Defendant Motion to Compel the Court to Order the Grand Jury to Reconvene and Redeliberate Pursuant to NRS 172.241(5)</i> Continued; Denied; Continued; Denied;
01/19/2022	<b>Motion for Order</b> (1:30 PM) (Judicial Officer: Silva, Cristina D.) <b>01/19/2022-01/20/2022</b> <i>[100] Defendant's Emergency Motion for Order for Court to Follow EDCR Rule 1.90(a)(4) and EDCR Rule 3.20(b) for all Pretrial Motions with Attached Objection</i> Continued; Stricken; Continued; Stricken;
01/19/2022	<b>Motion for Order</b> (1:30 PM) (Judicial Officer: Silva, Cristina D.) <b>01/19/2022-01/20/2022</b> <i>[102] Defendant's Emergency Motion for Order for Court to Follow EDCR Rule 1.90(a)(4) and EDCR Rule 3.20(b) for all Pretrial Motions with Attached Objection</i> Continued; Denied; Continued; Denied;
01/19/2022	<b>CANCELED Motion to Reconsider</b> (1:30 PM) (Judicial Officer: Silva, Cristina D.) <i>Vacated - Moot</i> <i>[104] Defendant's Emergency Motion to Reconsider Court's Verbal Order to Appear in Person on January 19, 2022 Pursuant to NRS 178.388(4) - For Relief this Motion Needs to be Heard Prior to 01/19/2022</i>
01/19/2022	<b>Motion to Compel</b> (1:30 PM) (Judicial Officer: Silva, Cristina D.) <b>01/19/2022-01/20/2022</b> <i>[107] Defendant's Motion to Compel the Court to Order Missing Discovery from Former Counsel and the Chief Deputy District Attorney Pursuant to NRS 174.295 and NRS 7.055</i> Continued; Granted in Part; Continued; Granted in Part;



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01/19/2022	<p><b>Motion to Compel</b> (1:30 PM) (Judicial Officer: Silva, Cristina D.)  <b>01/19/2022-01/20/2022</b>  <i>[108] Defendant's Motion to Compel the Court to Order a Written Findings of Fact Conclusions of Law for Each and Every Pretrial Motion Within 21 Days of the Hearing Date Pursuant to EDCR Rule 1.90(a)(4)</i>  Continued;  Denied;  Continued;  Denied;</p>
01/19/2022	<p><b>Motion to Compel</b> (1:30 PM) (Judicial Officer: Silva, Cristina D.)  <b>01/19/2022-01/20/2022</b>  <i>[109] Defendant's Motion to Compel the Court to Order the District Attorney to Provide a Bill of Particulars Pursuant to the Federal Rules of Criminal Procedure Rule 7(f) and 5th and 6th Amendments to the Constitution of the United States</i>  Continued;  Denied With Prejudice;  Continued;  Denied With Prejudice;</p>
01/19/2022	<p><b>Motion for Discovery</b> (1:30 PM) (Judicial Officer: Silva, Cristina D.)  <b>01/19/2022-01/20/2022</b>  <i>[114] State's Notice of Motion and Motion for Discovery Pursuant to NRS 174.234, 174.245(1) and 174.295</i>  Continued;  Granted in Part;  Continued;  Granted in Part;</p>
01/19/2022	<p><b>Motion in Limine</b> (1:30 PM) (Judicial Officer: Silva, Cristina D.)  <b>01/19/2022-01/20/2022</b>  <i>[113] State's Notice of Motion and Motion In Limine to Admit Evidence Pursuant to Res Gestae</i>  Continued;  Granted;  Continued;  Granted;</p>
01/19/2022	<p><b>Motion</b> (1:30 PM) (Judicial Officer: Silva, Cristina D.)  <b>01/19/2022-01/20/2022</b>  <i>[116] State's Notice of Motion and Motion to Prohibit Defendants from Improperly Impeaching Witness(es)</i>  Continued;  Granted;  Continued;  Granted;</p>
01/19/2022	<p><b>Motion</b> (1:30 PM) (Judicial Officer: Silva, Cristina D.)  <b>01/19/2022-01/20/2022, 02/17/2022</b>  <i>[117] State's Motion to Motion to Sever Defendants' Cases</i>  Continued;  Deferred Ruling;  Continued;  Deferred Ruling;</p>
01/19/2022	<p><b>Motion in Limine</b> (1:30 PM) (Judicial Officer: Silva, Cristina D.)  <b>01/19/2022-01/20/2022</b>  <i>[128] Motion in Limine Pursuant to EDCR Rule 3.28</i>  Continued;  Denied;  Continued;  Denied;</p>

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01/19/2022

**Motion to Strike** (1:30 PM) (Judicial Officer: Silva, Cristina D.)  
01/19/2022-01/20/2022

[165] State's Notice of Motion and Motion to Strike All Pleadings Related to and Associated with Notices of Default Against BCPD Detective Christopher Slack and Chief Deputy District Attorney Michelle Jobe Filed on or About November 5, 2021, November 19, 2021, and December 23, 2021

Continued;

Granted;

Continued;

Granted;

01/19/2022



**All Pending Motions** (1:30 PM) (Judicial Officer: Silva, Cristina D.)

Matter Heard;

Journal Entry Details:

*Wei-Mai Borgel, Mandarin Interpreter, and Pro Se Co-Defendant Kimball Sachs, also present. STATE'S NOTICE OF MOTION AND MOTION FOR DISCOVERY PURSUANT TO NRS 174.234, 174.245(1) AND 174.295... DEFENDANT'S MOTION TO DISMISS TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED... DEFENDANT'S MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION... DEFENDANT'S EMERGENCY MOTION FOR ORDER FOR COURT TO FOLLOW EDCR RULE 1.90(A)(4) AND EDCR RULE 3.20(B) FOR ALL PRETRIAL MOTIONS WITH ATTACHED OBJECTION... DEFENDANT'S EMERGENCY MOTION FOR ORDER FOR COURT TO FOLLOW EDCR RULE 1.90(A)(4) AND EDCR RULE 3.20(B) FOR ALL PRETRIAL MOTIONS WITH ATTACHED OBJECTION... STATE'S NOTICE OF MOTION AND MOTION IN LIMINE TO ADMIT EVIDENCE PURSUANT TO RES GESTAE... [MOTION IN LIMINE PURSUANT TO EDCR RULE 3.28... STATE'S NOTICE OF MOTION AND MOTION TO PROHIBIT DEFENDANTS FROM IMPROPERLY IMPEACHING WITNESS(ES)... STATE'S MOTION TO MOTION TO SEVER DEFENDANTS' CASES... DEFENDANT'S MOTION TO IMPEACH STATE'S WITNESSES AND STATE'S EXPERT WITNESSES... STATE'S NOTICE OF MOTION AND MOTION TO STRIKE ALL PLEADINGS RELATED TO AND ASSOCIATED WITH NOTICES OF DEFAULT AGAINST BCPD DETECTIVE CHRISTOPHER SLACK AND CHIEF DEPUTY DISTRICT ATTORNEY MICHELLE JOBE FILED ON OR ABOUT November 5, 2021, November 19, 2021, AND December 23, 2021... DEFENDANT'S MOTION TO COMPEL THE COURT TO ORDER MISSING DISCOVERY FROM FORMER COUNSEL AND THE CHIEF DEPUTY DISTRICT ATTORNEY PURSUANT TO NRS 174.295 AND NRS 7.055... DEFENDANT'S MOTION TO COMPEL THE COURT TO ORDER A WRITTEN FINDINGS OF FACT CONCLUSIONS OF LAW FOR EACH AND EVERY PRETRIAL MOTION WITHIN 21 DAYS OF THE HEARING DATE PURSUANT TO EDCR RULE 1.90(A)(4)... DEFENDANT'S MOTION TO COMPEL THE COURT TO ORDER THE DISTRICT ATTORNEY TO PROVIDE A BILL OF PARTICULARS PURSUANT TO THE FEDERAL RULES OF CRIMINAL PROCEDURE RULE 7(F) AND 5TH AND 6TH AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES... DEFENDANT MOTION TO COMPEL THE COURT TO TAKE MANDATORY JUDICIAL NOTICE OF ADJUDICATIVE FACTS AND LAW... DEFENDANT MOTION TO COMPEL THE COURT TO ORDER THE GRAND JURY TO RECONVENE AND REDELIBERATE PURSUANT TO NRS 172.241(5)... Court instructed the Defendant's they would need to be in separate rooms and both appear on video. Following connection attempts, the Pro Se Defendant's were unable to establish bluejeans connections to appear on video and in a different rooms from each other. Due to the connectivity issue, COURT ORDERED, matter CONTINUED. COURT DIRECTED, Pro Se Defendant's to resolve the issues by the next hearing and NOTED the Defendant's would need to be in separate rooms from each other. BOND ALL MATTERS CONTINUED TO: 01/20/2022 1:15 PM;*

01/20/2022



**All Pending Motions** (1:15 PM) (Judicial Officer: Silva, Cristina D.)

Matter Heard;

Journal Entry Details:

*APPEARANCES CONTINUED: Defendant SACHS present out of custody; Mandarin Interpreter Mai-Wei Borgel present on behalf of Defendant ZHANG. COURT STATED the Defendants were charged with criminal charges in the State of Nevada, and most of the pleadings refer to Federal rules of criminal procedures which do not apply in the State of Nevada, and the Court will strike them, unless there are exceptions where the rules would apply, and the Court does not find any at this time. MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED... COURT ORDERED, ruling*

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DEFERRED; the Court will issue a written order in this case. MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION... COURT ADVISED the State has met it's burden in setting forth the languages in which the offenses the Defendant was charged in, as it set forth the facts, and a basis for the events itself, and ordered MOTION DENIED. DEFENDANT'S MOTION TO IMPEACH STATE'S WITNESSES AND STATE'S EXPERT WITNESSES... COURT STATED the impeachment of the witnesses must be done during cross examination and not by the Court, and this Court will not and shall not take that duty from the Jurors. COURT ORDERED, Motion to Impeach State's Witnesses's and State's Expert Witnesses DENIED. DEFENDANT MOTION TO COMPEL THE COURT TO TAKE MANDATORY JUDICIAL NOTICE OF ADJUDICATIVE FACTS AND LAW.. COURT STATED they have previously addressed Judicial Notice, and will clarify, the facts subject to judicial notice are facts in issue or facts from which they may be inferred, and the Motion to Compel does not meet any of the factors set forth in NRS 47.130 and NRS 47.140, and the COURT CANNOT and WILL NOT take Judicial Notice of the information in the filing. COURT REMINDED the parties that challenges to evidence is reserved for trial, unless there is applicable law or statute that would allow evidence, etc. before or during trial, outside the presence of the jury. COURT FURTHER STATED that related, and cited in this Motion, is NRS 126.036, which discusses the liberty interest of a parent who is in the care, custody and management of the parent s child is a fundamental right. COURT ORDERED, Motion to Compel the Court to Take Mandatory Judicial Notice of Adjudicated Facts and Law DENIED. COURT STATED the request to take judicial notice is not merely on the statutes, however intertwined with allegations and the facts, and is therefore denied. DEFENDANT MOTION TO COMPEL THE COURT TO ORDER THE GRAND JURY TO RECONVENE AND REDELIBERATE PURSUANT TO NRS 172.241(5)... COURT STATED this Motion makes accusations against Ms. Jobe, and attorney Chris Grasso, and the allegations were addressed against Ms. Jobe during the Motion to Disqualify her, and that Motion was previously denied. COURT STATED the accusations against Mr. Grasso fall beyond the purview of this Court, for purposes of these charges. COURT ADDITIONALLY STATED any complaints against Mr. Grasso or allegations of professional misconduct, should be logged with the State Bar of Nevada, as Mr. Grasso is no longer a party or represents a party in this action, and the accusations don't form any type of relief sought by the Motion. Defendant SACHS objected to what the Court is stating. COURT SO NOTED. COURT ORDERED, Motion to Compel the Court to Order the Grand Jury to Reconvene and Redeliberate Pursuant to NRS 172.242(5), DENIED; adding this Motion was previously denied by Judge Hardy, and the Court has a Findings of Facts and Conculsions of Law. COURT STATED this Motion is a Motion to Reconsider Judge Hardy's ruling, and this Motion does not set forth the proper basis for the Court to reconsider a Motion. COURT STATED there is a Findings of Facts and Conclusions of Law FILED on June 25, 2020 in Defendant SACHS' case, and it finds the Defendants were served by way of counsel of a marcum notice, and another FINDINGS OF FACTS AND CONCLUSIONS OF LAW will not be issued. COURT ORDERED, the FINDINGS of Judge Hardy STANDS. Defendant SACHS objected to the Court's ruling. COURT SO NOTED. Upon Court's inquiry, Defendant SACHS declined the offer to have a standing objection to all the Motions. COURT STATED for purposes of Judicial Economy the Court will allow Defendant SACHS have a standing objection to the rulings today, and if he does not object to any of the rulings he can make a record at the end of the hearing. DEFENDANT'S EMERGENCY MOTION FOR ORDER FOR COURT TO FOLLOW EDCR RULE 1.90(A)(4) AND EDCR RULE 3.20(B) FOR ALL PRETRIAL MOTIONS WITH ATTACHED OBJECTION.. COURT STATED there are local rules that control court proceedings, however there are other rules that supersede those rules, as the entire country is set forth in a legislative, judicial and executive branch, and within those branches there are divisions of the Courts, both federal and state, there are certain rules that apply at each level, and there are certain rules that apply to all individuals. COURT STATED as applicable to this pending motion, a rule that supercedes the local rule is Nevada State Court Criminal Rule 1, that provides that the Nevada State Rules will govern all criminal actions in the Court in the State of Nevada, and these rules superceded and replace any local District Court rule concerning criminal actions. COURT FURTHER STATED there are rules that apply that allow the Court to set forth a briefing schedules, or deny motions as set forth in those rules. COURT STATED they will issue WRITTEN decisions for some of the Motions on calendar today, however not all, as the Court does not believe a Findings of Facts and Conclusions of Law is required for certain Motions, since they don't meet the requirements of have a proper memorandum of points and authorities. COURT ORDERED, Emergency Motion for Order for Court to Follow EDCR RULES 1.90(A)(4) AND EDCR RULE 3.20(B) FOR ALL PRETRIAL MOTIONS WITH ATTACHED OBJECTION DENIED; this Motion is not an emergency and when necessary the Court will issue a written decision. DEFENDANT'S MOTION TO COMPEL THE COURT TO ORDER MISSING DISCOVERY FROM FORMER COUNSEL AND THE CHIEF DEPUTY DISTRICT ATTORNEY PURSUANT TO NRS 174.295 AND NRS 7.055.. COURT STATED the Defendants are requesting the Court compel the production of items that the Court does not know if they

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exist, and the Court does not have a basis, as there is no law of authority for the Court to order the production of something that may or may not exist with regards to the request for a meeting, whether that meeting took place, where there are any files, notes associated with this meeting. Upon Court's inquiry, Defendant ZHANG did not reach out to Mr. Grasso or Mr. Smith to request these items. Upon Court's inquiry, Defendant SACHS did reach out to Mr. Grasso to request these items. who informed him he keeps those items stored in his head. COURT STATED they cannot order something that does not exist. COURT ORDERED, Motion GRANTED IN PART with regards to the request and the Court will ask Chris Grasso and Gabe Grasso and Mr. James Edward Smith to provide a copy of their file to the Court, and once received the Court will provide a copy to the Defendants, if a file exists. COURT DIRECTED the Clerk to send a copy of the minutes to the attorneys stated, and REQUESTED the Attorney's comply with the Court's requested WITHIN THIRTY (30) DAYS from today; with regards to the request from Ms. Jobe, who represents the State of Nevada, Ms. Jobe has an ongoing obligation to provide Discovery. Upon Court's inquiry, Ms. Jobe stated she would comply with the ongoing Discovery requests, and GRANTED IN PART with regards to that issue, and DENIED IN PART as the Court cannot order Ms. Jobe to produce items that do not exist, and the State of Nevada has determined that prosecutors can choose what is made discoverable. Ms. Jobe stated the body camera from the April even no longer exists, and when the State asked they was informed it was no longer kept. COURT DIRECTED Ms. Jobe file a written notice regarding the status of the body camera footage, if it had been produced, or why it had not been produced, and if a proper foundation of information laid out to be available for cross examination. Defendant SACHS requested the name of the Boulder City Police Officer who destroyed the body camera footage today. COURT STATED that Motion is not before the Court, reminding the Defendants that Ms. Jobe is an individual who represents the State of Nevada, and this is not personal to her, and the Court invites the Defendant to file a Motion requesting the information, as the Court is confident Ms. Jobe would know off hand who the Custodian of Records is for Boulder City, or who that individual was in 2019. COURT ORDERED, GRANTED IN PART. Ms. Jobe inquired if she needed to file a Notice of the State of the Request. COURT DIRECTED Ms. Jobe to file the Notice within 21 days. DEFENDANT S MOTION TO COMPEL THE COURT TO ORDER THE DA TO PROVIDE A BILL OF PARTICULARS PURSUANT TO THE FEDERAL RULES OF CRIMINAL PROCEDURE RULE 7(F) AND 5TH AND 6TH AMENDMENTS TO THE CONSTITUTION OF THE US.. COURT STATED the Federal rules do not apply, and this Motion has previously been denied by Judge Spells, and this instant Motion does not set forth a basis for the Court to reconsider Judge Spells's decision, and ORDERED, Motion to Contempt the Court to Order the DA to Provide a Bill of Particulars Pursuant to the Federal Rules of Criminal Procedure Rule 7(F) and 5th and 6th Amendments to the Constitution of the US is DENIED WITH PREJUDICE. DEFENDANT'S MOTION TO COMPEL THE COURT TO ORDER A WRITTEN FINDINGS OF FACT CONCLUSIONS OF LAW FOR EACH AND EVERY PRETRIAL MOTION WITHIN 21 DAYS OF THE HEARING DATE PURSUANT TO EDCR RULE 1.90(A)(4) ... COURT STATED they will issue a written decision on some of the pronouncements made here in Court, however the Court will not issue written orders since the Court does not believe they are necessary, and ORDERED, Motion DENIED. STATE S NOTICE OF MOTION AND MIL TO ADMIT EVIDENCE PURSUANT TO RES GESTAE.. COURT ORDERED, Motion GRANTED to Admit Evidence is the facts set forth in the State's Motion are intertwined in the Counts set forth in counts 2 and 3, and in order for the State to provide a full picture, the information regarding the medical treatment is relevant, and FINDS this Motion was properly noticed, and will be admitted. COURT NOTED this does not preclude the Defendants from arguing that they properly treated their minor child, and will remind the parties that opening statements, can only be use to explain to the jury as to what the evidence will be, and questions regarding care, may be asked of witnesses however a proper foundation must be made, and those statements are not evidence unless under oath and subject to cross examination. STATE S NOTICE OF MOTION AND MOTION FOR DISCOVERY PURSUANT TO NRS 174.234, 174.245(1) AND 174.295... COURT ORDERED, Motion GRANTED IN PART, and FINDS the Defendant have complied in part with regards to the discovery of text messages, and photographs, to the extent there are any additional photographs or text messages related to the time frame as set in the indictment, and the summary of facts laid out in the State's responses and Motion's need to be provided, and DIRECTED the Defendants to download a copy of the text message and photos and provide a clean copy to the State. COURT DIRECTED Defendant SACHS to refrain from personal attacks against Ms. Jobe, and if those accusations are continued then the Defendant SACHS will be held in Contempt of Court. STATE S NOTICE OF MOTION AND MOTION TO PROHIBIT DEFENDANTS FROM IMPROPERLY IMPEACHING WITNESS(ES).. COURT AGREES with the State that a Pre-Trial Motion is not the proper venue to impeach a witness, and ORDERED Motion to Prohibit Defendant's from Improperly Impeach a Witness GRANTED, adding the Court is concerned with the Defendant's ability to properly impeach witnesses. STATE S MOTION TO MOTION TO SEVER DEFENDANT S CASES... COURT ADVISED the State is requesting the matter be severed, as there is a concern that the

**CASE SUMMARY****CASE NO. C-19-343540-1**

Defendants are not representing themselves, or representing each other, and or that Defendant SACHS is representing Defendant ZHANG, pointing out the Faretta Canvass completed by both Defendants, and there is an ongoing concern with the Court that there is representation of Defendant ZHANG by Defendant SACHS. COURT ORDERED, ruling on this Motion DEFERRED for THIRTY (30) and the Court will continue to monitor this case, as the Court remains concerns regarding whether or not the Defendants fully understand law and procedure, and if they will be effectively represent themselves during the course, and that they are properly representing themselves in preparation of trial, and the Court does not have enough information before them to make a proper decision. COURT STATED the ruling could be deferred past the thirty days, and ORDERED, matter SET for status check on the Chambers calendar. MIL PURSUANT TO EDCR RULE 3.28.. COURT STATED this Motion is part of the Court's concern regarding the Defendant's properly being able to represent themselves, and ORDERED, Motion DENIED the admission of evidence will be governed by the Nevada Rules and Statutes, and will be addressed at the time of trial, and the Court believes it will be helpful to have exhibit lists provided to each party and the Court, prior to calendar call so any objections can be logged at that hearing. MOTION TO COMPEL THE COURT TO ORDER THE CHIEF DEPUTY DA TO RESPOND IN WRITING WITH A COUNTER-AFFIDAVIT POINT BY POINT RESPONSE TO THE PREVIOUSLY FILED AFFIDAVIT OF STATUS AND AFFIDAVIT OF FACT PURSUANT TO NRS 174.135(3).. COURT ORDERED, Motion to Compel DENIED. STATE S NOTICE OF MOTION AND MOTION TO STRIKE ALL PLEADINGS RELATED TO AND ASSOCIATED WITH NOTICES OF DEFAULT AGAINST BCPD DETECTIVE CHRISTOPHER SLACK AND CHIEF DEPUTY DA MICHELLE JOBE FILED ON OR ABOUT 11/05/21, 11/19/21, AND 12/23/21... COURT ORDERED, Motion GRANTED there is no basis of law for the defaults that were filed, and the Court cautions the Defendant's that filing of such notice is a akin to threats or demands that were sent to Chambers last fall, and the Court cautions the Defendant to engage in these type of filings that have no basis in law or in facts against the witnesses or Ms. Jobe, and the Court as well. COURT STATED the unsupported notice or defaults will be stricken by the Court. COURT ORDERED, STATE S NOTICE OF MOTION AND MOTION TO STRIKE ALL PLEADINGS RELATED TO AND ASSOCIATED WITH NOTICES OF DEFAULT AGAINST BCPD DETECTIVE CHRISTOPHER SLACK AND CHIEF DEPUTY DA MICHELLE JOBE FILED ON OR ABOUT 11/05/21, 11/19/21, AND 12/23/21 GRANTED; Motion to Compel the Court to Order the Chief Deputy District Attorney to Respond in Writing With a Counter-Affidavit Point By Point Response to the Previously Court Filed Affidavit of Status and Affidavit of Fact Pursuant to NRS 174.135(3) filed on November 3, 2021 at 8:42 p.m. STRICKEN from the record; and NOTICE AND OPPORTUNITY FOR CHIEF DEPUTY DISTRICT ATTORNEY MICHELLE JOBE TO RESPOND POINT BY POINT IN WRITING TO MY AFFIDAVIT OF STATUS REGARDING MY PROPERTY Y.L. AND AFFIDAVIT OF FACT WITH COUNTER-AFFIDAVITS NOTARIZED AND SIGNED UNDER THE PENALTY OF PERJURY PURSUANT TO THE IV, V, VI, VIII, AND XIV AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES filed on November 19, 2021 at 3:56 p.m. STRICKEN from the record; and Notice of Default and Opportunity to Cure for BCPD Detective Christopher Slack to Respond in Writing to my Affidavit of Status and Affidavit of Fact with Counter-Affidavits with Point By Point Responses Notarized and Signed Under the Penalty of Perjury Pursuant to the Iv, V, VI, VIII, and XIV Amendments to The Constitution of The United States filed on December 23, 2021 at 6:00 p.m STRICKEN from the record. Defendant SACHS requested written decisions. COURT STATED the will issue written rulings regarding dockets 84 & 85. Upon Court's inquiry, Defendant ZHANG objected to a trial date being set. Defendant SACHS also objected to a trial date being set as there is an ongoing investigation. COURT STATED there is no right to dispose witnesses in the State of Nevada, and if that is being requested the Defense would need to file a Motion, and an August trial date will allow the Defendants sufficient time to appeal the Court's decision. COURT DIRECTED parties to meet and exchange exhibits exchanged between the parties on or before August 5, 2022. BOND 2/17/2022 3:00 A.M. STATE S MOTION TO MOTION TO SEVER DEFENDANT'S CASES... MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED... (CHAMBERS) 8/22/2022 12:00 P.M. CALENDAR CALL 8/29/2022 9:30 A.M. JURY TRIAL;

08/22/2022 **Calendar Call** (12:00 PM) (Judicial Officer: Silva, Cristina D.)08/29/2022 **Jury Trial** (9:30 AM) (Judicial Officer: Silva, Cristina D.)

DATE

FINANCIAL INFORMATION

**Defendant** Zhang, Yuxia  
CASH BAIL -- Criminal Registry Balance as of 2/14/2022

**10,000.00**

**CASE SUMMARY**

**CASE NO. C-19-343540-1**

|



FFCL  
Judge Cristina D. Silva  
Eighth Judicial District Court  
Department IX  
Regional Justice Center  
200 Lewis Avenue  
Las Vegas, Nevada 89155

EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

-vs-

YUXIA ZHANG (#7070425); and  
KIMBALL SACHS (#7070382),

Defendants.

CASE NOS: C-19-343540-1  
C-19-343540-2

DEPT NO: IX

OMNINUS FINIDNGS OF FACT, CONCLUSIONS OF LAW, AND DECISION  
ON PRE-TRIAL MOTIONS

On September 8, 2021, this Court ordered all pre-trial motions to be filed in this matter no later than November 5, 2021 and set the motions for argument on January 19, 2022. The Court was unable to hear the motions on January 19, 2022 due to technical issues and subsequently heard arguments on January 20, 2022. The Court issues the following decisions on: (1) Defendants' Motion to Dismiss for Failure to State a Claim Upon Which Relief Can Be Granted; (2) Defendants' Motion to Dismiss for Lack of Subject Matter Jurisdiction; (3) Defendants' Motion to Compel the Court to Take Mandatory "Judicial Notice of Adjudicative Facts and Law" (4) Defendants' Motion to Impeach State's Witnesses and State's Expert Witnesses; (5) Defendants' Emergency Motion to Reconsider Court's Verbal Order to Appear in Person on January 19, 2022 Pursuant to NRS 178.388(4); (6) Defendants' Emergency for Order for Court to Follow EDCR Rule 1.90(a)(4) and EDCR Rule 3.20(b) for all Pre-Trial Motions with Attached Objection; (7) Defendants' Motion to Compel the Court

1 Order Missing Discovery from Former Counsel and the Chief Deputy District Attorney Pursuant to  
2 NRS 174.295 and NRS 7.055; (8) Defendants' Motion to Compel the Court Order a Written Findings  
3 of Fact Conclusions of Law for Each and Every Pretrial Motion Within 21 Days of the Hearing Date  
4 Pursuant to EDCR Rule 1.90(a)(4); (9) Defendants' Motion to Compel the Court to Order the District  
5 Attorney to Provide a Bill of Particulars Pursuant to the Federal Rules of Criminal Procedure Rule  
6 7(f) and 5<sup>th</sup> and 6<sup>th</sup> Amendments to the Constitution of the United States; and (10) Defendant Sachs  
7 Motion to Compel the Court to Order the Chief Deputy DA to Respond in Writing with a Counter-  
8 Affidavit Point by Point Response to the Previously Filed Affidavit of Status and Affidavit of Fact  
9 Pursuant to NRS 174.135(3).

#### 10 STATEMENT OF FACTS

11 On September 25, 2019, the grand jury returned a criminal Indictment against YUXIA  
12 ZHANG and KIMBALL SACHS charging Defendants with the crimes of CHILD ABUSE, NEGLECT,  
13 OR ENDAGERMENT RESULTING IN SUBSTANTIAL BODILY HARM (Category B Felony – NRS  
14 200.508.1) and CHILD ABUSE, NEGLECT, OR ENDAGERMENT (Category B Felony – NRS  
15 200.508.1). As set forth in the indictment, the charged crimes are alleged to have occurred between  
16 January 2019 and April 4, 2019. The victim is Y. L.

17 As a threshold matter, the Court adopts the Findings of Facts set forth in the Findings of Fact,  
18 Conclusions of Law and Order Denying Defendant Zhang's Petition for Writ of Habeas Corpus,  
19 Defendant Sachs' Joinder, and Defendants' Joint Statement filed on June 25, 2020.

20 On July 21, 2021, Defendants filed a motion to disqualify Judge Jasmin Lilly- Spells' because  
21 her decisions and rulings during official proceedings demonstrate bias or prejudice against them.  
22 Chief Judge Linda Bell denied the request to disqualify Judge Lilly-Spells on August 24, 2021. *See* Decn  
23 & Ord. (Aug. 24, 2021). On August 27, 2021, Defendants appealed the Decision to the Nevada Supreme  
24 Court.  
25

1 On August 27, 2021, Defendants filed Motion to State a Claim Upon Which Relief Can Be  
2 Granted and on August 28, 2021, Defendants filed Motion to Dismiss for Lack of Subject Matter  
3 Jurisdiction.

4 On September 2, 2021, Defendants filed Defendant's Motion to Impeach States Witnesses and  
5 State's Expert Witnesses.

6 On September 7, 2021, this matter was reassigned from Judge Jasmin Lilly Spells to Judge  
7 Cristina D. Silva.<sup>1</sup>

8 On September 8, 2021, the outstanding motions in this matter came before this Court. At this  
9 hearing, Defendant Sachs requested the assistance of an attorney with the record reflecting that the  
10 attorney is not representing them. *See* Min Ord. Sep. 08, 2021. This Court advised Defendants that it  
11 could appoint counsel to represent them or allow them to continue representing themselves. *Id.* The  
12 Court further advised that Defendants do not have an option of a hybrid representation. *Id.*  
13 Defendants ultimately decided to continue representing themselves.<sup>2</sup> The parties ultimately agreed  
14 to continue the pending motions to allow for full briefing. *Id.* at 3. This Court ordered all motions in  
15 this matter be filed on or before November 5, 2021, Oppositions/Responses filed on or before  
16 December 17, 2021, Replies filed on or before January 10, 2022, and argument set for January 19, 2022.  
17 *Id.* The Court further order the Defendants to be present in the courtroom for argument. *Id.*

18 On September 21, 2021, the Nevada Supreme Court denied Defendants appeal "Because no  
19 statute or court rule permits an appeal from an order denying a pretrial motion to disqualify judge"  
20 *See Zhang v. State*, Case No. 83446 (Nev. Sep 21, 2021); *See also Sachs v. State*, Case No. 833447 (Nev. Sep  
21 21, 2021).

22  
23  
24  
25 

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<sup>1</sup> See EJDC Administrative Order 21-06

<sup>2</sup> A Farretta Canvas was conducted by Judge Hardy on September 22, 2020

1 On October 15, 2021, Defendants filed a Motion to Compel the Court to Take Mandatory  
2 Judicial Notice of Adjudicated Facts and Law.

3 On October 17, 2021, Defendants filed a Motion to Compel the Court to Order the Grand Jury  
4 to Reconvene and Redeliberate Pursuant to NRS 172.241(5).

5 On October 30, 2021, Defendants filed (1) Emergency Motion for Order For Court to Follow  
6 EDCR Rule 1.90(a)(4) and EDCR Rule 3.20(b) for all Pretrial Motions with Attached Objection; (2)  
7 Emergency Motion for Order for Court to Follow EDCR Rule 1.90(a)(4) and EDCR Rule 3.20(b) for  
8 all Pretrial Motions with Attached Objection; (3) Emergency Motion to Reconsider Court's Verbal  
9 Order to Appear in Person on January 19, 2022 Pursuant to NRS 178.388(4); (4) Motion to Disqualify  
10 Chief Deputy District Attorney Michelle Jobe Pursuant to NRS 199.310; (5) Motion to Compel the  
11 Court to Order Missing Discovery from Former Counsel and the Chief Deputy District Attorney  
12 Pursuant to NRS 174.295 and NRS 7.055; and (6) Motion to Compel the Court to Order a Written  
13 Findings of Fact Conclusions of Law for Each and Every Pretrial Motion Within 21 Days of the  
14 Hearing Date Pursuant to EDCR Rule 1.90(a)(4).

15 On October 31, 2021, Defendants filed a Motion to Compel the Court to Order the District  
16 Attorney to Provide a Bill of Particulars Pursuant to the Federal Rules of Criminal Procedure Rule  
17 7(f) and 5<sup>th</sup> and 6<sup>th</sup> Amendments to the Constitution of the United States.

18 On November 2, 2022 the State filed (1) State's Notice of Motion and Motion in Limine to  
19 Admit Evidence Pursuant to Res Gestae; (2) State's Notice of Motion and Motion for Discovery  
20 Pursuant to NRS 174.234, 174.245(1) and 174.295; (3) State's Notice of Motion and Motion to Prohibit  
21 Defendants from Improperly Impeaching Witness(es); and (4) State's Motion to Motion to Sever  
22 Defendant's Cases.

23 On November 3, 2021, this Court issued a Scheduling Order Setting Briefing Schedule and  
24 Hearing.  
25

1 On November 3, 2021, Defendant Sachs filed a Motion to Compel the Court to Order the Chief  
2 Deputy District Attorney to Respond in Writing with a Counter-Affidavit Point by Point Response  
3 to the Previously Filed Affidavit of Status and Affidavit of Fact Pursuant to NRS 174.135(3).

4 On November 5, 2021 Defendants filed Motion in Limine Pursuant to EDCR Rule 3.28.

5 On November 12, 2021 Defendants appealed the Scheduling Order Setting Briefing Schedule  
6 and Hearing. On December 3, 2021, the Nevada Supreme Court Dismissed the appeal because “no  
7 statute or court rule permits an appeal from an order setting a briefing schedule and hearing in a  
8 criminal matter, [the NVSC] lacks jurisdiction to consider [the] appeal. *Castillo v. State*, 106, Nev. 349,  
9 352, 792 P.2d 1133, 1135 (1990). *See Zhang v. State*, Case No. 83801 (Nev. Nov 24, 2021); *See also Sachs v.*  
10 *State*, Case No. 83802 (Nev. Nov 24, 2021) .

11 On November 22, 2021, this Court heard argument on Defendants’ Motion to Disqualify Chief  
12 Deputy District Attorney Michelle Jobe Pursuant to NRS 199.310. This Court denied the Motion,  
13 finding that the Points and Authorities that are listed in the motion to disqualify Ms. Jobe are  
14 allegations of malicious prosecution, and those allegations are not the same as a conflict of interest,  
15 therefore, the Court cannot make a decision on the merits of this motion. *See Min Ord. Nov. 22, 2021.*  
16 The Court further added that if there is basis to pursue malicious prosecution, it can be pursued  
17 outside this action in a civil proceeding. *Id.* Additionally, the Court advised the Defendants that they  
18 must not try to influence this Court’s decision making, control of this case, and courtroom pursuant  
19 to Nevada Criminal Rule of Procedure 20(b). (“No attorney may attempt to influence a law clerk on  
20 the merits of any contested matter pending before the judge or judicial officer to whom that law clerk  
21 is assigned”). *Id.* This Court noted numerous improper emails that included demands and threats  
22 made to this Court’s Law Clerk, Judicial Executive Assistance, and District Attorney Jobe. *Id.*

23 On December 27, 2021, the State filed State’s Notice of Motion and Motion to Strike All Filings  
24 Related to and Associated with the Notices of Default Against BCPD Detective Christopher Slack  
25

1 and Chief Deputy District Attorney Filed on or about November 05, 2021, November 19, 2021, and  
2 December 23, 2021.

3 On January 2, 2022, Defendants filed an Emergency Motion to Reconsider Court's Verbal  
4 Order to Appear In Person on January 19, 2022 Pursuant to NRS 178.388(4). This Court issued a  
5 minute order on January 5, 2022 granting Defendants' Motion due to the rising numbers of COVID-  
6 19 cases as a result of the Omicron variant. This Court stated that it understood that Defendants live  
7 in the same household, nonetheless ordered Defendants to appear on camera from separate devices in  
8 different rooms on January 19, 2022. *See* Min Ord. Jan. 5, 2022.

9 On January 19, 2022, Defendants were unable to establish BlueJeans video connections in  
10 separate rooms. Therefore, the matter was continued to January 20, 2022.

11 On January 20, 2022, this Court heard argument on the pending motions. Having considered  
12 the motions, oppositions, and oral arguments made by the parties this Court hereby issues the  
13 following decisions.

14 **1. Defendants Motion to Dismiss for Failure to State a Claim Upon Which Relief Can Be**  
15 **Granted [Dkt. 70 Zhang; Dkt. 84, Sachs]**

16 Defendants' motion does not cite to any applicable points or authorities in support of their  
17 request to dismiss this case. Defendants rely on two civil (not criminal) cases that address relief.  
18 Nevada is a notice pleading jurisdiction and not a common law pleading jurisdiction, where factually  
19 detailed pleadings are required. *Garnick v. First Judicial District Court*, 81 Nev. 531, 535, 407 P.2d 163  
20 (1965). The State of Nevada met its notice pleading standard by filing an Indictment on September 25,  
21 2019. The indictment is clear and explains the three<sup>3</sup> charges lodged against both Defendants.  
22 Moreover, the State has set forth the evidence and its theory of the case in response to several of the  
23 motions filed by the Defendants. They have also been provided with transcribed statements,

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24 <sup>3</sup> The three counts are: (1) Child Abuse, Neglect or Endangerment in violation of NRS 200.508.1; (2) Child Abuse,  
25 Neglect or Endangerment Resulting in Substantial Bodily Harm in violation of NRS 200.508.1; and (3) Child Abuse,  
Neglect, or Endangerment NRS 200.508.1 *See* Indictment.



documents, medical records, and the like to give them the ability to prepare a defense for trial. Therefore, Defendants' Motion is DENIED.<sup>4</sup>

**2. Defendants' Motion to Dismiss for Lack of Subject Matter Jurisdiction [Dkt. 71, Zhang; Dkt. 85, Sachs]**

Defendants ask this Court to dismiss this action, alleging lack of subject matter jurisdiction. Defendants' motions rely on subject matter jurisdiction as it relates to Federal cases, not Nevada criminal cases. Consequently, Defendants fail to cite to any applicable points and authorities in support of their motion. Moreover, Defendants misapprehend Nevada law. District courts have original jurisdiction of all criminal cases except as otherwise provided by law. *See Nev. Const. art. 6, §§ 6, 8; Battiato v. Sheriff, Clark County*, 594 P.2d 1152 (Nev. 1979). This case is a criminal case alleging violations of Nevada law and therefore this Court has jurisdiction over the matter. Accordingly, Defendants' Motion to Dismiss for Lack of Subject Matter Jurisdiction is DENIED.<sup>5</sup>

**3. Defendants Motion to Compel the Court to Take Mandatory "Judicial Notice of Adjudicative Facts and Law" [Dkt. 94, Zhang; Dkt. 108, Sachs]**

Nevada Revised Statutes specifically provides for what sort of matters of fact and matters of law are subject to judicial notice. In regards to matters of fact, NRS 47.130 provides that the "facts subject to judicial notice are facts in issue or facts from which they may be inferred." NRS 47.130. It further provides that a judicially noticed fact must be generally known within the territorial jurisdiction of the trial court, or, capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned, so that the fact is not subject to reasonable dispute. *Id.*

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<sup>4</sup> The Court notes that in the reply to this motion, and in replies to several other motions filed by the Defendants, they raise new arguments for the first time. This is improper as it deprives the State of Nevada an opportunity to respond to any new arguments raised. Accordingly, the Court disregards arguments raised for the first time in a reply.

<sup>5</sup> As a result of this Court's decision on this motion, the Court hereby strikes Defendants "Notice" that the Court is deprived of jurisdiction filed on May 25, 2021. [Dkt. 51, Zhang; Dkt. 64 Sachs]

1 NRS 47.140 addresses the matters of law that can be judicially noticed. Those laws include:  
2 (1) the Constitution and statutes of the United States, and the contents of the Federal Register; (2)  
3 the Constitution of Nevada and Nevada Revised Statutes; (3) any other statute of this State if brought  
4 to the attention of the court by its title and the day of its passage; (4) a county, city or town code  
5 which has been filed as required by NRS 244.118, 268.014, 269.168 or the city charter and any city  
6 ordinance which has been filed or recorded as required by the applicable law; (5) the Nevada  
7 Administrative Code; (6) a regulation not included in the Nevada Administrative Code if adopted in  
8 accordance with law and brought to the attention of the court; (7) the population category and  
9 organization of a city incorporated pursuant to general law; and (8) the constitution, statutes or other  
10 written law of any other state or territory of the United States, or of any foreign jurisdiction, as  
11 contained in a book or pamphlet published by its authority or proved to be commonly recognized in  
12 its courts.

13 The information in Defendants' motions are not matters of fact or law that can be judicially  
14 noticed. While certain laws are cited, those citations are intertwined with significant contested  
15 matters of fact, as well as numerous accusations and arguments. Accordingly, it would be improper  
16 for the Court to take judicial notice of the items contained in Defendants' motions. As a result,  
17 Defendants' Motions to Compel the Court to Take Mandatory "Judicial Notice of Adjudicative Facts  
18 and Law" are DENIED with prejudice.

19 Additionally, this Court STRIKES Defendants' Judicial Notice of Adjudicative Facts and Law<sup>6</sup>  
20 because they were improperly filed and there is no legal basis to recognize the filings.

21 **4. Defendants' Motion to Impeach State's Witnesses and State's Expert Witnesses [Dkt.**  
22 **78, Zhang; Dkt. 91, Sachs]**

23 By way of motion, Defendants ask this Court make credibility determinations regarding the  
24 State's witnesses. Defendants' motions are DENIED. It is well established that the jury determines

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25 <sup>6</sup> [Dkt. 95, Zhang; Dkt. 109, Sachs]

1 the weight of the evidence and credibility of the witnesses. *State v. Thompson*, 31 Nev. 209, 217 (1909).  
2 NRS 50.075 delineates who and who a witness may be impeached. It provides that “the credibility of  
3 a witness may be attacked by any party, including the party calling the witness.” Thus, the time for  
4 the impeachment of a witness is while the witness is on the stand testifying. Once a proper foundation  
5 has been laid to impeach the witness, they may be impeached in accordance with Nevada law.

6 The Court advises the Defendants that accusing a witness or witnesses in this case of a crime,  
7 as stated in their motions, without any evidence other than suggestion and/or innuendo is not an  
8 appropriate line of questioning for impeachment during trial. Further, a review of Defendants’  
9 motions reveal that they seem confused by the legal concept of a witness having personal knowledge  
10 with a witness who can provide eye witness testimony. Those are two different legal concepts and  
11 depending on the status of a case, different legal standards can apply. Because of the apparent  
12 confusion, the Court will require the Defendants to proffer, outside the presence of the jury,  
13 impeachment material and questions to the Court *before* posing those questions to any witness.

14 Accordingly, the motions are DENIED in accordance with this written decision.

15 **5. Defendants’ Emergency Motion to Reconsider Court’s Verbal Order to Appear in Person**  
16 **on January 19, 2022 Pursuant to NRS 178.388(4) [Dkt. 104; Zhang; Dkt. 116, Sachs]**

17 This Motion is DENIED as Moot. The Court nonetheless addresses the motion to provide  
18 Defendants better understanding of the law procedure. Defendants contend that that both NRS  
19 178.388(4) and Administrative Order 21-04 allow them to appear via telephonic appearance and/or  
20 BlueJeans. Specifically, they argued that requiring their physical presence during the upcoming  
21 January 19, 2022 hearing is “CRUEL and UNUSUAL PUNISHMENT that SHOCK THE  
22 CONSCIOUS in light of that fact that I AM INNOCENT...” See Motion at 2.

23 NRS 178.388 does provide for limited circumstances when the defendants may waive their  
24 physical presence. The statute does not, however, limit to provide that this Court cannot order a  
25 defendant’s presence. This Court is required to ensure that an accused, whether guilty or innocent, is

entitled to a fair trial. *See generally Garner v. State*, 78 Nev. 366, 373, 374 P.2d 525, 529 (1962) (discussing obligation of the court and prosecution ensuring an accused receives a fair trial). Here, there are concerns that one or both Defendants may not receive a fair trial due to improper actions by one or more of the Defendants who are appearing pro per. Both Defendants in this matter have filed almost identical motions in their respective cases, but neither Defendant is represented by an attorney. There is an implication that one Defendant may be acting as the other's attorney, which if true, could constitute a violation of Nevada law.<sup>7</sup> *See* NRS 7.285 (prohibiting individuals from practicing law in Nevada if they are not legally authorized to do so.). The Court is not making a finding that there is unauthorized practice of law at this time, but did order the physical presence of both Defendants to speak to them and address their outstanding motions. The Court provided the Defendants approximately three (3) months advanced notice of their need to appear, in-person, to address their pre-trial motions. The Court ultimately granted a second request to allow the Defendants to appear remotely due to the surge in COVID-19 cases due to the Omicron variant, and the imposition of AO 22-02<sup>8</sup>.

Therefore, Defendants' Emergency Motion to Reconsider Court's Verbal Order to Appear in Person on January 19, 2022 Pursuant to NRS 178.388(4) is DENIED as moot.

**6. Defendants' Emergency for Order for Court to Follow EDCR Rule 1.90(a)(4) and EDCR Rule 3.20(b) for all Pre-Trial Motions with Attached Objection [Dkt. 102, Zhang; Dkt. 114, Sachs]**

Nevada State Court Criminal Rule 1 provides that the Nevada Rules of Criminal Procedure shall:

"...govern all criminal actions in the district courts of the State of Nevada. The purpose of these criminal rules is to provide uniformity in practice among the various district courts. *These rules supersede and replace any local district court rules concerning criminal actions.* They are intended to provide for the just and fair administration of criminal actions."

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<sup>7</sup> Judge Lilly-Spells also noted her concerns that Mr. Sachs acts as if he is representing Ms. Zhang. *See* February 01, 2021 Minutes

<sup>8</sup> *See* Minute Order, January 5, 2022.

1 Nev.R.Crim.Pro. 1 (emphasis added). The Court is obliged to follow the local rules of Eighth Judicial  
2 District Court. However, those rules are superseded by the Nevada Rules of Criminal Procedure. Rule  
3 8 of the Nevada Rules of Criminal Procedure provides that “[u]nless otherwise provided by law, by  
4 these rules, or by written scheduling order entered by the court in the particular case, all pretrial  
5 motions, including motions to suppress evidence, to exclude or admit evidence, for a transcript of  
6 former proceedings, for a preliminary hearing, for severance of joint defendants, for withdrawal of  
7 counsel, and all other motions that by their nature, if granted, delay or postpone the time of trial, must  
8 be made in writing and served and filed not less than 15 days before the date set for trial.  
9 Nev.R.Crim.Pro. 8 (emphasis added). As permitted by the Nevada Rules of Criminal Procedure,  
10 which supersede the local rules, this Court issued a written scheduling order setting forth a briefing  
11 schedule for all pre-trial motions. Accordingly, the Court’s Order setting the briefing schedule stands.  
12 Defendants’ Emergency for Order for Court to Follow EDCR Rule 1.90(a)(4) and EDCR Rule 3.20(b)  
13 is DENIED.

14 Further, Defendants filed a duplicative copy of this Emergency Motion for Order for Court to  
15 Follow EDCR Rule 1.90(a)(4) and EDCR Rule 3.20(b) for all Pretrial Motion with Attached  
16 Objection [Dkt. 100, Zhang; Dkt. 112 Sachs]. The duplicative motions are hereby STRICKEN in both  
17 Case No. C-19-343540-1 and Case No. C-19-343540-2.

18 **7. Defendants’ Motion to Compel the Court Order Missing Discovery from Former Counsel**  
19 **and the Chief Deputy District Attorney Pursuant to NRS 174.295 and NRS 7.055 [Dkt.**  
20 **107, Zhang; Dkt. 119, Sachs]**

21 Defendants move this Court to order (1) his prior counsel Gabriel Grasso, and Chief Deputy  
22 District Attorney Michelle Jobe, details in writing of their meetings from both Mr. Grasso and Ms.  
23 Jobe, held between April 2019 and August 2019; and (2) his prior counsel James Smith to provide the  
24 court stamped copy of the January 26, 2020 “Joint Declaration of Kimball Austin Sachs and Yuxia  
25 Zhang”.

1 As a threshold matter, Defendants do not cite to any law or authority that would authorize  
2 this Court to grant the relief they seek. NRS 174.295 has certain key requirements. First, it allows this  
3 Court to order *parties* to an action disclose certain information. Mr. Grasso, Ms. Jobe, and Mr. Smith  
4 are not parties to this action. Mr. Grasso and Mr. Smith previously represented the Defendants, but  
5 are not parties. Ms. Jobe represents the State of Nevada, who is a party, but is not a party herself.  
6 Therefore, Defendants' Motion to Compel on those grounds is DENIED. However, as pronounced on  
7 the record during the January 20, 2022 hearing on Defendants' pre-trial motions, the Court orders  
8 former counsel for the Defendants to provide a copy of their case file to the Defendants within 30 days  
9 of January 19, 2022.

10 The Court also denies the motion on other grounds. NRS 7.055 addresses certain duties of an  
11 attorney. It does not permit this Court to grant the sort of relief the parties seek by way of this motion.  
12 Accordingly, Defendants' motion to compel on that basis is DENIED.

13 Finally, this Court cannot order the attorneys to retroactively create notes regarding meetings  
14 that were held in person, nor turn over their notes that could constitute work product. Accordingly,  
15 Defendants' motion to compel on that basis is DENIED.

16 Defendants request to compel Mr. Smith to provide a copy of the court stamped copy of  
17 January 26, 2020 "Joint Declaration of Kimball Austin Sachs and Yuxia Zhang" in its entirety to  
18 include all Exhibits is also DENIED. However, as a courtesy to the Defendants, this Court will provide  
19 an electronic courtesy copy of the documents file stamped on January 27, 2020.

20 **8. Defendants' Motion to Compel the Court Order a Written Findings of Fact Conclusions**  
21 **of Law for Each and Every Pretrial Motion Within 21 Days of the Hearing Date Pursuant**  
**to EDCR Rule 1.90(a)(4) [Dkt. 108, Zhang; Dkt. 120, Sachs]**

22 Defendants move this Court to issue a written Findings of Fact, Conclusions of Law for "each  
23 and every pretrial motion" pursuant to EDCR 1.90(a)(4). Defendants misapprehend EDCR 1.90(a)(4).  
24 That rule provides for certain time limits for matters submission. *See Id.* It does not provide or require  
25 a judge to enter findings of fact and conclusion of law for each motion, as Defendants' motion



1 demands. Instead, it requires that the judge or the prevailing party to submit a written order reflecting  
2 the Judge's decision "not later than 14 days from the date of the decision." *Id.*

3 Further, on September 8, 2021, motions<sup>9</sup> listed in the Defendants' instant motion came before  
4 the Court. After hearing argument, all parties agreed that there was outstanding briefing that needed  
5 to be completed. Upon the Court's inquiry, the parties agreed to continue the motion for argument  
6 and decision to January 19, 2022.<sup>10</sup> This Court cannot issue a decision, or findings of fact and  
7 conclusions of law, on motions not yet heard. Accordingly, Defendants' Motion to Compel is  
8 DENIED.

9 **9. Defendants' Motion to Compel the Court to Order the District Attorney to Provide a Bill**  
10 **of Particulars Pursuant to the Federal Rules of Criminal Procedure Rule 7(f) and 5<sup>th</sup> and**  
11 **6<sup>th</sup> Amendments to the Constitution of the United States [Dkt. 109, Zhang; Dkt. 121,**  
**Sachs]**

12 Defendants move this Court to provide a Bill of Particulars to the Federal Rules of Criminal  
13 Procedure Rule 7(f) and 5<sup>th</sup> and 6<sup>th</sup> Amendments to the Constitution of the United States. As  
14 reiterated above, the instant matter is currently being litigated in the Eighth Judicial District Court  
15 and therefore, this Court is bound by the laws and rules of procedure for the State of Nevada, not the  
16 Federal Rules of Criminal Procedure. Accordingly, Defendants' Motion to Compel Based on Federal  
17 Rule of Criminal Procedure 7(f) is DENIED.

18 Additionally, this Court denies the motion because the indictment filed by the State of Nevada  
19 complies with NRS 173.075. That statute provides:

- 20 1. The indictment or the information must be a plain, concise and definite written statement  
21 of the essential facts constituting the offense charged. It need not contain a formal  
22 commencement, a formal conclusion or any other matter not necessary to the statement.
2. Allegations made in one count may be incorporated by reference in another count. It may  
be alleged in a single count that means by which the defendant committed the offense are

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23 <sup>9</sup> Those motions include: (1) an Emergency Motion to Continue Trial and Motion For State Appointed Assistance of  
24 Counsel; (2) a Motion to Dismiss For Failure to State A Claim Upon Which Relief Can Be Granted; (3) Motion to Dismiss  
25 For Lack of Subject Matter Jurisdiction; (4) Motion to Impeach State's Witness and State's Expert Witness; (5) Motion  
To Compel The Court To Take Mandatory Judicial Notice Of Adjudicative Facts and Law; and (6) Motion To Compel  
The Court To Order The Grand Jury To Reconvene And Redeliberate Pursuant to NRS 172.271(5).

<sup>10</sup> See September 8, 2021 Minute Order.

1 unknown or the defendant committed it by one or more specified means.

2 It is well established that Nevada is a notice pleading jurisdiction and not a common law  
3 pleading jurisdiction, where factually detailed pleadings are required. *Garnick v. First Judicial District*  
4 *Court*, 81 Nev. 531, 535, 407 P.2d 163 (1965). Further, the primary inquiry is not whether the charging  
5 document could have been more artfully drafted, but whether the defendant was given adequate  
6 notice of the crime charged. *Sherriff v. Levinson*, 95 Nev. 436, 437, 596 P.2d 232, 234 (1979). Here, the  
7 State of Nevada met its notice pleading standard by filing an Indictment on September 25, 2019. The  
8 indictment is clear and explains the three<sup>11</sup> charges lodged against both Defendants. The State  
9 identified the theory of abuse it is proceeding under, the conduct charged and dates of that conduct,  
10 and the theories of liability for the Defendants. The Defendants have been given adequate notice of  
11 the charges against them. They have also been provided with transcribed statements, documents,  
12 medical records, and the like to give them the ability to prepare a defense for trial. Therefore,  
13 Defendants' Motion is DENIED.

14 **10. Defendant Sachs Motion to Compel the Court to Order the Chief Deputy District**  
15 **Attorney to Respond in Writing with a Counter-Affidavit Point by Point Response to**  
16 **the Previously Filed Affidavit of Status and Affidavit of Fact Pursuant to NRS 174.135(3)**  
**[Dkt. 125, Zhang; Dkt. 135, Sachs]**

17 Defendant Sachs moves this Court to order the Chief Deputy District Attorney to respond to  
18 previously filed affidavits and “status” and “fact.” The previously filed affidavits were improperly filed  
19 and there is no legal basis to recognize the filings.<sup>12</sup> In fact, the Court has stricken many of the

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20  
21 <sup>11</sup> The three counts are: (1) Child Abuse, Neglect or Endangerment in violation of NRS 200.508.1; (2) Child Abuse,  
Neglect or Endangerment Resulting in Substantial Bodily Harm in violation of NRS 200.508.1; and (3) Child Abuse,  
Neglect, or Endangerment NRS 200.508.1 *See* Indictment.

22 <sup>12</sup> This Court further STRIKES the previously filed affidavits as they were improperly filed and there is no legal basis to  
23 recognize the filings: Bill of Particulars [Dkt. 31, Zhang; Dkt. 39, Sachs]; Notice of Default [Dkt. 41, Sachs]; Notice of  
24 Default [Dkt. 33, Zhang]; Affidavit [Dkt. 42, Sachs]; Notice of Default – Second request for Bill of Particulars [Dkt. 35,  
25 Zhang; Dkt. 44, Sachs]; Affidavit [Dkt. 39, Zhang]; Notice of Default for “Affidavit For Disqualifying Judge Jasmin Lilly-  
Spells Per NRS 1.230 and NRS 1.235” [Dkt. 54, Zhang; Dkt. 67, Sachs]; Notice of Default for “Affidavit of Demand For  
Trial By Jury For Judge Lilly-Spells Unlawful Order Of Contempt Repugnant To The Constitution of the US” [Dkt. 68,  
Sachs]; Affidavit of Fact [Dkt. 55, Zhang; Dkt. 69, Sachs]; Affidavit of Fact [Dkt. 110, Zhang; Dkt. 122, Sachs]; Affidavit  
of Fact [Dkt. 148, Zhang; Dkt. 159, Sachs]; Notice of Default And Opportunity to Cure BCPD . . . [Dkt. 162, Zhang; Dkt.  
171 Sachs]; Exhibit B – Affidavit of Status [Dkt. 160, Zhang; Dkt. 172, Sachs]; Exhibit C – Affidavit of Fact [Dkt. 161,

1 affidavits<sup>13</sup>. Accordingly, Defendant's motion to compel, which cites no applicable points and  
2 authorities is DENIED.

### 3 CONCLUSION

4 For the reasons set forth herein, the following:

5 (1) Defendants Motion to Dismiss for Failure to State a Claim Upon Which Relief Can Be  
6 Granted;

7 (2) Defendants' Motion to Dismiss for Lack of Subject Matter Jurisdiction;

8 (3) Defendants Motion to Compel the Court to Take Mandatory "Judicial Notice of  
9 Adjudicative Facts and Law";

10 (4) Defendants' Motion to Impeach State's Witnesses and State's Expert Witnesses;

11 (5) Defendants' Emergency Motion to Reconsider Court's Verbal Order to Appear in Person  
12 on January 19, 2022 Pursuant to NRS 178.388(4);

13 (6) Defendants' Emergency for Order for Court to Follow EDCR Rule 1.90(a)(4) and EDCR  
14 Rule 3.20(b) for all Pre-Trial Motions with Attached Objection;

15 (7) Defendants' Motion to Compel the Court Order Missing Discovery from Former Counsel  
16 and the Chief Deputy District Attorney Pursuant to NRS 174.295 and NRS 7.055;

17 (8) Defendants' Motion to Compel the Court Order a Written Findings of Fact Conclusions  
18 of Law for Each and Every Pretrial Motion Within 21 Days of the Hearing Date Pursuant to EDCR  
19 Rule 1.90(a)(4);

20  
21 

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Zhang; Dkt. 173, Sachs]; Notice of Default and Opportunity to Cure for Deputy DA . . . [Dkt. 162, Zhang; Dkt. 174, Sachs];  
22 Exhibit B- Affidavit of Status [Dkt. 163, Zhang; Dkt. 175, Sachs]; Exhibit C- Affidavit of Fact [Dkt. 164 Zhang; Dkt. 176,  
Sachs];

23 <sup>13</sup> This Court has previously stricken the following: Affidavit of Fact [Dkt. 151, Zhang; Dkt. 162, Sachs]; Joint Declaration  
24 of Kimball Austin Sachs and Yuxia Zhang [Dkt. 150, Zhang; Dkt. 161, Sachs]; Affidavit of Status Regarding my Property  
Y.L [Dkt. 147, Zhang; Dkt. 158, Sachs]; Affidavit of Facts [Dkt. 79, Zhang; Dkt. 92, Sachs]; Affidavit of Fact (Double  
25 Filed) [Dkt. 86, Zhang; Dkt. 99, Sachs]; Affidavit of Kimball Austin Sachs [Dkt. 104, Sachs]; Affidavit of Fact [Dkt. 105,  
Zhang; Dkt. 118, Sachs]; Affidavit of Fact [Dkt. 126, Zhang; Dkt. 136, Sachs]; Affidavit of Fact [Dkt. 127, Zhang; Dkt. 137,  
Sachs]; Affidavit of Status [Dkt. 136, Zhang; Dkt. 147, Sachs]; Exhibit F- Affidavit of Fact [Dkt. 145, Zhang; Dkt. 156,  
Sachs]; Notice and Opportunity for Chief DA Jobe to Respond Point by Point in Writing to my Affidavit . . . [Dkt. 146,  
Zhang; Dkt. 157, Sachs]

1 (9) Defendants' Motion to Compel the Court to Order the District Attorney to Provide a Bill  
2 of Particulars Pursuant to the Federal Rules of Criminal Procedure Rule 7(f) and 5<sup>th</sup> and 6<sup>th</sup>  
3 Amendments to the Constitution of the United States; and

4 (10) Defendant Sachs Motion to Compel the Court to Order the Chief Deputy District  
5 Attorney to Respond in Writing with a Counter-Affidavit Point by Point Response to the Previously  
6 Filed Affidavit of Status and Affidavit of Fact Pursuant to NRS 174.135(3),

7  
8 are DENIED as set forth in this written decision.

9  
10 Dated this 7th day of February, 2022

11  
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13 **2CA 0E8 B35C 4ECC**  
14 **David Barker**  
15 **District Court Judge**  
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1 **CSERV**

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3 DISTRICT COURT  
CLARK COUNTY, NEVADA  
4

5  
6 State of Nevada

CASE NO: C-19-343540-1

7 vs

DEPT. NO. Department 9

8 Yuxia Zhang  
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District  
12 Court. The foregoing Findings of Fact, Conclusions of Law and Judgment was served via the  
13 court's electronic eFile system to all recipients registered for e-Service on the above entitled  
case as listed below:

14 Service Date: 2/7/2022

15 starshine gmail.com

starshineflyer@gmail.com

16 cicy gmail.com

cicyzhangyu@gmail.com

17 kaustin gmail.com

kaustinsachs@gmail.com

18 michelle deputy da

michelle.job@clarkcountyda.com

19 DEPT LAW CLERK

DEPT09LC@CLARKCOUNTYCOURTS.US  
20  
21  
22  
23  
24  
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27  
28

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**September 25, 2019**

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C-19-343540-1      State of Nevada  
                                 vs  
                                 Yuxia Zhang

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**September 25, 2019      11:00 AM      Grand Jury Indictment**

**HEARD BY:** Bell, Linda Marie      **COURTROOM:** RJC Courtroom 11A

**COURT CLERK:** Kimberly Estala

**RECORDER:** Renee Vincent

**REPORTER:**

**PARTIES**

**PRESENT:**      Jobe, Michelle Y.      Attorney  
                                 State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Brian Contreras, Grand Jury Foreperson, stated to the Court that at least twelve members had concurred in the return of the true bill during deliberation, but had been excused for presentation to the Court. State presented Grand Jury Case Number 19AGJ104A to the Court. COURT ORDERED, the Indictment may be filed and is assigned Case Number C-19-343540-1, Department XV.

State requested a summons, advised Deft is not in custody, and that bail is currently at \$10,000.00. COURT ORDERED, INDICTMENT SUMMONS ISSUED. BAIL in the amount of \$10,000.00 TRANSFERRED with the ADDED CONDITION of no contact with named victims. COURT FURTHER ORDERED, Defendant to surrender her passport, State to obtain passport from Boulder City Justice Court and delivered to District Court. Matter SET for Arraignment.

Upon Court's inquiry, the State advised there are no material witness warrants to quash. COURT FURTHER ORDERED, Exhibits 1-9 to be lodged with the Clerk of the Court.

**BOND (SUMMONS)**



**C-19-343540-1**

10/10/19 8:30 A.M. INITIAL ARRAIGNMENT (DEPT XV)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**October 10, 2019**

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C-19-343540-1      State of Nevada  
                                 vs  
                                 Yuxia Zhang

---

**October 10, 2019      8:30 AM      Initial Arraignment**

**HEARD BY:** Hardy, Joe      **COURTROOM:** RJC Courtroom 11D

**COURT CLERK:** Kristin Duncan

**RECORDER:** Matt Yarbrough

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Jobe, Michelle Y.	Attorney
	Posin, Mitchell L	Attorney
	State of Nevada	Plaintiff
	Zhang, Yuxia	Defendant

**JOURNAL ENTRIES**

- Mr. Posin advised that he was SUBSTITUTING in as counsel of record for the Defendant. At Mr. Posin's request, COURT ORDERED, counsel has 21 days from the filing of the Grand Jury transcript or today's date, whichever is later, to file a Writ. DEFT. ZHANG ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. COURT ORDERED, matter set for trial.

BOND

3/19/20 8:30 AM STATUS CHECK: TRIAL READINESS

4/16/20 8:30 AM CALENDAR CALL

**C-19-343540-1**

4/20/20 10:30 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**December 05, 2019**

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C-19-343540-1      State of Nevada  
                                 vs  
                                 Yuxia Zhang

---

**December 05, 2019      8:30 AM      Petition for Writ of Habeas  
Corpus**

**HEARD BY:** Hardy, Joe      **COURTROOM:** RJC Courtroom 11D

**COURT CLERK:** Kristin Duncan

**RECORDER:** Matt Yarbrough

**REPORTER:**

**PARTIES**

**PRESENT:**      Raman, Jay      Attorney  
                                 State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- The Court noted that it received an e-mail from the State on December 5, 2019, indicating that the parties agreed to allow more time. COURT ORDERED the Petition was hereby OFF CALENDAR, and a status check regarding the parties' stipulation, was SET.

**BOND**

1/9/20 8:30 AM STATUS CHECK: STIPULATION

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**December 17, 2019**

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C-19-343540-1      State of Nevada  
                                 vs  
                                 Yuxia Zhang

---

**December 17, 2019      8:30 AM      Motion**

**HEARD BY:** Hardy, Joe      **COURTROOM:** RJC Courtroom 11D

**COURT CLERK:** Kristin Duncan

**RECORDER:** Matt Yarbrough

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Jobe, Michelle Y.	Attorney
	Posin, Mitchell L	Attorney
	State of Nevada	Plaintiff
	Zhang, Yuxia	Defendant

**JOURNAL ENTRIES**

- Mr. Posin advised that the parties stipulated to a date by which the State would respond. COURT ORDERED State's Motion for Extension of Time, was hereby GRANTED pursuant to the stipulation between the parties. COURT FURTHER ORDERED, the State's Opposition to the Petition for Writ of Habeas Corpus, would be DUE BY January 6, 2020, the Defendant's Response would be DUE BY January 21, 2020, and a hearing date was hereby SET.

Pursuant to the briefing schedule and the hearing date for the Petition, COURT ORDERED the status check regarding stipulation, currently set to be heard on January 9, 2020, was hereby VACATED. The State advised that it would be out of the jurisdiction for the trial date, which was currently set for April 20, 2020, noting that the issue could be addressed at the next hearing date.

**BOND**

**PRINT DATE:** 02/14/2022

**Page 6 of 55**

**Minutes Date:** September 25, 2019

1/28/20 8:30 AM PETITION FOR WRIT OF HABEAS CORPUS

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 30, 2020**

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C-19-343540-1      State of Nevada  
                                 vs  
                                 Yuxia Zhang

---

**January 30, 2020      9:30 AM      Petition for Writ of Habeas  
Corpus**

**HEARD BY:** Hardy, Joe      **COURTROOM:** RJC Courtroom 11D

**COURT CLERK:** Kristin Duncan

**RECORDER:** Matt Yarbrough

**REPORTER:**

**PARTIES**

**PRESENT:**      Jobe, Michelle Y.      Attorney  
                         Posin, Mitchell L      Attorney  
                         State of Nevada      Plaintiff

**JOURNAL ENTRIES**

- Also present: James Edward Smith, Esq. on behalf of the co-Defendant Kimball Sachs.

Mr. Posin advised that the Defendant and the co-Defendant were present at the prior hearing, but were unable to appear for the instant hearing, due to recently having moved to Texas. Additionally, Mr. Posin noted that, after discussing the matter with the State and Mr. Smith, all parties agreed to continue the Petitions to March 5, 2020, to allow the Defendants to appear telephonically. The State noted that it was amenable to continuing the instant hearing, advising that the parties also needed to discuss new trial dates, as the State would be out of the jurisdiction for the currently set trial date of April 20, 2020. COURT ORDERED the Petition for Writ of Habeas Corpus, was hereby CONTINUED; DEFT shall be PERMITTED to appear telephonically at the continued hearing date. COURT FURTHER ORDERED that the trial date continuance would be discussed at the continued hearing.

**C-19-343540-1**

BOND

CONTINUED TO: 3/5/20 8:30 AM



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**March 05, 2020**

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C-19-343540-1      State of Nevada  
                                 vs  
                                 Yuxia Zhang

---

**March 05, 2020      8:30 AM      Petition for Writ of Habeas  
Corpus**

**HEARD BY:** Hardy, Joe      **COURTROOM:** RJC Courtroom 11D

**COURT CLERK:** Kristin Duncan

**RECORDER:** Matt Yarbrough

**REPORTER:**

**PARTIES**

**PRESENT:**      Posin, Mitchell L      Attorney  
                                 State of Nevada      Plaintiff  
                                 Villegas, Victoria A.      Attorney

**JOURNAL ENTRIES**

- Having been unable to properly review the pleadings, COURT ORDERED the Petition for Writ of Habeas Corpus, was hereby CONTINUED.

BOND

CONTINUED TO: 3/19/20 8:30 AM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**June 09, 2020**

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C-19-343540-1      State of Nevada  
                                 vs  
                                 Yuxia Zhang

---

**June 09, 2020      3:30 PM      Petition for Writ of Habeas  
Corpus**

**HEARD BY:** Hardy, Joe      **COURTROOM:** RJC Courtroom 11D

**COURT CLERK:** Kristin Duncan

**RECORDER:** Matt Yarbrough

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Jobe, Michelle Y.	Attorney
	Posin, Mitchell L	Attorney
	State of Nevada	Plaintiff
	Zhang, Yuxia	Defendant

**JOURNAL ENTRIES**

- Mitchell Posin, Esq. present via Blue Jeans; James Smith, Esq. present via Blue Jeans on behalf of co-Defendant Kimball Sachs; and Defendant Yuxia Zhang and co-Defendant Kimball Sachs present via Blue Jeans.

The Court noted that it had reviewed the Petition, the State's Return, the Reply, and the Joint Declaration submitted by the Defendants. Mr. Posin argued in support of the Petition, stating that the State improperly presented evidence by way of a statement from the prosecutor, which caused hearsay issues. Mr. Smith joined Mr. Posin's arguments, stating that neither Defendant was properly served with Marcum Notice, which violated their due process rights. The State argued in opposition, stating that it presented exculpatory evidence to the Grand Jury through witness' testimony, in the exact way that it was presented to the State, as was required under the law. Additionally the State argued that Defendants' arguments related to Marcum Notice must fail under the law, as the State

fulfilled its obligations regarding service of the Marcum Notice. COURT ORDERED Defendant Zhang's Petition for Writ of Habeas Corpus, as well as Defendant Sachs' Joinder to Defendant Zhang's Petition for Writ of Habeas Corpus, were hereby DENIED for all of the reasons set forth in the State's Return, FINDING the following: (1) based upon the standard of slight / marginal evidence, there was probable cause to support the criminal charges; (2) the State presented exculpatory evidence to the Grand Jury; the Defendants' arguments related to that point seemed to be that the State did not present the exculpatory evidence in a matter that the Defendants liked; (3) in light of all the evidence, including the properly presented exculpatory evidence, the Grand Jury chose to indict; and (4) there was no issue with service of the Marcum Notice, which was raised in the Joint Declaration. The State shall prepare the written Order, incorporating the State's arguments as conclusions of law, and submit it to the Court.

Mr. Smith requested the return of the Defendants' passports, stating that they had business to attend to in China. The Court directed counsel to file a written Motion regarding the passport request.

COURT ORDERED a status check regarding trial readiness, was hereby SET closer to the scheduled trial date.

BOND

8/4/20 8:30 AM STATUS CHECK: TRIAL READINESS

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****July 21, 2020**

C-19-343540-1      State of Nevada  
vs  
Yuxia Zhang

**July 21, 2020****3:30 PM****Motion to Withdraw as  
Counsel****HEARD BY:** Hardy, Joe**COURTROOM:** RJC Courtroom 11D**COURT CLERK:** Kristin Duncan**RECORDER:** Matt Yarbrough**REPORTER:****PARTIES**

<b>PRESENT:</b>	Jobe, Michelle Y.	Attorney
	Posin, Mitchell L	Attorney
	State of Nevada	Plaintiff
	Zhang, Yuxia	Defendant

**JOURNAL ENTRIES**

- Michelle Jobe, DDA, Mitchell Posin, Esq., James Smith, Esq. (on behalf of co-Defendant Sachs), and Defendant present via Blue Jeans. Mandarin Interpreter Yao Min Lei, present via Blue Jeans.

Mr. Posin advised that both he, and the co-Defendant's counsel (James Smith, Esq.), received an e-mail from the Defendants, indicating that they no longer wished to be represented by counsel, and would like to represent themselves going forward. Additionally, Mr. Posin represented that he provided his file to the Defendants via e-mail and thumb drive, and Mr. Smith had mailed his file to the Defendants. The State took no position on the Motion to Withdraw; however, regarding the Faretta Canvass, the State expressed concern that Defendant Sachs would attempt to represent himself, as well as Defendant Zhang. The State further noted that Defendant Zhang was entitled to her own counsel, and her own self-representation, and would have to pass the Faretta Canvass with

the assistance of the Mandarin interpreter. Given the various issues raised, the Court advised that it would require the Faretta Canvass to be done in person, or by video (the Defendants did not have Blue Jeans' video option activated for the instant hearing). Defendant Sachs stated that he would be willing to turn on the video, but that traveling to Las Vegas from Houston, would be a financial hardship. The State argued that the Defendants chose to leave the jurisdiction, and absent the pandemic, must make all court appearances in person; therefore, citing financial hardship as a reason not to appear in court, would subject the Defendants to the issuance of a bench warrant. Upon Court's inquiry, Defendant Zhang and Defendant Sachs stated that they wished to represent themselves. Colloquy regarding scheduling. COURT ORDERED the instant Motion was hereby CONTINUED, and a Faretta Canvass hearing, was hereby SET; the DEFENDANTS shall be REQUIRED to appear IN PERSON for the Faretta Canvass hearing, in order for the Court to ensure that both Defendants could represent themselves as individuals.

COURT FURTHER ORDERED that, all pending trial dates were hereby VACATED, due to the delays caused by the pandemic, as well as the delays caused by the need for the Faretta Canvass.

BOND

9/17/20 8:30 AM DEFENDANT'S MOTION TO WITHDRAW AS COUNSEL...FARETTA CANVASS

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**September 17, 2020**

---

C-19-343540-1      State of Nevada  
                                 vs  
                                 Yuxia Zhang

---

**September 17, 2020      3:30 PM      All Pending Motions**

**HEARD BY:** Hardy, Joe      **COURTROOM:** RJC Courtroom 11D

**COURT CLERK:** Kristin Duncan

**RECORDER:** Matt Yarbrough

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Jobe, Michelle Y.	Attorney
	Posin, Mitchell L	Attorney
	State of Nevada	Plaintiff
	Zhang, Yuxia	Defendant

**JOURNAL ENTRIES**

- FARETTA CANVASS...DEFENDANT'S MOTION TO WITHDRAW AS COUNSEL

Mitchell Posin, Esq. present via Blue Jeans. Mandarin Interpreter Yao-Min Lei present to assist the Defendant.

Co-Defendant Kimball Sachs excused from the courtroom for Defendant Zhang's hearing, as Defendant Sachs was unable to behave appropriately (see the minutes for C343540-2, from September 17, 2020). FARETTA CANVASS CONDUCTED. Upon concluding the Faretta Canvass, and without the Court making a determination as to whether the Defendant could represent herself, the Defendant determined that she wished to hire new private counsel. The State indicated it was amenable to allowing the Defendant to retain new private counsel, and requested that a status check

regarding confirmation of counsel, be set. Upon Court's inquiry regarding any objection to Mr. Posin withdrawing as counsel of record, the Defendant stated that there was no objection, but the State requested that Mr. Posin remain on the case until such time as the Defendant retained new private counsel. Mr. Posin represented that his ability to communicate with the Defendant had broken down, and requested to withdraw from the case. Additionally, Mr. Posin stated that a substitution of attorney could be filed when the new attorney took over, which would not require any effort on the Defendant's part. The Defendant requested that Mr. Posin remain her attorney, until she retained a new attorney. The State requested that everything remain status quo pending the status check regarding confirmation of counsel. Given the totality of the circumstances, COURT ORDERED a status check was hereby SET for confirmation of counsel / retention of new counsel. COURT FURTHER ORDERED that Mr. Posin would remain the Defendant's attorney of record, pending her retention of new counsel, in order to transfer discovery to the new attorney.

The Court provided the Defendant with the application for the Public Defender's Office, in case she wished to have that as an option. COURT ORDERED that the instant Defendant could appear at the status check via video. COURT FURTHER ORDERED the Defendant's Motion to Withdraw as Counsel, was hereby CONTINUED to the same date as the status check.

BOND

10/1/20 3:30 PM FARETTA CANVASS...DEFENDANT'S MOTION TO WITHDRAW AS COUNSEL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**October 01, 2020**

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C-19-343540-1      State of Nevada  
                                 vs  
                                 Yuxia Zhang

---

**October 01, 2020      3:30 PM      All Pending Motions**

**HEARD BY:** Hardy, Joe      **COURTROOM:** RJC Courtroom 11D

**COURT CLERK:** Kristin Duncan

**RECORDER:** Matt Yarbrough

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Jobe, Michelle Y.	Attorney
	Posin, Mitchell L	Attorney
	State of Nevada	Plaintiff
	Zhang, Yuxia	Defendant

**JOURNAL ENTRIES**

- DEFENDANT'S MOTION TO WITHDRAW AS COUNSEL...STATUS CHECK: CONFIRMATION OF COUNSEL / RETENTION OF COUNSEL

Mitchell Posin, Esq. and Defendant present via Blue Jeans. Co-Defendant Kimball Sachs present via Blue Jeans. Mandarin Interpreter Yao-Min Lei present (in the courtroom) to assist the Defendant.

The Court noted that, after going through 99% of the Faretta Canvass on September 17, 2020, Defendant Zhang determined that she did not wish to represent herself, and would like to hire a new attorney. Mr. Posin advised that Defendant Zhang contacted him after the September 17, 2020, hearing, stating that she did wish to represent herself. Due to Defendant Zhang's representations, Mr. Posin requested that the Court finish the Faretta Canvass, and allow him to withdraw from the case.

PRINT DATE: 02/14/2022

Page 17 of 55

Minutes Date: September 25, 2019



The State represented that, due to some of Defendant Zhang's answers during the Faretta Canvass, it believed that some of the Canvass would have to be gone over again. Additionally, the State noted its concerns with co-Defendant Sachs being in the same room while the Faretta Canvass was being conducted, and requested that the Court canvass Defendant Zhang again regarding the fact that she must represent herself. Furthermore, the State requested that the Court canvass Defendant Zhang regarding her ability to speak English, as the State continued to receive notes and memorandums from Defendant Zhang in English; the concern was related to whether co-Defendant Sachs was attempting to represent Defendant Zhang, not the efficacy of the Mandarin Interpreter. Mr. Posin opposed the State's canvass requests, arguing that Defendant Zhang had already been adequately canvassed on those issues.

The Court noted that it spent a good deal of time going through the Faretta Canvass with Defendant Zhang on September 17, 2020, and the Defendant determine that she wished to hire a new attorney, and did not want to represent herself. The Court inquired as to what had changed in the interim, to now make the Defendant want to represent herself again. After failing to answer the Court's question two times, the Court presented its question to Defendant Zhang again. Defendant Zhang stated that during the September 17, 2020, Faretta Canvass, she wished to represent herself up until the last five or six questions, at which time she felt that the Court was putting pressure on her to hire a new attorney; after considering the matter for the last two weeks, she now wished to represent herself again. The COURT FOUND and ORDERED the following: (1) given some of the answers provided by Defendant Zhang during the September 17, 2020, Faretta Canvass, the Court would have to conduct the Canvass again from the beginning; (2) the Court was required, by law, to ask the questions set forth in the Faretta Canvass, and was not responsible for how Defendant Zhang felt about those questions; (3) Defendant's Motion to Withdraw as Counsel, as well as the Status Check: Confirmation of Counsel / Retention of Counsel, were hereby CONTINUED, to allow for another Faretta Canvass to be conducted; and (4) Defendant Zhang would be required to appear at the continuance date IN PERSON, to allow for the Faretta Canvass to be conducted.

Colloquy regarding scheduling. Defendant Zhang expressed confusion as to why the Faretta Canvass could not proceed while she was appearing on Blue Jeans, noting that she felt the case was dragging on. The Court stated that the record would speak for itself, noting that the case had dragged on due to Defendant Zhang's actions and co-Defendant Sachs' actions, as well as the COVID-19 shutdown. Defendant Zhang requested that the hearings be continued out only one week.

BOND

10/8/2020 3:30 PM DEFENDANT'S MOTION TO WITHDRAW AS COUNSEL...STATUS CHECK:  
CONFIRMATION OF COUNSEL / RETENTION OF COUNSEL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**October 08, 2020**

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C-19-343540-1      State of Nevada  
                                 vs  
                                 Yuxia Zhang

---

**October 08, 2020      3:30 PM      All Pending Motions**

**HEARD BY:** Hardy, Joe      **COURTROOM:** RJC Courtroom 11D

**COURT CLERK:** Kristin Duncan

**RECORDER:** Matt Yarbrough

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Jobe, Michelle Y.	Attorney
	Posin, Mitchell L	Attorney
	State of Nevada	Plaintiff
	Zhang, Yuxia	Defendant

**JOURNAL ENTRIES**

- STATUS CHECK: CONFIRMATION OF COUNSEL / RETENTION OF COUNSEL...DEFENDANT'S MOTION TO WITHDRAW AS COUNSEL

Mitchell Posin, Esq. present via Blue Jeans. Mandarin Interpreter Yao-Min Lei present (in the courtroom) to assist the Defendant.

Upon Court's inquiry, the Defendant stated that she wished to represent herself. The Court asked co-Defendant Kimball Sachs to exit the courtroom while the Faretta Canvass was conducted. co-Defendant Sachs requested the Court cite a law that required him to exit the courtroom, arguing that he should be permitted to sit in the back of the courtroom during the hearing. The State argued that it felt co-Defendant Sachs had an undue influence over Defendant Zhang, and if co-Defendant Sachs

were permitted to remain in the courtroom, Defendant Zhang might be unwilling to speak freely. Additionally, the State argued that, during the investigation, Defendant Zhang offered different answers to hospital staff and law enforcement officers, when she was not in the presence of co-Defendant Sachs. COURT ORDERED co-Defendant Sachs to exit the courtroom during the Faretta Canvass proceedings, FINDING that the State had provided good cause for co-Defendant Sachs to not be present during said proceedings. Co-Defendant Sachs objected to the Court's Order. Co-Defendant Sachs exited the courtroom.

Faretta Canvass CONDUCTED. At the request of the State, the Court canvassed Defendant Zhang regarding whether she understood that co-Defendant Sachs would not be permitted to represent her in the case, nor would he be permitted to represent her interests in the case. Defendant Zhang acknowledged that she understood that Co-Defendant Sachs would not be permitted to represent her, or her interests. COURT ORDERED that Defendant Zhang would be permitted to proceed PRO SE, FINDING the following: (1) Defendant Zhang had knowingly, intelligently, competently, and voluntarily, waived her right to counsel, and wished to represent herself; (2) Defendant Zhang had a full appreciation and understanding of the waiver and its consequences; and (3) the Court accepted the Defendant Zhang's waiver of her right to counsel.

Pursuant to the Court's Faretta Canvass findings, COURT ORDERED Defendant's Motion to Withdraw as Counsel, was hereby GRANTED; Mitchell Posin, Esq. WITHDRAWN as counsel of record for Defendant Zhang. Upon Court's inquiry, Mr. Posin stated that he believed he already provided Defendant Zhang with the entirety of her file. co-Defendant Sachs entered the courtroom.

Upon the State's inquiry regarding whether Defendant Zhang could read and write English, Defendant Zhang stated that she would need a Mandarin Interpreter to translate documents, or interpret in court. The State advised that, henceforth, all filings from Defendant Zhang, would need to be submitted in Mandarin. Additionally, the State noted that, prior to the instant hearing, the State received filings in English, which had Defendant Zhang's name signed to them. Defendant Zhang stated that she understood that all future filings would need to be submitted in Mandarin. COURT ORDERED that, if Defendant could not read or write English, all documents would have to be translated. The State requested that, if Defendant Zhang had any issues understanding a document / discovery item, that she make it known, so that a solution could be found. Defendant Zhang acknowledged that she understood the State's request. Arguments by co-Defendant Sachs regarding Brady material (see the 10/8/2020 Status Check: Set Trial Date minute order in case number C343540-2). During co-Defendant Sachs' arguments, the State inquired as to whether Defendant Zhang would consent to accept electronic service. Defendant Zhang consented to accepting electronic service, and the Court requested that Defendant Zhang provide her e-mail address, so that the e-filing link could be sent to her. Defendant Zhang provided the following e-mail address: cicyzhangyu@gmail.com.

COURT ORDERED trial dates were hereby SET. At co-Defendant Sachs' inquiry, COURT ORDERED that Defendant Zhang and co-Defendant Sachs would be permitted to appear at the status check regarding trial readiness via video, but would be REQUIRED to appear at the calendar call hearing,

**C-19-343540-1**

IN PERSON.

BOND

3/30/21 8:30 AM STATUS CHECK: TRIAL READINESS

4/29/21 8:30 AM CALENDAR CALL

5/3/21 10:30 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 01, 2021**

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C-19-343540-1      State of Nevada  
                                 vs  
                                 Yuxia Zhang

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**February 01, 2021      12:30 AM      Motion to Quash**

**HEARD BY:** Lilly-Spells, Jasmin

**COURTROOM:** RJC Courtroom 12D

**COURT CLERK:** Michaela Tapia

**RECORDER:** Maria Garibay

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Jobe, Michelle Y.	Attorney
	State of Nevada	Plaintiff
	Zhang, Yuxia	Defendant

**JOURNAL ENTRIES**

- Mandarin Interpreter, Lijun Cao, also present. Co-Deft. Sachs also present, Pro Se.

Argument by Mr. Sachs. Argument by the State to dismiss the motion. Further argument by Mr. Sachs. Court advised it would review the joint declaration and issue a written decision. Further argument by Mr. Sachs. Further argument by the State. Court stated it was prepared to rule on the basis of the motions and the reply but Mr. Sachs requested the Court review additional documents, noting that Mr. Sachs must in the future indicate and attach in his motions which documents and exhibits he wishes the Court to review. Court to review the exhibits and Faretta Canvas. Court noted its concerns regarding Mr. Sachs acting as if he is representing Deft. Zhang, as that is not allowed, and indicated it would review whether Deft. Zhang needs stand-by counsel. Written decision to issue via minute order.

2/11/21 3:00 AM (CHAMBERS) DECISION

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**February 18, 2021**

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C-19-343540-1      State of Nevada  
                                 vs  
                                 Yuxia Zhang

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**February 18, 2021      3:00 AM      Motion to Quash**

**HEARD BY:** Lilly-Spells, Jasmin      **COURTROOM:** Chambers

**COURT CLERK:** Alan Castle

**RECORDER:**

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- This matter having come before the court's criminal calendar on February 1, 2021 on Defendant's to Quash Indictment and Motion to Dismiss. At the time of the hearing, defendants Zhang and Sachs both requested that the Court review Defendant's Joint Declaration and Defendant's Exhibits to Joint Declaration in Response to Plaintiff's Return to Writ of Habeas Corpus 1-6, filed between January 27, 2020 and January 29, 2020; notably not attached to or referenced within Defendant's Motion to Quash Indictment/Motion to Dismiss. Given that the exhibits were voluminous, the court deferred decision on the defendants' request to review the additional documents.

The Court considered the written pleadings; oral argument and Defendant's Joint Declaration, inclusive of Exhibits Part 1, filed January 27, 2020, Exhibits Part 2 filed January 27, 2020, Exhibits Parts 3&4 filed January 27, 2020, Exhibits Continuation of Part 3, filed January 27, 2020, Exhibits Part 4 filed January 27, 2020, Exhibits Part 5 filed January 29, 2020 and Exhibits Part 6 filed January 29, 2020, Exhibits to the Joint Declaration in Response to Plaintiff's Return to Writ of Habeas Corpus Filed For Zhang and Jointed By Sachs in making the instant ruling. The Court hereby rules that the Motion to Quash Indictment and Motion to Dismiss is hereby DENIED.

The Court Finds that the Indictment on file comports with NRS 173.075. Nevada is a notice pleading jurisdiction. The Court further finds that the arguments presented in Motion, Joint Declaration and Exhibits thereto have already been presented and argued before this court in the pretrial writ of habeas corpus. Therefore, the Motion is untimely and does not comply with NRS 34.700 and NRS 34.710. The Court further finds that it does not have authority to decide the issues of fact presented in the Motion to Quash Indictment/Motion to Dismiss, Joint Declaration and Exhibits because issues of fact are the province of the jury. See *United States v. Collazo*, 984 F.3d 1308, 1321 (9th Cir. 2021).

Therefore, the Motion to Quash Indict and Motion to Dismiss is hereby Denied. The State to prepare an order with Findings of Fact and Conclusions of Law and submit to Court for signature within 14 days pursuant to EDCR 7.21.

CLERK'S NOTE: The above minute order has been electronically distributed.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****March 08, 2021**

C-19-343540-1      State of Nevada  
vs  
Yuxia Zhang

**March 08, 2021      12:30 AM      Hearing**

**HEARD BY:** Lilly-Spells, Jasmin**COURTROOM:** RJC Courtroom 12D**COURT CLERK:** Andrea Natali**RECORDER:** Maria Garibay**REPORTER:****PARTIES**

<b>PRESENT:</b>	Jobe, Michelle Y.	Attorney
	State of Nevada	Plaintiff
	Zhang, Yuxia	Defendant

**JOURNAL ENTRIES**

- APPEARANCES CONTINUED: Defendant Yuxia Zhang present at liberty with the assistance of Mandarin interpreter Waimei Borgel. Deft. Sachs present at liberty.

COURT ADVISED, this matter was placed on calendar to address the inappropriate communication with the Court by Deft. Sachs, via phone and email. COURT SUMMARIZED the various communications and inquiries made by Deft. Sachs. COURT NOTED, it was not at liberty to give any party to a case legal advice or point anyone to case law or the statutes, or to assist any party with work that is to be done by the Clerk s office, it could not file anything on anyone's behalf, and it could not assist individuals with their filings or communicate with the clerks' office. COURT FURTHER NOTED, it could not have ex parte communications with one side of the case, as it was an impartial body, and any communications should be done on the record in open court. COURT REQUESTED the parties did not make demands on the court staff to respond within a timeframe, and any questions regarding service or how to serve parties, is to be directed to the clerks' office, therefore, if there were any further questions a motion should be filed to address the matter in open court;



however, scheduling issues could be done, but should be done via email and the other parties should be courtesy copied (CC) in the email, and all written communications would be left side filed on the case. FURTHER, if there is not compliance with the appropriate ethic rules that attorneys have to abide by, the appropriate court rules, and the prohibition, the court will be forced to look at if it is disruptive and if it would have to appoint counsel. Colloquy regarding who the Defts. can contact regarding certain matters. Statement by Deft. Sachs and Deft. Zhang. Court summarized the reason for its ruling on a prior hearing, noting the items reviewed, and the reason for the delay to the minute order. COURT FURTHER NOTED, communications were inappropriate, the parties are required to comply with all the rules attorneys abide by. FURTHER NOTED, there was not a findings of fact including in the order. Ms. Jobe stated she would resubmit the order. Upon Court's inquiry, Deft. Zhang and Sachs stated they understood the meaning of the Court's words. COURT ORDERED, Deft. Sachs held in CONTEMPT and IS TO PAY a \$50.00 fee which is IMPOSED and DUE by 5/10/21. FURTHER, it would be considering appointing counsel.

BOND (BOTH)

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 26, 2021**

C-19-343540-1      State of Nevada  
vs  
Yuxia Zhang

**April 26, 2021      12:30 AM      Calendar Call**

**HEARD BY:** Lilly-Spells, Jasmin**COURTROOM:** RJC Courtroom 12D**COURT CLERK:** Carina Bracamontez-Munguia**RECORDER:** Maria Garibay**REPORTER:****PARTIES**

<b>PRESENT:</b>	Jobe, Michelle Y.	Attorney
	State of Nevada	Plaintiff
	Zhang, Yuxia	Defendant

**JOURNAL ENTRIES**

- Court noted there was no Mandarin Interpreter present and noted it would proceed with Mr. Sachs first to allow time for the interpreter to arrive. Mr. Sachs indicated he reserved all rights and waived none ever, stated he was not ready for trial as he needs discovery and orally moved to dismiss the case without prejudice to perfect his pre-trial materials. Ms. Jobe informed the Court the State didn't have any more preparation to do to be ready for trial other than subpoena the witnesses; that was not done based on Covid and the current Administrative Orders from the Court. Ms. Jobe further noted once they are set on the Central Trial Readiness calendar the State will be prepared to move forward. Colloquy regarding outstanding discovery issues. COURT ORDERED Mr. Sachs' request to continue trial is GRANTED and his oral request to dismiss is DENIED WITHOUT PREJUDICE as that motion must be submitted in writing and is not properly before the Court at this time. Court suggested Ms. Jobe file the unsigned receipt for the jump-drive with the discovery with an attached e-mail so the record is complete and Advised Mr. Sachs if he has concerns regarding discovery the rules allow counsel to submit motions for the disputes to come before the Court. COURT FURTHER ORDERED trial dates VACATED. Court noted they are still waiting on a Mandarin interpreter to address Ms.

Zhang's case and provide trial dates for both Defendant's. MATTER TRAILED.

MATTER RECALLED. Court noted a Mandarin Interpreter was not available and noted for the record Deft. usually has a Mandarin interpreter. Deft. indicated she did not need an interpreter and indicated she reserved all rights and waived none ever, stated she was not ready for trial as she need discovery and orally moved to dismiss the case without prejudice to prefect her pre-trial materials. Mr. Jobe Advised she had the same representations as to Mr. Sachs and noted she had no objection to continuance request. Colloquy regarding discovery. COURT ORDERED trial dates VACATED and RESET.

BOND

09-13-2021 12:30 PM CALENDAR CALL

09-20-2021 09:30 AM JURY TRIAL

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**May 17, 2021**

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C-19-343540-1      State of Nevada  
                                 vs  
                                 Yuxia Zhang

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**May 17, 2021                      11:00 AM                      Motion to Dismiss**

**HEARD BY:** Lilly-Spells, Jasmin                      **COURTROOM:** RJC Courtroom 12D

**COURT CLERK:**  
                                 Michaela Tapia

**RECORDER:** Maria Garibay

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Jobe, Michelle Y.	Attorney
	State of Nevada	Plaintiff
	Zhang, Yuxia	Defendant

**JOURNAL ENTRIES**

- Mandarin Interpreter, Yaomin Lei, also present.

COURT ORDERED, all pending motions RESCHEDULED. State indicated none of the motions were properly noticed. Court noted the motions have Certificates of Service but were not calendared. Court advised the names of Court staff should not appear on the Certificate of Service. COURT ORDERED, Deft. to re-notice the documents to the State. State's response due by end of business day on 6/1/21; Deft's reply due by end of business day on 6/7/21.

BOND

6/9/21 12:30 PM ALL PENDING MOTIONS

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**June 09, 2021**

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C-19-343540-1      State of Nevada  
                                 vs  
                                 Yuxia Zhang

---

**June 09, 2021      12:30 AM      All Pending Motions**

**HEARD BY:** Lilly-Spells, Jasmin      **COURTROOM:** RJC Courtroom 12D

**COURT CLERK:** Alice Jacobson

**RECORDER:** Maria Garibay

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Jobe, Michelle Y.	Attorney
	State of Nevada	Plaintiff
	Zhang, Yuxia	Defendant

**JOURNAL ENTRIES**

- DEFENDANT'S MOTION TO DISMISS CHARGES WITH PREJUDICE FOR PROSECUTORIAL MISCONDUCT

DEFENDANT'S EMERGENCY RELIEF MOTION TO COMPEL ANISE ROBERSON LAW CLERK TO JUDGE LILLY-SPELLS TO SERVE THE JUDGE WITH TWO AFFIDAVITS THAT WERE ALREADY FILED THROUGH THE COURT'S ODYSSEY EFILE SYSTEM THAT ANISE ROBERSON UNLAWFULLY IGNORED WITH ADDITIONAL ISSUE STATED HEREIN ISSUE ONE

At the request of Defendant and there being on objection by the State. COURT ORDERED, motions CONTINUED for a Reply to be submitted.

BOND

CONTINUED....7/14/21 12:30PM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**July 14, 2021**

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C-19-343540-1      State of Nevada  
                                 vs  
                                 Yuxia Zhang

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**July 14, 2021                      12:30 AM                      All Pending Motions**

**HEARD BY:** Lilly-Spells, Jasmin                      **COURTROOM:** RJC Courtroom 12D

**COURT CLERK:** Alice Jacobson

**RECORDER:** Maria Garibay

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Jobe, Michelle Y.	Attorney
	State of Nevada	Plaintiff
	Zhang, Yuxia	Defendant

**JOURNAL ENTRIES**

- Defendant's Emergency Relief Motion to Compel Anise Roberson Law Clerk to Judge Lilly-Spells to Serve the Judge With Two Affidavits That Were Already Filed Through The Court's Odyssey Efile System That Anise Roberson Unlawfully Ignored With Additional Issue Stated Herein Issue One

Deft's Motion to Dismiss Charges with Prejudice for Prosecutorial Misconduct

Argument by Defendant. Opposition by the State. Court finds no evidence of non compliance with Discovery. COURT ORDERED, motions DENIED. State to prepare the order.

BOND

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**August 09, 2021**

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C-19-343540-1      State of Nevada  
                                 vs  
                                 Yuxia Zhang

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**August 09, 2021      12:30 AM      Motion to Disqualify  
                                 Attorney**

**HEARD BY:** Gibbons, Mark      **COURTROOM:** RJC Courtroom 16B

**COURT CLERK:** Michaela Tapia

**RECORDER:** Deloris Scott

**REPORTER:**

**PARTIES**

**PRESENT:**      Rose, Steven      Attorney  
                         State of Nevada      Plaintiff  
                         Zhang, Yuxia      Defendant

**JOURNAL ENTRIES**

- Co-Deft. Sachs also present.

Court indicated Judge Lilly-Spells may not hear a Motion to Disqualify herself and ORDERED, matter REFERRED to the Chief Judge. Co-Deft. Sachs requested the Blue Jeans link be emailed to him at kaustinsachs@gmail.com, noting this email would also suffice for Deft. Zhang.

**BOND**

**REFERRED TO:** 8/12/21 10:30 AM (DEPT. 7)



**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**August 12, 2021**

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C-19-343540-1      State of Nevada  
                                 vs  
                                 Yuxia Zhang

---

**August 12, 2021      10:30 AM      Motion to Disqualify  
                                 Attorney**

**HEARD BY:** Bell, Linda Marie      **COURTROOM:** RJC Courtroom 14C

**COURT CLERK:** Yolanda Orpineda

**RECORDER:** Kimberly Estala

**REPORTER:**

**PARTIES**

**PRESENT:**      Rose, Steven      Attorney  
                         State of Nevada      Plaintiff  
                         Zhang, Yuxia      Defendant

**JOURNAL ENTRIES**

- Parties appeared via Bluejeans.

Introductions by Co-Deft. Sachs on behalf of himself and Deft. Zhang. Co-Deft. Sachs made an Oral Motion for Continuance of the Trial Date, arguing he has not received Bill of Particulars. COURT ADVISED, the only matter before the Court today is the Motion to Disqualify. Arguments by Mr. Sachs he has never received a satisfactory answer from the Judge at any hearing. The State of Nevada is a fictitious party; the original jurisdiction belongs to the United States Supreme Court. Colloquy regarding cases in which a State is a party and who would have jurisdiction.

COURT CLARIFIED, It is looking at whether the assigned Judge would have a bias or prejudice in the case. This Court can not do anything about a legal ruling Deft. may have issue with. Following additional arguments by Deft. and Co-Deft. regarding subject matter jurisdiction, Deft's. constitutional rights, statements Deputy District Attorney Michelle Jobe made to the Grand Jury, and

the if there is a competent witness in the case, COURT ADVISED, It has the written Response from Judge Lilly- Spells; It did not receive any from the State and therefore, will not be taking argument from the State. A Decision WILL ISSUE. Colloquy regarding when the Court's Decision will ISSUE.

BOND

CLERK'S NOTE: This minute order was created utilizing the JAVS recording. /sb 09/01/21

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**September 08, 2021**

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C-19-343540-1      State of Nevada  
                                 vs  
                                 Yuxia Zhang

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**September 08, 2021    12:00 AM      All Pending Motions**

**HEARD BY:** Silva, Cristina D.

**COURTROOM:** RJC Courtroom 11B

**COURT CLERK:** Kory Schlitz

**RECORDER:** Gina Villani

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Jobe, Michelle Y.	Attorney
	State of Nevada	Plaintiff
	Zhang, Yuxia	Defendant

**JOURNAL ENTRIES**

- DEFENDANT'S MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION...  
DEFENDANT'S MOTION TO DISMISS TO STATE A CLAIM UPON WHICH RELIEF CAN BE  
GRANTED... EMERGENCY MOTION TO CONTINUE TRIAL AND MOTION FOR STATE  
APPOINTED ASSISTANCE OF COUNSEL - HEARING REQUESTED...

APPEARANCES CONTINUED: Defendant SACHS present out of custody.

Upon Court's inquiry, Defendant SACHS stated he is not prepared to go forward on the Motion to Impeach State's Witnesses, as he has not reviewed the documents, and he feels it is a violation of his due process rights to have the matter heard today, when it is set for hearing on September 13th. COURT STATED briefing on the Motion to Impeach is complete. Ms. Jobe stated she just received the Motion to Impeach late last week and the State has not filed their opposition yet, adding the Defendant's reply to the Emergency Motion raises additional issues. Defendant SACHS introduced himself, stating he is present by special appearance, under force, false threat and duress, and he

reserves his rights to waive non ever, and he does not consent to anything the municipal corporation doing business as the 8th Judicial District Court has done in the past, present, or future, adding everything this Court has done in the past, and continues to do is against his will. Defendant ZHANG introduced herself, stating she is present by special appearance, under force, false threat and duress, and she reserves his rights to waive non ever, and she does not consent to anything the municipal corporation doing business as the 8th Judicial District Court has done in the past, present, or future, adding everything this Court has done in the past, and continues to do is against her will. Upon Court's inquiry, with regards to the Motion to Continue trial, Defendant SACHS stated he never received proper notice under NRS 72.241(5), and requested assistance of counsel, to help him prepare for trial, and prepare trial briefs. Defendant SACHS argued him and his Co-Defendant have been framed in this matter. COURT STATED that would an argument to make at the time of trial, adding the Court can appoint counsel. Upon Court's inquiry, Defendant SACHS stated he wants assistance of counsel, and to have the record reflect that individual is not representing him under any circumstances. COURT ADVISED that request is not how the appointment of counsel works, as if counsel was appointed they would be representing the Defendant, or he can remain in Pro Per, pointing out there is not a hybrid where the Defendant can obtain assistance of counsel for trial preparation, and still continue to represent himself. Upon Court's further inquiry, Defendant SACHS stated he would like to continue to represent himself, and informed the Court he will appeal the Court's decision. Upon Court's inquiry, Defendant ZHANG confirmed she is making the same argument, and would like to continue to represent herself. COURT SO NOTED. COURT STATED for the record, the Court has conducted a Farreta Canvas on behalf of both Defendants, and they have knowingly, willing waived their right to counsel. Upon Court's inquiry, Ms. Jobe would not be requesting the Defendant's receive another Farreta Canvas. Defendant SACHS argued it is unfair for him to proceed to trial when he does not even know how to do a trial brief, adding he was not given proper notice of the Indictment. COURT ADVISED since the Defendant has adamantly stated he is requesting to represent himself, the proceedings cannot just be stayed since the Defendant is not prepared, and the Court has an obligation to keep the cases moving forward. Upon Court's inquiry, Defendant SACHS stated he would need more time to figure out why he would need to continue the trial date. COURT ADVISED this is a Motion that was filed by the Defendant, and he needed to come prepared to Court today. Defendant SACHS requested a right for an interrogatory appeal, and the proceedings be stopped. COURT ORDERED, Request DENIED, adding if the Supreme Court orders this Court to stay the proceedings, this Court will follow their order. COURT FURTHER ORDERED, Request to Continue trial DENIED. Upon Court's inquiry, Ms. Jobe stated they have had discussion in Department 23, since the Defendants would not be ready for trial, the State would allow more leeway since they represent themselves, adding there is numerous medical records the Defendants have to sort through, noting there are additional issues the Defendant's have and the State knows the Defendants want to file Motions on. Ms. Jobe proposed continuing the trial, and requested a briefing schedule to ensure all the Motion the Defendants want to file get filed. Ms. Jobe also stated her concern about whether both Defendants are representing themselves, or if Defendant SACHS is representing Defendant ZHANG as well, since al of the pleadings are nearly identical except with respects to the gender identity. Upon Court's inquiry, Ms. Jobe stated she was going to suggest severing the Defendants in Department 23, however due to the transfers of Courts, the matter has not

been address. Ms. Jobe proposed to sever the Defendants, and have Defendants ZHANG's trial proceed first, and to exclude Defendant SACHS from viewing her trial. Upon Court's inquiry, Defendant ZHANG stated she is not ready for trial, as she needs assistance of counsel, and she stands by her Motion and her Reply. COURT STATED an attorney can be appointed if Defendant ZHANG is requesting assistance of counsel. Upon Court's further inquiry, Defendant ZHANG stated she does not want counsel appointed. COURT REVIEWED the docket and the assistance of a Mandarin Interpreter on behalf of ZHANG.

COURT ORDERED, prior order WITHDRAWN, Motion to Continue Trial GRANTED; briefing schedule SET; Motion to Impeach State's Witnesses RESET. COURT FURTHER ORDERED, briefing schedule SET as follows: all Motions in this matter be filed on or before Friday November 5, 2021; State's Oppositions and Defendant's Responses shall be filed on or before Friday December 17, 2021; State and Defense Reply's shall be filed on or before Friday January 10, 2022; matter SET for argument on a special setting. COURT FURTHER ORDERED, two pending motions on calendar today CONTINUED. COURT ADDITIONALLY ORDERED, Defendant's are required to be present in the Courtroom for the argument.

BOND

1/19/2022 1:30 P.M. STATUS CHECK: RESET TRIAL DATE... DEFENDANT'S MOTION TO IMPEACH STATE'S WITNESSES AND STATE'S EXPERT WITNESSES... DEFENDANT'S MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION... DEFENDANT'S MOTION TO DISMISS TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED...

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****November 22, 2021**

C-19-343540-1      State of Nevada  
vs  
Yuxia Zhang

<b>November 22, 2021</b>	<b>12:00 AM</b>	<b>Motion to Disqualify Attorney</b>	<b>Defendant's Motion to Disqualify Chief Deputy District Attorney Michelle Jobe Pursuant to NRS 199.310</b>
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**HEARD BY:** Silva, Cristina D.**COURTROOM:** RJC Courtroom 11B**COURT CLERK:** Kory Schlitz**RECORDER:** Gina Villani**REPORTER:****PARTIES**

<b>PRESENT:</b>	Jobe, Michelle Y.	Attorney
	State of Nevada	Plaintiff
	Zhang, Yuxia	Defendant

**JOURNAL ENTRIES**

- APPEARANCES CONTINUED: Defendant SACHS present out of custody.

COURT STATED the Defendants are present via Blujans, however the Court cannot see them. Defendant Sachs informed the Court they are having technical difficulties with the camera today. Upon Court's inquiry, Defendant Sachs stated him and Defendant Zhang are on the same phone call. COURT STATED they have reviewed the Motion and the Opposition. Upon Court's inquiry, Ms. Jobe stated there was no in person meeting that she has any recollection, adding at some point she did have contact with the Grassos regarding their representation of the Defendants, however the communication was telephonic. Ms. Jobe further stated the notes from Mr. Chris Grasso claim to state

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Minutes Date: September 25, 2019

what took place during that meeting, arguing the statements attributed regarding him, are not some patently ever say. Ms. Jobe stated there was in person meeting, and she stated there was a phone call regarding the Discovery, pointing out there were a ton of medical records, however she does not take notes on phone calls. COURT STATED Defendants are requesting Ms. Jobe be removed from the case due to a conflict of interest, however there was no conflict of interest pointed out in the filings made, the Defendants disagree with Ms. Jobe's continued prosecution in this matter. Upon Court's inquiry, Defendant Zhang stated reason for the Motion to Disqualify is in her Reply. COURT STATED the reasons set forth in the Reply are not the basis for the Court to grant the Motion, the reasons have to be in the initial Motion. COURT STATED there are moments of silence in between the Court's questioning, and the Defendant Zhang's responses, which is in further support of the Court's concern that Defendant Sachs is acting as Defendant Zhang's attorney, adding due to the claim of technical difficulties the Defendants camera is not available, which further curtails the Court's ability to monitor what is happening along with Defendants and how they are interacting with each other during the Court hearings. Upon Court's further inquiry, Defendant Zhang requested an Chinese Mandarin Interpreter. COURT ORDERED, Request DENIED as this is the third court hearing and at no time in this Courtroom has Defendant Zhang requested an interpreter, as the Defendant has been able to understand the Court's questions, and to response in English. COURT FURTHER STATED there was a previous record made regarding the flip flopping of a request for an interpreter, as the invocation of request for an interpreter seems to be a request of convenience of when the Defendant Zhang does not want to response or engage the Court. Upon Court's inquiry, Defendant Sachs stated his conflict of interest is written out in the Reply to the State's Opposition. COURT STATED their inquiry was with regards to the Motion to Disqualify, not with regards to the Reply as to where the conflict of interest was stated. COURT STATED Rule 3.20(b), provides that a party filing a Motion, must provide a memorandum of Points and Authorities in support of each ground thereof, and the absence of that memorandum may be construed as an admission that the Motion is not meritorious and a cause for it's denial, or as a waiver of all grounds not supported. COURT FURTHER STATED with regards to this Motion, the Court has asked both Defendant's multiple times where in the Motion is the conflict of interest that alleged exists argued and supported, and both Defendant stated it was in the Reply, which is not in the Motion, which would suggest the Motion itself is not meritorious and ORDERED, Motion DENIED. COURT FURTHER FINDS the Points and Authorities that are listed to qualify Ms. Jobe are allegations of malicious prosecution, and those allegations are not the same as a conflict of interest, therefore the Court cannot make a decision on the merits of this Motion, adding if there is a basis to pursue malicious prosecution, can be pursued outside this action and in a civil proceeding, outside this Courtroom.

COURT FURTHER STATED on March 26, 2021 Judge Spells issued an Order for Summary Punishment of Contempt Committed in the Immediate View and Presence of the Court, and in that Order, Judge Spells laid out that Defendant Sachs was discourteous during ex parte communications with the Court's chambers, and in open Court, while Court was in session. COURT NOTES that in the course of the last several weeks, Department 9's Court staff has been in receipt of numerous demands, that are both discourteous and improper communications with this Court's staff. COURT

STATED on October 28, 2021 there was a message to this Court's Judicable Assistant, advising the Defendants are requiring a written response, as the Court has provided one to the District Attorney, pointing out the e-mail states in all caps, "under what authority is the Judge acting here", and that is an improper ex-parte communication, and a demand for information, which is an improper procedure to try and get that information. COURT FURTHER STATED there was a request for a written response to questions that were submitted by the Defendants, adding these e-mails are sent jointly, which further supports the Court's concern there is joint representation going on by the Defendant, or that Defendant Zhang is unable to represent herself, or that Defendant Sachs is acting as Defendant Zhang's attorney. COURT STATED there was another e-mail sent on Friday October 29, 2021 that reads by your silent acquiescence, it appears a verbal order does not supersede EDCR Rules 3.20(b) and 1.90(a)(4), and this Court is without authority to delay our recently filed pretrial motions as the January 19, 2022 hearing. COURT FURTHER STATED the e-mail references the Defendant's statement they never agreed to the briefing schedule set by the Court, which is incorrect, as there is a record in the Court's proceeding that Defendant's did agree to the briefing schedule. COURT ADDITIONALLY STATED this e-mail reads the Defendants put you and the law clerk and the prosecutor on notice of this fact, based on the egregious abuse of discretion, this Court's silence on this matter is no construed as clear evidence of bias and prejudice, and you and the Court's law clerk and the Court and the Prosecutor are on notice of this fact by virtue of this e-mail. COURT ADVISED this e-mail is not only improper with regards to the content, in terms of it being an ex-parte communication, it also is an availed threat.

COURT STATED there are additional demands and requests, and references an e-mail dated November 8, 2021 sent to JEA Beltran, where there are demands for information and a request for receipt of an e-mail within three business days from today, and request steps that were taken to resolve this inconsistency. COURT ADVISED there was another e-mail sent on November 11, 2021 to Department 9's Law Clerk, that indicates she is to provide a full copy of Judge Silva's public hazard bond (or equivalent) and to include the terms and conditions of the bond. COURT FURTHER STATED on Tuesday November 16, 2021, another e-mail was sent to Department 9's Law Clerk, which addresses a number of factors, however, again there is a Notice to the Judge that states: "If you do not immediately remedy this unjust and unfair situation, you shall force my wife and I to file motions to disqualify you for bias and prejudice to our due process rights under the Constitution of the United States and Nevada law (NRS's). In order to justify and fairly remedy this situation, our emergency motions must be heard first, ahead of the motion to disqualify Ms. Jobe.". COURT FURTHER STATED, again this e-mail constitutes a threat, and this one is again directed to Department 9's Law Clerk, which is a violation of Nevada's Criminal Rules of Procedure 20(b), as this rule specifically addresses contact with the Court's Law Clerk, and prevents abuse of the Court's staff, pointing out that Defendant Zhang and Defendant Sachs are acting as their own attorney and are held to the same standard. COURT CONVEYED Defendant's are trying to influence this Court's decision making, control of this case, and the courtroom with these repeated e-mails and threats to Department 9's staff. COURT ADVISED another e-mail was sent on November 18, 2021, and the Defendant's are making threats about judicial cannons.



COURT ADVISED Defendant Zhang and Defendant Sachs to cease all communication with Department 9's staff, and making demands or request for information that are improper; adding the e-mail date November 19, 2021 is titled Notice of Default is another attempted threat of this Court, which will not be tolerated. COURT ORDERED, Order to Show Cause SET as to why Defendant Sachs and Defendant Zhang should not be held in contempt of court for repeated violations of Rule 20(b), as well as what has already been ordered by Judge Spells.

COURT FURTHER STATED there are repeat Affidavits being filed that are in violation of any applicable rule of evidence, and ORDERED the following documents STRICKEN from the docket as they are rogue documents and not attached to any Motion or any other issue pending before the Court:

Affidavit of Fact filed on November 19, 2021 Zhang #151, Sachs #162;

Join Declaration of Kimball Austin Sachs and Yuxiz Zhang, filed November 19, 2021, Zhang #150, Sachs #161;

Affidavit of Status Regarding my Property Y.L filed on November 19, 2021, Zhang #147, Sachs #158;

Affidavit of Facts filed on September 2, 2021, Zhang #79, Sachs #92;

Affidavit of Fact (Double Filed) filed on September 4, 2021, Zhang #86, Sachs #99;

Affidavit of Kimball Austin Sachs filed on September 6, 2021, Sachs #104;

Affidavit of Fact filed on October 30, 2021, Zhang #106, Sachs #118;

Affidavit of Status filed on November 3, 2021, Zhang #126, Sachs #136;

Affidavit of Fact filed on November 3, 2021, Zhang #127, Sachs #137;

Affidavit of Status filed on November 5, 2021, Zhang #136, Sachs #147;

Exhibit F - Affidavit in Support - Affidavit of Fact filed November 18, 2021, Zhang #145, Sachs 156;

Notice and Opportunity for Chief Deputy District Attorney Michelle Jobe to Respond Point by Point in Writing to my Affidavit of Status Regarding My Property Y.L. and Affidavit of Fact with Counter-affidavits Notarized and Signed Under the Penalty of Perjury Pursuant to the IV, V, VI, VIII and XIV Amendments to the Constitution of the United States, filed on November 19, 2021, Zhang #146, Sachs #157.

Mr. Sachs asked if this was an administrative court. COURT ADVISED this is a Court of General

Jurisdiction. COURT ORDERED, Defendant's need to be present via Bluejeans on the Order to Show Cause hearing, and their camera be working. Defendant SACHS stated his objection to everything stated on the record today, and inquired to the Court's authority to strike the documents. COURT ADVISED the documents are rouge affidavits, and are not attached to any motions, and they can be stricken under the Court's General Jurisdiction authority.

BOND

12/9/2021 10:00 A.M. SHOW CAUSE HEARING

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**December 09, 2021**

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C-19-343540-1      State of Nevada  
                                 vs  
                                 Yuxia Zhang

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**December 09, 2021      10:00 AM      Order to Show Cause**

**HEARD BY:** Silva, Cristina D.      **COURTROOM:** RJC Courtroom 11B

**COURT CLERK:** Jessica Mason

**RECORDER:** Gina Villani

**REPORTER:**

**PARTIES**

<b>PRESENT:</b>	Moors, Lindsey	Attorney
	State of Nevada	Plaintiff
	Zhang, Yuxia	Defendant

**JOURNAL ENTRIES**

- Wai- Mei Borgel, Mandarin Interpreter present for Deft. Yuxia Zhang.

The Court gave caution as to the Defendant's actions, which have been improper. The Court also noted the interpreter was present to assist if needed, but was not used for the hearing today. COURT ORDERED the Order to Show Cause is OFF CALENDAR.

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 05, 2022**

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C-19-343540-1      State of Nevada  
                                 vs  
                                 Yuxia Zhang

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**January 05, 2022      12:00 AM      Motion to Reconsider**

**HEARD BY:** Silva, Cristina D.      **COURTROOM:** RJC Courtroom 11B

**COURT CLERK:** Kory Schlitz

**RECORDER:** Gina Villani

**REPORTER:**

**PARTIES**

**PRESENT:**

**JOURNAL ENTRIES**

- - Pending before the Court is Defendant Kimball Sachs, and Yuxia Zhang's Emergency Motion to Reconsider Court s Verbal Order to Appear in Person On January 19, 2022 Pursuant to NRS 178.388(4). Having reviewed the Motion, the Court finds that there is good cause to allow the Defendants to appear remotely via Bluejeans due to the rising numbers of Covid-19 cases as a result of the Omicron variant. The Court prefers the Defendants appear from two different locations but understands that the Defendants live in the same household; however, Defendants must appear on camera from separate devices in different rooms. Therefore, COURT ORDERED Motion GRANTED, consistent with this Order.

CLERK S NOTE: Counsel are to ensure a copy of the forgoing minute order is distributed to all interested parties; additionally, a copy of the foregoing minute order was distributed to the registered service recipients via Odyssey eFileNV E-Service (1-5-2022 ks).

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 19, 2022**

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C-19-343540-1      State of Nevada  
                                 vs  
                                 Yuxia Zhang

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**January 19, 2022      1:30 PM      All Pending Motions**

**HEARD BY:** Silva, Cristina D.      **COURTROOM:** RJC Courtroom 11B

**COURT CLERK:** Kory Schlitz  
Kathryn Hansen-McDowell

**RECORDER:** Gina Villani

**REPORTER:**

**PARTIES**

**PRESENT:**      Jobe, Michelle Y.      Attorney  
                                 State of Nevada      Plaintiff  
                                 Zhang, Yuxia      Defendant

**JOURNAL ENTRIES**

- Wei-Mai Borgel, Mandarin Interpreter, and Pro Se Co-Defendant Kimball Sachs, also present.

STATE'S NOTICE OF MOTION AND MOTION FOR DISCOVERY PURSUANT TO NRS 174.234, 174.245(1) AND 174.295...

DEFENDANT'S MOTION TO DISMISS TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED...

DEFENDANT'S MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION...

DEFENDANT'S EMERGENCY MOTION FOR ORDER FOR COURT TO FOLLOW EDCR RULE 1.90(A)(4) AND EDCR RULE 3.20(B) FOR ALL PRETRIAL MOTIONS WITH ATTACHED OBJECTION...

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DEFENDANT'S EMERGENCY MOTION FOR ORDER FOR COURT TO FOLLOW EDCR RULE 1.90(A)(4) AND EDCR RULE 3.20(B) FOR ALL PRETRIAL MOTIONS WITH ATTACHED OBJECTION...

STATE'S NOTICE OF MOTION AND MOTION IN LIMINE TO ADMIT EVIDENCE PURSUANT TO RES GESTAE...

[MOTION IN LIMINE PURSUANT TO EDCR RULE 3.28...

STATE'S NOTICE OF MOTION AND MOTION TO PROHIBIT DEFENDANTS FROM IMPROPERLY IMPEACHING WITNESS(ES)...

STATE'S MOTION TO MOTION TO SEVER DEFENDANTS' CASES...

DEFENDANT'S MOTION TO IMPEACH STATE'S WITNESSES AND STATE'S EXPERT WITNESSES...

STATE'S NOTICE OF MOTION AND MOTION TO STRIKE ALL PLEADINGS RELATED TO AND ASSOCIATED WITH NOTICES OF DEFAULT AGAINST BCPD DETECTIVE CHRISTOPHER SLACK AND CHIEF DEPUTY DISTRICT ATTORNEY MICHELLE JOBE FILED ON OR ABOUT November 5, 2021, November 19, 2021, AND December 23, 2021...

DEFENDANT'S MOTION TO COMPEL THE COURT TO ORDER MISSING DISCOVERY FROM FORMER COUNSEL AND THE CHIEF DEPUTY DISTRICT ATTORNEY PURSUANT TO NRS 174.295 AND NRS 7.055...

DEFENDANT'S MOTION TO COMPEL THE COURT TO ORDER A WRITTEN FINDINGS OF FACT CONCLUSIONS OF LAW FOR EACH AND EVERY PRETRIAL MOTION WITHIN 21 DAYS OF THE HEARING DATE PURSUANT TO EDCR RULE 1.90(A)(4)...

DEFENDANT'S MOTION TO COMPEL THE COURT TO ORDER THE DISTRICT ATTORNEY TO PROVIDE A BILL OF PARTICULARS PURSUANT TO THE FEDERAL RULES OF CRIMINAL PROCEDURE RULE 7(F) AND 5TH AND 6TH AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES...

DEFENDANT MOTION TO COMPEL THE COURT TO TAKE MANDATORY JUDICIAL NOTICE OF ADJUDICATIVE FACTS AND LAW...

DEFENDANT MOTION TO COMPEL THE COURT TO ORDER THE GRAND JURY TO

RECONVENE AND REDELIBERATE PURSUANT TO NRS 172.241(5)...

Court instructed the Defendant's they would need to be in separate rooms and both appear on video. Following connection attempts, the Pro Se Defendant's were unable to establish bluejeans connections to appear on video and in a different rooms from each other. Due to the connectivity issue, COURT ORDERED, matter CONTINUED. COURT DIRECTED, Pro Se Defendant's to resolve the issues by the next hearing and NOTED the Defendant's would need to be in separate rooms from each other.

BOND

ALL MATTERS CONTINUED TO: 01/20/2022 1:15 PM

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor**

**COURT MINUTES**

**January 20, 2022**

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C-19-343540-1      State of Nevada  
                                 vs  
                                 Yuxia Zhang

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**January 20, 2022      1:15 PM      All Pending Motions**

**HEARD BY:** Silva, Cristina D.      **COURTROOM:** RJC Courtroom 11B

**COURT CLERK:** Kory Schlitz  
David Gibson

**RECORDER:** Gina Villani

**REPORTER:**

**PARTIES**

**PRESENT:**      Jobe, Michelle Y.      Attorney  
                                 State of Nevada      Plaintiff  
                                 Zhang, Yuxia      Defendant

**JOURNAL ENTRIES**

- APPEARANCES CONTINUED: Defendant SACHS present out of custody; Mandarin Interpreter Mai-Wei Borgel present on behalf of Defendant ZHANG.

COURT STATED the Defendants were charged with criminal charges in the State of Nevada, and most of the pleadings refer to Federal rules of criminal procedures which do not apply in the State of Nevada, and the Court will strike them, unless there are exceptions where the rules would apply, and the Court does not find any at this time.

MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE GRANTED...

COURT ORDERED, ruling DEFERRED; the Court will issue a written order in this case.

MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION...

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COURT ADVISED the State has met it's burden in setting forth the languages in which the offenses the Defendant was charged in, as it set forth the facts, and a basis for the events itself, and ordered MOTION DENIED.

DEFENDANT'S MOTION TO IMPEACH STATE'S WITNESSES AND STATE'S EXPERT WITNESSES...

COURT STATED the impeachment of the witnesses must be done during cross examination and not by the Court, and this Court will not and shall not take that duty from the Jurors. COURT ORDERED, Motion to Impeach State's Witnesses's and State's Expert Witnesses DENIED.

DEFENDANT MOTION TO COMPEL THE COURT TO TAKE MANDATORY JUDICIAL NOTICE OF ADJUDICATIVE FACTS AND LAW..

COURT STATED they have previously addressed Judicial Notice, and will clarify, the facts subject to judicial notice are facts in issue or facts from which they may be inferred, and the Motion to Compel does not meet any of the factors set forth in NRS 47.130 and NRS 47.140, and the COURT CANNOT and WILL NOT take Judicial Notice of the information in the filing. COURT REMINDED the parties that challenges to evidence is reserved for trial, unless there is applicable law or statute that would allow evidence, etc. before or during trial, outside the presence of the jury. COURT FURTHER STATED that related, and cited in this Motion, is NRS 126.036, which discusses the liberty interest of a parent who is in the care, custody and management of the parent s child is a fundamental right. COURT ORDERED, Motion to Compel the Court to Take Mandatory Judicial Notice of Adjudicated Facts and Law DENIED. COURT STATED the request to take judicial notice is not merely on the statutes, however intertwined with allegations and the facts, and is therefore denied.

DEFENDANT MOTION TO COMPEL THE COURT TO ORDER THE GRAND JURY TO RECONVENE AND REDELIBERATE PURSUANT TO NRS 172.241(5)...

COURT STATED this Motion makes accusations against Ms. Jobe, and attorney Chris Grasso, and the allegations were addressed against Ms. Jobe during the Motion to Disqualify her, and that Motion was previously denied. COURT STATED the accusations against Mr. Grasso fall beyond the purview of this Court, for purposes of these charges. COURT ADDITIONALLY STATED any complaints against Mr. Grasso or allegations of professional misconduct, should be logged with the State Bar of Nevada, as Mr. Grasso is no longer a party or represents a party in this action, and the accusations don't form any type of relief sought by the Motion. Defendant SACHS objected to what the Court is stating. COURT SO NOTED. COURT ORDERED, Motion to Compel the Court to Order the Grand Jury to Reconvene and Redeliberate Pursuant to NRS 172.242(5), DENIED; adding this Motion was previously denied by Judge Hardy, and the Court has a Findings of Facts and Conclusions of Law. COURT STATED this Motion is a Motion to Reconsider Judge Hardy's ruling, and this Motion does not set forth the proper basis for the Court to reconsider a Motion. COURT STATED there is a Findings of Facts and Conclusions of Law FILED on June 25, 2020 in Defendant SACHS' case, and it

finds the Defendants were served by way of counsel of a marcum notice, and another FINDINGS OF FACTS AND CONCLUSIONS OF LAW will not be issued. COURT ORDERED, the FINDINGS of Judge Hardy STANDS. Defendant SACHS objected to the Court's ruling. COURT SO NOTED. Upon Court's inquiry, Defendant SACHS declined the offer to have a standing objection to all the Motions. COURT STATED for purposes of Judicial Economy the Court will allow Defendant SACHS have a standing objection to the rulings today, and if he does not object to any of the rulings he can make a record at the end of the hearing.

DEFENDANT'S EMERGENCY MOTION FOR ORDER FOR COURT TO FOLLOW EDCR RULE 1.90(A)(4) AND EDCR RULE 3.20(B) FOR ALL PRETRIAL MOTIONS WITH ATTACHED OBJECTION..

COURT STATED there are local rules that control court proceedings, however there are other rules that supersede those rules, as the entire country is set forth in a legislative, judicial and executive branch, and within those branches there are divisions of the Courts, both federal and state, there are certain rules that apply at each level, and there are certain rules that apply to all individuals. COURT STATED as applicable to this pending motion, a rule that supercedes the local rule is Nevada State Court Criminal Rule 1, that provides that the Nevada State Rules will govern all criminal actions in the Court in the State of Nevada, and these rules superceded and replace any local District Court rule concerning criminal actions. COURT FURTHER STATED there are rules that apply that allow the Court to set forth a briefing schedules, or deny motions as set forth in those rules. COURT STATED they will issue WRITTEN decisions for some of the Motions on calendar today, however not all, as the Court does not believe a Findings of Facts and Conclusions of Law is required for certain Motions, since they don't meet the requirements of have a proper memorandum of points and authorities. COURT ORDERED, Emergency Motion for Order for Court to Follow EDCR RULES 1.90(A)(4) AND EDCR RULE 3.20(B) FOR ALL PRETRIAL MOTIONS WITH ATTACHED OBJECTION DENIED; this Motion is not an emergency and when necessary the Court will issue a written decision.

DEFENDANT'S MOTION TO COMPEL THE COURT TO ORDER MISSING DISCOVERY FROM FORMER COUNSEL AND THE CHIEF DEPUTY DISTRICT ATTORNEY PURSUANT TO NRS 174.295 AND NRS 7.055..

COURT STATED the Defendants are requesting the Court compel the production of items that the Court does not know if they exist, and the Court does not have a basis, as there is no law of authority for the Court to order the production of something that may or may not exist with regards to the request for a meeting, whether that meeting took place, where there are any files, notes associated with this meeting. Upon Court's inquiry, Defendant ZHANG did not reach out to Mr. Grasso or Mr. Smith to request these items. Upon Court's inquiry, Defendant SACHS did reach out to Mr. Grasso to request these items. who informed him he keeps those items stored in his head. COURT STATED they cannot order something that does not exist. COURT ORDERDEDED, Motion GRANTED IN PART with regards to the request and the Court will ask Chris Grasso and Gabe Grasso and Mr. James

Edward Smith to provide a copy of their file to the Court, and once received the Court will provide a copy to the Defendants, if a file exists. COURT DIRECTED the Clerk to send a copy of the minutes to the attorneys stated, and REQUESTED the Attorney's comply with the Court's requested WITHIN THIRTY (30) DAYS from today; with regards to the request from Ms. Jobe, who represents the State of Nevada, Ms. Jobe has an ongoing obligation to provide Discovery. Upon Court's inquiry, Ms. Jobe stated she would comply with the ongoing Discovery requests, and GRANTED IN PART with regards to that issue, and DENIED IN PART as the Court cannot order Ms. Jobe to produce items that do not exist, and the State of Nevada has determined that prosecutors can choose what is made discoverable. Ms. Jobe stated the body camera from the April even no longer exists, and when the State asked they was informed it was no longer kept. COURT DIRECTED Ms. Jobe file a written notice regarding the status of the body camera footage, if it had been produced, or why it had not been produced, and if a proper foundation of information laid out to be available for cross examination. Defendant SACHS requested the name of the Boulder City Police Officer who destroyed the body camera footage today. COURT STATED that Motion is not before the Court, reminding the Defendants that Ms. Jobe is an individual who represents the State of Nevada, and this is not personal to her, and the Court invites the Defendant to file a Motion requesting the information, as the Court is confident Ms. Jobe would know off hand who the Custodian of Records is for Boulder City, or who that individual was in 2019. COURT ORDERED, GRANTED IN PART. Ms. Jobe inquired if she needed to file a Notice of the State of the Request. COURT DIRECTED Ms. Jobe to file the Notice within 21 days.

DEFENDANT S MOTION TO COMPEL THE COURT TO ORDER THE DA TO PROVIDE A BILL OF PARTICULARS PURSUANT TO THE FEDERAL RULES OF CRIMINAL PROCEDURE RULE 7(F) AND 5TH AND 6TH AMENDMENTS TO THE CONSTITUTION OF THE US..

COURT STATED the Federal rules do not apply, and this Motion has previously been denied by Judge Spells, and this instant Motion does not set forth a basis for the Court to reconsider Judge Spells's decision, and ORDERED, Motion to Contempt the Court to Order the DA to Provide a Bill of Particulars Pursuant to the Federal Rules of Criminal Procedure Rule 7(F) and 5th and 6th Amendments to the Constitution of the US is DENIED WITH PREJUDICE.

DEFENDANT'S MOTION TO COMPEL THE COURT TO ORDER A WRITTEN FINDINGS OF FACT CONCLUSIONS OF LAW FOR EACH AND EVERY PRETRIAL MOTION WITHIN 21 DAYS OF THE HEARING DATE PURSUANT TO EDCR RULE 1.90(A)(4) ...

COURT STATED they will issue a written decision on some of the pronouncements made here in Court, however the Court will not issue written orders since the Court does not believe they are necessary, and ORDERED, Motion DENIED.

STATE S NOTICE OF MOTION AND MIL TO ADMIT EVIDENCE PURSUANT TO RES GESTAE.. COURT ORDERED, Motion GRANTED to Admit Evidence is the facts set forth in the State's Motion are intertwined in the Counts set forth in counts 2 and 3, and in order for the State to provide a full picture, the information regarding the medical treatment is relevant, and FINDS this Motion was

properly noticed, and will be admitted. COURT NOTED this does not preclude the Defendants from arguing that they properly treated their minor child, and will remind the parties that opening statements, can only be use to explain to the jury as to what the evidence will be, and questions regarding care, may be asked of witnesses however a proper foundation must be made, and those statements are not evidence unless under oath and subject to cross examination.

STATE S NOTICE OF MOTION AND MOTION FOR DISCOVERY PURSUANT TO NRS 174.234, 174.245(1) AND 174.295...

COURT ORDERED, Motion GRANTED IN PART, and FINDS the Defendant have complied in part with regards to the discovery of text messages, and photographs, to the extent there are any additional photographs or text messages related to the time frame as set in the indictment, and the summary of facts laid out in the State's responses and Motion's need to be provided, and DIRECTED the Defendants to download a copy of the text message and photos and provide a clean copy to the State.

COURT DIRECTED Defendant SACHS to refrain from personal attacks against Ms. Jobe, and if those accusations are continued then the Defendant SACHS will be held in Contempt of Court.

STATE S NOTICE OF MOTION AND MOTION TO PROHIBIT DEFENDANTS FROM IMPROPERLY IMPEACHING WITNESS(ES)..

COURT AGREES with the State that a Pre-Trial Motion is not the proper venue to impeach a witness, and ORDERED Motion to Prohibit Defendant's from Improperly Impeach a Witness GRANTED, adding the Court is concerned with the Defendant's ability to properly impeach witnesses.

STATE S MOTION TO MOTION TO SEVER DEFENDANT S CASES...

COURT ADVISED the State is requesting the matter be severed, as there is a concern that the Defendants are not representing themselves, or representing each other, and or that Defendant SACHS is representing Defendant ZHANG, pointing out the Faretta Canvass completed by both Defendants, and there is an ongoing concern with the Court that there is representation of Defendant ZHANG by Defendant SACHS. COURT ORDERED, ruling on this Motion DEFERRED for THIRTY (30) and the Court will continue to monitor this case, as the Court remains concerns regarding whether or not the Defendants fully understand law and procedure, and if they will be effectively represent themselves during the course, and that they are properly representing themselves in preparation of trial, and the Court does not have enough information before them to make a proper decision. COURT STATED the ruling could be deferred past the thirty days, and ORDERED, matter SET for status check on the Chambers calendar.

MIL PURSUANT TO EDCR RULE 3.28..

COURT STATED this Motion is part of the Court's concern regarding the Defendant's properly being able to represent themselves, and ORDERED, Motion DENIED the admission of evidence will be governed by the Nevada Rules and Statues, and will be addressed at the time of trial, and the Court

believes it will be helpful to have exhibit lists provided to each party and the Court, prior to calendar call so any objections can be logged at that hearing.

MOTION TO COMPEL THE COURT TO ORDER THE CHIEF DEPUTY DA TO RESPOND IN WRITING WITH A COUNTER-AFFIDAVIT POINT BY POINT RESPONSE TO THE PREVIOUSLY FILED AFFIDAVIT OF STATUS AND AFFIDAVIT OF FACT PURSUANT TO NRS 174.135(3).. COURT ORDERED, Motion to Compel DENIED.

STATE S NOTICE OF MOTION AND MOTION TO STRIKE ALL PLEADINGS RELATED TO AND ASSOCIATED WITH NOTICES OF DEFAULT AGAINST BCPD DETECTIVE CHRISTOPHER SLACK AND CHIEF DEPUTY DA MICHELLE JOBE FILED ON OR ABOUT 11/05/21, 11/19/21, AND 12/23/21...

COURT ORDERED, Motion GRANTED there is no basis of law for the defaults that were filed, and the Court cautions the Defendant's that filing of such notice is akin to threats or demands that were sent to Chambers last fall, and the Court cautions the Defendant to engage in these type of filings that have no basis in law or in facts against the witnesses or Ms. Jobe, and the Court as well. COURT STATED the unsupported notice or defaults will be stricken by the Court.

COURT ORDERED, STATE S NOTICE OF MOTION AND MOTION TO STRIKE ALL PLEADINGS RELATED TO AND ASSOCIATED WITH NOTICES OF DEFAULT AGAINST BCPD DETECTIVE CHRISTOPHER SLACK AND CHIEF DEPUTY DA MICHELLE JOBE FILED ON OR ABOUT 11/05/21, 11/19/21, AND 12/23/21 GRANTED; Motion to Compel the Court to Order the Chief Deputy District Attorney to Respond in Writing With a Counter-Affidavit Point By Point Response to the Previously Court Filed Affidavit of Status and Affidavit of Fact Pursuant to NRS 174.135(3) filed on November 3, 2021 at 8:42 p.m. STRICKEN from the record; and NOTICE AND OPPORTUNITY FOR CHIEF DEPUTY DISTRICT ATTORNEY MICHELLE JOBE TO RESPOND POINT BY POINT IN WRITING TO MY AFFIDAVIT OF STATUS REGARDING MY PROPERTY Y.L. AND AFFIDAVIT OF FACT WITH COUNTER-AFFIDAVITS NOTARIZED AND SIGNED UNDER THE PENALTY OF PERJURY PURSUANT TO THE IV, V, VI, VIII, AND XIV AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES filed on November 19, 2021 at 3:56 p.m. STRICKEN from the record; and Notice of Default and Opportunity to Cure for BCPD Detective Christopher Slack to Respond in Writing to my Affidavit of Status and Affidavit of Fact with Counter-Affidavits with Point By Point Responses Notarized and Signed Under the Penalty of Perjury Pursuant to the Iv, V, VI, VIII, and XIV Amendments to The Constitution of The United States filed on December 23, 2021 at 6:00 p.m STRICKEN from the record.

Defendant SACHS requested written decisions. COURT STATED the will issue written rulings regarding dockets 84 & 85.

Upon Court's inquiry, Defendant ZHANG objected to a trial date being set. Defendant SACHS also objected to a trial date being set as there is an ongoing investigation. COURT STATED there is no right to dispose witnesses in the State of Nevada, and if that is being requested the Defense would need to file a Motion, and an August trial date will allow the Defendants sufficient time to appeal the

Court's decision. COURT DIRECTED parties to meet and exchange exhibits exchanged between the parties on or before August 5, 2022.

BOND

2/17/2022 3:00 A.M. STATE S MOTION TO MOTION TO SEVER DEFENDANT'S CASES...  
MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM UPON WHICH RELIEF CAN BE  
GRANTED... (CHAMBERS)

8/22/2022 12:00 P.M. CALENDAR CALL

8/29/2022 9:30 A.M. JURY TRIAL

CASE NO. C-19-343540-1, -2 ✓  
DEPT. NO. XV ✓  
DDA MICHELLE JOBE (SVU)

Defendant(s): YUXIA ZHANG, #7070425  
KIMBALL AUSTIN SACHS, #7070382

Case No(s): 19AGJ104A-B (RANDOMLY TRACKS TO DC XV)

Charge(s): AS TO BOTH DEFTS:  
(1) CT - CHILD ABUSE, NEGLECT, OR ENDANGERMENT RESULTING  
IN SUBSTANTIAL BODILY HARM (Category B Felony - NRS 200.508.1 -  
NOC 55222);  
(2) CTS - CHILD ABUSE, NEGLECT, OR ENDANGERMENT (Category B  
Felony - NRS 200.508.1 - NOC 55226)

Def. Counsel(s): AS TO BOTH DEFT: GABRIEL GRASSO

SUMMONS (2 WEEKS) 10/10 @ 8:30 AM  
(conditions - no contact with victim, surrender passports)

ORDER TO TRANSFER BOND \$10,000 FOR DEFT ZHANG ✓  
ORDER TO TRANSFER BOND \$20,000 FOR DEFT SACHS ✓

DEFTS NOT IN CUSTODY (19FB0014A-B - PH 10/29 IN BOULDER  
CITY)

Exhibits:

WA 1. Proposed Indictment

WA 2. Jury Instructions

WA 3. Photo

WA 4. Photo

WA 5. Photo

WA 6. Photo

WA 7. Photo

WA 8. Calendar

WA 9. Calendar

ZHANG TO SURRENDER PASSPORT, DA TO OBTAIN PASSPORT FROM  
BOULDER CITY & GIVE TO DISTRICT COURT

NO CONTACT w/ NAMED VICTIM

Exhibits 1 - 9 to be lodged with the Clerk of the Court. ✓

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EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE  
**NOTICE OF DEFICIENCY**  
ON APPEAL TO NEVADA SUPREME COURT

YUXIA ZHANG  
P.O. BOX 1014  
DANVILLE, AR 72833-1014

DATE: February 14, 2022  
CASE: C-19-343540-1

RE CASE: STATE OF NEVADA vs. YUXIA ZHANG

NOTICE OF APPEAL FILED: February 11, 2022

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

☐

Case Appeal Statement

- NRAP 3 (a)(1), Form 2

☐

Order

☒

Notice of Entry of Order *for Order filed 02/07/2022*

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NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.



# Certification of Copy

State of Nevada }  
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

NOTICE OF APPEAL(S); CASE APPEAL STATEMENT; DISTRICT COURT  
DOCKET ENTRIES; OMNINUS FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION  
ON PRE-TRIAL MOTIONS; DISTRICT COURT MINUTES; EXHIBITS LIST; NOTICE OF  
DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

YUXIA ZHANG,

Defendant(s).

Case No: C-19-343540-1

Dept No: IX

now on file and of record in this office.

**IN WITNESS THEREOF**, I have hereunto  
Set my hand and Affixed the seal of the  
Court at my office, Las Vegas, Nevada  
This 14 day of February 2022.

Steven D. Grierson, Clerk of the Court



Amanda Hampton, Deputy Clerk