

IN THE SUPREME COURT OF THE STATE OF NEVADA

---

KIM BLANDINO,

Appellant,

vs.

THE STATE OF NEVADA,

Appellee.

Electronically Filed  
Mar 26 2023 05:45 PM  
Elizabeth A. Brown  
Clerk of Supreme Court

CASE NO: 84433

**APPELLANT'S APPENDIX VI**

JOSEPH Z. GERSTEN, ESQ  
The Gersten Law Firm PLLC  
Nevada Bar No. 13876  
9680 W Tropicana Avenue # 146  
Las Vegas, NV 89147  
702-857-8777

STEVEN B. WOLFSON, ESQ.  
Alexander Chen, Esq.  
District Attorney Clark County  
200 Lewis Street, 3<sup>rd</sup> Floor  
Las Vegas, NV 89101

AARON FORD, ESQ.  
Nevada Attorney General  
Michael M. Miles, Esq.  
100 North Carson Street  
Carson City, Nevada 89701  
775-684-1265

Counsel for Appellant

Counsel for Appellee

**INDEX**

Transcript: Jury Trial Day 2.....AA1157

1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5  
6  
7  
8  
9  
0  
1  
2  
3  
4  
5

CASE#: C-19-341767-1  
DEPT. XII

**RECORDER'S TRANSCRIPT OF JURY TRIAL - DAY 2**

BENNAIR R. BATEMAN, ESQ.

Case Number: C-19-341767-1

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

INDEX

State's Opening Statement .....59

Defendant's Opening Statement .....79

Testimony .....85

WITNESSES FOR THE STATE

ASHLEY WILLIAMS

Direct Examination by Ms. Marland ..... 85

Cross-Examination by Mr. Bateman ..... 94

Redirect Examination by Ms. Marland ..... 95

MICHAEL FEDERICO

Direct Examination by Mr. Dickerson..... 99

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

RECEIVED

91

98

RECEIVED

AA 1159

1 Las Vegas, Nevada, Wednesday, March 2, 2022

2  
3 [Case called at 9:09 a.m.]

4 [Outside the presence of the prospective jurors]

5 THE COURT: Okay. Good morning. We have a panel here,  
6 so he's checking, and he's going to bring them in.

7 MR. DICKERSON: So, Your Honor, you're going to --

8 THE COURT: Okay. The record will reflect the hearing's,  
9 taking place outside the presence of the jury panel.

10 Mr. Dickerson, go ahead.

11 MR. DICKERSON: This morning. We're going to move to  
12 amend the indictment.

13 THE COURT: Okay. The indictment that we're moving to  
14 amend is not adding any additional counts or anything of the. What we  
15 have here is adding additional language to provide the Defendant further  
16 notice of his actions, which led to the charge of extortion, including the  
17 fact that he requested an apology from Mr. Federico, that being in  
18 writing and/or in public, as is going to be on the final document, as well  
19 as --

20 THE COURT: Okay. Again, Mr. Blandino, Mr. Bateman has to  
21 pay attention, because he has to be able to respond. Go ahead.

22 MR. BLANDINO: Sorry.

23 MR. DICKERSON: As well as that he also had threatened that  
24 he would send documentation of Mr. Federico's alleged misconduct to  
25 the Law Firm of Olsen Cannon Gormley Angulo & Stoberski, where

1 Mr. Federico was employed. This is going to be done pursuant to  
2 NRS 173.095(1). In as much as that also NRS 173.095(1) that the Court  
3 make permit an indictment to be amended at any time before a verdict or  
4 finding, if no additional different offense is charged, and if no substantial  
5 rights of the Defendant are prejudice.

6 This is a determination that is within your discretion, Your  
7 Honor. A criminal defendant has a substantial and fundamental right to  
8 be informed of the charges against him, pursuant to *Jennings v. State*.  
9 As a result the State required to give adequate notice to the Defendant of  
10 theories of prosecution, pursuant to *State of Nevada v. District Court*,  
11 that's going to be 116 Nev. 374, 2000.

12 The indictment itself must state a statement of acts,  
13 constituting the offenses in their ordinary and concise language. That's  
14 also pursuant to *Jennings*. So in accordance with those, with that  
15 statute, and that case law, that's why we're moving to amend this  
16 indictment today, to further put the Defendant on adequate notice of the  
17 charge against him.

18 THE COURT: Okay. So you haven't added any new charges,  
19 it simply added more facts?

20 MR. DICKERSON: That's correct.

21 THE COURT: And, Mr. Bateman, have you had an  
22 opportunity to review it?

23 MR. BATEMAN: I did, Your Honor, we would object to the  
24 amended indictment, Judge. This was, especially here, you know, right  
25 here as we are, starting trial, and adding new, I guess, new facts that

1 were not alleged previously, puts us, you know, at a disadvantage in our  
2 preparation to adequately defend this. I don't think the notice is  
3 sufficient, and it sort of broadens the target for the Prosecution and puts  
4 us at a disadvantage in preparing, preparing lines of questioning,  
5 preparing other possible defenses against these new facts that were not  
6 included in the original indictment, and this should have been included  
7 when the -- when the grand jury brought its true bill to the grand jury.

8 The Court's indulgence.

9 [Counsel and client confer]

10 MR. BATEMAN: And Judge, yes, it also does violate, I would  
11 say Mr. Blandino's rights under the constitution. With that, Judge, we  
12 would submit opposition to the indictment being amended.

13 THE COURT: Are there any facts that were included in here  
14 that you were not aware of?

15 MR. DICKERSON: And I may be able to admit, Your Honor,  
16 on that a bit. So here I have, in my hand, Grand Jury Exhibit 7. This is  
17 what was admitted to the Grand Jury that forms the basis of the  
18 indictment here. This is actually, as we show it to Defense counsel, a  
19 letter here that is -- includes the email that was sent to the law firm of  
20 Olsen Cannon Gormley Angulo & Stoberski, as well as the letters that  
21 made up that threat, and demand for apology, including the threat to  
22 send this documentation to the firm, as well as the documentation  
23 indicating the Defendant wasn't demanding an apology.

24 So all the facts that are contained within the new notice  
25 pleading for this amended indictment were available to Defendant, and



1 were in the record of the indictment that the Grand Jury actually heard.  
2 And I would just note a couple cases. *Nall* out of the Nevada Supreme  
3 Court, 85 Nev. 1, indicating that -- in that case, the Court actually  
4 permitted the addition of a charge of extortion, because they found that  
5 there was no error since there was plentiful evidence adduced at the  
6 preliminary hearing of that extortion charge, similar to what was  
7 adduced at the Grand Jury of these particular facts, except there is no  
8 new charge here, just new notice pleading.

9 In addition to that *Armstrong v. State*, 92 Nev. 675, the State  
10 was permitted by the trial court to amend information, adding a witness  
11 list, and they were permitted to do this the day before trial. In *Green*,  
12 that's 94 Nev. 176, the statement to amend after all the evidence had  
13 been presented at trial.

14 The amendment changed the allegation of which the  
15 Defendant had allegedly committed, and the Supreme Court reversed  
16 that conviction and remanded the case for a new trial on the amended  
17 information. The amendments to the charging document may be  
18 properly made where the Defendant can still defend against them; and  
19 that's why here right now, this amendment is proper.

20 THE COURT: Mr. Bateman?

21 MR. BATEMAN: Again, Your Honor, we would --

22 [Counsel and client confer]

23 THE COURT: So are there any facts that are alleged in this  
24 indictment that you are not aware of?

25 MR. BATEMAN: I would say, no. I would, you know, I'm sort

1 of at a disadvantage, I don't have time to look up those cases that  
2 Mr. Dickerson has cited. I will say, yes, Judge the -- in fairness and  
3 candid to the Court, we were aware that it will be, or is alleged that he  
4 did send a letter to partners of Mr. Federico's law firm. That was an  
5 alleged fact of this case that was known to the Defense.

6 THE COURT: Okay.

7 MR. BATEMAN: But with that, like I said, any opportunity to  
8 research, or look at those cases even to --

9 THE COURT: Okay.

10 MR. BATEMAN: -- more properly reply, I think I have not had  
11 that opportunity, so I want that on the record, and we'll submit our  
12 opposition on that.

13 THE COURT: Okay. Anything else?

14 MR. DICKERSON: Nothing else, Your Honor.

15 THE COURT: Okay. The Court's going to allow the amended  
16 indictment. Anything else before we bring the jury panel in?

17 MR. DICKERSON: Nothing from the State, other than just to  
18 inform the Court that we have marked the majority of our exhibits, and  
19 we've gone through those with Defense counsel thus far. We have not  
20 agreed at this point to any stipulations; we haven't actually had that  
21 discussion.

22 THE COURT: Okay.

23 MR. DICKERSON: But we will, and we'll let Your Honor know  
24 if any of that exists.

25 THE COURT: Okay. Perfect.

1 THE COURT: You can bring them in.

2 THE MARSHAL: All rise for entering jury, please.

3 [Prospective Jury in at 9:21 a.m.]

4 THE MARSHAL: Thank you, everyone. Please be seated.

5 THE COURT: Does the State in Nevada stipulate to the  
6 presence of the jury panel?

7 MR. DICKERSON: We, do, Your Honor.

8 THE COURT: Mr. Bateman?

9 MR. BATEMAN: Yes, Your Honor.

10 THE COURT: Okay. At this time, Ms. Marland, it's your  
11 panel.

12 MS. MARLAND: Good morning again, everyone. So we left  
13 off -- I'm almost done, I promise. So let me just start with this, who  
14 here's ever had a traffic ticket? Right. It seems like it's a pretty common  
15 occurrence.

16 Has anyone had to pay a fine? Okay. Has anyone ever had  
17 to go to Court on a traffic ticket? All right. And I'm going to ask you  
18 guys to kind of explain what the process was like for Mr. Romero and  
19 Mr. Kelly, if possible.

20 THE MARSHAL: Name and badge number, please.

21 PROSPECTIVE JUROR 831: Romero, 0831. So I believe I was  
22 just turning 18. I worked for an exotic rental company, so they would let  
23 me take all a bunch of kinds of cool cars home, and I didn't understand  
24 the value of not speeding and being safe on the roads and looking cool.  
25 And I got -- I think they clocked, it was a 90 and 65 on traveling, I think,

1 southbound on the '95.

2 MS. MARLAND: Oh, did you -- you had to go to Court on it?

3 PROSPECTIVE JUROR 831: Yeah. And the Judge was really  
4 nice, and she was like, oh, you're young. Just go take -- she actually  
5 made me go take a coroner's class, and I was able to get the point  
6 removed off my -- my license. And it was a big learning experience, so it  
7 definitely helped me become a better driver, so --

8 MS. MARLAND: Okay. And the coroner's class is like when  
9 you go to the morgue and have to --

10 PROSPECTIVE JUROR 831: Yeah. And look at dead bodies,  
11 and all that crazy stuff, so --

12 MS. MARLAND: Okay. Sounds like it made an impact?

13 PROSPECTIVE JUROR 831: Yeah. For sure it did.

14 MS. MARLAND: All right. And so did you feel like the  
15 judicial process worked for you at that point?

16 PROSPECTIVE JUROR 831: I feel like they were really fair to  
17 me. Yes.

18 MS. MARLAND: Okay. Thank you.

19 Mr. Kelly? Mr. Evans. I'm so sorry.

20 PROSPECTIVE JUROR 051: It's all good, either way. I was in  
21 law school a long time ago and speeding home on -- actually on election  
22 night to watch the returns and got pulled over, and I thought I would go  
23 to court and contest it and I lost.

24 MS. MARLAND: Okay. My --

25 PROSPECTIVE JUROR 051: My -- my first and only loss ever

1 so, yeah.

2 MS. MARLAND: Well, that's a pretty good record.

3 PROSPECTIVE JUROR 051: Just kidding, of course. I'm  
4 under oath.

5 MS. MARLAND: So all put together, did you feel like the  
6 process was fair?

7 PROSPECTIVE JUROR 051: Well, I was speeding, and I got a  
8 ticket and I paid for it. So yes, it was fair.

9 MS. MARLAND: Okay. So following up on that would you  
10 agree with me that certain laws are in place to protect certain categories  
11 of people, and against certain types of crimes?

12 PROSPECTIVE JUROR 051: Sure.

13 MS. MARLAND: I mean, obviously, you're an attorney, so  
14 I'm assuming that's part and parcel of what you do, as well?

15 PROSPECTIVE JUROR 051: Well, I don't -- I'm not a criminal  
16 attorney, I do civil litigation. But, yes, I understand.

17 MS. MARLAND: Okay. So you go by the laws that are in  
18 place?

19 PROSPECTIVE JUROR 051: Sure.

20 MS. MARLAND: All right. Does anyone here feel that some  
21 laws should be bent? Thank you, Mr. Evans.

22 Anyone here feel that certain laws should be bent, at all?  
23 Does everyone here have any trouble following the law. Seeing no one  
24 raising their hand?

25 But would everyone agree with me, and with the statement

1 that, you know, I believe Mr. Tang said yesterday that without the rule of  
2 law, you know, we'd kind of descend into chaos? Everyone seems to be  
3 nodding yes, to that.

4 All right. Now I'm going to ask to go to Mr. Tingley, because  
5 I don't think I've spoken to you, and you are our only person who was  
6 excited about jury duty.

7 PROSPECTIVE JUROR 894: Yeah.

8 MS. MARLAND: So, Mr. Tingley, you mentioned you have a  
9 journalism degree?

10 PROSPECTIVE JUROR 894: Correct.

11 MS. MARLAND: And what did you study in school?

12 PROSPECTIVE JUROR 894: Journalism?

13 MS. MARLAND: But any --

14 PROSPECTIVE JUROR 894: Yeah. Broadcast --

15 MS. MARLAND: Broadcasting?

16 PROSPECTIVE JUROR 894: Yes.

17 MS. MARLAND: Okay. And you are an audio engineer?

18 PROSPECTIVE JUROR 894: Correct?

19 MS. MARLAND: For a local TV station?

20 PROSPECTIVE JUROR 894: Correct.

21 MS. MARLAND: And what type of stories do you work on?

22 PROSPECTIVE JUROR 894: I'm just the button pusher. I just  
23 bring up the mics, bring them down, bring up audio whenever needed.  
24 I'm not really paying attention to what's going on over the air --

25 MS. MARLAND: Okay.

1 PROSPECTIVE JUROR 894: -- [indiscernible].

2 MS. MARLAND: And when you were studying journalism,  
3 was there any specific type of area you were interested in?

4 PROSPECTIVE JUROR 894: Sports.

5 MS. MARLAND: Sports. Okay.

6 PROSPECTIVE JUROR 894: A sports' junkie, so --

7 MS. MARLAND: What's your team?

8 PROSPECTIVE JUROR 894: The Atlanta Braves.

9 MS. MARLAND: Okay.

10 PROSPECTIVE JUROR 894: Yeah.

11 MS. MARLAND: I don't know much --

12 PROSPECTIVE JUROR 894: Baseball.

13 MS. MARLAND: -- about sports. Okay. Thank you.

14 Appreciate that. So isn't there a baseball season opening soon?

15 PROSPECTIVE JUROR 894: It got delayed by two series.

16 MS. MARLAND: All right. Well --

17 [Simultaneous conversation]

18 MS. MARLAND: Well, here's hoping that you get to actually  
19 see it, and hopefully, you know, you'll be able to get your Braves where  
20 they need to go.

21 PROSPECTIVE JUROR 894: Let's hope.

22 MS. MARLAND: All right. And so going off of what I just  
23 asked, do you believe that, you know, rules are there for a reason?

24 PROSPECTIVE JUROR 894: A hundred percent, yeah.

25 MS. MARLAND: And the judicial -- would you agree with me

1 that the judicial process is made to make sure those laws and rules are  
2 followed?

3 PROSPECTIVE JUROR 894: Yeah.

4 MS. MARLAND: And do you have any concerns at all with,  
5 you know, the judicial process following the laws?

6 PROSPECTIVE JUROR 894: Not at all.

7 MS. MARLAND: All right. All right. Thank you, sir. And  
8 thank you for your enthusiasm about jury duty.

9 PROSPECTIVE JUROR 894: Any time I can sleep in.

10 MS. MARLAND: Fair enough. Fair enough. What's your  
11 usual schedule?

12 PROSPECTIVE JUROR 894: I go in at 3:30 in the morning, so  
13 this is a late call for me.

14 MS. MARLAND: All right. Now I get the enthusiasm.

15 PROSPECTIVE JUROR 894: Yeah.

16 MS. MARLAND: Perfect, thank you.

17 The Court's brief indulgence.

18 [Counsel confer]

19 MS. MARLAND: And, Your Honor, I have no more  
20 questions for this jury panel.

21 THE COURT: And you'll pass this panel for cause?

22 MS. MARLAND: I pass the panel for cause. Thank you.

23 THE COURT: Okay. Mr. Bateman, it's your panel.

24 MR. BATEMAN: All right. All right. We just have a few,  
25 maybe some follow-up questions here for some of our panel. Just, I



1 want a show of hands who here gets most of your news from the  
2 internet?

3 Okay. Show of hands, who here gets most of their news  
4 from cable news? Does someone else get their news from another  
5 source, the majority of the news and information from another source?  
6 Okay. All right.

7 Okay. So -- all right. Well, let's see, is it Miss -- is it  
8 Antu [sic]. And you are, right, a journalist for the local news station,  
9 right?

10 PROSPECTIVE JUROR 802: Correct.

11 MR. BATEMAN: And so where do you get your news?

12 PROSPECTIVE JUROR 802: Everywhere.

13 MR. BATEMAN: Everywhere.

14 PROSPECTIVE JUROR 802: Email, Facebook, people reach  
15 out to me.

16 MR. BATEMAN: Uh-huh.

17 PROSPECTIVE JUROR 802: Talking to people.

18 MR. BATEMAN: So one site is Facebook, okay. Okay. And  
19 how do you like process that then? I mean, I guess maybe you might be  
20 special, I mean -- so because, I mean, not everything -- not all the news  
21 you get is maybe completely accurate; how do you process that then?

22 PROSPECTIVE JUROR 802: I have to verify my sources quite  
23 a bit.

24 MR. BATEMAN: Okay.

25 PROSPECTIVE JUROR 802: So if somebody reaches out to

1 me and says, I saw this, I usually have to do my own due diligence.

2 MR. BATEMAN: Okay. And -- okay. So is it fair to say, then,  
3 you might take something in, but have to weigh it against other factors  
4 before you can say, yes, this is --

5 PROSPECTIVE JUROR 802: All the time. Yeah.

6 MR. BATEMAN: Okay. All right. Thank you.

7 Who else? Let's see. Is it Ms. Ogden. Will you pass it to Ms.  
8 Ogden. You raised your hand on, was it internet?

9 PROSPECTIVE JUROR 854: Yes.

10 MR. BATEMAN: What websites? What sources?

11 PROSPECTIVE JUROR 854: Drudge, Fox News, CNN. I like to  
12 just see all of it, I don't necessarily just look at one. I follow all of their  
13 Facebook pages, so if they update --

14 MR. BATEMAN: Okay. So social media as well?

15 PROSPECTIVE JUROR 854: Then it just pops on my screen.  
16 Right.

17 MR. BATEMAN: Okay. Well, a similar question that I asked  
18 to Ms. Antuna do you process it then? Is there -- do you just sort of -- do  
19 you take it all at face value, or how do you --

20 PROSPECTIVE JUROR 802: No. Normally I just read like  
21 multiple articles about the same issue, and then try to form my own  
22 opinion.

23 MR. BATEMAN: Okay. All right. Thank you.

24 PROSPECTIVE JUROR 802: Thank you.

25 MR. BATEMAN: Let's see. Let's pass it to is it Ms. Browne,

1 or Dr. Browne, I'm sorry. Will you pass it to Dr. Browne. You raised your  
2 -- I'm sorry, you raise your hand at other sources on the news, or --

3 PROSPECTIVE JUROR 104: That's correct. I actually am an  
4 old school person who watches the NBC nightly news every night, still.  
5 Yeah.

6 MR. BATEMAN: Okay. Lester Holt?

7 PROSPECTIVE JUROR 104: Lester Holt, there you go.

8 MR. BATEMAN: Okay.

9 PROSPECTIVE JUROR 104: Yes.

10 MR. BATEMAN: And do you subscribe to the newspaper too.  
11 I mean, is it --

12 PROSPECTIVE JUROR 104: No. I read the New York times  
13 online sometimes.

14 MR. BATEMAN: Okay.

15 PROSPECTIVE JUROR 104: Don't have a whole -- I'm not a  
16 big news junkie, to be honest.

17 MR. BATEMAN: Not a news junkie? Okay. And -- all right.  
18 And so the same question, how do you process that, then in your -- the  
19 news that you --

20 PROSPECTIVE JUROR 104: I mean, I would agree with  
21 everyone else who spoke, if there is an interesting story and I don't feel  
22 like I know enough about it, I'll do a search and read more about the  
23 subject.

24 MR. BATEMAN: Uh-huh.

25 PROSPECTIVE JUROR 104: So --

1 MR. BATEMAN: Okay. And I'm sure you probably, well, read  
2 medical journals and that sort of thing too, or --

3 PROSPECTIVE JUROR 104: Yes.

4 MR. BATEMAN: -- you have to keep on top of that? And  
5 you're a -- was it anesthesiologist?

6 PROSPECTIVE JUROR 104: That's correct.

7 MR. BATEMAN: Okay. Is it more numbing being in jury duty  
8 than --

9 PROSPECTIVE JUROR 104: It's a much later start, I have to  
10 say.

11 MR. BATEMAN: A numbing process here. Okay. All right.  
12 Thank you.

13 And let's see here? Okay. Let me let me ask just a general  
14 question here. Who here feels that they can -- does everyone here feel  
15 that they would be able to separate your feelings for the Defendant, for  
16 me as Defense counsel, or the prosecutors, in determining your verdict?

17 What I mean by that is, you say, well, you know, I don't like  
18 this guy, Mr. Bateman here, and so that's going to color my opinion.  
19 I don't like the Defendant. And so, yeah, you know what, he's probably  
20 guilty, or any sort of thing like that? Does anyone here think that would  
21 be an issue for you? Or let me put it to you this way, this is human  
22 nature. So let me let me ask you then, on a scale of 1 to 10, okay, I want  
23 to know your number on 10 being, yeah, no problem, I can separate --  
24 even if I dislike him, I think the Defendant's obnoxious, I don't like his  
25 Defense counsel's attorney, I think he's a jerk?

1 But you know, the facts are the facts, and so, you know,  
2 that's all I care about; that being a 10, 1 being, you know what, I don't  
3 like that guy, I don't know Jack. You know what, he's a jackass, and you  
4 know, so he's guilty. You know, you know, what numbers do -- I want to  
5 know some of your numbers. Let's go with -- let's see, who has the  
6 microphone, Mr. Tang? What -- what's your number on that scale?

7 PROSPECTIVE JUROR 104: So my idea is if the fact's there,  
8 and then I'm number 10, you know, the facts is there, and then I -- you  
9 know, is found him guilty it should be, you know, I have no problem with  
10 listening to the facts --

11 MR. BATEMAN: Okay.

12 PROSPECTIVE JUROR 104: [Indiscernible]

13 MR. BATEMAN: All right. Okay, thank you. Let's pass the  
14 microphone to -- sorry, let me -- who's got a number, I don't know --  
15 yeah.

16 THE MARSHAL: State your badge number, please.

17 PROSPECTIVE JUROR 831: If I'm going to be completely  
18 honest, I'm like a 5.

19 MR. BATEMAN: You're like a 5, why is that?

20 PROSPECTIVE JUROR 831: I think code of conduct, and a  
21 code of conduct, and I think personal mannerisms say a lot about the  
22 person, even when they're not speaking. So, you know, if someone's  
23 obviously sitting in there and their body language, and just how they  
24 present themselves, whether it be looking at someone funny, laughing or  
25 whatever it may be, I think that tends to make me lean either way --

1 MR. BATEMAN: Okay.

2 PROSPECTIVE JUROR 831: -- because it's -- the facts are one  
3 thing, and then there's also the way the facts are presented, it changes  
4 the narrative of a lot of things, and you can't -- you can't hide the actions  
5 of someone, but you can't hide the words. So I think that's just, you  
6 know what I'm saying, that's why it puts me at a 5, because if someone's  
7 obviously, you know, showing respect and, you know, presenting  
8 themselves, away, and this goes outside court, in court --

9 MR. BATEMAN: Uh-huh.

10 PROSPECTIVE JUROR 068: -- you know, their body language  
11 speaks sometimes louder than the words do. And I think that personally  
12 for me, that can make me go either way, so I'm -- I'm a five.

13 MR. BATEMAN: Okay. Yes? Let's pass it -- or who's --

14 PROSPECTIVE JUROR 802: I was going to say, I'm a 10.

15 THE COURT: Juror Number 2 --

16 MR. BATEMAN: Juror Number 2.

17 THE COURT: -- Emily Antuna.

18 PROSPECTIVE JUROR 802: Oh, okay. Emily Atuna, 0802. I  
19 would say that I'm a 10 on this.

20 THE COURT: Okay.

21 PROSPECTIVE JUROR 802: Just because the person's not on  
22 trial, his actions are, so you go solely based off the facts, just because  
23 he's a jerk doesn't mean that he necessarily broke the law.

24 MR. BATEMAN: Uh-huh. And, I'm sorry, in the front here,  
25 Juror Number?

1 PROSPECTIVE JUROR 025: 1025, Jordan Wallace, I would  
2 say I'm a 5 or a 6 on that one.

3 MR. BATEMAN: Okay. And why is that?

4 PROSPECTIVE JUROR 025: Just for -- I think it's human  
5 nature just to kind of apply like, you know, certain likes and dislikes and  
6 characters in a sense. It's like, you know, this is real life, but, you know,  
7 you're -- you're observing a drama unfold. And I think that, you know,  
8 me, personally I'm drawn to that. And then also too, I mean, everyone in  
9 this room, other than the jury is essentially a character, unfolding like the  
10 drama, a narrative.

11 And I think that, you know, based on people's actions and  
12 what they're doing, I think could develop and would develop to me  
13 personally, you know, a different feeling. And that kind goes with what I  
14 said yesterday, that's why I said I have an uncomfort in that -- in that  
15 level of, you know, being in the -- having my opinion dictate somebody's  
16 future, so -- yeah. But --

17 MR. BATEMAN: Yeah. That's a lot of responsibility and  
18 that's why we're --

19 PROSPECTIVE JUROR 025: Yeah, sure.

20 MR. BATEMAN: -- trying to dig this-- kind of dig deep into  
21 this.

22 PROSPECTIVE JUROR 025: Yeah.

23 MR. BATEMAN: Let's see. Sir, will you pass the microphone  
24 the microphone, is it Mr. Kuresa? What's your number? This is -- sorry.  
25 Juror number 13.

1 PROSPECTIVE JUROR 895: Desmond Kuresa, 0895.  
2 MR. BATEMAN: Yeah. What's your, what's your number on  
3 that scale?  
4 PROSPECTIVE JUROR 895: Oh, 10.  
5 MR. BATEMAN: 10?  
6 PROSPECTIVE JUROR 895: Yeah.  
7 MR. BATEMAN: Okay. You can completely separate --  
8 PROSPECTIVE JUROR 895: Right.  
9 MR. BATEMAN: -- your personal feelings for someone just  
10 based --  
11 PROSPECTIVE JUROR 895: The facts?  
12 MR. BATEMAN: -- solely on -- uh-huh. Okay. All right. Let's  
13 see, where's Juror Number 10, Ms. Cantu? Can you pass it to -- what's  
14 your number?  
15 PROSPECTIVE JUROR 875: 0875.  
16 MR. BATEMAN: Okay. Sorry, thank you, badge number.  
17 What's your number on that scale, what do you think?  
18 PROSPECTIVE JUROR 875: A 10.  
19 MR. BATEMAN: Do you think so, a 10?  
20 PROSPECTIVE JUROR 875: Yes. Uh-huh.  
21 MR. BATEMAN: You can completely, even though, I mean,  
22 we've heard some people say, you know, it's -- it's human nature. Do  
23 you think you can --  
24 PROSPECTIVE JUROR 875: I agree. I don't know, I was  
25 raised to be very like fact-based and not like let my opinions get in the



1 way of things, like just in general. So, yeah, I think I would be okay.

2 MR. BATEMAN: Okay. All right. Thank you.

3 PROSPECTIVE JUROR 875: Uh-huh.

4 MR. BATEMAN: And anyone else have a number that's --  
5 yes, pass it to --

6 PROSPECTIVE JUROR 104: Susan Browne, 1104. I actually  
7 would like to answer this one, because I think I'm squarely at 10, as well.  
8 And it is what I do for my career.

9 MR. BATEMAN: Okay.

10 PROSPECTIVE JUROR 104: Whether it's a rapist or the  
11 biggest VIP, you can imagine everyone gets the same care, everyone  
12 deserves the same consideration, so --

13 MR. BATEMAN: even if the patient's a jerk, even --

14 PROSPECTIVE JUROR 104: It doesn't matter.

15 MR. BATEMAN: Okay. All right. That's what, you know,  
16 what we're looking for. Anyone else that's maybe that's not a 10,  
17 anyone else that's -- yes. If you'll pass it, this is -- pass the mic here.

18 PROSPECTIVE JUROR 994: Jacob Lockhart, badge 0994.

19 MR. BATEMAN: Yes.

20 PROSPECTIVE JUROR 994: I would say I'm about like an 8.

21 MR. BATEMAN: Okay.

22 PROSPECTIVE JUROR 994: Where I'm a very logical person.  
23 I think about reasoning, but sometimes you don't have enough evidence,  
24 but sometimes people kind of deserve some sort of punishment, but just  
25 because you don't have the proper evidence doesn't mean they didn't

1 necessarily do it.

2 Sometimes it's just circumstantial. You don't happen to have  
3 everything, but they still are guilty. You just can't necessarily prove it in  
4 the moment. But you know, some people do deserve some sort of  
5 punishment, but with the evidence given, and sometimes you just have  
6 to go with what's given to you.

7 MR. BATEMAN: Okay. Are you -- well, I mean, are you able,  
8 just to then just process the evidence that's presented here in court?

9 PROSPECTIVE JUROR 994: Yes.

10 MR. BATEMAN: And not -- is the statement that, well,  
11 maybe, yeah, maybe they deserve it because -- you understand you're  
12 only supposed to, you know, to just process and consider what evidence  
13 is presented here in court?

14 PROSPECTIVE JUROR 994: Yes.

15 MR. BATEMAN: Okay. And not sort of lean on speculation, I  
16 guess?

17 PROSPECTIVE JUROR 994: Yes.

18 MR. BATEMAN: Okay. And so you said your number was  
19 what, about an 8?

20 PROSPECTIVE JUROR 994: Yeah. About 8. Okay. All right.  
21 Fair enough. Anyone else? Yes?

22 PROSPECTIVE JUROR 051: Yeah. I would certainly decide  
23 the case on the facts.

24 THE MARSHAL: What's your name and badge number?

25 PROSPECTIVE JUROR 051: I'm sorry. Kelly Evans, 1051. I

1 would certainly decide the case on the -- on the facts, but I do have to  
2 say that in this particular case, the fact that your client showed up  
3 wearing as shirt, the message doesn't matter, I just find it terribly  
4 disrespectful to the Court.

5 MR. BATEMAN: Okay.

6 PROSPECTIVE JUROR 051: I find it disrespectful to me. It's,  
7 we're -- we're here about whatever the charges are, and I just -- I will put  
8 it aside, but I just -- I think if I was in your shoes asking your questions,  
9 I'd want to know that.

10 MR. BATEMAN: Okay. Fair enough. Yes. Will you pass it  
11 back.

12 PROSPECTIVE JUROR 879: Yvonne Diaz, 0879. In the  
13 personal stance, I'd be like about a 5, kind of what they said before.  
14 Judging on like actions and just more personality.

15 MR. BATEMAN: Okay.

16 PROSPECTIVE JUROR 879: But similar to what Dr. Browne  
17 was saying, there are certain instances where you have to put that aside  
18 and just kind of focus on what's the matter at hand, so --

19 MR. BATEMAN: Okay. But you -- but you gave your  
20 numbers as 5, so that --

21 PROSPECTIVE JUROR 879: Oh, well --

22 MR. BATEMAN: -- I mean, it is sort of human nature. We all,  
23 you know, we make judgements all the time. We see things and not that  
24 that it's a bad thing, but we have to process information as we see it.  
25 And so would you have a --

1 PROSPECTIVE JUROR 879: I think in the Court's case, I  
2 would be at a 10, but in, as I said in my personal life, I would be at a 5.

3 MR. BATEMAN: Okay. All right. Fair enough. And -- well,  
4 let me -- well, Mr. Evans, Mr. Evans, right, or is it Mr. Kim?

5 PROSPECTIVE JUROR 051: Mr. Evans.

6 MR. BATEMAN: Mr. Evans, okay. Sorry.

7 You brought up the fact of the Defendant's attire, is anyone  
8 else bothered by the Defendant's attire? Okay.

9 PROSPECTIVE JUROR 138: I didn't read it.

10 MR. BLANDINO: You don't have a microphone.

11 PROSPECTIVE JUROR 138: I didn't read what it said.

12 MR. BATEMAN: No? It doesn't matter. I mean, more of just  
13 regardless of the message, just --

14 THE COURT: Okay. Is there a specific juror --

15 MR. BLANDINO: I'm sorry, Mr. Bateman --

16 THE COURT: -- you're speaking to?

17 MR. BLANDINO: -- who is speaking, the name and number,  
18 please.

19 THE COURT: Yeah. Absolutely.

20 MR. BLANDINO: Who was speaking?

21 PROSPECTIVE JUROR 138: Sorry. William Logan, 1038.

22 Okay. I didn't get a chance to read his shirt, so --

23 THE COURT: Sit down.

24 MR. BLANDINO: Okay.

25 THE COURT: Sit down.

1 MR. BATEMAN: All right.

2 PROSPECTIVE JUROR 138: I don't know what it says still.

3 MR. BATEMAN: All right. Now just -- all right. Pass it down,  
4 and let's go to Mister --

5 PROSPECTIVE JUROR 831: Romero. It's 0831, I believe?

6 MR. BATEMAN: Yeah.

7 PROSPECTIVE JUROR 831: I mean, the shirt's one thing, I  
8 think coming in here, definitely with a message on it pushes not only a  
9 political agenda, but a lot of -- a moral agenda that is corrupting to a lot  
10 of people within the sensitive times, because if you don't know, if you  
11 ever walk outside the Trump/Biden, it has created a dividend in our  
12 culture that is completely separate.

13 I've seen more people want to fight just because they know  
14 they're wearing a hat, not even knowing because of just, you know, the  
15 assumptions you make about a person and the general assumptions  
16 behind, you know, people who wear that kind of stuff are racist. You  
17 know, narcissistic, you know, or typically tend to be more conservative,  
18 and you know -- personally, I don't care.

19 I just think in the matter of trying to represent your best self,  
20 you would want to show up and, you know, your Jesus' best.

21 MR. BATEMAN: Uh-huh.

22 PROSPECTIVE JUROR 831: But personally to me, it doesn't  
23 matter. I'm just -- those are my thoughts on it.

24 MR. BATEMAN: Okay. And you were -- sorry, you were --  
25 you said your number was a 5, right? So, I mean, would this be

1 something that would maybe influence you, or make you not like him, or  
2 make you like him more? I mean, is that something that would, I guess,  
3 influence how you see the evidence against the --

4 PROSPECTIVE JUROR 831: It wouldn't influence me how I  
5 see the evidence, but the facts or facts. But at the end of the day, it does  
6 influence my personal thoughts on his, you know, just, you know, how  
7 you see a person at first glance, you're obviously going to have initial  
8 thoughts on who they are before you even get to know them. I -- we  
9 haven't gotten to know him whatsoever --

10 MR. BATEMAN: Right.

11 PROSPECTIVE JUROR 831: -- in the Court, or in a personal  
12 matter, but it definitely doesn't help lean to the top 10, it doesn't -- but  
13 for a simple answer, I would definitely say it's -- it, you know, regard --  
14 and the message doesn't matter, in my opinion, I'm just saying, you  
15 know, it's like showing up to an interview in board shorts. It's like, all  
16 right, well --

17 MR. BATEMAN: Understood. Yes. And this is juror  
18 Number 3.

19 PROSPECTIVE JUROR 806: Yes. Yeah. And I'm 0806, Ana  
20 Tanasescu. Yeah. I wasn't bothered by him being dressed like that, but  
21 it -- it got my attention that he was dressed in a t-shirt, red. Like I would  
22 think that it's not the place too -- for him to be -- be wearing that, but it's  
23 okay.

24 MR. BATEMAN: Okay. What was your number on that? I  
25 didn't think I got your number on that --

1 PROSPECTIVE JUROR 806: Oh, no. Yes --  
2 MR. BATEMAN: -- 1 to 10 scale --  
3 PROSPECTIVE JUROR 806: Yes, I will.  
4 MR. BATEMAN: -- of being able to separate?  
5 PROSPECTIVE JUROR 806: A seven.  
6 MR. BATEMAN: Okay. And why seven? What makes you --  
7 PROSPECTIVE JUROR 806: I mean, even though like, of  
8 course, like I'm going to see the facts, and everything, like first  
9 impressions are just, it's just human nature that you would think  
10 something about a person just by looking at them, even though you  
11 want it or not, you would think something about that person. So --  
12 MR. BATEMAN: Understood.  
13 PROSPECTIVE JUROR 806: Yeah.  
14 MR. BATEMAN: And who else said -- who else had a hand  
15 up on that? Okay. I said up front to let's see. Okay. You're  
16 Mr. Lockhart, right?  
17 PROSPECTIVE JUROR 994: Yes. Jacob Lockhart, 0994. Me  
18 personally, I just feel like in a court of law, you would try to stay neutral  
19 in a situation --  
20 MR. BATEMAN: Uh-huh.  
21 PROSPECTIVE JUROR 994: -- and wearing a shirt like that  
22 kind of imposes some sort of personality, or trying to kind of appeal to  
23 someone, and I feel like it's not professional to try to show some sort of  
24 side in a court of law, and especially one that's very polarizing in current  
25 situations.

1 MR. BATEMAN: Okay. And your number you said was an  
2 eight?

3 PROSPECTIVE JUROR 994: Yes.

4 MR. BATEMAN: I mean, so is this going, you know,  
5 regardless of the message, maybe, yeah, just that sort of lack of  
6 professionalism, is that -- do you think that would be an issue for you,  
7 going forward?

8 PROSPECTIVE JUROR 994: I mean, I try my best to stick with  
9 the evidence given to me. I just may not like the decision I had to do, but  
10 I mean, I have to do what's given to me

11 MR. BATEMAN: Understood. Okay. And I believe this --  
12 okay, will you pass the microphone to Ms. Pembroke; is that right?  
13 Juror Number 21?

14 PROSPECTIVE JUROR 981: 0981.

15 MR. BATEMAN: Yes?

16 PROSPECTIVE JUROR 981: Okay. So there are people that I  
17 love and cherish who do not share my political views, but I still love and  
18 cherish them. But I think it's disrespectful for him to display that, at this  
19 point in time. I'm not sure what the objective is, but it seems like what  
20 Mr. Lockhart said that he's attempting to appeal to people who share his  
21 political view, and this is not the time or place for that to be  
22 demonstrated.

23 MR. BATEMAN: Fair enough. And what was your number  
24 on that scale 1 to 10 of being able to differentiate that, is this going to,  
25 you know --



1 PROSPECTIVE JUROR 981: It's a 10, like I said, there are  
2 people I love who are --

3 MR. BATEMAN: Uh-huh.

4 PROSPECTIVE JUROR 981: -- you know, not with me where I  
5 am politically, but I still love and cherish them. And I still respect them. I  
6 just think that a courtroom when you're the Defendant it's not, I don't  
7 think it's logical. And then, so then I'm going to question -- that makes  
8 me question other things. Okay. If he's not logical, then --

9 MR. BATEMAN: Uh-huh. Okay.

10 PROSPECTIVE JUROR 981: Okay.

11 MR. BATEMAN: Who else had a hand up that -- yes?

12 PROSPECTIVE JUROR 025: 1025, Jordan Wallace. Yeah, no,  
13 I -- I agree with what he said about he said about -- I mean, but my big  
14 thing is, you know, you're in a court you're coming here. Obviously you  
15 have a lot on line, you know, like I said, I've wear my Sunday's best to try  
16 to -- you know, that -- and then, you know, like I said, being on the 5, that  
17 already -- like, I said about -- that's the character's element, you know --

18 MR. BATEMAN: Uh-huh.

19 PROSPECTIVE JUROR 025: So I -- I kind of see it as -- I don't  
20 think that, you know, obviously if I had to be a juror, I would do my best  
21 to, you know, by the evidence and, you know, you do the right thing,  
22 because that's what --

23 MR. BATEMAN: Right.

24 THE MARSHAL: -- you're called to do, but it does, you know,  
25 cast the -- case the light on it. And I don't -- I don't care about politics in

1 any sense of it, but you know, just one of those things where it kind of  
2 shows the demeanor, I guess. Yeah. That's -- everything that I have to  
3 say has been said.

4 MR. BATEMAN: All right. Does anyone else have anything  
5 you would like to add on that topic? Anyone have -- okay. Seeing no  
6 hands. All right.

7 All right. And would -- so, okay. So we've talked about, you  
8 know, kind of separating what you think about, you know, the Defendant,  
9 what you think about, you know, any of the attorneys, prosecutors,  
10 defense attorneys, would any of you have -- well, let me say, if you're  
11 deliberating and joining a verdict, let me just ask this, and I'll probably  
12 do this on a scale as well, but who here would join a verdict of most of  
13 the people or even all the other people, just to -- just to conclude the  
14 case, even if it was contrary to your belief of the facts. Does that make  
15 sense?

16 So is there, you know, say, you know, there's 12 of you that  
17 are deliberating and you think, for example, you know, either he's guilty,  
18 or not guilty or the 11 others are like, no, it's the other way, 11 against  
19 one, you know, on a scale of 1 to 10, I want to know, 10 being no way,  
20 know how, if I'm convinced no one's going to persuade me to one -- you  
21 know what fine. I'll just go along, get along, just end this, just be done,  
22 okay?

23 I want to know, you know, what is your, what is your  
24 number? How -- if you are convinced either one way or the other, how --

25 THE COURT: I'm not sure about a number.

1 MR. BATEMAN: Pardon?

2 THE COURT: I think you can -- I don't know about a number,  
3 but I think you can ask them if they would, you know --

4 MR. BATEMAN: All right.

5 THE COURT: -- stick with what they believed.

6 MR. BATEMAN: Perfect.

7 All right. Let's go -- Juror Number 4. Where's our  
8 microphone. That says Mr. Esperanza. What are your thoughts on that?  
9 Yeah, fine. Maybe not a number, but like --

10 PROSPECTIVE JUROR 818: I would say everybody has like  
11 their own opinion. Like -- like they were saying, like how a person is  
12 dressed for the courtroom. Like one day you can come in a suit, and  
13 then the next day you get comfortable and just wear a shirt.

14 But like I said, everyone has their own opinions. If it's 11  
15 to 1, the person that's being the one really doesn't have a choice  
16 because at the end of the day, it's all up to the verdict. Like I could say,  
17 oh, he's not guilty, and then the other people who are here are saying,  
18 oh, he's guilty. You know, and that can go on for however long until --

19 MR. BATEMAN: Right.

20 PROSPECTIVE JUROR 818: -- until the group comes to a  
21 conclusion. But that's just how I see it. Like whatever the facts is laid  
22 out to me.

23 MR. BATEMAN: But I'm asking specifically about you, like --

24 PROSPECTIVE JUROR 818: Me?

25 MR. BATEMAN: If you are convinced that whatever he's

1 guilty or he is not guilty, and the 11 others are saying no, and they're all,  
2 like, all of them are pointed at you, how likely would you say, okay, fine?  
3 Or, I mean, you -- can you stand up and say, no, wait, this is --

4 PROSPECTIVE JUROR 818: Oh, of course. Like -- like I said, I  
5 have -- I have my own opinions. I'm not going to let someone else's  
6 opinion like change the way I think, of course I'm going to express it first,  
7 and then come to my own conclusion and see how I can put that  
8 message to the group.

9 MR. BATEMAN: Okay. All right. And, well, what was your  
10 number, of being able to separate your thoughts and feelings for  
11 Defendant and just facts; remember I asked that previously?

12 PROSPECTIVE JUROR 818: I would say -- I would say about  
13 a five, I'll -- I'll be in middle.

14 MR. BATEMAN: A five. And why is that, why a five?

15 PROSPECTIVE JUROR 818: Like I said earlier, it just depends  
16 on like what the -- what the others were saying on body language. If  
17 there's something funny that someone said that, what really, wasn't  
18 funny, it's all up to body language and the facts that's proven.

19 MR. BATEMAN: Okay. All right. Thank you.

20 Yes. This is Mr. Romero?

21 PROSPECTIVE JUROR 831: Yeah. 0831. I just had a  
22 question, because I don't think anybody really explained that. What  
23 happens in the judicial process where, you know, you got 12 to 11, is  
24 there a statue on how long that can take, or are you just going to argue  
25 for seven months?

1 MR. BATEMAN: Well --

2 THE COURT: You would be instructed on the law by the  
3 Court?

4 MR. BATEMAN: Okay, Judge --

5 PROSPECTIVE JUROR 831: Yeah. Okay.

6 MR. BATEMAN: -- that's correct.

7 PROSPECTIVE JUROR 831: Okay. So even -- even though  
8 they say we're deliberating, and it goes on for months and this dude's  
9 not bending -- bending over, and it's still 12 to -- or one to 1 to 11, what  
10 mediates; like who else is supposed to step in?

11 THE COURT: You would be instructed on the law by the  
12 Court.

13 Okay. Thank you. That's all I had.

14 THE COURT: Thank you.

15 MR. BATEMAN: All right. Yeah. I'll ask the same question to  
16 -- let's see, Juror Number 15; is that Ms. Fernandez?

17 PROSPECTIVE JUROR 903: Yeah, Juror 903. So I'm, based  
18 on my job, this is kind of an everyday thing for me. So I would have to  
19 be able to tell even my higher-ups, you know, when I have an opinion, or  
20 when something is not right, so I would be okay with deliberating and  
21 kind of talking through why I think the way I think.

22 MR. BATEMAN: Okay. And -- okay. What sort of job -- you  
23 know, what sort of deliberation, what are we in?

24 PROSPECTIVE JUROR 903: So I work in human resources.

25 MR. BATEMAN: Right.

1 PROSPECTIVE JUROR 903: So anything that, like, if one of  
2 the vice presidents for a department needed to terminate an employee,  
3 based on their opinion of the employee or the job that they were doing,  
4 but we didn't have the facts to actually terminate that employee, I would  
5 have to be the mediator and kind of work through what we can do and  
6 give them the opinions and the facts of everything that we can do.

7 MR. BATEMAN: Okay. And what -- and give your number on  
8 the being able to separate --

9 PROSPECTIVE JUROR 903: Based on what I do, it would be a  
10 10, because that's kind of all I have to look at right? It's just --

11 MR. BATEMAN: Uh-huh.

12 PROSPECTIVE JUROR 903: -- what the employee did, against  
13 what our policy is, regardless of how good or bad of a job they're doing.

14 MR. BATEMAN: Okay. So even if you don't like that  
15 employee, you have to be --

16 PROSPECTIVE JUROR 903: Correct.

17 MR. BATEMAN: -- objective. Okay. And you can bring that  
18 here?

19 PROSPECTIVE JUROR 903: Correct.

20 MR. BATEMAN: Okay. All right. Let me ask -- okay. Thank  
21 you. All right. Some of you, I guess previously had been asked about,  
22 you know, what you think about the judicial, you know, our judicial  
23 system, our criminal justice system. Would someone have something  
24 against a person who does not completely trust our judicial system, our  
25 law enforcement, you know, including judges and attorneys, you know,

1 would you hold that against someone? Would you --

2 Well, let me just -- let me ask it this way. And let me ask, let  
3 me start, sorry, with Juror Number 1. Is it Ms. Eady, is that how you  
4 pronounce --

5 PROSPECTIVE JUROR 636: Magenta Eady, 0636.

6 MR. BATEMAN: Okay. I believe you had indicated your  
7 father was a police officer --

8 PROSPECTIVE JUROR 636: Yes.

9 MR. BATEMAN: -- in Philadelphia?

10 Okay. So given that fact, would you give more weight to the  
11 testimony of like a police officer, or a detective, just because they are a  
12 police officer?

13 PROSPECTIVE JUROR 636: No, I think I have the ability to be  
14 objective and listen, again, to the facts, and go off of that. I don't -- I  
15 wouldn't lean towards one person or the other, simply because of the  
16 position that they hold.

17 MR. BATEMAN: Okay. What about someone like who's a  
18 judge, or --

19 PROSPECTIVE JUROR 636: I mean, I respect their authority,  
20 but again, I would be able to listen to the facts and formulate my own  
21 opinion.

22 MR. BATEMAN: Okay. All right. And, again, you would be  
23 able to also separate any feelings you had for any of us, and base your  
24 decision solely on --

25 PROSPECTIVE JUROR 636: Yes.

1 MR. BATEMAN: -- facts and evidence presented?

2 PROSPECTIVE JUROR 636: Yes.

3 MR. BATEMAN: Okay. Thank you. Now just pass it down to,  
4 let's see, juror, number's see, juror -- Mr. Tang?

5 PROSPECTIVE JUROR 872: Johnny Tang, 0872,

6 MR. BATEMAN: Okay. I believe it was yesterday you said  
7 that you believe strongly in, I guess, rules and we have follow the rules  
8 and that sort of thing. So the same, question you about -- like, would  
9 you give more weight or credence to the testimony of a police officer, or  
10 judge, or someone like that, someone in the sort of law enforcement  
11 judicial system, just because of their position?

12 PROSPECTIVE JUROR 872: I would say, yes, because to me  
13 authority, like a police officer and a judge, you know, they know more --  
14 they know more than I do, right?

15 MR. BATEMAN: Okay.

16 PROSPECTIVE JUROR 872: So if I get in trouble, you call -- all  
17 you do is call 9-1-1 and they're to help you, right? And then, I mean, I  
18 believe, that like detective serve, you know. And then, I mean, their  
19 words are the net facts, they're there to, you know, investigate the facts,  
20 you know, the same as the judge. I will trust them [indiscernible] that we  
21 know personally that -- they know that they're doing their job, and  
22 they're giving me the facts, and I believe them. I, mean --

23 MR. BATEMAN: So --

24 PROSPECTIVE JUROR 872: -- that's how they've been.

25 MR. BATEMAN: Okay. I mean, even though the fact, I mean,



1 they're human, just like the rest of us, and subject to --

2 PROSPECTIVE JUROR 872: Yeah. They have to --

3 MR. BATEMAN: -- mistakes, errors.

4 PROSPECTIVE JUROR 872: Yeah. They're going to make  
5 mistakes, but they're -- they're there to, you know, tell us the facts. I  
6 mean, they're investigating the facts, finding the facts. So I would trust  
7 them more than someone to tell me like, this happened and that. If you  
8 can show me the facts or video or something, like, that's pointing that  
9 the guy is wrong, then I would believe the guy that's actually here to do  
10 the job.

11 MR. BATEMAN: Okay. So you would -- so you're saying you  
12 would give like more weight to any sort of testimony that they would  
13 give, rather -- as opposed to just a, I don't know, a regular person?

14 PROSPECTIVE JUROR 872: The police have to do their job.  
15 right. I mean, they have the facts. I mean, they're -- they're there to -- I  
16 mean, to find the facts, you know. What happened here, and you ask  
17 him asked what happened and stuff, but they would know more than we  
18 do. I mean, to have somebody else standing right there, and you know,  
19 like, you know, I mean -- I mean, police do their job. I mean, if they're  
20 going to do their job --

21 MR. BATEMAN: Right.

22 PROSPECTIVE JUROR 872: -- kind of thing. I mean  
23 [indiscernible].

24 MR. BATEMAN: Okay. Now -- well you mentioned you know  
25 they the facts, but, you know, as a member of the jury, and if you recall

1 Judge Leavitt said yesterday that you, as the jury panel are the ones who  
2 are these finders of fact, you determine the facts. The judge will address  
3 issues of law, and you know how to apply the law to the facts. But do  
4 you understand that it's going to be, you who's going to find --

5 PROSPECTIVE JUROR 872: Yes. I'm getting all the facts  
6 from the police officers --

7 MR. BATEMAN: Go over their evidence, and it's up to weigh  
8 it. But that's why I'm asking, you know, sort of that, that balance there,  
9 you know. It sounds like testimony of a police would be sort of, if we  
10 have a scale here would be a little bit of thumb on the scale for you if it's  
11 a police officer, or the judge, or judicial officer is testifying. Is that -- is  
12 that accurate I want to be, I mean, I don't want to put words in your  
13 mouth?

14 PROSPECTIVE JUROR 872: Well, I just want to know what  
15 the facts is, and the police found out more facts and he could prove his  
16 point --

17 MR. BATEMAN: Uh-huh.

18 PROSPECTIVE JUROR 872: -- then I would listen to him then.

19 MR. BATEMAN: Okay. Fair enough.

20 All right. Anyone else would want to address that? Anyone  
21 else? I think they'd be -- anyone, is there anyone the opposite would  
22 think you know, these are fraught times we live in, you know, we have  
23 efforts to defund the police, blah, blah.

24 Is there anyone who's like, you know, what cops lie, anyone  
25 else sort of have maybe that opinion, that sort of attitude, or would give

1 less weight a police officer or police detective's testimony? Yes. Let's  
2 pass it to juror -- okay can we pass the -- and this is Juror Number 2, |  
3 Ms. Antuna?

4 PROSPECTIVE JUROR 802: 0802. I don't want to say  
5 obviously all cops lie, that's false, but --

6 MR. BATEMAN: Right.

7 PROSPECTIVE JUROR 802: -- yeah, I've done stories on cops  
8 lying, and judge -- judges breaking the law. It does happen so --

9 MR. BATEMAN: Uh-huh.

10 PROSPECTIVE JUROR 802: So yeah, their testimony doesn't  
11 hold any weight for me just because they're in a position of authority.

12 MR. BATEMAN: So you're able look at them as just sort of  
13 regular --

14 PROSPECTIVE JUROR 802: People.

15 MR. BATEMAN: -- regular human beings, like the rest of us.

16 PROSPECTIVE JUROR 802: Yes.

17 MR. BATEMAN: Okay. And so that wouldn't necessarily like  
18 I said before, use that analogy of putting your thumb on the scale, one  
19 way or the other if it's just, you know, like giving them more credit or  
20 believability?

21 PROSPECTIVE JUROR 802: No. Not for me at least.

22 MR. BATEMAN: Okay. All right.

23 Okay. Anyone else have any other thoughts on that? All  
24 right. And let me -- all right. Just one moment. Court's brief  
25 indulgence.

1 [Counsel and Client confer]

2 MR. BATEMAN: Okay. Is there -- let me ask, I may just go --  
3 one question here, to see Juror, is it 14, Deguevara.

4 PROSPECTIVE JUROR 896: Amy Deguevara, 896.

5 MR. BATEMAN: Okay. It's sort of general follow up on what  
6 I was just asking about the police. What are your, your feelings on the  
7 criminal justice system and what -- do you think it's generally fair; have  
8 you had any experience with it?

9 PROSPECTIVE JUROR 896: I have not any experience with it.  
10 I mean, I believe it's fair.

11 MR. BATEMAN: That's your impression?

12 PROSPECTIVE JUROR 896: It's impression. Yeah. I have not  
13 any experience with it.

14 MR. BATEMAN: Okay. And same question that I asked, you  
15 know, earlier, what's your number on that sort of scale of 1 to 10 that  
16 you can separate? You know, we've had everything from a 10, to five  
17 and --

18 PROSPECTIVE JUROR 896: Well, as being a teacher, I have  
19 to be a 10. So everybody, you know, parents have different views, kids  
20 have different views every day. I'm doing, you know, dealing with that  
21 and, you know, the children change all the time. So I always have to do  
22 that daily in my job, especially with teachers working together,  
23 everybody have different personalities, the way things are run.

24 MR. BATEMAN: Though. Even if you like, say didn't like me,  
25 didn't like --

1 PROSPECTIVE JUROR 896: Didn't like -- it doesn't matter.

2 MR. BATEMAN: -- [indiscernible].

3 PROSPECTIVE JUROR 896: Yeah.

4 MR. BATEMAN: Okay. All right. Let me just, I'll just finish  
5 up. Is there -- you can have a seat. Thank you.

6 PROSPECTIVE JUROR 896: Thank you.

7 MR. BATEMAN: And Let me just ask this, is there any -- is  
8 there any reason which we, that we have not covered here in our voir  
9 dire, which would affect your ability to be, you know, fair and impartial?  
10 Is there anything that maybe we haven't mentioned that maybe you  
11 think we ought to know, or like, you know, I want to know?

12 Mr. Evans was bold enough to share his opinion on how the  
13 Defendant was dressed. Is there anything else that someone kind of is, I  
14 don't maybe dying to say, maybe something that we haven't touched on  
15 that would affect your abilities; anyone have any thoughts on that? That  
16 may be a chance to sort of say anything if you -- that you wanted to say  
17 okay?

18 Okay. Seeing no hands I will pass the panel.

19 THE COURT: Do you pass this panel for cause?

20 MR. BATEMAN: Yes.

21 THE COURT: Okay. This time the clerk is prepared. What  
22 has been marked as Court's Exhibit?

23 THE CLERK: Number 2.

24 THE COURT: Number 2. And the State and the Defense --  
25 well, I'll stop. I'm getting ahead of myself. Okay.

1                   The State of Nevada may exercise their first preemptory  
2 challenge.

3                   THE COURT: The Defense may exercise their first  
4 preemptory challenge.

5   [Pause]

6                   THE COURT: The State and the Defense can exercise their  
7 second preemptory challenge.

8   [Pause]

9                   THE COURT: The State in the Defense may exercise their  
10 third preemptory challenge.

11    [Pause]

12                   THE COURT: The State in the Defense may exercise their  
13 fourth preemptory challenge.

14    [Pause]

15                   THE COURT: All right. At this time the State may exercise  
16 their fifth and final preemptory challenge. It's available as to 18 through  
17 24, with the exception of those that have already been exercised.

18    [Pause]

19                   THE COURT: Defense may exercise their fifth and final  
20 preemptory challenge. It's available as to 18 through 24, with the  
21 exception of those that have been exercised.

22    [Pause]

23                   THE COURT: Okay. At this time, ladies and gentlemen ,  
24 we're going to take a recess. When you come back in, I just ask that you  
25 don't sit in the jury box, that you sit out in the gallery. When you come

1 in, the clerk will call the panel of our jurors. If your name is called, you'll  
2 be impaneled, and we'll begin the trial. If not, you will be excused.

3 During this recess you're admonished not to discuss or  
4 communicate with anyone, including your fellow jurors, in any way,  
5 regarding the case, or its merits, either by voice, phone, email, text,  
6 internet, or other means of communication or social media. Or read  
7 watch or listen to any news or media accounts, or commentary about the  
8 case, or do any research, such as consulting dictionaries using the  
9 internet or using reference materials.

10 Make any investigation, test a theory of the case, recreate  
11 any aspect of the case, or in any other way investigate or learn about the  
12 case on your own, or form or express any opinion regarding the case,  
13 until it's finally submitted to you.

14 We'll be in recess for probably at least 15 minutes. Officer  
15 Hawks will greet you when we're ready to begin. Thank you.

16 THE MARSHAL: Will you all rise for the exiting jurors.

17 [Prospective Jury out at 10:31 a.m.]

18 [Outside the presence of the prospective jurors]

19 THE COURT: Okay. The record will reflect that the hearing is  
20 taking place outside the presence of a jury panel. Our jury panel will be  
21 as follows: Juror Number 1, Magenta Eady. Number 2, Ana Tanasescu.  
22 Number 3, Anthony Romero. Number 4, McKayla Ogden, Number 5,  
23 Elizabeth Alvarez. Number 6, William Logan. Number 7, Marisa Cantu.  
24 Number 11 [sic]. Yvonne.

25 UNIDENTIFIED SPEAKER: That's Juror 8.

1 THE COURT: I'm sorry, Juror number 8, Yvonne Diaz.  
2 Number 9, Blaine Tingley. Number 10, Amy Deguevara. Number 11.  
3 Christina Hernandez. Number 12, P-H-E-T-D-A-O-V-I-E-N-G. And then  
4 our first alternate will be Juror Number 13, Susan Browne. And the  
5 second one, Melissa Zetino Mendez, will be Juror Number 14.

6 Is there any objection by the State of Nevada?

7 MR. DICKERSON: No, Your Honor.

8 THE COURT: By the Defense, Mr. Bateman?

9 MR. BATEMAN: No, Your Honor.

10 THE COURT: Okay.

11 MR. BATEMAN: I did have a question as to -- do the  
12 alternates know that they're alternates?

13 THE COURT: No.

14 MR. BATEMAN: Okay.

15 THE COURT: No. Okay.

16 MR. DICKERSON: May I make a brief record, Your Honor?

17 THE COURT: Sure.

18 MR. DICKERSON: So there was a lot of questioning and  
19 comments made by the jurors, or the prospective panel, regarding the  
20 Defendant's attire today. So I think that just for purposes of the record,  
21 what I would request is that the Court allow me to take photographs of  
22 Defendant as he currently is back, and front, submit those to the Court as  
23 Court's exhibit?

24 THE COURT: Any objection, Mr. Bateman?

25 MR. BATEMAN: No. That's --



1 THE COURT: Okay.

2 MR. DICKERSON: And for the record, it would be described,  
3 he's wearing a red shirt --

4 MR. BLANDINO: You want to take the picture of me --

5 MR. DICKERSON: -- dress slacks, a dress shoes. The red  
6 shirt says, down on his lower abdomen area.

7 "Trump now, Jesus forever. Socialism equals slavery, savior  
8 equals self-rule." I'm taking a picture of him now. Okay, go ahead and  
9 turn around, Mr. Blandino.

10 MR. BLANDINO: Okay.

11 MR. DICKERSON: And then now looking at the back of him,  
12 his red shirt says in the upper top of his back area:

13 "Trump now, Jesus forever. Socialism equals slavery, savior  
14 equals self-rule." And I'm taking a picture right now.

15 MR. BLANDINO? For the record, Mr. Dickerson, these are the  
16 same pants and shoes I wore yesterday with a suit.

17 THE COURT: Okay.

18 MR. DICKERSON: And I'll go ahead and forward those  
19 photographs to Court staff, Your Honor.

20 THE COURT: Okay. Thank you.

21 [Recess from 10:34 a.m. to 10:48 a.m.]

22 THE COURT: Okay, you can bring in the panel. Only where's  
23 -- okay, there we go.

24 THE MARSHAL: All rise for entering jury.

25 THE COURT: Okay.

1 THE MARSHAL: Hang on a second.  
2 THE COURT: Why?  
3 THE CLERK: We don't have a jury.  
4 THE COURT: Oh, okay.  
5 THE CLERK: He ran off to get his computer.  
6 THE COURT: Okay, no problem. No problem. I didn't  
7 realize.  
8 THE MARSHAL: Sorry. I didn't realize he wasn't here yet.  
9 THE COURT: Yeah, no problem.  
10 THE MARSHAL: We accept your apology.  
11 THE CLERK: He parked further away than he thought.  
12 THE COURT: Okay, no problem.  
13 THE MARSHAL: Apology accepted.  
14 THE CLERK: Mr. Dickerson, can you -- when you print out the  
15 photos, can you also print your PowerPoint for me?  
16 MR. DICKERSON: Yes, ma'am.  
17 THE CLERK: Thank you.  
18 MR. DICKERSON: I was actually -- I brought a disk. I was just  
19 going to throw it on a disk for you.  
20 THE CLERK: Oh, yeah. That works. That's perfect. You  
21 should tell everyone in your office to do that.  
22 MR. DICKERSON: Yeah. Have an inter-office memo.  
23 THE COURT: Bring them in.  
24 THE MARSHAL: All rise for entering jury, please.  
25 THE COURT: Ms. Eady, you're juror number 1.

1 THE CLERK: Juror number 2, Ana Tanasescu.  
2 Juror number 2, Ana Tanasescu.  
3 Juror number 2, Ana Tanasescu.  
4 THE COURT: Go ahead. You're number 2.  
5 THE CLERK: Juror number 3, Anthony Romero.  
6 Juror number 4, Makayla Ogden.  
7 Juror number 5, Elizabeth Alvarez.  
8 Juror number 6, William Logan.  
9 Juror number 7, Marisa Cantu.  
10 Juror number 8, Yvonne Diaz.  
11 Juror number 9, Blaine Tingley.  
12 Juror number 10, Amy Deguevera.  
13 Juror number 11, Cristina Hernandez.  
14 Juror number 12, Khanthavaly Phetdaovieng.  
15 THE COURT: Sorry about that.  
16 THE CLERK: I know.  
17 THE COURT: Sorry.  
18 THE CLERK: I feel terrible about that.  
19 Number 13, Susan Browne.  
20 And Juror 14, Melissa Zetino-Mendez.  
21 THE COURT: Okay, at this time, ladies and gentlemen, we do  
22 have our empaneled jury. If your name was not called, you are excused  
23 to go home. Thank you very much for your willingness to be here.  
24 Thank you for answering our questions, and you are excused. Have a  
25 good day.

1 POTENTIAL JUROR: When do we come back?

2 THE COURT: You're excused. You can go home.

3 POTENTIAL JUROR: I'm done?

4 THE COURT: You're done. You don't have to come back.  
5 You're good.

6 THE MARSHAL: Thank you for your service.

7 THE COURT: Okay, at this time, if the ladies and gentlemen  
8 of the jury will raise your right hand, so the clerk can administer the oath  
9 of service.

10 [The Jury was sworn by the Clerk]

11 THE COURT: Okay, ladies and gentlemen of the jury, you are  
12 admonished that no juror may declare to a fellow juror any fact relating  
13 to this case of his or her own knowledge, and if any juror discovers  
14 during the trial or after the jury has retired that he or she or any other  
15 juror has personal knowledge of any fact in controversy in this case, he  
16 or she shall disclose such situation to myself in the absence of the other  
17 jurors. This means that if you learn, during the course of this trial, that  
18 you are acquainted with the facts of this case or the witnesses, and  
19 you've not previously told me of this relationship, you must then declare  
20 that fact to me.

21 I do want to remind you, we do have an empaneled jury now,  
22 so myself, the attorneys, the parties, the staff in department 12, with the  
23 exception of Officer Hawks are not permitted to have any communication  
24 with you whatsoever outside of the courtroom. We're going to be  
25 together for the next several days. We will probably see each other

1 coming in and out of the courthouse, maybe in the elevator. Please do  
2 not be offended should we not acknowledge you or speak to you. We  
3 are all just maintaining our ethical obligation to maintain the integrity of  
4 the jury system.

5 So if there's anything you need to discuss with the Court, I  
6 mean, you can go to Officer Hawks, or you do so in the courtroom in the  
7 presence of both sides.

8 What I will now say is intended to serve as an introduction to  
9 the trial in this case. It is not a substitute for the detailed instructions on  
10 the law, which I will give you at the close of the case and before you  
11 retire to consider your verdict. This is a criminal case commenced by the  
12 State of Nevada, which I may sometimes refer to as the State, against  
13 the Defendant, Mr. Kim Blandino. The case is based on an amended  
14 indictment. The clerk will now read the amended indictment and state  
15 the plea of the Defendant to that indictment.

16 THE CLERK: District Court, Clark County, Nevada, State of  
17 Nevada, Plaintiff versus Kim Dennis Blandino, Defendant, case number  
18 C-341767, department number 12. Amended Indictment, State of  
19 Nevada, County of Clark, the Defendant above-named, Kim Dennis  
20 Blandino, accused by the Clark County Grand Jury of the crimes of  
21 extortion, felony, and impersonation of an officer, gross misdemeanor,  
22 committed at and within the county of Clark, State of Nevada, on or  
23 between April 8th, 2019 and May 21st, 2019 as follows:

24 Count I, extortion. Did then and there, willfully, unlawfully,  
25 and feloniously and with the intent to extort or gain any money or other

1 property, and/or to influence the action of any public officer, whether or  
2 not the purpose is accomplished, threatened, directly or indirectly, to  
3 accuse any person of a crime and/or to expose or impute to any person,  
4 any deformity or disgrace, to wit: by making a demand to Michael  
5 Federico, a Las Vegas Municipal Court Judge Pro Tem, for \$25 and/or  
6 enrollment in the "Ethics, Fairness, and Security in Your Courtroom and  
7 Community" class, or in the alternative pay \$500 to the Clark County Law  
8 Library and/or provide Defendant an apology, including in writing and/or  
9 in public, and if Michael Federico did not complete this class, pay this  
10 money, and/or provide said apology, Defendant would file complaint  
11 and/or allegations against Michael Federico with the Commission on  
12 Judicial Discipline and/or would file a criminal complaint with the FBI  
13 accusing Michael Federico with a misdemeanor crime under 18USC242  
14 and/or would send documentation of Michael Federico's alleged  
15 misconduct to the law firm of Olson, Cannon, Gormley, Angulo, and  
16 Stoberski, where Michael Federico is employed.

17 Count II, Impersonation of an officer. Did willfully,  
18 unlawfully, and falsely impersonate a public officer, civil or military, or a  
19 police officer, or a private individual having special authority by law to  
20 perform an act affecting the rights or interests of another, to wit: an  
21 investigator for the State of Nevada Commission on Judicial Discipline,  
22 and in such assumed character, did an act purporting to be official,  
23 whereby another is injured or defrauded by identifying himself verbally  
24 and/or in writing to one or more persons, including Michael Federico  
25 and/or P. Marwitz as an unpaid and/or volunteer investigator for the

1 State of Nevada Commission on Judicial Discipline.

2 Dated this 2nd day of March, 2022, Steven B. Wolfson, Clark  
3 County District Attorney, signed by Michael R. Dickerson, Chief Deputy  
4 District Attorney, to which the Defendant has pled not guilty.

5 THE COURT: Thank you very much. This case is based on  
6 an indictment, which just has been read to you by the Clerk of the Court.  
7 You should distinctly understand that the indictment is simply a charge,  
8 and that it is not, in any sense, evidence of the allegations it contains.  
9 The Defendant has entered a not guilty plea to the indictment. The State,  
10 therefore, has the burden of proving each of the elements as alleged in  
11 their charging document by proof beyond a reasonable doubt.

12 As Mr. Blandino sits here today, he is presumed innocent.  
13 The purpose of this trial is to determine whether the State of Nevada will  
14 meet their burden of proof. It is your primary responsibility as jurors to  
15 find and determine the facts. Under our system of criminal procedure,  
16 you are the sole judge of the facts. You are to determine the facts from  
17 the testimony you hear and the other evidence, including exhibits  
18 introduced in court. It is up to you to determine the inferences which  
19 you feel may be properly drawn from the evidence.

20 The parties may sometimes present objections to some of  
21 the testimony or other evidence. It is the duty of a lawyer to object to  
22 evidence which he or she believes may not properly be offered, and you  
23 should not be prejudiced in any way against a lawyer who makes  
24 objections on behalf of the party he or she represents.

25 At times, I may sustain objections or direct that you

1 disregard certain testimony or exhibits. You must not consider any  
2 evidence to which an objection has been sustained or which I have  
3 instructed you to disregard. Anything you may have seen or heard  
4 outside the courtroom is not evidence and must also be disregarded.  
5 Remember, statements, arguments, and opinions of counts are not  
6 evidence in the case. However, if the attorneys stipulate as to the  
7 existence of a fact, you must accept the stipulation as evidence and  
8 regard that fact as proved.

9           You must not speculate to be true any insinuations  
10 suggested by a question asked the witness. A question is not evidence  
11 and may be considered only as it supplies meaning to the answer. You  
12 must not be influenced in any degree by any personal feeling of  
13 sympathy for, or prejudice against, the State or the Defendant. Both  
14 sides are entitled to the same fair and impartial consideration.

15           In considering the weight and value of the testimony of any  
16 witness, you may take into consideration the appearance, attitude, and  
17 behavior of the witness; the interests of the witness in the outcome of  
18 the case, if any; the relation of the witness to the Defendant or to the  
19 State; the inclination of the witness to speak truthfully or not; and the  
20 probability or improbability of the witness' statements in all of the facts  
21 and circumstances in evidence. That you may give the testimony of any  
22 witness just such weight and values you believe the testimony of that  
23 witness is entitled to receive.

24           There are two kinds of evidence, direct and circumstantial.  
25 Direct evidence is testimony by a witness about what that witness



1 personally saw or heard or did. Circumstantial evidence is testimony or  
2 exhibits which are proof of a particular fact from which, if proven, you  
3 may infer the existence of a second fact. You may consider both direct  
4 and circumstantial evidence in deciding this case. The law permits you  
5 to give equal weight to both, but it is for you to decide how much weight  
6 to give to any evidence.

7           Opening statements and closing arguments of the attorneys  
8 are intended to help you in understanding the evidence and applying the  
9 law, but they are not evidence.

10           No statement, ruling, remark, or comment which I make  
11 during the course of this trial is intended to indicate my opinion as to  
12 how you should decide this case, or to influence you in any way in your  
13 determination of the facts. At times, I may even ask questions of  
14 witnesses. If I do so, it is for the purpose of bringing out matters which I  
15 feel should be brought out and not any way to indicate my opinion about  
16 the facts or to indicate the weight I feel you should give to the testimony  
17 of the witness. I may also find it necessary to admonish the attorneys,  
18 and if I do, you should not show prejudice against a lawyer or his or her  
19 client because I have found it necessary to admonish him or her.

20           Until the case is submitted to you, you must not discuss it  
21 with anyone, even with your fellow jurors. After it is submitted to you,  
22 you must discuss it only in the jury room with your fellow jurors. It is  
23 important that you keep an open mind and not decide any issue in the  
24 case until the entire case has been submitted to you under instructions  
25 from the Court.

1           The trial will proceed in the following manner. The Deputy  
2 District Attorney will make an opening statement, which is an outline to  
3 help you understand what the State expects to prove. Next, the  
4 Defendant's attorney may, but does not have to, make an opening  
5 statement. Opening statements serve as an introduction to the evidence,  
6 which the party making the statement intends to prove. The State will  
7 then present its evidence, and counsel for the Defendant may cross  
8 examine the witnesses.

9           Following the State's case, the Defendant may present  
10 evidence and the Deputy District Attorney may cross examine the  
11 witnesses. However, as I've said, the Defendant is not obligated to  
12 present any evidence. After all the evidence has been presented, I will  
13 instruct you on the law. After the instructions on the law have been read  
14 to you, each side will have the opportunity to present oral argument.  
15 What is said in closing argument is not evidence. The arguments are  
16 designed to summarize and interpret the evidence.

17           Since the State has the burden of proving the Defendant  
18 guilty by proof beyond a reasonable doubt, the State has the right to  
19 open and close the arguments. After the arguments have been  
20 completed, you will then retire to deliberate upon your verdict.

21           Again, let me remind me that until the case is submitted to  
22 you, do not talk to each other about it, or about anyone who has  
23 anything to do with it, until the end of the case, when you go to the jury  
24 room to decide upon your verdict. Do not talk with anyone else about  
25 the case or about anyone who has anything to do with it until the trial

1 has ended and you've been discharged as jurors. Anyone else includes  
2 members of your family and your friends. You may tell them that you  
3 are a juror in a criminal case, but don't tell them anything else about it  
4 until after you have been discharged by myself.

5 Do not let anyone talk to you about the case or about anyone  
6 who has anything to do with it. If someone should try to talk to you,  
7 please report that to me immediately by contacting Officer Hawks. Do  
8 not read any news stories or articles or listen to any radio or television  
9 reports about the case, or about anyone who has anything to do with it.

10 As jurors, you'll be given the opportunity to ask written  
11 questions of any of the witnesses called to testify in this case. You are  
12 not encouraged to ask large numbers of questions because that is the  
13 primary responsibility of counsel. Questions may be asked, but only in  
14 the following manner: after both lawyers have finished questioning the  
15 witness, and only at this time, if there are additional questions you  
16 would like to ask the witness, you may then seek permission to ask that  
17 witness a written question.

18 Should you desire to ask a question, write your question  
19 down with your juror number on a full sheet of clean paper, and raise  
20 your hand. All questions from juror must be factual in nature and  
21 designed to clarify information already presented. In addition, jurors  
22 must not place undue weight on the responses to their questions. The  
23 marshal will pick up your question and present it to the Court. All  
24 questions must be directed to the witness and not to the lawyers or to  
25 the judge. After consulting with counsel, I will then determine if your

1 question is legally proper. If I determine that your question may  
2 properly be asked, I will ask it. No adverse inference should be drawn if  
3 the Court does not allow a particular question.

4           The State of Nevada will be the first party that will call  
5 witnesses. When they call a witness, they have an opportunity to do  
6 direct. The Defense can do cross. The State has a right to do redirect,  
7 and the Defense has a right to do recross. So both sides have two  
8 opportunities to question the witness. When both sides are done  
9 questioning the witness, I'm going to turn to the witness, I'm going to  
10 thank them for being here, and I'm going to excuse them from their  
11 subpoena.

12           If you have a question for that witness, I just ask that you get  
13 my attention at that time, because once I excuse a witness from their  
14 subpoena, I will not require them to come back to the courthouse to  
15 answer a written question by the jurors.

16           So, just raise your hand. I'll give you as much time as you  
17 need to write that question down, but for instance, if I excuse a witness  
18 today, I won't ask him to come back on Friday to answer any questions.

19           Also, you have notebooks. The instructions that I have given  
20 you, as well as the procedure for asking written questions, they're also in  
21 the notebook, if you have to refer to them at any time. Those are your  
22 juror notebooks. The only thing I ask is that they stay in the courtroom  
23 at all times, until you go back to deliberate upon your verdict. At the end  
24 of the day, Officer Hawks is under court order. He will collect those  
25 notebooks. He will keep them in a safe place. He will not allow anyone

1 access to your notebooks, so any notes you take will be kept strictly  
2 confidential. And then the next day when you come, your notebooks will  
3 be out on the chair for you.

4 In the back, I think there's some paper for you to take notes.  
5 You're not required to take notes. It's just up to you. When you go back  
6 to deliberate upon your verdict, you will not have a transcript of the  
7 proceedings. So it will be your memory collectively as jurors, as well as  
8 your notes, that will prevail during your deliberations.

9 At this time -- oh, also, your blue badges. Please make sure  
10 you wear your blue badges at all times when you're in the courthouse.  
11 When you leave the courthouse, I don't care if you take it off. But that  
12 just identifies you as a juror in department 12, so people in the  
13 courthouse, witnesses, and persons involved in this case know not to say  
14 anything around you. So very important. You come in, make sure that  
15 blue badge is on.

16 And at this time, the State of Nevada may address the jury  
17 panel in your opening statement.

18 MR. DICKERSON: Thank you very much, Your Honor.

19 STATE OPENING STATEMENT

20 MR. DICKERSON: Ladies and gentlemen, again, my name's  
21 Michael Dickerson. My co-counsel, Melanie Marland. We're prosecutors  
22 with the Clark County District Attorney's Office. And you're here for the  
23 case of *State of Nevada vs. Kim Blandino*.

24 At the heart of this case, this is about the rule of law. Now  
25 the rule of law is something that is a concept, right? Something that was

1 discussed by Dwight D. Eisenhower, the 34th president of the United  
2 States, who also was a five-star general, and the supreme allied  
3 commander of the forces in Europe during World War II. He said about  
4 the rule of law, that the clearest way to show what the rule of law means  
5 to us in everyday life is to recall what has happened when there is no  
6 rule of law. When you think about that, that is maybe experiences that  
7 you've had, things that you've heard from loved ones or family  
8 members, possibly time spent or escaping countries that are run by  
9 corruption and organized crime, or on the battlefields in a place where  
10 law does not exist. Here, in the United States of America, in the State of  
11 Nevada, we are fortunate to live under the rule of law.

12               Now, what is the rule of law? Generally, it's a concept, which  
13 is usually used to distinguish a civilized, law-abiding world from  
14 barbarism and chaos. It's the principle that all persons, institutions, and  
15 entities are accountable to the laws, and that they're publicly enacted  
16 laws, which are equally enforced and independently adjudicated. That's  
17 very important. The independently adjudicated part discusses the  
18 courts. The latter two, or the former two, discuss the legislature and the  
19 executive branch of our government.

20               Here, what you're going to hear about is the courts. And  
21 when you think about the rule of law, if you think about it like a building.  
22 The courts and an independent judiciary are the foundation for our rule  
23 of law. Being able to decide controversies in these courts, without  
24 undue influence, is the most important thing that can occur to uphold  
25 our rule of law. Judicial independence is important because it

1 guarantees that judges are free to decide honestly and impartially in  
2 accordance with the laws and the evidence without concern or fear of  
3 interference, control, or improper influence.

4 Now, you may be thinking, okay, what is -- doesn't every  
5 case have to do with the rule of law? Yeah, sure. Doesn't every case  
6 have to do with courts? Of course. But this one, directly.

7 This begins August 28th, 2018. The Defendant, Mr. Blandino,  
8 who's seated right here in that red shirt, was there in the Las Vegas  
9 Municipal Court, there on a traffic ticket. Several, to be exact. The judge  
10 that day was Judge Pro Tem Michael Federico. During this particular  
11 court hearing on August 28th, 2018, Mr. Federico heard the case against  
12 Mr. Blandino. So, Judge Pro Tem Federico was the decider of the law  
13 and the fact there in that misdemeanor traffic citation trial.

14 It's important to know what a Judge Pro Tem is. Mr.  
15 Federico is, as you'll hear, a full-time lawyer who is also appointed by  
16 the city council to sit as an appointed judge in place of an elected judge,  
17 when that judge is unavailable. When he's sitting as a Judge Pro Tem,  
18 as it's called, or an alternate judge, he has all the powers of any other  
19 judge that has that same jurisdiction.

20 And here, this day, he was exercising those powers. You'll  
21 hear about that case. You'll hear what happened. You'll hear that  
22 ultimately Judge Pro Tem Federico found Mr. Blandino guilty of the  
23 traffic offenses, and also found him in contempt of court. Now, you'll  
24 hear that Mr. Federico -- Mr. Blandino was not happy about that, which is  
25 fine, and there is recourse for that under the law. There's the ability to

1 appeal, which exists within our system of justice and under our rule of  
2 law. To take that decision to another court, for another independent  
3 judiciary to take a look at it, and make an impartial decision based upon  
4 the law and the evidence.

5 Well, Mr. Federico had no involvement after that point, as  
6 after August 28th, 2018, his role as a judge was done. But Mr. Blandino  
7 filed an appeal, as was his right. That appeal went to the District Court,  
8 and ultimately, in March of 2019, the District Court denied and dismissed  
9 Mr. Blandino's appeal. But a month later, August 8th, 2019, Mr. Blandino  
10 decided that the next thing he was going to do was go to Judge Pro Tem  
11 Michael Federico's private law office, where he practices law as his  
12 regular job. There that day, he goes in, and he talks to the receptionist  
13 that's there at the front, Ashley Williams. You're going to hear from her.  
14 He starts asking her probing questions, asking her to see Michael  
15 Federico, asking if he's in the building, seemingly just not wanting to  
16 leave. What's estimated is Mr. Blandino being there for approximately  
17 20 minutes or so, leads to Mr. Blandino saying, can I just write him a  
18 note? Mr. Blandino writes this note to Judge Pro Tem Federico.

19 And as you'll see, Mr. Blandino titles it at the top with his  
20 name, his email address, and his phone number. Ashley Williams, the  
21 receptionist, date and time stamps it with their standard date and time  
22 stamps machine that's there at the front, April 8th, 2019 at approximately  
23 10:31 a.m.

24 Of note, Mr. Blandino entitles this note to Michael Federico  
25 as "To Michael Federico, Pro Tem Judge, City of Las Vegas, Alternate



1 Judge." He's sending this note to Mr. Federico in his capacity as a judge.  
2 As you'll hear, that's the only involvement that they've had with each  
3 other, and so that was the reason that Mr. Blandino was there. You'll see  
4 that in this particular note, he -- Mr. Blandino writes, "I am ready to begin  
5 filing my complaint against you for your activities on the bench." He  
6 indicates that he's going to give Judge Pro Tem Federico an opportunity  
7 to negotiate a settlement, and that he needs to do it within the next 10  
8 days.

9 Well, the next day, Judge Pro Tem Federico goes to the Las  
10 Vegas Metropolitan Police Department. Files a police report. And, at  
11 that point in time, the investigation begins, but that was the only event,  
12 and there was no -- it was moving slowly, and Mr. Blandino had not  
13 heard anything from Judge Pro Tem Federico. So on August -- I'm sorry,  
14 on April 25th, 2019, Mr. Blandino arrives here, in this building, back in  
15 the Las Vegas Municipal Court, in a courtroom where Judge Pro Tem  
16 Michael Federico was sitting as a judge hearing cases.

17 Now, Mr. Blandino was not on calendar to appear that day.  
18 He didn't have business before Judge Pro Tem Federico. And so, as a  
19 result, Judge Pro Tem Federico told Mr. Blandino, you need to get out of  
20 here. You came to my private law office. That's not okay. You need to  
21 go. Mr. Blandino takes that as an opportunity to tell the judge, no, I don't  
22 think that's correct. You're out of order. As he's pointing to him. But,  
23 ultimately, leaving the courtroom.

24 Later on that same day, back at Mr. Federico's law office on  
25 9950 West Cheyenne, way in the northwest part of town, far from

1 downtown. Well, Mr. Federico's back there doing work, after he's  
2 completed his day as -- working as a judge. And he's working in his  
3 capacity as a private lawyer at the time, but again, Mr. Blandino hasn't  
4 had enough. He shows up to Mr. Federico's office, again, and this time  
5 he has a prepared letter that he's typed up. This letter, again, entitled:  
6 To Michael Federico in his capacity as a Judge Pro Tem for -- from Kim  
7 Blandino.

8           In the letter, Mr. Blandino elaborates. He says, I'm an  
9 investigative reporter and an unpaid volunteer investigator for the NCJD,  
10 which you'll hear is the Nevada Commission on Judicial Conduct. It's a  
11 public commission that was created by the constitution of the State of  
12 Nevada, and is operated, and mandated to operate, within the confines  
13 of the law. It also has special supervisory authority and investigative  
14 power over the courts. And they do, in fact, have investigators. You'll  
15 hear that their investigators, in fact, have a lot of power. Power to issue  
16 subpoenas, power to compel public employees to cooperate. Any public  
17 employee that comes in contact with a Nevada Commission on Judicial  
18 Discipline investigator is required by law to cooperate with their  
19 investigation.

20           And then Mr. Blandino goes on that he is an unpaid  
21 volunteer investigator for the NCJD to investigate judicial misconduct  
22 and corruption. He says, "I was there today," that same day, April 25th,  
23 2019, "in these joint capacities. As you have already committed  
24 misconduct, you have already, at least," quote, "one strike," unquote,  
25 against you. It was in this regard that I came to your publicly-listed

1 offices to see if I could meet you man to man and see if we could resolve  
2 my complaint with you without having to use scarce judicial resources  
3 and NCJD resources, as I have attempted to do with other misbehaving  
4 judges. And, in fact, I do with whomever I have a complaint with."

5 He goes on, "So, to avoid having the NCJD subject this  
6 complaint to their protocols, I once again reach out to you to resolve this  
7 matter between you and I, or your attorney, if you wish to have an  
8 intermediary. Please repent of this tyranny that you, yourself, are a slave  
9 of. And stop this enmity that you have with reason, logic, and common  
10 sense that God gave to humans to guide us as well as the light that He  
11 provides to guide our respective paths."

12 He goes on, "We should meet and see if these matters can be  
13 settled for all concerned and for a multitude of reasons, as cited in part  
14 above. Please know that you will be judged as you have judged. If you  
15 continue on this path you are presently on, the judgment against you will  
16 certainly be very severe indeed. A judge's job is difficult enough for the  
17 best of persons. I implore you, for the sake of your soul, to consider  
18 what is in front of you, if you continue down this dark path you are on,  
19 and the people you have undoubtedly hurt already." Quote, "For what  
20 shall it profit a man if he shall gain the whole world and lose his own  
21 soul," unquote.

22 So, you've heard, as I've told you a little bit about the  
23 Commission on Judicial Discipline, you're going to hear from the  
24 executive director and general counsel for the State of Nevada's  
25 Commission on Judicial Discipline. That's going to be Paul Deyhle. He'll

1 tell you the Defendant was not, and never has been, an investigator for  
2 the Nevada Commission on Judicial Discipline.

3 This takes us to April 29th, 2019. After the events that  
4 occurred on the 25th, the investigation into this matter ramped up. Mr.  
5 Federico, you'll hear, was extremely concerned and worried about his  
6 own safety, and the safety of his family. And, as a result, detectives with  
7 an FBI task force got involved, and were actively talking to Mr. Federico.  
8 On April 29th, 2019, two of those FBI task force officers, Detective  
9 Kenneth Mead and Marshal Peter Marwitz, go to Mr. Federico's law  
10 office there at 9950 West Cheyenne. They meet with Mr. Federico and,  
11 after they've discussed the circumstances of this case with him, they say,  
12 well, do you feel comfortable if we are here and you call Mr. Blandino at  
13 the number he's provided you, and just say, what's going on? What do  
14 you want? What's it going to take to end this?

15 So, there in the deposition room at that law office, Mr.  
16 Federico, with Detective Mead and Marshal Marwitz in the room, called.  
17 They called the number that Mr. Blandino provided on all his paperwork,  
18 702-219-5657. And Mr. Blandino picks up. They recognize his voice.  
19 They know it's him. It's the same number he's provided. And the  
20 conversation lasts for approximately 21 minutes. During that time, Mr.  
21 Blandino kind of goes on some rants, and is difficult to direct, but the  
22 one thing that is clear, when Mr. Federico asks him, what's it going to  
23 take to stop this? What is going on? What do you need? What do you  
24 want from a settlement?

25 Mr. Blandino indicates that, at minimum, he's going to want

1 an apology, but he's really not sure. He's surprised that Mr. Federico  
2 had called him, and he is going to have to think about what he wants as  
3 far as his resolution to these matters. So, Mr. Blandino keeps pushing  
4 Mr. Federico to meet him in person. He really wanted to meet Mr.  
5 Federico in person. Obviously, for the apparent reasons, that was not  
6 going to happen. The task force officers involved in this case and Mr.  
7 Federico were not going to do that. So, they confirm, how about we  
8 communicate via email? Mr. Blandino confirms his email. It's the same  
9 email that he's provided here: [kim43792@earthlink.net](mailto:kim43792@earthlink.net). And they  
10 exchange emails.

11 That brings us to May 2nd, 2019. It's a Thursday. On that  
12 day, Mr. Blandino emails Judge Pro Tem Federico. "Subject: Draft of  
13 Settlement Agreement. Michael, attached is proposed draft of  
14 settlement agreement. If acceptable, you can sign, and I can get to your  
15 office same day or next day to sign same original. Let me know  
16 expeditiously." And, attached to that email, was this. What Mr. Blandino  
17 entitled "Settlement Agreement and Release." You'll see that, when we  
18 look at it, at the top it lists the parties involved as he's -- as Mr.  
19 Blandino's laid them out. He calls himself "The Complainant, Kim  
20 Blandino." Identifying himself there as a volunteer, unpaid investigator  
21 for the Commission on Judicial Discipline. He identifies Judge Pro Tem  
22 Federico as "Respondent, Michael Federico, Alternate Judge for  
23 Department 20 Courtroom 1C, Las Vegas Municipal Court at the Regional  
24 Justice Center."

25 And in this settlement agreement that he's titled it, he asks

1 for a number of things, and he tells Mr. Federico what he is willing to do  
2 or not do, for that matter, if Mr. Federico gives him these things.  
3 Namely, in consideration for the term set forth herein, Mr. Blandino  
4 indicates that he will accept a \$25 payment from Mr. Federico, which he  
5 indicates is because he's paid for jabs of prior hearings. Jabs, you'll  
6 hear, are video recordings of court hearings.

7           So, he indicates that Mr. Federico needs to pay him \$25. He  
8 further indicates that Mr. Federico needs to complete a class -- I'm sorry,  
9 apologize in writing prior to May 30th, 2019, for ordering Mr. Blandino  
10 out of the courtroom on April 25th, 2019, within 10 seconds, as he says,  
11 under threat of being in contempt and put in jail, and acknowledge that  
12 Mr. Blandino has a right to observe court in the future unless  
13 proceedings are specifically sealed or closed to the public.

14           So right now, he's indicated a \$25 payment, an apology in  
15 writing. Additionally, Mr. Federico would be required to complete, at his  
16 own personal expense, the "Ethics, Fairness and Security in Your  
17 Courtroom and Community" class, in person, in Reno, in October of  
18 2019. Or, alternatively, pay \$500 to the Clark County Law Library, and  
19 give a copy of any receipt to Mr. Blandino prior to October 31st, 2019.

20           So, there he has it, exactly what Mr. Blandino wants: \$25, a  
21 written apology, Mr. Federico to take a class in Reno at his own expense,  
22 as well as to, or alternatively, pay \$500 to the Clark County Law Library.  
23 So, what is it that Mr. Blandino indicates that he's willing to give for this?  
24 Well, he indicates here that he's willing to give up anything, including  
25 any of these suits, really, including any complaints to the Nevada

1 Commission on Judicial Discipline. He indicates further that  
2 "Complainant covenant and agrees, so Mr. Blandino agrees, that he has  
3 not and shall not bring any other action, claim, or suit, or proceeding  
4 against anyone. Michael Federico, in any capacity, either individually or  
5 in his official capacity, for any activities on or after April 25th, 2019,  
6 including filing any complaints to the Nevada Commission on Judicial  
7 Discipline.

8 Further, Complainant agrees that he will withdraw and  
9 otherwise voluntarily dismiss a customer feedback complaint" that he  
10 had lodged and attached as an exhibit with the Court, the Municipal  
11 Court.

12 It further indicates within this document that should Mr.  
13 Federico die, what would happen with the monies that were to be paid.  
14 It indicates "should Mr. Federico's death occur prior to the payment for  
15 the above-mentioned course, or the Clark County Law Library, then Mr.  
16 Blandino would be entitled, by this provision, to the payment that would  
17 otherwise have been paid to the Nevada Judicial College for tuition, from  
18 the estate of Mr. Federico."

19 And it goes on, "The settling parties acknowledge that this  
20 agreement represents a good faith settlement of the issues of April 25th,  
21 2019; that this agreement is intended to bar any complaint against the  
22 Respondent by Complainant with the Nevada Commission on Judicial  
23 Discipline or any court." So, it's intended to bar any complaint, so it's  
24 saying that Mr. Blandino will not file any complaint against Judge Pro  
25 Tem Michael Federico, or any other with the Nevada Commission on

1 Judicial Discipline, or any other board or agency.

2 Now, a day goes by. May 3rd, 2019. Another email comes in  
3 from Mr. Blandino to Mr. Federico, and Mr. Federico had not responded  
4 at this point. This is under the same email chain, but now is titled under  
5 the subject, "Forgot to attach exhibits to prior email." And there's an  
6 attachment, the proposed settlement with exhibits. Now, this is where I  
7 had mentioned that you saw before there's the customer feedback  
8 complaint that he said that he attached as an exhibit. Well, he forgot to,  
9 but he attached it here the next day. He also attached a copy of the  
10 handwritten note that he dropped off at Judge Pro Tem Federico's  
11 private law office on the 8th of April, as well as the letter that he dropped  
12 off on the 25th of April at the law office.

13 Now, on May 9th, 2019, Mr. Federico emails Mr. Blandino  
14 back. He says, "Please provide a new proposed global agreement that  
15 would cover anything in the past you believe negative against me so that  
16 I can see it. Your current proposed agreement does not resolve  
17 everything you seem to be complaining about, and I need better  
18 explanation of what you will attempt to do if I do not agree to your  
19 demands. I need to know exactly what you are asking for in exchange  
20 for resolving all your purported," quote, "issues," unquote, "so that I can  
21 have it in writing to review."

22 This in large part was referenced, this ongoing investigation,  
23 and the settlement, the quote unquote "settlement agreement" that Mr.  
24 Blandino had provided, which indicated indicated that most of what he  
25 was not going to complain about if he got what he wanted was -- were



1 the events of April 25th, 2019. But we know that they had that original  
2 interaction in August of 2018.

3 Mr. Blandino responds, very shortly thereafter: Michael, here  
4 is a letter that I was just about to send to you before I read your email. I  
5 think it covers some of your concerns. I must be leaving very shortly.  
6 Yet, so I am not spinning my wheels, I do need to know if a written  
7 apology, and the judicial college course/law library donation is a  
8 quote "bridge too far" unquote for you, as it stands. I now have the  
9 JAVS, and I am ordering a transcript.

10 What I am asking for is consistent with remedial action the  
11 Nevada Commission on Judicial Discipline has effectuated over decades.  
12 I am writing to be flexible and reasonable. Yet, if the things I propose  
13 are a non-starter for you, I do not want to move forward down a dead  
14 end. Kim Blandino.

15 He attached the letter to this email. The letter notably was  
16 dated up top as May 8th, 2019 but it was emailed on May 9th, 2019.  
17 You'll see that it was dated on the end of the document, May 9th, 2019,  
18 which would appear to be consistent with what Mr. Blandino indicated  
19 that he'd been writing this letter for some time.

20 There in that letter, again, addressed to Michael Federico in  
21 his capacity as a Judge Pro Tempore, Mr. Blandino states: I have not  
22 received any word back from you regarding the proposed settlement  
23 offer. I spent a great deal of very valuable time preparing that  
24 document. I have so very much work to do already as a result of judicial  
25 violations. I will need an answer, or for you to otherwise respond to this

1 proposed settlement on or before May 23rd, 2019.

2           Mr. Blandino goes on: I have extended a good faith offer for  
3 something very serious. You, under threat of contempt and jail, ordered  
4 me out of a public courtroom because I came to your office to offer  
5 settlement. I have read nearly every case on the, quote, "awesome  
6 summary contempt power," unquote, and the various law journal articles  
7 pertinent to summary contempt. This power can be, and is, abused.  
8 Even the wrongful threat of contempt can be abused. This is what you  
9 did. By you doing so, you violated important civil rights. In facts, you  
10 could be criminally prosecuted for a misdemeanor violation of federal  
11 civil rights under 18USC section 242 for your actions on April 25th, 2019.

12           He goes on: I have already told you that if we cannot settle  
13 this matter, I will file a complaint with the Nevada Commission on  
14 Judicial Discipline. This must be done to protect other people in the  
15 future. Of section 242, title 18, which Mr. Blandino referenced before, is  
16 a federal crime, which Kim was told would be investigated if we can,  
17 cannot come to a settlement, I believe it would be proper to go to the FBI  
18 with a criminal complaint against you for stopping me from observing  
19 you on the bench on April 25th, 2019. Granted, this would only be a  
20 misdemeanor; however, it may help others that come after me, should  
21 you not agree to the apology and settlement.

22           Additionally, Mr. Blandino goes on: I've come to realize that  
23 since you work with a partnership titled Olson, Cannon, Gormley,  
24 Angulo, and Stoberski, that I should give some notice to these  
25 individuals of the matters involved prior to filing with the Nevada

1 Commission on Judicial Discipline or the FBI.

2 That's Olson, Cannon, Gormley, Angulo, and Stoberski was  
3 the law firm where Mr. Federico had practiced law as an attorney  
4 privately, aside from his work as a federal judge. The same one that Mr.  
5 Blandino had been going to over this time period. The same one that the  
6 calls had been placed from.

7 Mr. Blandino goes on talking about why he should do that:  
8 The calculus for this is simple. Putting myself in the place of any one of  
9 these partners, and everything else being equal, I would want to know  
10 that a person who worked with the firm and had a prominent web page  
11 was not bringing any disrepute in any way to the firm or its name.  
12 Olson, Cannon, Gormley, Angulo, and Stoberski has been in existence  
13 since 1960. It would not be fair or Christian of me not to inform the firm  
14 of the issues at hand if we cannot resolve them.

15 Therefore, Mr. Blandino says: consistent with my beliefs, I  
16 will send a copy of all relevant documents to the firm, unless I hear from  
17 you by Monday, May 15th, 2019.

18 You've heard a lot of these so far: you must, unless. Ladies  
19 and gentlemen, that's what we're looking out for in this case. That's  
20 what this is. That's what extortion is. You must do this, or I will do this.  
21 I will accuse you of a crime. I will subject you to disgrace. That is  
22 extortion.

23 Well, as he indicated, the deadline, if Mr. Blandino did not  
24 hear from Judge Pro Tem Michael Federico was May 15th, 2019. That  
25 came and went. And on May 16th, 2019, Mr. Blandino sent an email to

1 all of the managing partners, the executive board, of Mr. Federico's  
2 private law firm: Jim Olson, Walt Cannon, John Gormley, Peter Angulo,  
3 Mike Stoberski. And included on there was Michael Federico. Mr.  
4 Blandino writes, as the subject, "Proposed Settlement Issues."

5 "Please see the three attached attachments for review."  
6 Leaves his name, same phone number that he's been using. And he  
7 writes a new letter. This letter is entitled, "To the Firm," to the managing  
8 partners of this firm, and copying Mr. Federico. Here, in this letter, he  
9 also attaches his original April 8th, 2019 note that he wrote in their front  
10 lobby. He also attaches their April 20 -- the April 25th, 2019 letter he  
11 dropped off to that law firm for Mr. Federico. He also attaches that, what  
12 he called, a settlement agreement, which is an extortion document, to  
13 this particular letter to the firm. And his further extortion document of  
14 May 9th, 2019, which is dated at the top May 8th, 2019, that we just went  
15 through.

16 With all these documents, there were additional exhibits that  
17 he had included, and he'd included all those here as well.

18 The investigation continued. Task force officers with the FBI  
19 ultimately served a search warrant at Mr. Blandino's home. Here in his  
20 room slash office, they find his, what would be, a command center. And  
21 there's a multitude of evidence, including case file that he has for  
22 Federico, a copy of his extortion document. And then it brings it back.

23 Ladies and gentlemen, this is about the rule of law. Judicial  
24 independence is important. And it's important to us because it  
25 guarantees that judges are free to decide, honestly and impartially, in

1 accordance with the law and evidence, without concern or fear of  
2 interference, control, or improper influence from anyone. And that's  
3 why we're here. That's why Mr. Blandino's charged with extortion for all  
4 of these events that have been detailed. And that's why Mr. Blandino is  
5 charged with impersonating a public officer, for holding himself out to  
6 be an investigator for the Nevada Commission on Judicial Discipline,  
7 which he is not. And as a result, at the end of this trial, Ms. Marland and  
8 I will come back and ask you to return a verdict of guilty on both counts,  
9 extortion and impersonation of a public officer. Thank you.

10 THE COURT: Thank you. Mr. Bateman?

11 [Sidebar begins at 11:46 a.m.]

12 THE COURT: So, I'm sorry.

13 MR. BATEMAN: No. Sorry, I thought -- since we're using -- I  
14 just didn't have my laptop out. I just have a brief, like, can we break for  
15 lunch, because I didn't -- I don't know, I didn't think of that. I thought he  
16 was going -- go to lunch.

17 Do you think?

18 THE COURT: Yeah, I need to do it.

19 MR. BATEMAN: No, but, well, my -- Spencer Judd (phonetic)  
20 is coming with the laptop. I've got mine; it just takes forever to boot up.  
21 With my PowerPoint.

22 THE COURT: Oh, is your opening -- ? Okay.

23 MR. BATEMAN: And it's only like about seven or eight  
24 slides. It's not as fancy as that, so that's what I was.

25 MR. DICKERSON: Yeah, and maybe this is my fault for going

1 long, but we have one witness that -- to start off, and we're going to try  
2 to get her out by 1:00. But, yeah.

3 MR. BATEMAN: Oh.

4 THE COURT: Do you have an extra or something you could  
5 put into your laptop?

6 MR. DICKERSON: Could we take a five-minute? Would five  
7 minutes --

8 THE COURT: I mean, if we break, for like five minutes?

9 MR. BATEMAN: Yeah, let me take a breath. Sure.

10 THE COURT: Okay. All right.

11 [Sidebar ends at 11:47 a.m.]

12 THE COURT: Okay, at this time, ladies and gentlemen, we're  
13 going to take about a five minute recess. During this recess, you are  
14 admonished not to discuss or communicate with anyone, including your  
15 fellow jurors, in any way regarding the case or its merits, either by voice,  
16 phone, email, text, internet, or other means of communication, or social  
17 media; read, watch, or listen to any news or media accounts or  
18 commentary about the case, or do any research, such as consulting  
19 dictionaries, using the internet, or using reference materials; make any  
20 investigation, test a theory of the case, re-create any aspect of the case,  
21 or in any other way investigate or learn about the case on your own, or  
22 form or express any opinion regarding the case until it's finally  
23 submitted to you, and Officer Hawks will let you know when we're ready.  
24 Thank you.

25 THE MARSHAL: Thank you. All rise for exiting jury. Jurors,

1 please leave your notebooks on your chairs.

2 [Recess taken from 11:48 a.m. to 11:58 a.m.]

3 [Outside the presence of the jury]

4 THE COURT: Mr. Bateman, you're ready?

5 MR. BATEMAN: Yes.

6 THE COURT: Okay.

7 MR. BATEMAN: But before we bring in the jury, though, I  
8 would like to make a record, if I can.

9 THE COURT: Sure. The record will reflect that the hearing is  
10 taking place outside the presence of the jury panel. Go ahead.

11 MR. BATEMAN: Yes, Judge. It just has to do -- previously  
12 during jury selection process, and Mr. Blandino wearing the shirt that's  
13 been photographed and entered into the record. After court, we met in  
14 my office briefly yesterday, whenever that was, 5:30, 6:00. He -- there  
15 was some questions that he wanted me to ask, examples that he wanted  
16 me to ask that, you know, were not entirely appropriate. There are ways  
17 to get some of the information that he wanted, and I explained that to  
18 him, but one of the things he said was that he was going to wear his  
19 shirt. I advised him, you know.

20 THE COURT: Not to?

21 MR. BATEMAN: It was a bad idea.

22 THE COURT: Yeah.

23 MR. BATEMAN: I told him, look, I can't stop him.

24 THE COURT: Uh-huh.

25 MR. BATEMAN: And so, I just want that on the record.

1 Personally, I don't, you know, I know that he does not want me trying  
2 this case. He wants to do this. I think this is some type of tactics to get  
3 in, sort of, the things that he wants, and sort of direct this and get, I don't  
4 know, issues brought before -- that's my opinion, and I just want that on  
5 the record. I told him --

6 THE COURT: Okay.

7 MR. BATEMAN: -- it was a bad idea to wear the shirt.

8 THE COURT: Okay, okay. All right. And we can bring the  
9 jury panel in now? You can bring them in, Officer Hawks.

10 MR. BATEMAN: Okay, he did inform me he intends to wear  
11 his suit or change after lunch.

12 THE COURT: Okay. Okay.

13 MR. BLANDINO: Was not out of disrespect.

14 THE MARSHAL: It's just going to be a moment, Judge. One  
15 of them's in the restroom.

16 THE COURT: Okay. No problem.

17 THE CLERK: Mr. Dickerson, can you approach about Exhibit  
18 2 real quick?

19 MR. DICKERSON: Yes, ma'am.

20 THE CLERK: Because this is a sticky note, is it going to be a  
21 part of this exhibit? Can I staple it? Or are they going to be separate  
22 exhibits? Do you want me to mark it as, like, 2B?

23 MR. DICKERSON: You can mark it as 2B.

24 THE CLERK: Okay.

25 MR. DICKERSON: Can you do it on the back of it, I guess?



1 THE CLERK: Yeah.

2 MR. DICKERSON: Okay. Thank you.

3 THE MARSHAL: All rise for the entering jury, please.

4 [Jury in at 12:04 p.m.]

5 THE MARSHAL: Thank you, everyone. Please be seated.

6 THE COURT: Does the State stipulate to the presence?

7 MR. DICKERSON: We do, Your Honor.

8 THE COURT: And the Defense?

9 MR. BATEMAN: Yes, Your Honor.

10 THE COURT: Okay, Mr. Bateman, you may address the jury  
11 panel --

12 MR. BATEMAN: Thank you.

13 THE COURT: -- in your opening statement.

14 DEFENDANT OPENING STATEMENT

15 MR. BATEMAN: Thank you. Ladies and gentlemen of the  
16 jury, you see over here the word "quixotic." And you've heard of it. Let  
17 me tell you that Mr. Blandino is quixotic, right? What? You know, what  
18 does that word mean, right? And here's the definition. It's sort of  
19 foolishly impractical, especially in the pursuit of ideals, right? It's used  
20 for someone that's sort of innocently idealistic, possessed with some  
21 kind of romantic optimism. It comes from Don Quixote. Maybe you read  
22 Don Quixote in school. I remember I had to read it and, you know, the  
23 first modern novel. They call it one of the foundations of, you know,  
24 Western literature.

25 And who was Don Quixote? Don Quixote was an hidalgo,

1 which is the lowest class of Spanish nobleman, all right? He read tales  
2 of chivalry. He read tales so much so that he became, you know,  
3 inspired. He decides to take his squire and his horse, and sort of restore  
4 honor. Restore chivalry back to Spain, right? He wants to sort of help  
5 make the world a -- [indiscernible] as it, you know, as it should be. To  
6 bring back this kind of accountability.

7           And he sees as, you know, his adventures proceed, there's  
8 not many opportunities. People think that he's, you know, he's crazy.  
9 They say, look, it's a noble, what you're doing, but, you know, it's a little  
10 bit crazy. He is this sort of dreamer, right? He's this -- misunderstood.  
11 He gets laughed to -- laughed to scorn, right? So. He is. He is routinely  
12 mocked and scorned, but he never, ever lacked sincerity in what he was  
13 trying to do, okay? He was always sincere.

14           And, if you remember from the book, he thinks that, you  
15 know -- the expression "tilting at windmills" comes from this book. He  
16 sees these windmills as sort of giant invading armies that he has to  
17 protect against. He has a battle with a flock of sheep that he thinks is  
18 also an invading army. His helmet is a basin that he [indiscernible] a  
19 barber's basin that they were washing out and he's sort of reclaiming it  
20 from this thief. And despite being thought of as sort of, like I said, being  
21 crazy, he was always sincere in his quest.

22           Now, you've heard some things about, you know, about Mr.  
23 Blandino, how he brought it about. But in many instances, he is sincere.  
24 The quote here from Don Quixote here, when they told him that he's  
25 mad, okay, is that "maybe the greatest madness is to see life as it is

1 rather than what it could be." Okay? And you'll see that Mr. Blandino,  
2 okay, is committed to bringing accountability to the judiciary here in  
3 Clark County. That not only do we have to obey the law, we have to  
4 obey the rules, but so do judges. Okay?

5 Now, much like Don Quixote, you might disagree with the  
6 manner in which he goes about his quest. Right? And that's fine. But  
7 what I want you to always think about during this trial is: what is it that  
8 Mr. Blandino wants? You'll see in this, you'll have, you know, the letter -  
9 - it sort of cherry-picked parts out of that letter. You'll have the whole  
10 letter. You'll be able to review it. You can see Mr. Blandino really wants  
11 nothing for himself, you know. He wants to hold the judiciary to  
12 account.

13 You saw he was kicked out of the courtroom on April 25th of  
14 2019. Now, our courtrooms are open forums. They are open to the  
15 public. We're not living in North Korea or the Soviet Union, you know?  
16 We allow people to come in, you know, camera in the courtroom. We  
17 have people here observing, you know? This is open to the public.  
18 Because we don't do things here in secret. And so, when he gets kicked  
19 out, he goes to, you heard it, he goes to Mr. Federico. And you'll see  
20 that Mr. Federico, who you heard from on the opening statement, and  
21 you'll hear the testimony will play out. That Mr. Federico was told what  
22 to say. He had, you know, these detectives that were mentioned, there  
23 telling him, hey, say this, say this. You saw that Mr. Blandino really just  
24 wanted to meet with him, just, you know, just it's just me. And really  
25 just wanted to apologize and sort of talk about it. Like, no, no, no, no,

1 no, no. No. Do something right, but no. Have him write what he wants.  
2 You heard he was surprised, you know. They want to tell you he's this  
3 terrible, crazy, evil extortionist. But, you know, he gets called up, what  
4 do you want? Oh, gee, I don't know. Can we meet? No, no, no, no, no.  
5 Wants him to write back. No. No, no, no, no, no, no. He doesn't even  
6 know. Give me a couple of days. So he writes, so he writes him. It  
7 wasn't sufficient to arrest, and otherwise they probably would have,  
8 thinking about it, you know? Use your common sense. It was  
9 insufficient.

10               So, you know, he's thinking that Mr. Federico wants to, you  
11 know, wants to work something out. Wants to be, you know,  
12 [indiscernible] Mr. Federico is sincere, thought he'd work something out,  
13 and he said okay, you know, what is it? Can we just, you know, shake  
14 hands, break bread, that sort of thing. And so, you know, he follows up.  
15 They didn't follow up with him, okay? With the, you know, what is it you  
16 want? Don't you want more? You saw the letter that Mr. Federico sent  
17 to him. It's like, wait, tell me more, don't you want more? Because  
18 they're trying to -- they're inducing him into this trap, okay?

19               Think about this, and I ask you to [indiscernible] what does  
20 Mr. Blandino want? That it? He really wants nothing for himself. Okay?  
21 And, you know, when he talks about this is a bridge too far. Well, you  
22 know, it's negotiation. There's a give and take. Hey, all you have to say  
23 is no. No, I don't want that. No, I'm not going to do this.

24               And you heard also in the opening statement that we'll hear  
25 from Paul Deyhle, who is the, I believe his title is executive director of

1 the Nevada Commission on Judicial Discipline. Okay? He will tell you  
2 that Mr. Blandino is within his right to observe court and to submit  
3 complaints to the Commission on Judicial Discipline. Anyone, from  
4 fellow judges, general public, anyone who sees misconduct on part of a  
5 judge, is perfectly within their right to submit a complaint to the Nevada  
6 Commission on Judicial Discipline. In fact, that's how the -- their work  
7 gets started. And you'll hear more about that, about that process.

8           And that's what Mr. Blandino -- it's merely what his quest is.  
9 We'll hear from him. You will hear about his history of observing court,  
10 of submitting those complaints to the Commission. And, as you do,  
11 again, I want you to bear in mind: what is it that he wants? What is that  
12 he wants? You know? You'll see, he's really, again, not asking anything  
13 for himself. And they won't be able, really, to -- they have a high burden  
14 in proving this, okay? Is -- because one of these essential ingredients  
15 here in extortion, okay, is the intent to extort money or influence an  
16 action by certain means. But he doesn't want, really, anything for  
17 himself. And, I think as you, you know, as the witnesses come and they  
18 testify, I want you to keep that in mind.

19           And then, as he testifies, you'll hear from him and  
20 understand the sincerity that he brings to this. That he is a deeply  
21 religious man. And part of this desire to just go to reconcile, to  
22 apologize, comes from, you know, there's a scripture in the Bible, where  
23 you, you know, [indiscernible] with an adversary [indiscernible]. And  
24 that's part of really what is motivating him here in seeking to talk to Mr.  
25 Federico.

1                   And, as -- but you'll see that they're really just playing him  
2 for a chump. They keep asking for more and more, just to try and lay  
3 that trap for him. And the intent, really, won't be there. You'll also hear  
4 about, you know, you'll have the letters. And in there, you know, he  
5 said, addressing his, on himself an unpaid volunteer investigator. You  
6 can draw the inference. Unpaid, volunteer. He's not official. He's not an  
7 attorney. He's not as sophisticated, and yeah, he might be, yes, tilting at  
8 windmills, but he is very sincere in his quest to bring accountability -- to  
9 hold judges to account. And he'll expound on that more later.

10                   So, again, is I ask you to keep an open mind as you hear it,  
11 you know, and ask you to separate how you might feel about him, and  
12 just look at what the facts are. You'll have those letters in their entirety,  
13 in their context, and just remember: what exactly is it that he wants?  
14 And I think once you see that, you'll realize they haven't met their  
15 burden. He had no intention to extort, no intention to do any of the  
16 things that he is accused of. And, so I appreciate your service, and I  
17 appreciate you being willing to keep an open mind.

18                   THE COURT: Thank you very much. And the State may call  
19 their first witness.

20                   MS. MARLAND: The State calls Ashley Williams.

21                   THE MARSHAL: Ashley Williams. Watch your step. Step up  
22 into the witness stand. Remain standing, raise your right hand, face the  
23 Court.

24                   THE CLERK: Your right hand, please.

25                   THE WITNESS: Sorry.

1 THE CLERK: Thank you.

2 ASHLEY WILLIAMS, STATE'S WITNESS, SWORN

3 THE CLERK: Please state and spell your first and last name  
4 for the record.

5 THE WITNESS: Ashley Williams. A-S-H-L-E-Y W-I-L-L-I-A-M-  
6 S.

7 THE CLERK: Thank you.

8 MS. MARLAND: May I proceed?

9 THE COURT: Uh-huh.

10 DIRECT EXAMINATION

11 BY MS. MARLAND:

12 Q Good morning, ma'am. I'd like to draw your attention to  
13 April of 2019. Were you working at the time?

14 A Yes, I was.

15 Q Where were you working?

16 A I work at Olson, Cannon, Gormley, Sobinski Law Firm. I'm  
17 sorry. It's Stoberski.

18 Q Stoberski?

19 A Yes.

20 Q Okay. And where is that located?

21 A That is located at 9950 Cheyenne, I believe. I am sorry. I  
22 don't work there anymore.

23 Q Would that be 9950 West Cheyenne?

24 A Yes.

25 Q Is that here in Clark County, Nevada?

1           A     Yes, it is.

2           Q     And when did you started working there, if you recall?

3           A     I believe I started work there, maybe, April 7th or 6th.

4           Q     Okay. And what were -- what was the nature of your job  
5 duty?

6           A     I was hired as a law clerk -- law -- sorry. I was held as a file  
7 clerk.

8           Q     Okay. And part of being a file clerk, what does that entail?

9           A     It was just filing papers inside of their files -- the correct files.

10          Q     And were you ever expected to interact with any visitors or  
11 clients?

12          A     No, I was told I was to be working upstairs and not talking to  
13 anyone except for the attorneys.

14          Q     And on April 8th, 2019, did you have to interact with anyone?

15          A     Yes, I actually -- the day before, I was called into my -- an  
16 office, saying that the receptionist downstairs had to quit, because an  
17 emergency leave, so I had to be working downstairs, as of the next day.

18          Q     So, within the first week of this job as a file clerk you had to  
19 be a receptionist as well?

20          A     Yes.

21          Q     Okay. And on April 8th of 2019, did anyone who is present  
22 here in the courtroom come in to the office at 9950 West Cheyenne?

23          A     Oh, yes.

24          Q     And could you point to that person and identify them by a  
25 piece of clothing they're wearing.



1           A     He's in a red shirt and pants -- gray pants.

2                   MS. MARLAND: May the record reflect identification.

3                   THE COURT: So reflected.

4                   MS. MARLAND: Thank you.

5 BY MS. MARLAND:

6           Q     And what time did this person come out?

7           A     Roughly around maybe 9:50ish, 10:00 a.m.

8           Q     What time had you started your day?

9           A     Oh, I am supposed to get there at 7:50 to open.

10          Q     Okay, so at approximately 9:50 a.m., what first drew your  
11 attention to someone coming in to the office?

12          A     So, our office windows are on the left side of me, facing this  
13 way. So I literally see everyone that comes up -- that drives up to our --  
14 that is going to come in to our office.

15          Q     Is there a parking lot right outside those windows?

16          A     Yes.

17          Q     And so you -- did you see someone drive up?

18          A     Yes, I seen a white pick-up truck.

19          Q     Okay. And did you see the individual you identified as the  
20 Defendant step out of that truck at some point?

21          A     I did not see his face until he came inside.

22          Q     Okay. And once he came inside, what happened?

23          A     He came up to a window, kind of like this, and asked if he can  
24 speak to Michael Federico.

25          Q     Okay. Did he identify himself?

1           A     I'm not a hundred percent sure if it was right away, like, hi,  
2 I'm, you know, so and so.

3           Q     Fair enough.

4           A     I would like to speak to Michael Federico.

5           Q     At some point, did the Defendant identify himself?

6           A     Yes.

7           Q     And who did he identify himself as?

8           A     Kim Blandino.

9           Q     Okay. And you mentioned he had asked for Michael  
10 Federico?

11          A     Yes.

12          Q     What was your response to that?

13          A     I said, give me one second. Let me see if he's in.

14          Q     Okay. Were you able to get ahold of Mr. Federico at that  
15 time?

16          A     I was not able to.

17          Q     All right. And did you inform the Defendant of that fact?

18          A     Yes.

19          Q     What was his response?

20          A     He asked if he could write a letter to him.

21          Q     Okay. And --

22          A     And I gave him a piece of paper and a pen and let him  
23 proceed.

24          Q     Okay, and how long did he write the letter for?

25          A     Roughly, like 20 minutes or so, 25.

1 Q Was there any discussion while he was writing the letter?

2 A Ah, yes, we were conversing as he was writing the letter.

3 Q Okay. Do you recall what type of conversation you had?

4 A He was pretty much just asking questions, just random little  
5 questions like, how are you? How long have you been working here? If I  
6 knew Michael Federico was a judge.

7 Q Okay.

8 A I mean, nothing --

9 Q Did you know that Mr. Federico was a judge?

10 A No, I did not. At that time, I did not. I was brand new, so.

11 Q Okay. And did Mr. Blandino ask you anything further about  
12 Mr. Federico's location?

13 A He just asked if he was in office, and I said I'm not a hundred  
14 percent sure because I don't know what car he drives.

15 Q Did Mr. Blandino ask you to go look for Mr. Federico?

16 A He did, if I was able to go look for him.

17 Q Were you able to do so?

18 A I could not, because I was the only person on the first floor,  
19 pretty much.

20 Q Part of your job duties as a --

21 A Yes, I cannot leave the -- the --

22 Q Okay, and I'm just going to ask that you let me finish my  
23 question, just so not we're not talking over --

24 A Oh, okay.

25 Q -- each other. Thank you. So, the Defendant was asking you

1 questions as he was writing the letter.

2 A Yes.

3 Q As we indicated. And did he ask for any further paper  
4 products?

5 A Just a -- like a -- I had a -- there were sticky notes, literally,  
6 you could see them. So he just asked for a sticky note.

7 Q So essentially a Post-it?

8 A Yeah, just.

9 Q And I'm going to -- I'm going to show you what's been  
10 marked as State's proposed Exhibit 2, if I may approach?

11 THE COURT: You may.

12 BY MS. MARLOW:

13 Q And, do you recognize this?

14 A Oh, yes.

15 Q What do you recognize it to be?

16 A The letter that Kim wrote to Michael Federico to give to me to  
17 him.

18 Q Okay. Is this -- and when you say Kim, do you mean Mr.  
19 Blandino?

20 A Yes.

21 Q Okay, and this is -- does this appear to be a fair and accurate  
22 -- well, does this appear to be the actual piece of paper you provided Mr.  
23 Blandino to write the letter on?

24 A Yes, because I had -- we had to stamp everything that came  
25 into the office, so I stamped it.

1 Q Okay.

2 MS. MARLAND: Your Honor, I move to admit State's  
3 proposed Exhibit 2.

4 THE COURT: And it's A and B you're moving --

5 MS. MARLAND: A and B, yes.

6 THE COURT: Okay.

7 MS. MARLAND: Well, sorry, Judge. I'm going to make this  
8 clear. It's 2, 2A, and 2B. It's the envelope, the paper, and a sticky note.

9 THE COURT: Oh, okay, 2, 2A, and 2B. Any objection?

10 MR. BATEMAN: I don't believe I've seen it, but I don't --

11 THE COURT: Go ahead.

12 MR. BATEMAN: -- anticipate any objection. Yeah. Oh, so,  
13 okay, I understand. So the Post-it note is 2B. Okay.

14 THE COURT: Any objection?

15 MR. BATEMAN: No.

16 THE COURT: Okay, they're admitted.

17 [State's Exhibit 2, 2A, and 2B admitted into evidence]

18 MS. MARLAND: Thank you, Judge.

19 BY MS. MARLAND:

20 Q Just going back to this, 2B, is this, on top of it, is that the  
21 sticky note you also provided Mr. Blandino with?

22 A Yes.

23 Q All right. I'm going to try to --

24 MS. MARLAND: And if I may publish?

25 THE COURT: You may.

1 MS. MARLAND: Thank you.

2 BY MS. MARLAND:

3 Q And so you indicated that you dated, and time stamped all  
4 documents that come through --

5 A Yeah.

6 Q And so you indicated that at that top right there, that was the  
7 time stamp and the -- that you had stamped on that piece of paper?

8 A Yes.

9 Q Okay. And what was the date and time?

10 A April 8th, 2019, 10:31 a.m.

11 Q Okay. And that Post-it on it would be the Post-it that was  
12 affixed on the piece of paper by Mr. Blandino?

13 A Yes.

14 Q Okay. At some point, did Mr. Blandino stay, or did he  
15 eventually leave?

16 A He did eventually leave, yes.

17 Q Did you ask him to leave?

18 A No.

19 Q Okay. Were you comfortable asking him to leave?

20 A So, as you guys know, I was new at that job. I was not  
21 supposed to talk to anyone. So, yes, I was -- I know I was not  
22 comfortable with saying that. I was definitely nervous.

23 Q Okay.

24 A Just because I was new.

25 Q And eventually did you see the Defendant leave the law

1 office?

2 A Yes.

3 Q Okay. And did you see him get back into his car?

4 A Yes.

5 Q Okay. Did you see what car he got into?

6 A Yes, the white pick-up truck.

7 Q Okay. Did you ever come into contact with Mr. Blandino  
8 after April 8th of 2019?

9 A No, I did not.

10 Q Okay.

11 A That was the only.

12 Q And did you provide this document, this piece of paper and  
13 the Post-it to Mr. Federico --

14 A I did.

15 Q -- when you next saw him?

16 A I did.

17 Q Had you ever come into contact with Mr. Federico before  
18 April 8th?

19 A I did, as a tour to meet all the attorneys when I first started.

20 Q Okay. So were you aware that Mr. Federico was an attorney  
21 with the firm?

22 A Yes, I was.

23 Q And just going back to the questions that were being asked  
24 to you as Mr. Blandino was writing this letter, you mentioned he'd asked  
25 you how long you'd worked there and whether you knew Judge -- Mr.

1 Federico?

2 A If he was a judge, yes.

3 Q Okay. And you mentioned you did not know?

4 A Uh-huh. Yes.

5 Q Did he ask you any further questions about your own life?

6 A I mean, it was just maybe like, if I had kids. He actually asked  
7 me if I had kids, and, I mean, not really, yeah. Not really things that I can  
8 actually remember. Just -- it was just a random conversation.

9 Q Okay. Did Mr. Blandino ask you any further questions about  
10 whether you had ever worked with Mr. Federico?

11 A Oh, yes, yes, he did.

12 Q Do you recall the substance of that question?

13 A He asked if I worked with him on any other cases. On any  
14 cases. And I proceeded to tell him I was still new, so I did not work at all  
15 with him.

16 Q Okay.

17 MS. MARLAND: I have no further questions for this witness.

18 Pass the witness.

19 THE COURT: Cross examination?

20 CROSS-EXAMINATION

21 BY MR. BATEMAN:

22 Q Ms. Williams, so you said -- he was just asking questions, it  
23 was sort of like small talk?

24 A Yeah.

25 Q I guess.



1           A     We were just conversing.

2           Q     Okay. So nothing that is so, I don't know, remarkable that  
3 you remember it specifically?

4           A     Just -- if he asked if I knew Michael Federico was a judge.  
5 That was pretty much, kind of, the only, like, actual question that I  
6 remember.

7           Q     And did he ask you for a copy of that letter that he wrote?

8           A     He might have. There's people that do do that, and we do  
9 have a copy machine right there, but I'm -- I can't be a hundred -- I can't  
10 say a hundred percent sure that I gave him a copy, because I do not  
11 remember. I am sorry.

12          Q     Okay.

13               MR. BATEMAN: I have no more questions, Your Honor.

14               THE COURT: Any redirect?

15               MS. MARLAND: Briefly, Your Honor.

16                               REDIRECT EXAMINATION

17 BY MS. MARLAND:

18          Q     Ms. Williams, while Mr. Blandino was asking you these  
19 questions, did it occur to you as though he was there for longer than  
20 necessary to write what's essentially a one page letter?

21          A     Oh, yes. I mean, he was probably there for 20 minutes, so.

22          Q     Okay, and what was your sentiment during this whole  
23 interaction?

24          A     I mean, I didn't really think anything of it.

25          Q     Do you recall if Mr. Blandino was looking around while he

1 was writing the letter?

2 A I'm sorry, I couldn't tell you. It was three years ago.

3 Q And fair to say had you ever had to work as a receptionist  
4 after that day?

5 A After that day, yes, I actually had to. They couldn't find  
6 anyone, so I had to be their permanent receptionist.

7 Q And would you say that based on your work after that, was it  
8 usual type of behavior to interact with someone for that long?

9 A Oh, no. Usually, I mean, when clients would come in, they  
10 would, you know, ask if someone was there and, if they weren't, they  
11 kind of just left. Or, hey can you just let him know I was here? And then  
12 kind of just leave.

13 Q Fair to say --

14 A Just emailed them.

15 Q Fair to say they wouldn't stick around for 20 minutes?

16 A Oh, no.

17 Q Okay.

18 MS. MARLAND: No further questions.

19 THE COURT: Any recross?

20 MR. BATEMAN: No, Your Honor.

21 THE COURT: Okay. Thank you very much for your testimony  
22 here today. You may step down.

23 THE WITNESS: Thank you.

24 THE COURT: You are excused from your subpoena.

25 THE WITNESS: Thank you so much.

1 THE COURT: Thank you very much. Okay, at this time we're  
2 going to recess for lunch. During this recess, you're admonished not to  
3 discuss or communicate with anyone, including your fellow jurors in any  
4 way regarding the case or its merits, either by voice, phone, email, text,  
5 internet, or other means of communication or social media; read, watch,  
6 or listen to any news or media accounts or commentary about the case;  
7 do any research, such as consulting dictionaries, using the internet, or  
8 using reference materials; make any investigation, test a theory of the  
9 case, re-create any aspect of the case, or in any other way investigate or  
10 learn about the case; or form or express any opinion regarding the case  
11 until it's finally submitted to you. We'll be in recess until 2:00. Thank  
12 you.

13 THE MARSHAL: Thank you. All rise for the exiting jury.  
14 Jurors.

15 [Recess taken from 12:33 p.m. to 2:07 p.m.]

16 [Outside the presence of the jury]

17 THE MARSHAL: Court is now in session.

18 THE COURT: Okay, you can bring the panel in.

19 THE MARSHAL: Yes, ma'am.

20 THE CLERK: Mike, did you -- are you intending on putting  
21 that stipulation on right now, or no?

22 MR. DICKERSON: Yeah. So.

23 THE COURT: Okay, the record reflect the hearing's taking  
24 place outside the presence of the jury panel.

25 MR. DICKERSON: Thank you, Your Honor. This is Mike

1 Dickerson on behalf of the State. After consulting with Defense counsel  
2 and the exhibits, the Defense has had an opportunity to review all the  
3 exhibits. We're looking at currently 1 through 34.

4 THE COURT: Okay.

5 MR. DICKERSON: At this point in time we're going to enter a  
6 stipulation to the admission of these exhibits.

7 THE COURT: Is that correct, Mr. Bateman?

8 MR. BATEMAN: That is correct.

9 THE COURT: Okay. So 1 through 34 are admitted at this  
10 time.

11 [State's Exhibit 1 - 34 admitted into evidence]

12 THE COURT: Can the panel come in? Just --

13 THE MARSHAL: All rise for entering jury. Oh, hang on.

14 Hang on.

15 THE COURT: Okay. Well, here they come. No, that's okay.

16 THE MARSHAL: You good?

17 THE COURT: Are you -- you guys are done, right?

18 MR. DICKERSON: Yeah.

19 THE COURT: Okay.

20 [Jury in at 2:09 p.m.]

21 THE COURT: Does the State stipulate to the presence of the  
22 jury panel?

23 MR. DICKERSON: We do, Your Honor.

24 THE COURT: And the Defense?

25 MR. BATEMAN: Yes, Your Honor.

1 THE COURT: Thank you, Mr. Bateman. And the State of  
2 Nevada, you may call your next witness.

3 MR. DICKERSON: Thank you. We call Michael Federico.

4 MICHAEL FEDERICO, STATE'S WITNESS, SWORN

5 THE CLERK: Please state and spell your first and last name  
6 for the record.

7 THE WITNESS: Michael Federico. F-E-D-E-R-I-C-O. First  
8 name M-I-C-H-A-E-L.

9 MR. DICKERSON: May I proceed, Your Honor?

10 THE COURT: You may.

11 MR. DICKERSON: Thank you very much.

12 DIRECT EXAMINATION

13 BY MR. DICKERSON:

14 Q Mr. Federico, what do you do for a living?

15 A Primarily, I'm an attorney. And I'm also a fill-in judge and a  
16 few other judicial capacities.

17 Q Okay. How long have you been an attorney?

18 A Since 1996.

19 Q And you're barred and licensed?

20 A Yes.

21 Q Where are you barred and licensed?

22 A In Nevada.

23 Q Okay. And at one point in time you had indicated that you're  
24 a fill-in judge, or an alternate judge. When did you start doing that?

25 A My first two-year term for Las Vegas Justice Court was in

1 2001. Quite some time ago. And it's a two-year term.

2 Q Okay. And so that's Las Vegas Justice Court, is that right?

3 A That's correct. Then also I've been called, not too frequently,  
4 though, for Henderson, so it seemed like it carried over to Henderson,  
5 too, because I made that long drive from somewhere in the past.

6 Q Okay. How about with the city of Las Vegas? Were you, or  
7 have you been, alternate judge there?

8 A Yes.

9 Q Okay. And is that called the Municipal Court?

10 A I believe the certificate that you receive, it's an annual  
11 position, is alternate Municipal Court judge.

12 Q Okay. So, these positions as an alternate judge for the  
13 Justice Court for -- of Las Vegas, the Justice Court of Henderson, as well  
14 as the city of Las Vegas Municipal Court, are these also known as  
15 positions of Judge Pro Tempore, or Judge Pro Tem?

16 A Yes, there's different types of titles you can have. Judge Pro  
17 Tem is kind of what we go by, but Judge Pro Tempore is also another  
18 term. When I tell people, you know, when they ask, I just say I'm more  
19 like a substitute teacher -- substitute judge.

20 Q Okay. Except a substitute teacher isn't appointed by the  
21 legislative body of the government, right?

22 A That's probably true.

23 Q And you, as a Municipal Court Judge Pro Tem, would be.

24 A Yes, through the Clark County Board of Commissioners and  
25 the Las Vegas City Council. Those are the ones that actually give the

1 final approval to the list of names of who can sit.

2 Q So, if I have this correct, the judges and the -- in those courts  
3 that you've mentioned, and specifically here as it relates to this case for  
4 the Las Vegas Municipal Court, the full-time regular judges -- are those  
5 judges elected?

6 A Yes. Sometimes they're originally appointed, but for the  
7 most part they're elected to serve for the public.

8 Q But you as an alternate judge, or a Judge Pro Tempore, are  
9 appointed to fill-in when one of those judges is unavailable?

10 A Solely appointed.

11 Q Okay. And when you're acting in your capacity as a Judge  
12 Pro Tempore for the Las Vegas Municipal Court, what do you do?

13 A Pretty much assume all the roles that a judge would be  
14 assigned. Whoever you're sitting for. For example, I may be setting bail  
15 -- not so much anymore, but there's bail. There's preliminary hearings.  
16 There's initial arraignments, you know, hearing motions to release --  
17 release Defendants from in custody. There's a lot of different things.  
18 And on top of that, in Justice Court, there's also civil litigation for the  
19 smaller civil cases where people are suing each other. You hear those as  
20 well.

21 Q And so you've been doing this since 2001, is that right?

22 A For the most part. There was a period of time I was out of  
23 the state, and I didn't apply for it. But every time that I've applied for  
24 these positions, I was appointed.

25 Q Okay. And for the city, specifically, since approximately

1 2003?

2 A That's correct.

3 Q And in 2018 and 2019, were you serving as a Judge Pro  
4 Tempore for the city of Las Vegas Municipal Court?

5 A Yes.

6 Q And in that capacity, are you sitting, wearing a robe, and  
7 hearing trials?

8 A Yes.

9 Q And so, those trials in the Las Vegas Municipal Court -- are  
10 those all misdemeanor trials?

11 A Yes.

12 Q And frequently, I would imagine, traffic trials?

13 A They're misdemeanor cases, and then there's a -- we -- they  
14 started up with a -- just a traffic court, where you only had traffic matters.  
15 Before, years ago, each judge would hear everything, and now they have  
16 a traffic commissioner that just hears traffic. So, yes, traffic, too, and I  
17 don't know what you would categorize it, but.

18 Q Okay. Now, those trials are decided solely by the judge, is  
19 that right?

20 A Yes, it's a bench -- each one's a bench trial.

21 Q Okay. Bench trial being different than a jury trial, like this  
22 that we're in today.

23 A Yes. A judge makes -- the ruling is guilty or not guilty, and  
24 then also makes the -- determines the sentence. And --

25 Q Okay.



1           A     -- imposes it, as opposed to the jury, which does all those  
2 things.

3           Q     And the sentences that you impose for these various  
4 misdemeanors and traffic offenses can include jail time?

5           A     Yes, and misdemeanors, you could -- each misdemeanor that  
6 somebody's convicted or pleads guilty to can be up to six months in jail,  
7 so sometimes people will have two or three they're pleading guilty, and  
8 there's maybe like three consecutive sentences of six months that are  
9 stayed or whatever have you.

10          Q     Okay.

11          A     Probably getting too complicated, but.

12          Q     Okay. And so there's -- when you say "stayed" sentences, is  
13 that kind of an indication of some sort of a probationary term of sorts?

14          A     Yes.

15          Q     Okay. These punishments in the Las Vegas Municipal Court  
16 can also include fines, is that right?

17          A     Fines, counseling, community service, and, of course, jail  
18 time, which is the most severe, in my eyes.

19          Q     And so if you sit there as a municipal Judge Pro Tem, you'd  
20 have the power and authority by law to enforce all of that and hand out  
21 all those punishments.

22          A     All of those and also administer the court to make sure  
23 everybody's in line, and so you also have contempt powers.

24          Q     So you have the power to compel obedience to your lawful  
25 orders as well.

1           A     You try, but fortunately you have armed marshals that, really  
2 are, in my eyes, are the people that can enforce things.

3           Q     Okay. Now, as we get into looking at your work as a Judge  
4 Pro Tempore, can you just describe to the ladies and gentlemen of the  
5 jury what a normal day in the Las Vegas Municipal Court as a Judge Pro  
6 Tempore sitting on say, the traffic calendar would look like.

7           A     Traffic calendar, you walk in the court and sometimes,  
8 depending on if it's the county or the city and what day it is, you could  
9 have a hundred people in the gallery. In other words, everybody waiting  
10 for their tickets. And you -- so you sit down, and the clerk starts handing  
11 you stacks, sometimes like this, and you start going through them.  
12 Calling the names, you know, you know, asking as far as, you know,  
13 what their -- what the charges are, seeing if there's some kind of  
14 negotiation, hear what the sentence would be, and then, you know,  
15 either it's -- you'd be guilty, not guilty, set it for trial. And you just go  
16 through a wave of those. Those are usually, I'm sorry, the typical  
17 mornings in traffic court. It's a big, big wave of people.

18          Q     So you said a hundred, or upwards of a hundred?

19          A     It could be a lot more. I don't want to speculate. All I can say  
20 is the big gallery is usually bigger than this, and they're deep  
21 courtrooms, and sometimes they're pretty full. Sometimes, sometimes.

22          Q     And so you're just going --

23          A     Especially --

24          Q     So you're just --

25          A     -- after holidays. I'm sorry.

1           Q     You're just calling case, adjudicating the case, calling the  
2 next case, adjudicating the next case, and so on and so forth until you  
3 finish the calendar for the day?

4           A     That's correct. You have a calendar that you are in charge of,  
5 and you need to kind of roll it along so you can get everybody who's  
6 spent their day sitting in court and get them out of there and back to  
7 their lives and get them out of court.

8           Q     Okay. And on that same calendar would be those traffic  
9 trials we discussed.

10          A     That's correct. Trials would go later on in the day, usually, or  
11 in the morning, just because a trial takes up a lot of time sometimes.  
12 What I mean by that is a lot of cases will take anywhere from 30 seconds  
13 to a few minutes to complete or adjudicate, but a trial could take at least  
14 -- at least 10 minutes, and sometimes it could take a few hours. And in  
15 other courts it could take longer.

16          Q     Okay. And that kind of depends on the charge itself?

17          A     Yes. In traffic court, they're usually not too complicated, and  
18 they're pretty fast. But if you're in Justice Court, and you're hearing, for  
19 example, a murder trial, it could be a preliminary -- not a trial, but a  
20 preliminary hearing. That could take two days.

21          Q     Okay.

22          A     Or even longer.

23          Q     And a preliminary hearing is something totally different than  
24 handling a misdemeanor case, is that right?

25          A     Yes.

1 Q Okay. That's like an initial hearing on a felony to determine  
2 whether it's going to come up to the District Court for a jury trial?

3 A Yeah, it's almost like a -- it's like a -- almost like a practice  
4 trial to get information so that they can go on to this level court.

5 Q All right. And that's something that you would hear in your  
6 capacity as a Judge Pro Tempore for the Justice Court?

7 A Countless.

8 Q Okay.

9 A Over the last 20 -- 20 years.

10 Q So, I want to direct your attention to August 28th, 2018. Do  
11 you remember that day?

12 A Yes. Not the whole day, but I remember certain parts.

13 Q Specifically a part where you were working in your capacity  
14 as a Judge Pro Tempore for the Las Vegas Municipal Court?

15 A Yes.

16 Q And in that capacity, do you recall what court you were  
17 working?

18 A I believe it was traffic.

19 Q Okay. And did you have a particular Defendant in one of  
20 those traffic cases that you actually see here in the courtroom today?

21 A Yes.

22 Q Okay. If you could, please point to that individual, identify a  
23 piece of clothing that they're wearing.

24 A Gentleman with the three-piece suit and the large red -- I  
25 think it's a tie. I'm not sure what it is.

1 MR. BLANDINO: Ascot.

2 MR. DICKERSON: An ascot.

3 THE WITNESS: Yeah.

4 MR. DICKERSON: Okay. He corrected me. It's an ascot. If  
5 the record could reflect the identification of the Defendant, Your Honor.

6 THE COURT: So reflected.

7 BY MR. DICKERSON:

8 Q And do you know the Defendant's name?

9 A I believe it's Kim -- Kim Dennis Blandino.

10 Q Okay. And is that a name that you've become familiar since -  
11 - with, since August 28th, 2018?

12 A Unfortunately, yes.

13 Q Had you ever known Kim Blandino before August 28th, 2018?

14 A No. No clue who he was. Just -- he was just somebody else  
15 that I had to hear a case for.

16 Q And now, you have your morning calendar that day, is that  
17 right?

18 A I don't recall the calendar. I mean, I've done probably over  
19 500 calendars. But there was a calendar.

20 Q Okay. And is that because the case that really sticks out is  
21 Mr. Blandino's case?

22 A That's correct.

23 Q So, at some point in time during that calendar that you're  
24 working as a judge, can you tell us about what happened with Mr.  
25 Blandino?

1           A     Can you be a little bit more specific?

2           Q     Yeah, if you could just tell us, like, how he comes before the  
3 Court, how you end up calling his case, any of that. Just generally.

4           A     Well, I mean you, generally speaking, you call the case, ask  
5 both sides if they're ready to proceed, and then you proceed. You hear  
6 the trial, just like you see on TV. And at the end, there's a ruling. And in  
7 this case it was quite different than the normal trial. Sometimes as a  
8 judge you can hear several of these types of trials in one sitting. You can  
9 have a trial, 20 minutes later another trial. They all pretty much run the  
10 same way.

11               And this one was highly unusual. You could see it was a very  
12 argumentative Defendant. Didn't want to cooperate. He thought  
13 everything revolved around him. He had to -- he had to be warned  
14 several times to basically cut it out, you know. I know the way things  
15 work. We're going to do things the way they're supposed to go. And,  
16 you know, he just really couldn't comply, at least at the beginning. It  
17 was continuously saying things under false pretenses. Argue --

18           Q     So this particular --

19           A     Sorry.

20           Q     -- traffic trial sounds like it was unusual?

21           A     It was difficult.

22           Q     Outside -- was it outside the norm of the normal traffic trials  
23 that you handle?

24           A     It was way on one end of the bell curve, so to speak. It was --  
25 it was one of those outliers. It was nothing like you normally would

1 expect.

2 Q So, yes, it was?

3 A Yes.

4 Q And with that, as well, was it because of the traffic citations  
5 themselves? Like, the actual charges that made it different?

6 A No.

7 Q What was it that made it so odd and on the other end of the  
8 bell curve?

9 A It was the Defendant who was representing himself.

10 Q Okay. Now, this particular trial and the events surrounding  
11 it, were those captured on video and audio recordings?

12 A I believe so, yes.

13 Q And that video and audio recording, as you sit here today, do  
14 you know that that is commonly referred to as a JAVS system?

15 A I learned later on, but I -- you always know because you warn  
16 people, hey, look, whatever you're saying here today, you have just like  
17 here. You have a camera that's recording everything, so, you know, let's  
18 move on or, you know, you might be in trouble.

19 Q Okay. I'm going to take one second here. I have in my hand  
20 what's been marked as State's Exhibit 32, and it is admitted by  
21 stipulation. Here I have it in my disk drive, what is marked as State's  
22 Exhibit 32. This is a DVD disk, and here in the disk drive that you see up  
23 on the screen in front of you are the contents of that disk. Have you  
24 become familiar with the contents of this particular footage? Have you  
25 watched it before?

1           A     I was recently given an opportunity to take a look at the  
2 different files.

3           Q     Okay. And there are several different files, is that right?

4           A     That's correct. There are several different pieces of that basic  
5 traffic trial, yes.

6           Q     Okay. And is that because the recordings are done per  
7 particular case?

8           A     Yeah, sometimes a case will get interrupted because maybe,  
9 like, an attorney comes in and they have a client, and because you know  
10 you're going to be taking 20 minutes in this one case, if the attorney and  
11 his client's case can take a minute, you try to give a courtesy to that  
12 Defendant and the attorney to hear that case and get them out of there,  
13 and then go back to, really, what you're doing.

14          Q     Okay. And at other times will the Court take a recess?

15          A     Yes, or maybe the parties want a recess, you know.

16          Q     And so that wouldn't be recorded as part of the case itself?

17          A     I don't think so. But this is the only JAVS that I've ever  
18 reviewed.

19          Q     Okay.

20          A     So other than what you see on TV.

21          Q     Right. And the JAVS recordings of these proceedings  
22 themselves are a record of those proceedings.

23          A     Yes.

24          Q     And so that's why you wouldn't have other Defendants'  
25 cases necessarily on during Mr. Blandino's case. In the same recording.



1           A     I presume that's why they would cut off certain parts. Why  
2 would they show some other Defendant's traffic matter?

3           Q     Okay. So, I'm going to go here. So, we're going to go to this  
4 first file. It's a digital file entitled "28 dash 08 dash 2018." That was the  
5 date of this video job, correct?

6           A     I believe so.

7           Q     And then there's an underscore there of 9 22 58. If that were  
8 a time stamp, would that make sense for being a time that you would  
9 likely be in the Las Vegas Municipal Court sitting as a Judge Pro  
10 Tempore, at 9 -- approximately 9 to 11 a.m.

11          A     I believe the calendar back then was 8 until 11 or 12, depends  
12 on whenever you got finished. That's the morning calendar.

13          Q     Okay. What I'm going to do at this point in time is I'm going  
14 to open up this file. All right. Do you recognize what we're looking at  
15 here?

16          A     That appears to be a courtroom of me sitting as the judge  
17 that day.

18          Q     Okay. And does this appear to be the first digital video file of  
19 the cases on August 28th, 2018, specifically, involving Defendant Kim  
20 Blandino?

21          A     I believe so.

22          Q     Okay.

23          A     And I see the marshal there too.

24                 MR. DICKERSON: Going to go ahead and play this.

25                 [Whereupon, an audio recording, State's Exhibit 32 was played in

1 open court at 2:28 p.m., and not transcribed]

2 BY MR. DICKERSON:

3 Q Pause it right here at 1 minute and 20 seconds, sir. Here on  
4 the screen, do you see the Defendant?

5 A Yes.

6 Q Okay, if you could, please -- and you should have a mouse in  
7 front of you that may work. There you go.

8 A If you could see my -- yeah, it does.

9 Q If you could go ahead and place that mouse over the  
10 Defendant. Just indicate what you see him wearing in this particular  
11 portion of the video.

12 A He's wearing a suit, and he's wearing a tie, and it looks like a  
13 white shirt, looks like a kind of a reddish tie.

14 Q Okay. And so then there is another individual that's to the  
15 left of Defendant. Yeah, right there.

16 A Yeah.

17 Q That you have your -- the cursor on. Looks like he's wearing  
18 some sort of collared shirt without a jacket. Is that right?

19 A That's correct.

20 Q Who would that have been?

21 A That would be one of the city attorneys, the prosecutor, for  
22 lack of a better term.

23 Q Okay, so that's a prosecutor for the city of Las Vegas?

24 A That's correct.

25 Q Okay. So, is his job to present the evidence in the traffic

1 trial?

2 A Yes, for the city of Las Vegas.

3 Q Okay, now, the Defendant, Mr. Blandino, here, his role in this  
4 case, is he the Defendant in the traffic case?

5 A Yeah, he was the Defendant, and then he also was  
6 representing himself.

7 Q Okay. And now, it seems clear already, but the individual  
8 that we've seen previously in the footage up to this point on the bench,  
9 wearing the robe, that's the judge. Who's that?

10 A That was me.

11 Q Okay. And then, here in this frame, these folks that we see in  
12 the background, behind the bar, are those just people that are sitting in  
13 the gallery of the courtroom?

14 A The two people in the front, I think they had cases. I'm not  
15 sure; I'm only speculating. I believe the person in the back right may  
16 have been the officer that was going to be called to testify, because in  
17 traffic trials, you usually just have, when you get pulled over, the only  
18 witness is the traffic officer. So I'm pretty sure, reasonably sure, that  
19 that's the traffic officer. I don't know who's behind him, though.

20 Q Okay.

21 A I could be wrong. It just looks like that's a police officer  
22 there.

23 MR. DICKERSON: Okay, great. I'm going to play it from this  
24 point.

25 [Video resumed at 2:32 p.m., paused at 2:34 p.m., and not

1 transcribed]

2 BY MR. DICKERSON:

3 Q I'm going to pause it right there. We're currently at 3  
4 minutes and 11 seconds into this footage. Can you just inform the ladies  
5 and gentlemen of the jury what it was that we were seeing occur in these  
6 particular proceedings at that time that they were watching?

7 A It was -- basically, there was a motion that was filed, and I  
8 had to review it, and then I asked if there was anything further, and I got  
9 interrupted a lot. I tried to, as nicely as I could, have the interruptions  
10 stop. And then, he made some arguments. That would be the  
11 Defendant. And then he wanted to delay proceedings by talking about  
12 getting some water, which, you know, you're sitting in the courtroom  
13 waiting for your case to be called. Calling the case, I mean, you're going  
14 to interrupt what's going on to go get some water. And that's where, I  
15 guess, it cut off, or we stopped it.

16 Q So, all that argument that we were seeing going on, the  
17 Defendant arguing to you about -- that was his motion that he was  
18 arguing about?

19 A Yes, it was his -- on his own behalf. The trial hadn't started  
20 yet, technically. It's more of a pre-trial motion. A motion is a request of  
21 the Court. And there was multiple requests in there, like violation of the  
22 speedy trial and a few other things.

23 Q Okay. Having a motion argument before the Court, that's  
24 normal, right?

25 A Absolutely.

1 Q What about interrupting the judge in the middle of the  
2 motion argument that said he wanted to get water? Is that normal?

3 A I've never had that happen in my whole career. I've never  
4 seen any attorneys do it in Court when I'm one of the attorneys, either.

5 MR. DICKERSON: Okay. Go ahead and play it from that  
6 point.

7 [Video resumed at 2:36 p.m., paused at 2:37 p.m., and not  
8 transcribed]

9 BY MR. DICKERSON:

10 Q So, I'll pause here right there at 3 minutes and 54 seconds.  
11 I'm going to do a quick adjustment as well. You had indicated there --  
12 you'd indicated there that you give pro ses an opportunity to supplement  
13 their motion, is that right?

14 A Yes.

15 Q What is a pro se?

16 A I call it pro se. There's different terms, just like Pro Tem  
17 judge. Pro se is somebody who's representing themselves and doesn't  
18 have the assistance of an attorney.

19 Q Okay. So you're giving Mr. Blandino this moment here when  
20 you're talking to him, an additional opportunity to provide you anything  
21 else that he would like to supplement the motion that he's filed with  
22 you?

23 A Correct. I make every effort to have somebody who's not an  
24 attorney have every ability to make any arguments that they want to,  
25 even if they're extra arguments an attorney normally wouldn't be able

1 to, just because I believe the judges have that discretion, so you'd --  
2 you'd -- you're kind of helping them, but you're not representing them.  
3 You're just kind of giving them every opportunity to present their case,  
4 or their arguments.

5 MR. DICKERSON: All right. The Court's brief indulgence.  
6 We're going to pick back up on that same footage. Playing it from 3  
7 minutes and 47 seconds.

8 [Video resumed at 2:39 p.m., paused at 2:40 p.m., and not  
9 transcribed]

10 BY MR. DICKERSON:

11 Q I'm going to stop it right there, 5 minutes and 11 seconds  
12 into the footage. And I apologize. It's just certain context that I would  
13 like to make sure that we have as we watch this. We heard the  
14 Defendant mention some names. One of them was Shannon Nordstrom.  
15 Who is that?

16 A I believe that's the current traffic commissioner, and I think  
17 she was traffic commissioner at the time I was sitting there. Other  
18 words, the judge that would normally be there, but they don't -- they call  
19 them commissioner.

20 Q And there was some other name that he had mentioned?

21 A It may have been some other Pro Tem. I wasn't familiar with  
22 the name, and I think I asked him about it on the video. I'm like, who is  
23 that? And then I just kind of presumed it was some other judge that he  
24 was wanting to have hear it. But I wasn't sure. I didn't -- you know, I  
25 was ready to move on from that.

1 Q And so --

2 A We still hadn't started the trial.

3 Q Right.

4 A So.

5 Q So this is the date and time scheduled for the Defendant's  
6 traffic trial.

7 A Well, at that point, we were probably beyond the time, but  
8 yes.

9 Q Right.

10 A Trying to get to the trial, trying to rule on the pre-trial  
11 motions. Trying to.

12 Q Okay. And at this point in time, what we've just seen is he is  
13 trying to get you not to sit as the judge on the case at all.

14 A Yeah, he apparently didn't want me on the case, even though  
15 he didn't know me, and I didn't know him. And we call that, when you  
16 ask for somebody to be removed for no reason like that and admitting it,  
17 that's judicial shopping. That's a no-no 101 for lawyers.

18 Q That's --

19 A That's why I was -- sorry.

20 Q That's inappropriate.

21 A He was -- I was shocked. It was very inappropriate to say  
22 something like that. But he's -- he was pro se, pro per, so I just kind of  
23 wanted to move on. He's not an attorney, so, you know, just wanted to  
24 move on from there, but --

25 Q Okay.

A I was pretty, pretty shocked that somebody would do that in open court.

MR. DICKERSON: Okay, so we'll go ahead and play it from this point, 5 minutes, 11 seconds.

[Video resumed at 2:42 p.m., paused at 2:46 p.m., and not transcribed]

BY MR. DICKERSON:

Q I'm going to pause it right there real quick, 9 minutes and 49 seconds into it. We had heard the Defendant making some accusations that you potentially previously represented one of his many brothers, is that right?

A That's what he said.

Q And at the time, your response was, I don't know anything about any of that, and I don't know who you are?

A Exactly.

Q Now, as you sit here today, do you know whether you represented any of Mr. Kim Blandino's brothers?

A I don't have any recollection. 99.99 percent positive I've never represented any Blandinos in the past. Primarily, over my years that I've represented, usually institutions, like businesses, things like that. Not individuals for any, you know, whatever it is, domestic, criminal, whatever it is. I don't -- I haven't ever done a whole lot of that. It was usually, like an, you know, through insurance or through self-insured mom and pop businesses, whatever it is, so.

Q So --



1           A     It was a no-win in my mind. I mean, I have no knowledge of  
2 it, no recollection, so it made no difference. Just like I said there. Makes  
3 no difference. I don't know who you are. Let's move on to the trial.

4           Q     Okay. And just for further background on that, in your  
5 capacity as a private attorney, is the majority of your practice a civil law  
6 practice?

7           A     Yeah, I'm considered a civil litigator.

8           Q     Okay.

9           A     A lot -- a lot of telephone calls and paper pushing and typing.

10          Q     Okay. And civil being distinct from criminal, right?

11          A     That's correct. I did very little criminal.

12          Q     Okay. Like this case here today would be a criminal case.

13          A     Yeah. Criminal's when the State is bringing charges, as  
14 opposed to civil, where, you know, Mr. A and Mrs. B, they're suing each  
15 other for something. That would be civil.

16          Q     Okay.

17          A     Just when the State is not directly involved.

18               MR. DICKERSON: Okay. We'll restart the video again from  
19 that point, 9 minutes and 49 seconds.

20               [Video resumed at 2:48 p.m., paused at 2:52 p.m., and not  
21               transcribed]

22          BY MR. DICKERSON:

23          Q     And now at that point the JAVS courtroom video cut out for  
24 a second, is that right?

25          A     I believe so, yes.

1 Q And then it picked back up moments later?

2 A It looks like that's what happened.

3 Q Okay, so we'll go to the next video file, which is on State's  
4 Exhibit 32 and entitled "28-08-2108\_09-37-04.

5 MR. BATEMAN: Can you repeat that Mike? Sorry.

6 MR. DICKERSON: Yeah, absolutely, I can repeat that. The  
7 title of this particular digital video file is going to be 28-08-2018\_09-37-04.  
8 It is a .avi file. I'm going to be opening up that digital video file right  
9 now.

10 [Whereupon, a video recording, State's Exhibit 32 was played in  
11 open court at 2:53:46, and not transcribed]

12 BY MR. DICKERSON:

13 Q Here, we have that particular video up on the screen. Does  
14 this appear to be the continuation, minus maybe a few seconds --

15 A I --

16 Q -- of coverage?

17 A I -- sorry. I -- it looked like it wasn't moving. I'm not sure if it  
18 was still or not.

19 Q Okay.

20 A But I think --

21 Q This video --

22 A -- it's a continua -- it's just -- I don't think it was -- I don't think  
23 anybody was moving --

24 Q You're right.

25 A -- on there.

1 MR. DICKERSON: Thank you very much for bringing that to  
2 my attention. All right. Playing that digital video file now.

3 [Video resumed at 2:54 p.m., video ended at 2:57 p.m., and not  
4 transcribed]

5 BY MR. DICKERSON:

6 Q All right, sir. So that video that we just watched, did that  
7 appear to be the continuation of the first video?

8 A Yes.

9 Q And what did we see happening there?

10 A Well, he was making more arguments, and also -- just simply  
11 arguing. It was more of -- it seemed like it was more of delay tactics. In  
12 other words, you know, hey, well, the police officer's here so let me  
13 digest this stuff and -- and we'll continue this another day. Or, hey, I  
14 don't like you as a judge. I think you represented my family. Which, I  
15 don't know why he would have a problem with that then. And let's --  
16 let's continue this, even though in my -- the document that I submitted to  
17 you, I requested a dismissal because my trial didn't come fast enough.

18 Q And so you ruled on his motion?

19 A Yes.

20 Q You denied it?

21 A Yes, I -- I believe I denied all parts, I --

22 Q Okay.

23 A -- I'm pretty sure.

24 Q Okay. And then it ended, taking a break or continuing the  
25 trial. What was happening there?

1           A     Like I was discussing earlier, there were some other cases. It  
2 looked like it was a pretty light load, or maybe there was -- more of the  
3 general public was in earlier. I don't recall. There was -- that day, at that  
4 time, when this video started, it was a very -- it looked like it was a very  
5 light load. And it sounded like there was a few other matters to hear.  
6 And then there would be, I think I said, two trials.

7           So we just assumed some really quick things so that we can get in  
8 -- take -- you know, take time and focus in on the trial that was going to  
9 happen. And especially now, the way the foundation's been laid, what  
10 I'm going to expect with this trial, after all the -- the time spent with the  
11 one motion, basically.

12          Q     So you take a break to be able to get the other defendants'  
13 witnesses and attorneys' cases done and out of the courtroom?

14          A     Right. There is subpoenaed witnesses, sometimes people  
15 from out of state. You have traffic officers in there that could be doing  
16 something better than just sitting there. So you want to get cases done.  
17 In other words, if there's another trial set but you've been told by the  
18 defense attorney and the city that the case is resolved, and that it's not  
19 going to go to trial, then I can take that plea, and then the witnesses can  
20 be excused so they're not just basically stuck in court all day.

21          Q     Okay.

22          A     It's just -- you know, it -- it's common sense. It's just a matter  
23 of -- you know, it's what judges normally do.

24                 MR. DICKERSON: Okay. Your Honor, may we approach?

25                 THE COURT: You may.

1 MR. DICKERSON: Thank you so much.

2 [Sidebar begins at 3:00 p.m.]

3 MR. DICKERSON: In this next video that we're going to play,  
4 there's a portion that's -- two portions that are redacted, specifically  
5 where Mr. Blandino brings up his prior time in prison.

6 THE COURT: I know.

7 MR. DICKERSON: So we redacted that. And then when  
8 that's responded to, could we just get the jury admonished that there's  
9 going to be portions of audio that are cut out, and they are to make no  
10 inferences and consider nothing about those portions, whatsoever,  
11 and --

12 MS. MARLAND: We --

13 MR. DICKERSON: -- consider nothing from that?

14 MS. MARLAND: We just muted it, 17 seconds and then 5  
15 seconds.

16 MR. DICKERSON: So the video stays.

17 MS. MARLAND: It's just muted.

18 THE COURT: It's just muted?

19 MR. DICKERSON: Uh-huh.

20 MR. BATEMAN: That's fine, yes. Obviously, I don't want that  
21 brought up, so.

22 THE COURT: Okay.

23 MR. DICKERSON: Okay.

24 THE COURT: Then it's obvious?

25 MR. DICKERSON: Yeah, it's -- it's going to be fairly obvious,

1 because it's just going to -- the sound's going to cut out.

2 THE COURT: Okay.

3 MR. DICKERSON: Okay. Thank you, Your Honor.

4 [Sidebar ends at 3:01p.m.]

5 THE COURT: Okay. Ladies and gentlemen, the district  
6 attorney is going to show further video. There are certain par -- parts of  
7 that video that have been redacted by the parties. You're not to infer  
8 anything from that or consider that at all in deliberating this case.

9 MR. DICKERSON: All right. So we're going to go to the next  
10 piece of footage here. This is the digital video file entitled as follows, 28-  
11 08-2018\_09-47-04M.mp4. At this time, I'm going to play this particular  
12 video.

13 [Whereupon, an audio recording, State's Exhibit 32 was played in  
14 open court at 3:02:10, and not transcribed]

15 BY MR. DICKERSON:

16 Q Okay. Just pausing it right there, 22 seconds into this  
17 footage. Does this appear to be the continuation, after your break in  
18 handling the other cases, where you pick up on Mr. Blandino's trial, on  
19 that same day, August 28th, 2018?

20 A Yes.

21 MR. DICKERSON: Okay. Playing it from that point.

22 [Audio resumed at 3:02 p.m., audio paused at 3:11 p.m., and not  
23 transcribed]

24 BY MR. DICKERSON:

25 Q I'm going to pause it right there, 9 minutes and 24 seconds.

1 That individual who took -- just took the stand, is that the witness stand?

2 A Yes, just like this is the witness stand.

3 Q Okay. And that individual was identified as Trooper Lloyd  
4 Faulkner?

5 A It sounded like it, yes. It was the individual that was sitting in  
6 the back that I thought might've been the traffic officer.

7 Q Okay. And he -- does he appear to be wearing a Nevada  
8 Highway Patrol uniform?

9 A It's a uniform. I can't tell, but I'm pretty sure it was NHP.

10 Q Okay. And Mr. Blandino had objected to not receiving the  
11 law enforcement officer's home address prior to trial --

12 A That --

13 Q -- is that right?

14 A That's correct.

15 Q Okay. Is that something that ever occurs?

16 A I don't believe I've ever heard anybody do that. Officers  
17 don't give their addresses, for safety reasons. And it's very common for  
18 people to have their work addresses, whether it's, you know, Metro or  
19 whether it's NHP, or anybody else. To me, it was -- it was more of a --  
20 intimidation, try -- you know, trying to get an address of the witness --

21 Q Okay. And so --

22 A -- so.

23 Q -- you -- it sounded like you had, in looking at that issue that  
24 the Defendant had raised, you'd looked at the citation that was issued; is  
25 that right?

1           A     Yes.

2           Q     And was it -- did you determine that it was that trooper that  
3 issued the citation, and gave his name and badge number, and the  
4 agency he worked for?

5           A     Yes.

6                     MR. DICKERSON: Okay. I'm going to play it back from that  
7 point.

8                     [Audio resumed at 3:13 p.m., audio paused at 3:16 p.m., and not  
9   transcribed]

10          BY MR. DICKERSON:

11                 Q     I'm pausing it right here at 12 minutes and 14 seconds. What  
12 are we seeing Mr. Blandino do now?

13                 A     He's -- you know, he's participating, but then he's also  
14 protesting that the trial is going forward. In other words, he didn't move  
15 on from the fact that I, you know, overruled his objection, that it's the  
16 time and date for trial, and your motion to dismiss is denied. And so  
17 he's spinning in his chair and doing --

18                     THE COURT: Mr. Blandino? Mr. Blandino, I've got to be able  
19 to hear the witness.

20                     MR. BLANDINO: I'm sorry, did I --

21                     THE COURT: Go ahead.

22                     MR. BLANDINO: I apologize.

23                     THE COURT: It's okay.

24          BY MR. DICKERSON:

25                 Q     At this point in the video, has he turned his back to you and



1 the witness?

2 A It appears so. I remember him, kind of, spinning and move  
3 around in -- in his chair. And because he's --

4 Q Like --

5 A -- pro se --

6 Q It --

7 A -- I -- you --

8 Q Like, is --

9 A -- you give leeway.

10 Q Is this -- is this a normal way to -- to sit, in a trial?

11 A Absolutely not. I would never, ever do that as an attorney.

12 Never.

13 Q Okay.

14 A Ever.

15 MR. DICKERSON: I'll go ahead and play it from this point.

16 [Audio resumed at 3:17 p.m., audio ended at 3:31 p.m., and not  
17 transcribed]

18 BY MR. DICKERSON:

19 Q All right. So, sir, did we -- we saw another break in the video;  
20 is that right?

21 A Yes.

22 Q It appears there were some technical difficulties that went on  
23 for an extended period of time?

24 A I think the screen we were looking at was the screen that was  
25 supposed to be showing the -- the bodycam footage from the officer.

1 That's why you could hear us all talking or moving around. But we  
2 couldn't see anything. I remember it, because the screen's blank and we  
3 were, like, okay, we've got to get going, guys, and let's see. Hurry up.  
4 So that was most of the talking, hoping that the screen would suddenly  
5 start showing some bodycam footage.

6 Q Ultimately, do those technical issues get resolved?

7 A Yes.

8 Q And in the meantime, were you handling other cases?

9 A It sounded like it. I was -- I think I was asking people in the  
10 audience, because you -- you could see, a little earlier, people trick --  
11 trickling in -- group of people in the back. It's, like, hey, what do you  
12 hearing? Can we get this done? Because otherwise, we're just sitting  
13 here, you know, wasting everybody's time. We want to move other  
14 cases along, you know?

15 Judicial expediency is what they call it. You're supposed to move  
16 the calendar along. And if -- if this trial is delayed a little bit, you know --  
17 you know, a few minutes or even ten minutes, then let's get some other  
18 cases heard so we can get the people out. That's exactly what we do,  
19 and it sounds like that's what we were doing that day.

20 MR. DICKERSON: Okay. And then we'll go to the next video  
21 file. This is going to be entitled 28-08-2018\_11-05-21.

22 [Whereupon, an audio recording, State's Exhibit 32 was played in  
23 open court at 3:32:42, and not transcribed.]

24 BY MR. DICKERSON:

25 Q Here we are, stopping at 11 seconds into this footage. Does

1 this appear to be the continuation of Mr. Blandino's traffic --

2 A Yes.

3 Q -- trial case?

4 [Audio resumed at 3:33 p.m., Audio paused at 3:34 p.m., and not  
5 transcribed]

6 MR. DICKERSON: So here we are 1 minute and 57 seconds  
7 into the footage.

8 [Audio resumed at 3:34 p.m., Audio paused at 3:34 p.m., and not  
9 transcribed]

10 BY MR. DICKERSON:

11 Q It showed that the -- the recording had been paused. Was  
12 that done in -- internally? That's done with the JAVS system in the  
13 courtroom?

14 A I believe so.

15 Q Okay. And what do we see? The Defendant just wasn't back  
16 in court?

17 A I think I told everybody we'd take a little bit of time. It  
18 sounded like I said, let's be back at 11:00. Everybody make sure we're on  
19 the same page here, because we've got to keep moving along. It  
20 sounded like I said that the Defendant, who's the Defendant here, came  
21 back in for a moment and then disappeared again. And then I --  
22 apparently, it was after 11:00 a.m. now, and we're trying to figure out  
23 what to do. And David is the name of -- he was the name of the marshal  
24 in court that day, because I recognized his face. Although, he's -- I don't  
25 think he's usually in there. And I'm, like, you know, hey, you know, I

1 don't want to, you know, have people go out and arrest this guy. I mean,  
2 we're just trying to get this done. And so I sent out my marshal to go,  
3 hopefully, find him so we could bring him back in and let's get this over  
4 with.

5 Q And, ultimately, now, does Mr. Blandino come back into the  
6 courtroom?

7 A I'm sure he does --

8 Q Okay.

9 A -- but I don't recall, just sitting here. But, I mean, I'm sure he  
10 does.

11 Q Okay. I'll play --

12 A Some --

13 Q -- it from this --

14 A Somehow he got back in.

15 MR. DICKERSON: I'll play it from this point, 2 minutes and  
16 4 seconds.

17 [Audio resumed at 3:35 p.m., Audio ended at 3:36 p.m., and not  
18 transcribed]

19 BY MR. DICKERSON:

20 Q All right. And then the video picks up again right after that; is  
21 that correct?

22 A I think so. I think he kept hopping out of his seat.

23 Q Okay.

24 A I don't recall, though, really.

25 MR. DICKERSON: Okay. And we're going to the video file

1 that is entitled 28-08-2018\_11-07-53.

2 [Whereupon, an audio recording, State's Exhibit 32 was played in  
3 open court at 3:36 p.m., and not transcribed.]

4 MR. DICKERSON: I'm going to pause it right there. Your  
5 Honor, we have about 20 more minutes left of this video. I was just  
6 going to ask the Court if, possibly, anybody needed a bathroom break?

7 THE COURT: Yeah.

8 MR. DICKERSON: I know it's --

9 THE COURT: We're going to --

10 MR. DICKERSON: -- been a while.

11 THE COURT: -- take a --

12 MR. BLANDINO: I do.

13 THE COURT: -- recess. During this recess, you're  
14 admonished not to discuss or communicate with anyone, including your  
15 fellow jurors, in any way, regarding the case or its merits either by voice,  
16 phone, email, texts, internet, or other means of communication, or social  
17 media, or read, watch, or listen to any news or media accounts, or  
18 commentary about the case, do any research, such as consulting  
19 dictionaries, using the internet, or using reference materials, make any  
20 investigation, test a theory of the case, recreate any aspect of the case,  
21 or in any other way investigate or learn about the case on your own, or  
22 form or express any opinion regarding the case, until it's finally  
23 submitted to you. I'll be in recess for 15 minutes.

24 THE MARSHAL: Thank you. All rise for the exiting jury,  
25 please. Jurors.

1 [Jury out at 3:54 p.m.]

2 [Recess taken from 3:54 p.m. to 4:08 p.m.]

3 [Outside the presence of the jury]

4 THE MARSHAL: Please come to order. Court is now back in  
5 session. Blandino.

6 THE COURT: Okay. You can bring --

7 MR. DICKERSON: Your Honor --

8 THE COURT: -- the panel in. Oh?

9 MR. DICKERSON: -- before we go back on the record,  
10 there's one thing that --

11 THE COURT: Go ahead.

12 MR. DICKERSON: -- I forgot to make a record about. Prior to  
13 Mr. Federico taking the stand, the Defendant had attempted to, through  
14 his son, serve Mr. Federico with a civil process related to a federal case  
15 that --

16 MR. BLANDINO: The --

17 MR. DICKERSON: -- the Defendant, apparently, filed. I would  
18 just make note of NRS 174.435, which indicates that Mr. Federico is not  
19 subject to civil -- is not subject to arrest or to process, for anything at  
20 this --

21 THE COURT: He's here --

22 MR. DICKERSON: -- point in time.

23 THE COURT: -- pursuant to a subpoena, correct?

24 MR. DICKERSON: That's correct. He's here --

25 THE COURT: Okay.

1 MR. DICKERSON: -- pursuant to a subpoena.

2 MR. BLANDINO: I didn't see any subpoena in the record,  
3 though, Mr. Dickerson.

4 MR. BATEMAN: Okay. And --

5 MR. DICKERSON: That does -- that -- there's not --

6 THE COURT: Right.

7 MR. DICKERSON: -- going to be a subpoena in the record.  
8 He is under subpoena.

9 THE COURT: Right.

10 MR. DICKERSON: Yeah.

11 THE COURT: And so, no, you cannot serve him with any  
12 process --

13 MR. BLANDINO: Oh, if --

14 THE COURT: -- while he's in the courthouse.

15 MR. BLANDINO: If I knew there was a record of his  
16 subpoena. I thought he was just here voluntarily. If you come  
17 voluntarily, my understanding is he could be served.

18 THE COURT: Okay.

19 MR. BLANDINO: But --

20 THE COURT: He's not --

21 MR. BLANDINO: -- without a subpoena --

22 THE COURT: -- going to be --

23 MR. BLANDINO: -- I agree --

24 THE COURT: -- served with any process while he's in the  
25 courthouse, okay?

1 MR. DICKERSON: And --

2 MR. BLANDINO: Of course, I tried raising that when I came --  
3 got -- they brought me into court --

4 THE COURT: Okay.

5 MR. BLANDINO: -- many years ago, and they just poo-pooed  
6 it. So what's good for the goose is not always good for the gander, as  
7 per usual.

8 MR. DICKERSON: And we just note, further, the statement of  
9 [indiscernible] subpoena all of our witnesses. So we -- we sent  
10 subpoenas out for all of our witnesses. So he is under subpoena. And I  
11 would just reference it. Given his current status in the state right now,  
12 under the subpoena, he is not subject to service while in this state.

13 THE COURT: I agree.

14 MR. DICKERSON: Thank you, Your Honor.

15 THE COURT: I agree.

16 MR. BLANDINO: Well, can I --

17 THE COURT: You can bring the --

18 MR. BLANDINO: Can I have notice of when that subpoena  
19 expires then, for purposes of this hearing?

20 MR. DICKERSON: No.

21 MR. BLANDINO: Because the federal judge has only given  
22 me X amount of days to serve him by a different third party. So I've got  
23 to have --

24 THE COURT: Okay.

25 MR. BLANDINO: Here's the court order, if you'd like to --



1 THE COURT: All right.

2 MR. BLANDINO: -- review --

3 THE COURT: You can bring the panel in.

4 MR. BLANDINO: Yeah.

5 THE MARSHAL: Yes, ma'am. All rise for the entering jury,  
6 please.

7 [Jury in at 4:12 p.m.]

8 THE MARSHAL: Thank you, everyone. Please be seated.

9 THE COURT: Does the State stipulate to the presence of the  
10 panel?

11 MR. DICKERSON: We do, Your Honor.

12 THE COURT: And the Defense?

13 MR. BATEMAN: Yes, Your Honor.

14 THE COURT: Thank you. You may continue.

15 MR. DICKERSON: Thank you.

16

17 BY MR. DICKERSON:

18 Q So we're picking back up on State's Exhibit 32, on the last  
19 digital video file that we were on. We are currently at 16 minutes and  
20 32 seconds into the footage. And we're going to begin playing from this  
21 point.

22 [Audio resumed at 4:13 p.m., Audio ended at 4:33 p.m., and not  
23 transcribed]

24 BY MR. DICKERSON:

25 Q All right, sir. All those digital videos we watched that were

1 part of State's Exhibit 32; were those all fair and accurate depictions of  
2 the traffic trial, and all the proceedings surrounding it, involving Mr.  
3 Blandino, on August 28th, 2018?

4 A Yes.

5 Q Okay. And, now, you found him guilty of several traffic  
6 violations, correct?

7 A Yes.

8 Q As well as, found him in contempt, right?

9 A Yes.

10 Q You sentenced him to a fine; is that right?

11 A A fine that could convert to community service, what they  
12 call the work program, over there.

13 Q Okay. So, again, instead of paying the fine, he could've done  
14 community service, right?

15 A Right. If somebody doesn't have financial resources, then let  
16 them work it off. If they don't have to work and they can work, let them  
17 work it off. It's community service.

18 Q And then just to clarify, the 25 days it was -- that's 25 days in  
19 jail for the contempt time; is that right?

20 A That's correct.

21 Q You indicated that's suspended?

22 A Yes, I wasn't going to stick him in jail for what he did there.

23 Q And you indicated that he just has to either pay the fines or  
24 do the community service --- just do what he needs to do in the case.  
25 And as long as he complies with that, he's not going to jail?

1 A That's correct.

2 Q Okay. Now, that decision that you made is final, in the Las  
3 Vegas Municipal Court; is that right?

4 A Yes.

5 Q The Defendant still would have a right to appeal all those  
6 decisions?

7 A I believe so.

8 Q And those appeals would go up to another court, right?

9 A Yes.

10 Q The District Court; is that -- in fact?

11 A I believe so.

12 Q Okay.

13 A It's not -- I'm not a part of that.

14 Q Okay. And, in fact, were you, at all, a part of Mr. Blandino's  
15 case here, this traffic case, after that day of August 28th, 2018?

16 A No.

17 Q Okay. So some time passes. On to September 2018. Do you  
18 have any involvement with Mr. Blandino?

19 A None.

20 Q October 2018, do you have --

21 A Not that --

22 Q -- any --

23 A Not that I'm aware of.

24 Q Okay. November of 2018, do you have any involvement with  
25 Mr. Blandino?

1 A No.

2 Q What about December of 2018?

3 A No.

4 Q Okay. January of 2019, do you have any involvement with  
5 Mr. Blandino?

6 A No.

7 Q What about February of 2019, do you have any  
8 involvement --

9 A I don't --

10 Q -- with Mr. Blandino?

11 A I don't believe so.

12 Q March 2019?

13 A Nothing.

14 Q Okay. And then we get to April of 2019. Specifically drawing  
15 your attention to April 8th of 2019; do you remember that day?

16 A Yes, I do.

17 Q On that particular day, do you recall whether or not you were  
18 working?

19 A Yes, I was. I was working at the -- my private office.

20 Q And what's the firm name that you work for?

21 A Right now it's called Olson Cannon Gormley & Stoberski, but  
22 there was a name, Angulo, when it -- before. And it's -- you know, law  
23 firms morph, like, over time, as people come and go. I'm not sure what  
24 the name was then, but it was -- there was Olson Cannon Gormley &  
25 Stoberski, but there might've been Angulo, too.

1 Q Okay. So at the time, Olson Cannon Gormley Angulo &  
2 Stoberski; that sounds about right?

3 A Yes.

4 Q And you guys had a law office at that 9950 West Cheyenne,  
5 here in Las Vegas, Clark County, Nevada?

6 A It's the firm's building, yes.

7 Q And is that where you working out of, on April 8th, 2019?

8 A Yes.

9 Q Sometime in the midmorning, approximately around 10:00  
10 a.m., does something occur that's out of the ordinary for your law office  
11 and your life?

12 A Yes.

13 Q What is it?

14 A Either I got a phone call, or I got an email from the gal sitting  
15 at the receptionist desk, letting me know there was an individual there  
16 and -- and he wanted to talk to me. I don't remember much else, and I  
17 don't remember if it was an email or a telephone call. And then, I  
18 believe -- I believe she inquired further. And I had no clue who this  
19 person was. I didn't recognize the name. I mean, it's -- it's been quite  
20 some time and, for me, thousands of cases ago.

21 Q All right.

22 A And --

23 Q What was the name that the receptionist gave you?

24 A Kim Blandino.

25 Q Okay. And so now here we are, August 8th, 2019. Initially,

1 that doesn't ring a bell for you?

2 A No.

3 Q And just to confirm, was Ashley Williams the receptionist, at  
4 that time?

5 A Yes, I believe so.

6 Q And so she's contacting you; and what does that put you on  
7 notice of?

8 A Somebody's just trying to talk to an attorney. And it's not  
9 really our practice. I probably had five or ten things going on at once.  
10 It's, kind of, the way it is with civil litigation, between your emails and  
11 your telephone calls. And you might have some documents that you're  
12 working on. You're just, kind of, multitasking. And -- and I said, I don't  
13 know this person. I don't have any appointments, so, you know, just --  
14 just handle it. I mean, I -- I'm doing something else right now.

15 Q So --

16 A You know, concentrating.

17 Q -- you didn't have any appointment for an individual named  
18 Kim Blandino?

19 A Absolutely not.

20 Q Most of the time, is it -- is it most of the time, that when you  
21 have somebody come to your office to visit you, they, in fact, have an  
22 appointment?

23 A There's an appointment or a telephone call. And if  
24 somebody's coming in, unannounced, it's somebody that I already have  
25 a relationship with. In other words, a client or maybe opposing counsel.

1 But it's -- it's doubtful. Most things, you're notified of. And if people  
2 want to speak with you, they make an appointment just because you  
3 have other things and -- or you could be in court. You could be  
4 anywhere, as a civil litigator.

5 Q So do you become aware that Kim Blandino is, in fact, in the  
6 building and looking for you?

7 A Yes.

8 Q And what do you do at that point in time?

9 A Well, I -- I believe Ashley said, you know, this guy's not  
10 leaving. And I think -- I believe she said that she was scared. So what I  
11 did is, I got up. And a few offices away from the foyer area -- this is on  
12 the second floor. The foyer area is open to the second floor. So the  
13 receptionist is not that far away. I go out of my office. I start walking  
14 down the hall. And I hear the voice that we all just heard on the audio.  
15 And I'm just, like, oh, that's got to be that guy.

16 I go over, I kind of stand back a way. It's quite a wide hallway.  
17 And there's -- I don't want to say smoked, but it's -- it's a glass that's got  
18 some coverings on it so that you can't see up if somebody's standing  
19 away from the edge of the second floor looking over to the foyer. And I  
20 just kind of listened in, tried to keep an eye on things, at a distance,  
21 seeing what's going on.

22 Q And can you, in fact, see the Defendant?

23 A Yeah, I see, in and out of my view. And I just -- I didn't want  
24 him to -- alert him to my presence and have him do something else or,  
25 you know, go into the elevator and come up the stairs. It's not like we

1 have security or anything.

2 Q And you indicated that you recognized his voice as you were  
3 approaching?

4 A Oh, yeah.

5 Q So it sounds like you're on the second level and you're  
6 looking down into an open foyer area?

7 A Yes, just -- just standing back where I could move out of sight  
8 if he were to look up.

9 Q Okay.

10 A You know, I was just, kind of, watching to make sure she was  
11 okay. I had to call 911. It never happened before. I didn't know, really,  
12 what to do. It was almost a -- almost a panic, especially when I  
13 recognized that voice.

14 Q Okay. And the area that you're looking down into, that's on  
15 the first floor?

16 A Yes, sir.

17 Q And is that the receptionist area where Ashley was sitting?

18 A I could see her as well, like, a little bit because she's tucked  
19 away. But you could see the interaction.

20 Q Okay. And as you're watching this interaction, you kind of  
21 indicated that you were concerned already. What is it that you're -- what  
22 is it that you're thinking, at this point in time?

23 A You know, well, out of all the years that I've done this, I've  
24 never ever had a defendant show up looking for me as Judge Michael  
25 Federico. I mean, my -- you know, as far as I'm concerned, I mean, I'm --



1 I'm on the bench and doing my job, and when I'm done, I'm no longer  
2 Judge Anybody. I mean, I'm -- I'm just another attorney working. And I  
3 was -- I was quite alarmed that somebody would actually seek me out to  
4 talk about something like that. It's just surreal.

5 Q So do you stay there and watch the interaction?

6 A Yes. I believe it was towards the end. Because I think there  
7 was a gap -- a decent gap in time between when she told me that -- who  
8 it was, and I said, well, you know, handle it, I'm not going to be seeing  
9 this person, and then her saying that he's not leaving. I can't tell you  
10 how long I was observing. It was probably five to ten minutes.

11 Q Okay.

12 A I think he was there for over 20, though.

13 Q Okay. And what do you see Mr. Blandino doing?

14 A The only thing I really remember, other than hearing his  
15 voice -- I don't remember the substance of what he was saying, but he  
16 did ask for paper, and he did start writing something. And I think he was  
17 doing it on the pony wall. And the pony wall would be -- like, if the  
18 receptionist is there and this is the pony wall, and then he's standing  
19 here. And he was -- he was -- had his paper on the pony wall. Pretty  
20 sure that's the way it went down.

21 Q Okay. I have here, in my hand, what's been admitted as  
22 State's Exhibit 2, and its contents, 2A and 2B. Do you see what I'm  
23 holding up here in my hand?

24 A I'm familiar with that document.

25 Q Okay. What is this document?

1           Q     That was the document he drafted and left for me, and  
2 ultimately was time-stamped, I believe, by Ashley. Because that's the  
3 way law firms do documents when they come in, they get time-stamped  
4 just to cover themselves because everything is under deadlines -- or for  
5 the most part, things are under deadlines, so they time-stamp things to  
6 know when we got them -- date-stamped, too.

7           Q     Okay.

8           A     I believe it's time-stamped. It should be both, it's one stamp.

9           Q     So I'm showing you here, first, 2B. Is this a sticky note?

10          A     That was from him, as well, yes.

11          Q     Okay. And what does that say?

12          A     It appears to say Michael Federico, please call me when  
13 convenient. I have the JAVS.

14          Q     Okay. And now, showing you 2A. Did you, from where you  
15 were standing, see Mr. Blandino writing on a green piece of paper?

16          A     Oh, yeah.

17          Q     This green piece of paper?

18          A     Yes.

19          Q     And do you have an approximation of approximately how  
20 much time it -- he was writing on this paper?

21          A     You know, all I can say is, it probably took him more than a  
22 minute and -- and less than ten. But, you know, I'd really be guessing.

23          Q     Okay. So as we look at this particular document, up in the  
24 right-hand corner we see a stamp; is that right?

25          A     That's correct.

1 Q Is that that date and time-stamp from your law firm, you  
2 discussed?

3 A It looks -- it looks so, yes.

4 Q And what does that say?

5 A It says, April 8th, 2019, 10:31 a.m.

6 Q Okay. And is this the firm name?

7 A At that time, yes.

8 Q Okay. Olson Cannon Gormley Angulo & Stoberski?

9 A Yes.

10 Q Just, when we're talking about that, who are Olson Cannon  
11 Gormley Angulo & Stoberski?

12 A That would be the board of directors. In other --

13 Q For the firm?

14 A Yeah. Basically, the bosses.

15 Q Okay. And so they run and manage your firm?

16 A Yeah. Yes, Olson -- Jim Olson, he was the managing partner,  
17 at the time. But they all make decisions together, like hiring, firing,  
18 things like that. They have meetings, just like a -- a corporation would.

19 Q Okay. And then next to that, at the top of the page, what  
20 does it say here?

21 A It appears -- it appears to say Kim Blandino, and then his  
22 email and his telephone number.

23 Q Okay. And what is that email?

24 A Kim -- kim43792@earthlink.net, it looks like.

25 Q Okay. And is the phone number 702-219-5657?

1 A Yes.

2 Q And then is this document directed to you?

3 A Yeah. Yes, it says, to Michael Federico, Pro Tem Judge, City  
4 of Las -- I'm sorry -- Pro Tem Judge. And then it looks like, in  
5 parenthesis, Alternate Judge, City of Las Vegas.

6 Q Okay.

7 A So it's -- it's to me, but it's not in -- not the courthouse.

8 Q And it's to you, in your capacity as a Pro Tem judge?

9 A Yes.

10 Q And in your capacity as a Pro Tem judge for the City of Las  
11 Vegas, you're being paid by the City of Las Vegas to do that job?

12 A Yes.

13 Q We saw you, in fact, doing that job, on all those videos; is  
14 that right?

15 A Yes.

16 Q And the City of Las Vegas is a political subdivision of the  
17 State of Nevada; is that correct?

18 A Yes.

19 Q Now, have you ever gotten a handwritten note, at your  
20 private law office, from anybody who's appeared in front of you as a Pro  
21 Tem judge, directing mail to you as a Pro Tem judge?

22 A Never.

23 Q Okay.

24 A Never, that I'm aware of.

25 Q Now we go down further here. All of these words in this

1 handwriting on this page, were these all from the Defendant himself?

2 A Yes.

3 Q And can you read that for the ladies and gentlemen of the  
4 jury?

5 A Sure. I am ready to begin filing my complaint against you for  
6 your quote "activities", end quote, on the bench in Courtroom 1C last  
7 year. Giving me ten seconds to get a drink of water, risking safety of  
8 others, numerous violations of the code, I am required, by my religious  
9 beliefs and practices, to give you an opportunity to negotiate a  
10 settlement. Please let me know, within the next ten days. My last two  
11 complaints resulted in letters of caution to the judges. Please don't take  
12 this matter lightly. I came personally to your office as a good faith  
13 gesture. And then it looks like it's maybe signed, Kim Blandino, and then  
14 his telephone number.

15 Q That's the same telephone number we saw at the top?

16 A I believe so. I don't see the top, but --

17 Q Yeah.

18 A -- yeah, that's --

19 Q Well, let's go ahead and pull that out. 702-219-5657; is that  
20 right?

21 A I -- you're cutting --

22 Q At the bottom?

23 A -- off the top. But it -- it -- I believe it's the same thing --

24 Q Okay.

25 A -- same number, excuse me.

1           Q     All right. So you observed Mr. Blandino writing this letter.  
2     And what happens after that?

3           A     Well, I -- I just couldn't believe what had happened. I believe  
4     I called -- contacted my spouse. I believe I told my assistant. Told my  
5     spouse that we would talk about it later on and figure out what to -- I -- I  
6     don't know what to do. You know, I'm thinking, okay, either go get an  
7     order of protection, or in the alternative, I should contact the police,  
8     maybe contact, you know, the city attorney. I don't know what to do.  
9     I've never had this happen before. I was just, basically, a panicked  
10    citizen, at that point. You know, it just -- no matter how many years as  
11    an attorney, I mean, something like that, you know, I mean, that's -- just  
12    doesn't happen.

13          Q     Okay.

14          A     That -- at least that was my mental process, at that point.

15          Q     Did you watch the Defendant as he finished that letter?

16          A     Yeah, I actually watched him walk out the door. And then I  
17    ran back to my office. And I believe I took a picture of him getting in the  
18    -- the truck with Montana plates -- that, kind of, matched up with the  
19    video. I didn't know it at the time, but he had out-of-state plates.

20          Q     Okay.

21          A     Older-model truck. I remembered that.

22          Q     You saw him leave?

23          A     Yeah, I wanted to make sure he was gone because I'm  
24    thinking, is he going be waiting outside the door for me? I mean, you  
25    know, what's going on here? I have -- you know, he totally ambushed.

1 You're in work mode. It's been -- I thought it was, like, at least a year.  
2 You know, you have your activities of daily life. You just, kind of, move  
3 on day to day. And then have that, that's what I did. That was my  
4 response.

5 Q And so then what did -- after that, did you go down and talk  
6 to Ashley?

7 A I don't know for sure if I talked to her further that day, other  
8 than maybe to say -- I -- no, I told her, at one point, you know, sorry. I  
9 think she was just filling in. I don't believe -- I don't -- I didn't really know  
10 her. I think she was just filling in and she had a different position at the  
11 firm.

12 Q And did you --

13 A That law --

14 Q Did you get the note, this one that we just looked at?

15 A Oh, yeah. I ran -- yeah, I ran back and went down to -- to talk  
16 to her, yeah. I thought we were past that.

17 Q So --

18 A Yeah, I grabbed that because -- and then I made a copy of it,  
19 and left a copy and took the original home, or vice versa.

20 Q And so in getting that note and reading it, what did it make  
21 you think was happening here in this situation?

22 A It seemed like somebody was coming for me. I had to be  
23 concerned. Somebody came to the private law office that --  
24 unannounced. There's -- nobody does, way out on the northwest side of  
25 town. He's writing threats to me. Nothing sounded proper or

1 appropriate. And I'm, like, this is highly unusual. I'm not talking to any  
2 defendant about any kind of case. I mean, what does he want me to do,  
3 change a ruling or something? I'm, like, it's -- it's so out of the box, as  
4 far as ethics. That was my men -- mental impression at that point.

5 Q And so you'd indicated that you notified your wife; you had  
6 worries related to your family and your personal life, in that moment?

7 A Well, I didn't know if this guy was going to show up at the  
8 house, or -- or whatever. We have six children. You know, at that point,  
9 they were all 14 and under. And you know, I have a family to protect. If  
10 somebody's coming after me, I'm going to have to figure out what to do,  
11 you know, properly and --

12 Q Okay. Did you also notify the municipal court?

13 A I believe it was the next day. It was either later that day, but I  
14 think it was the next day after I probably talked thoroughly with my wife  
15 about what to do. Because it was -- it was going be either the police, law  
16 enforcement, or just try to get an order of protection. You know, I knew,  
17 based upon my previous experiences, that a protective order probably  
18 wouldn't issue for just one event. That wouldn't con -- be considered,  
19 probably, stalking or harassment, just one time. So the next day, I  
20 contacted a bunch of different JEAs for the judge's municipal court. In  
21 other words, where -- in the places that I sit, I contacted at least two, and  
22 let them know. And one of them knew who he was. I believe I contacted  
23 the administration. I'm not positive. It's been quite a long time ago.  
24 And then, because the Metro Northwest Area Command was right next  
25 door to where the office is, that next day, I think it was around 10:00 or



1 11:00 a.m., I went and made a police report.

2 Q So that would've been April 9th, 2019?

3 A Yes, the day after he showed up.

4 Q Okay

5 A I'm fairly certain of that date.

6 Q And so there, next morning you filed a police report with the  
7 Las Vegas Metropolitan Police Department?

8 A That's correct.

9 Q Okay. Now, after that, another event comes up; is that right,  
10 on April 25th, 2019?

11 A That's correct.

12 Q And what was going on during the early day, hours, of April  
13 25th, 2019, in your life?

14 A I believe I was filling in, in traffic court, again. I don't do that  
15 very often, but I was filling in again.

16 Q In the Las Vegas Municipal Court?

17 A Yes.

18 Q Okay. And --

19 A I'm pretty it's -- it was Muni Court -- yes, Municipal Court.

20 Q Okay. And just to be clear, the Las Vegas Municipal Court, is  
21 that located here in the building that we're currently in right now?

22 A I'm not sure if it's still on the first floor, but 1C would've  
23 meant the first floor. And then I think there's A, B, C, and D under the  
24 escalators. That's where those are.

25 Q So, well, today it might not be there. Back in April of 2019, it

1 was here at the Regional Justice Center in Clark County, Nevada --

2 A Yes, I --

3 Q -- on the first floor?

4 A I remember specifically, because they had unusual chambers  
5 --where, up here, it would just be back here -- you had to go down the  
6 hall to get to the chambers for that courtroom.

7 Q Okay. So you're, again, working as a Pro Tem judge, sitting  
8 on the bench and hearing cases; is that right?

9 A Yes.

10 Q Now, that morning, was the Defendant Kim Blandino, on  
11 your calendar, with a case to be heard?

12 A Not that I'm aware of.

13 Q Okay. And did you hear the whole calendar that day?

14 A As far as I know, I heard the calendar, yes.

15 Q Okay. And what was it that was out of the ordinary that  
16 happened while you were working as a judge that day?

17 A The Defendant showed up to this courtroom that I very  
18 randomly would be at, because I'm a full-time attorney working for those  
19 partners' names that you saw earlier. He showed up in court. And, you  
20 know, I didn't know for sure if he had a case or not. But he came in and,  
21 kind of, marched up to the front and plopped down right in -- right in the  
22 front row. And it was within a couple weeks after delivering that crazy  
23 letter to me.

24 Q Okay. That event, too, was also captured on video; is that  
25 right? A Yes.

1 Q And, fair to say that once you saw him in the court, you  
2 ordered him to get out of the courtroom?

3 A Absolutely. Especially with the -- that letter that he wrote. It  
4 was highly inappropriate. I'm thinking, I'm -- somebody's trying to --  
5 someone's trying to extort me; and then they're coming into my court?  
6 Yeah, I just needed him to get out of there before I, you know, did  
7 something that wouldn't have been good. Do you know what I mean? I  
8 mean, you know, it's something happened outside of the courtroom, so  
9 it's not like I'm going hold him in contempt and throw him in jail to try to  
10 punish him or try to get backyard justice.

11 Q Right.

12 A You know, it's just a matter of, hey, you've got to go. It was  
13 almost like panic setting in as I was talking to another defendant.

14 Q Okay.

15 A I couldn't -- I couldn't believe that he found me in court and is  
16 going to be in my courtroom again after delivering that letter.

17 Q Okay. I have in my hand here State's Exhibit 31, which is  
18 admitted by stipulation. I'm placing that into the computer, at this point  
19 in time. All right.

20 A And somebody might've whispered that it was him. They  
21 whispered his name, because people had known what had happened at  
22 my office, at the municipal courts. I think somebody whispered, like the  
23 clerk or something, that's -- you know, and they got my attention first.

24 Q Okay.

25 A Not --

1 Q Here --

2 A Not positive, though.

3 Q Here we have a digital video file on the disk that is Grand  
4 Jury Exhibit 31. Looking at the contents here, a single digital video file  
5 that is entitled as follows, 25-04-2019\_09-47-39\_B. I am going to play the  
6 digital contents of that file.

7 [Whereupon, an audio recording, State's Exhibit 31 was played in  
8 open court at 4:58:04, and not transcribed.]

9 BY MR. DICKERSON:

10 Q And I -- we're three seconds in. I'm taking it back to the start.  
11 And seeing those three seconds, do you recognize this particular video  
12 footage?

13 A Oh, yes.

14 Q And is this a fair and accurate video footage of the events  
15 that occurred in the Las Vegas Municipal Court courtroom, on April 25th,  
16 2019, with --

17 A Yes, it --

18 Q -- Mr. Blandino?

19 A If this is the one that's about a minute long, yes.

20 MR. DICKERSON: Okay. I'm going to play it from this point.

21 [Audio resumed at 4:58 p.m., Audio ended at 4:59 p.m., and not  
22 transcribed]

23 BY MR. DICKERSON:

24 Q Is that a fair and accurate depiction of those events on April  
25 25th, 2019?

1           A     Yes.

2           Q     Now, at this point in time, as you sit there in court, you were  
3 hearing some other person's case; is that right?

4           A     I was trying to, and -- and the pause that -- I don't usually  
5 pause too much. We're just, kind of, rolling in the calendar. Those  
6 pauses are because I'm trying to maintain my poise -- you know, my --  
7 my composure, realizing that this guy that came to my office a couple  
8 weeks ago, now is in my courtroom. What to do? That was, kind of, me  
9 panicking on the bench, to be honest with you.

10          Q     Okay.

11          A     So.

12          Q     And as of approximately 16 days earlier, there is, as you  
13 know, an open criminal investigation going on into the events  
14 concerning Ms. Blandino?

15          A     Yes.

16          Q     Okay.

17          A     I was informed, by some officer.

18          Q     Now, we're right here at 5:00 in the day. So time permitting  
19 is -- is not on our side for finishing your testimony. But just a  
20 foreshadowing of events. Later on in the day, on April 25, 2019, does  
21 Mr. Blandino come to your law office yet again?

22          A     That afternoon, he came into my office with, I guess, a pre --  
23 you know, pre-prepared set of documents.

24                 MR. DICKERSON: Okay. Your Honor, given the time  
25 constraints, we're willing to break here.

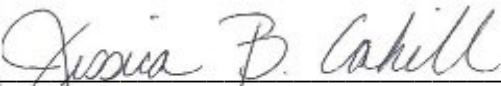
1 THE COURT: Okay. All right. At this time, we are going to  
2 break for the evening. During this recess, you're admonished not to  
3 discuss or communicate with anyone, including your fellow jurors, in  
4 any way, regarding the case or its merits, either by voice, phone, email,  
5 texts, internet, or other means of communication, or social media, or  
6 read, watch, or listen to any news or media accounts, or commentary  
7 about the case, do any research, such as consulting dictionaries, using  
8 the internet, using reference materials, make any investigation, test a  
9 theory of the case, recreate any aspect of the case, or in any other way  
10 investigate or learn about the case on your own, or form or express any  
11 opinion, regarding the case, until it's finally submitted to you.

12 We'll be in recess until tomorrow morning at 9:00 a.m. You'll  
13 come to the 14th floor. Officer Hawkes will greet you and bring you in  
14 when we're ready.

15 THE MARSHAL: Thank you. All rise for the exiting jury,  
16 please. Jurors, please leave your notebooks.

17 [Proceedings adjourned at 5:02 p.m.]  
18  
19

20 ATTEST: I do hereby certify that I have truly and correctly transcribed the  
21 audio-visual recording of the proceeding in the above entitled case to the  
22 best of my ability.

23 

24 Maukele Transcribers, LLC

25 Jessica B. Cahill, Transcriber, CER/CET-708

## CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing **APPELANT'S APPENDIX VI** with the Clerk of the Court by using the electronic filing system on the 27<sup>th</sup> day of March 2023.

The following participants in this case are registered electronic filing system users and will be served electronically:

STEVEN B. WOLFSON  
District Attorney Clark County  
200 Lewis Street, 3<sup>rd</sup> Floor  
Las Vegas, NV 89101

AARON FORD  
Nevada Attorney General  
100 North Carson Street  
Carson City, Nevada 89701  
775-684-1265

By Joseph Z. Gersten  
Joseph Z. Gersten  
An Employee of The Gersten Law Firm PLLC