

IN THE SUPREME COURT OF THE STATE OF NEVADA

KIM BLANDINO,

Appellant,

vs.

THE STATE OF NEVADA,

Appellee.

Electronically Filed
Mar 26 2023 05:46 PM
Elizabeth A. Brown
Clerk of Supreme Court

CASE NO: 84433

APPELLANT'S APPENDIX VII

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

RECORDER'S TRANSCRIPT OF JURY TRIAL - DAY 3

BENNAIR R. BATEMAN, ESQ.

Case Number: C-19-341767-1

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FOR THE STATE

MARKED

RECEIVED

None

FOR THE DEFENDANT

MARKED

RECEIVED

None

1 Las Vegas, Nevada, Thursday, March 3, 2022

2
3 [Case called at 9:24 a.m.]

4 [Outside the presence of the jury]

5 THE MARSHAL: All rise. Eighth Judicial District Court,
6 Department XII is now in session. The Honorable Michelle Leavitt
7 presiding.

8 THE COURT: Okay. Good morning. We have a full panel
9 here now. Anything -- oh, geez. Anything before we get started?

10 MR. DICKERSON: Yeah, Your Honor. Mike Dickerson on
11 behalf of the State --

12 THE MARSHAL: You may be seated, please.

13 MR. DICKERSON: -- with Melanie Marland. We just were
14 making a quick record this morning about the State's request for
15 reciprocal discovery. That was made on the record and in our moving
16 papers in opposition to their discovery motion.

17 This morning I would just make a record that Mr. Blandino
18 and -- with Mr. Bateman has started providing me an opportunity to view
19 some of those items. Just for the record, Mr. Blandino has shown me
20 reports from the Federal Courts, just generic reports, indicating how they
21 handle the discipline in their courts. He's shown me some yearly reports
22 from the Nevada Commission on judicial discipline, just generally
23 describing how they handle discipline. He showed me various
24 complaints that he's filed with the Nevada Judicial -- Nevada
25 Commission on judicial discipline. He's shown me --

1 THE COURT: I'm not sure how any of that is relevant.

2 MR. DICKERSON: Right. Right. He's shown me his family
3 Bible, he's shown me his -- the [indiscernible] that he brought in the first
4 day about Judge Johnson. He's shown me various disks that he's saying
5 has JAVS or video of events. More specifically, an early 2018 event, I
6 believe January, involving Judge Herndon, who was a District Court
7 judge at the time.

8 THE COURT: I can't manage how that would ever be
9 relevant.

10 MR. DICKERSON: Right. Right. I agree. I think it -- that -- for
11 the most part, he's shown me an amicus brief that he filed with the
12 Ninth Circuit dealing with President Trump's travel band, his first travel
13 band. So that's where we stand right now.

14 THE COURT: Okay.

15 MR. DICKERSON: Okay.

16 MR. BATEMAN: Can I --

17 MR. BLANDINO: Response?

18 MR. BATEMAN: -- respond, please?

19 THE COURT: No.

20 MR. BLANDINO: No. Okay.

21 MR. BATEMAN: Your Honor, most of these things have been
22 in the possession of Mr. Blandino, and some of these things I have seen
23 and spoken with him. Obviously I agree with Your Honor, the things that
24 Mr. Dickerson has mentioned are not relevant, are not germane to the
25 issue of extortion, impersonation of a public officer; two charges that we

1 have here. You know, if Your Honor recalls, when I tried to withdraw --
2 THE COURT: Sure.
3 MR. BATEMAN: -- when I filed my motion --
4 THE COURT: I'm not sure --
5 MR. BATEMAN: -- one of the things I was concerned --
6 THE COURT: -- we have to even address this issue now.
7 MR. BATEMAN: Okay. Well --
8 THE COURT: I'm assuming this issue would come up.
9 MR. BLANDINO: Well, if I'm -- if I'm not --
10 THE COURT: If it --
11 MR. BLANDINO: -- going to be allowed to testify, I'll just
12 plead guilty right now then. Let's get a guilty --
13 THE COURT: If and --
14 MR. BLANDINO: -- plea agreement.
15 THE COURT: -- when Mr. Blandino makes a decision to
16 testify --
17 MR. BLANDINO: I've already made that decision, Judge.
18 THE COURT: Okay.
19 MR. BATEMAN: Okay. Don't interrupt.
20 Okay. Just I guess this is a little bit uncharted waters,
21 Judge. I've never had anyone who will or would testify in a narrative
22 form. And I think as he testifies, he's intending to try to introduce these
23 things. I --
24 THE COURT: Okay.
25 MR. BATEMAN: But, you know, me being lead counsel, I --

1 again, I think they're not relevant and I will not introduce them. I mean I
2 guess I don't have a problem if he uses them to refresh his recollection,
3 but I don't really intend on introducing these things as evidence because,
4 as you said and as Your Honor said, I don't really think that they're
5 relevant and -- or at least as my trial strategy is to stay laser-like focused
6 on just the --

7 THE COURT: On the issues.

8 MR. BATEMAN: -- issues at hand.

9 MR. BLANDINO: Well, how was it relevant --

10 THE COURT: Okay. And --

11 MR. BLANDINO: -- that he had kids?

12 MR. BATEMAN: Okay. We're not --

13 MR. BLANDINO: Talking about his kids.

14 THE COURT: -- his testimony will comply with the rules of
15 evidence. So it's not going to be a free-for-all. And I've explained that
16 to him on previous occasions as well.

17 Anything else before we bring the panel?

18 MR. DICKERSON: Nothing further from the State,
19 Your Honor. We just wanted to bring it to your attention as to the
20 progress on reciprocal discovery.

21 THE COURT: Thank you.

22 MR. DICKERSON: Okay.

23 THE COURT: You can bring them in, uh-huh.

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

25 [Jury in at 9:31 a.m.]

1 THE COURT: Does the State stipulate to the presence of the
2 panel?

3 MR. DICKERSON: We do, Your Honor.

4 THE COURT: And the Defense?

5 MR. BATEMAN: Yes, Your Honor.

6 THE COURT: Thank you.

7 If you don't mind raising your right hand so the clerk can
8 swear you in.

9 MICHAEL FEDERICO, STATE'S WITNESS, SWORN

10 THE CLERK: You may be seated.

11 Please state and spell your first and last name for the record.

12 THE WITNESS: It's Michael Federico, M-I-C-H-A-E-L; last
13 name, F-E-D-E-R-I-C-O.

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

15 THE COURT: You may proceed.

16 MR. DICKERSON: Thank you so much.

17 DIRECT EXAMINATION CONTINUED

18 BY MR. DICKERSON:

19 Q Sir, so when we ended the day yesterday, we left off with the
20 events of April 25th, 2019, specifically in the morning time when you
21 were working as a Municipal Court judge Pro Tem; is that right?

22 A Yes.

23 Q And you testified about Mr. Blandino coming into the
24 courtroom; is that right?

25 A Yes.

1 Q He didn't have a case on calendar?

2 A This is the second time, right?

3 Q The second time --

4 A Yes.

5 Q -- on April 25th?

6 A Yes.

7 Q And at that time you ordered him out of the courtroom?

8 A Yeah. There was an active and criminal investigation, and I
9 felt like I was being intimidated. Yes.

10 Q Okay. And so those events took place in the morning hours
11 roughly of the day?

12 A I believe so. It's on video. Whatever the video shows. But I
13 believe it was early.

14 Q Okay. All right. Generally, when you sit for traffic court, in
15 particular, it would be in the morning hours?

16 A Not necessarily, but it's highly likely because I was at the
17 office all day in the afternoon. So I wasn't in the afternoon session.
18 Otherwise I wouldn't have made it to the office all the way on Cheyenne
19 at 2:15, so.

20 Q Okay. So then after you get done working as a judge Pro
21 Tem that morning, what do you do?

22 A Go to the office and go to my, I guess, private citizen job.

23 Q Okay. And so then at that point in time, you take off your
24 judge hat, and you put on your lawyer hat?

25 A Immediately.

1 Q And you're working now in your private capacity at your
2 private law office?

3 A Instead of serving the people -- the taxpayers, I'm serving my
4 private clients, yes.

5 Q Okay. And so that's the law office that we've previously
6 discussed at 9950 West Cheyenne?

7 A Yes.

8 Q Now, as you're working there that day, does something
9 occur later on in the day?

10 A Yes.

11 Q Can you tell us about what, if anything, occurred?

12 A The Defendant shows up at the office again and leaves some
13 documents for me. I didn't have any engagement with him, but I was
14 able to grab them and see him leave again. And then send them on to --
15 it was either the police or the marshal service. I don't recall which one.

16 Q Okay. And so, again, Mr. Blandino comes into the reception
17 area of your office and leaves something for you now?

18 A Incredibly, yes.

19 Q You don't have any interaction with him down there in the
20 lobby?

21 A No. Absolutely not. If anything, I would have called the
22 police.

23 Q Okay. And then when he leaves, you see that?

24 A I know he's gone, so that the coast is clear, so to speak. So I
25 don't have to have any engagement.

1 Q Okay. Now, after that point in time, you go down to the
2 lobby, as you did a couple weeks earlier, and retrieved the document
3 that Mr. Blandino left for you; is that --

4 A Yes.

5 Q -- correct?

6 A Yes.

7 Q I have here what's been admitted as -- by stipulation as
8 State's Exhibits 1, 1A, and 1B. 1, as was the same with 2, it's just a
9 manila envelope that was holding these documents; is that correct?

10 A Yes. I had the originals and I kept them all this time.

11 Q Yeah. And that manila envelope is just to keep these
12 documents together, correct?

13 A Yes.

14 Q Now, I'll show you this. We have here State's Exhibit 1B on
15 top and then this document here that is stapled is 1A. Do you see that?

16 A Yes.

17 Q Do you recognize these?

18 A Yes.

19 Q And what are these?

20 A That's the paperwork he dropped off. And, again, the law
21 firm timestamp. It's upside down there. And --

22 Q Go ahead and turn that --

23 A Yeah.

24 Q So we're looking at 1B right now, the sticky note that is on
25 top of the letter. And so the law firm had timestamped for you -- this for

1 you just as they had the first document?

2 A Exactly.

3 Q What is that timestamp, date timestamp?

4 A April 25th, 2019, 4:10 p.m.

5 Q Okay. 4:10 p.m. later on in the afternoon; is that right?

6 A Yes.

7 Q April 25th, 2019. The same day that you were working as a
8 Pro Tem judge earlier in the day?

9 A The dates match up with the video, yes.

10 Q And, again, same stamp, your Olson Cannon Gormley &
11 Goole Stobersk; is that right?

12 A Yes.

13 Q There's some writing on here. Are these writings that you're
14 familiar with?

15 A I believe those are my squiggles that -- I think the 2209 was
16 the number. When I fed it, I basically made a copy, and it goes through
17 the scanner and shows what the number is. So then I write the -- I wrote
18 the number on there not thinking about it being the original evidence.

19 Q Okay.

20 A I have some squiggly notes. I don't know what the other
21 stuff is, but the number I believe is just for the copy scanner machine at
22 the office.

23 Q And this sticky note was related -- the sticky note that is 1B
24 was related to 1A, which is the letter; is that right?

25 A I believe so, yes. Yes.

1 Q Okay. I'm going --

2 A It should all be together, so.

3 Q Now, this letter here that we're looking at now, 1A, this is the
4 document that Mr. Blandino dropped off at your office for you on
5 April 25th, 2019?

6 A Yes.

7 Q Can you see that there on your screen?

8 A Yeah. It's a little -- it's easier to look at the original, but it's --
9 I can read it. I can --

10 Q Yeah.

11 A -- see it.

12 Q Let me see if there's something that we can do about that.

13 MR. BLANDINO: Contrast I believe.

14 BY MR. DICKERSON:

15 Q So here I have --

16 MR. DICKERSON: May I approach, Your Honor?

17 THE COURT: You may.

18 MR. DICKERSON: Thank you.

19 BY MR. DICKERSON:

20 Q I have here just for the record State's Exhibit 1 sorry -- State's
21 Exhibit 3, admitted by stipulation.

22 A Uh-huh.

23 Q Do you recognize that as a copy of the --

24 A The first one.

25 Q -- the first letter and first sticky note --

1 A Yes.

2 Q -- from April 8th?

3 A We read that yesterday.

4 Q Okay. And then I have here State's Exhibit 4, which has been
5 admitted by stipulation. Do you recognize this as well?

6 A Yes. It's a true and accurate copy.

7 Q Okay. And this is a copy of the April 25th document that
8 we're now discussing?

9 A Yes.

10 Q Okay. So I'm going to leave this up here with you --

11 A Uh-huh.

12 Q -- all right, the copy of that. We'll have the original on the
13 screen. Let me see. Okay. We'll start at the top of this Exhibit 1A. Is it --
14 there's a date indicated here. What is that date?

15 A April 25th, 2019.

16 Q And then under that, what does it say?

17 A "To Michael Federico in his capacity as judge Pro Tempore."

18 Q Okay. What does it say under that?

19 A "From Kim Blandino."

20 Q So, again, this document is written to you specifically in your
21 capacity as a judge Pro Tempore?

22 A Yes.

23 Q And it indicates it's from Mr. Blandino; is that right?

24 A Yes.

25 Q Under that -- is this like the subject section? Did that --

1 A Re. Yeah. That means regarding usually.

2 Q Okay. And so what does it say there?

3 A "Re: Desire not to have to file formal complaint with Nevada
4 Commission on Judicial Discipline, NCJD."

5 Q Okay. So here, Mr. Blandino has designated his abbreviate
6 for the Nevada Commission on Judicial Discipline as NCJD?

7 A Yeah. Basically that's a threat.

8 Q Okay. You were at that time and are today familiar with what
9 the Nevada Commission on Judicial Discipline is; is that right?

10 A Yes. They come in when we do CLEs or when we have
11 training, Pro Tem training every two years. Somebody comes in from
12 that organization and talks about, you know, duties of the judge and,
13 "Hey, if you're in trouble, you're going to come see me." That's kind of
14 the way they portray themselves. But --

15 Q Okay.

16 A -- other than that, I've not had any contact with any of them.

17 Q Okay. And it would be kind of fair to say they're essentially
18 like the -- the ethics police for judges in Nevada?

19 A I -- like a watchdog I guess, yeah, I mean, but in a
20 professional sense.

21 Q And it's a state run commission?

22 A Very formal, and it's -- I think it's hard to get on the
23 commission when they were looking for panelists.

24 Q Okay. So you read that. You were familiar with what the
25 Nevada Commission on Judicial Discipline was when you read that,

1 right?

2 A I've heard of it, but -- yes.

3 Q Okay.

4 A Yes.

5 Q Now, as we go down -- we have the letter in front of us. I'm
6 going to go through it and I'm going to flip the page. We're looking at
7 the second page of State's Exhibit 1A, and then the third page. All right?
8 Do you see those?

9 A Yes.

10 Q So this appears to be a -- a three-page letter essentially from
11 Mr. Blandino. And then flipping to the fourth page, what do we see
12 there?

13 A It's reference to an exhibit.

14 Q Okay. So as I flip this to the side, there's multiple pages of
15 what would be designated after the letter itself as exhibits?

16 A That's correct.

17 Q Okay. But the letter itself is approximately three pages?

18 A Two pages --

19 Q Well --

20 A -- plus a certificate saying that it was personally delivered.

21 Q Okay. What I'm going to do is -- like we did with the first
22 one, I'm going to have you read this letter.

23 A The whole letter?

24 Q Please do.

25 A Okay.

1 "Attached is the customer feedback form, Exhibit 1L, that was filed
2 today with court administration. You know what happened in
3 Courtroom 1C this very day. Your actions were wrong. You cannot use
4 the RJC in Courtroom 1C to vindicate a personal grudge you have with
5 me."

6 Q I'm going to stop you right there. RJC, are you familiar with
7 what that means?

8 A Yeah. Regional Justice Center. That's the courthouse that
9 we're in here today.

10 Q Okay. And Courtroom 1C, were you familiar with that
11 reference?

12 A It's likely where traffic court was that day that I saw him.

13 Q Okay. And then before that, we have Exhibit 1L. Is that the
14 exhibit that we had turned to on page 4?

15 A Yeah. Something inside the -- the document.

16 Q Okay. Okay. Please begin from the next paragraph.

17 A "I am an investigative reporter and an unpaid volunteer
18 investigator for the NCJD to investigate judicial misconduct and
19 corruption. I was there today until these joint capacities. As you have
20 already committed misconduct, you have already at least one strike
21 against you. It was in this regard that I came to you" -- "to your publicly
22 listed offices to see if I could meet you man to man and see if we could
23 resolve my complaint with you without having to use, scare, skittish, or
24 resources and NCJD resources as I have attempted to do with other
25 misbehaving judges. And, in fact, I do with whomever I have a

1 complaint with.

2 "My religious beliefs and practices mandate that I attempt to settle
3 matters at the lowest possible level. In fact, this principle is what made
4 America the greatest county" -- I'm sorry -- "country on earth. America's
5 most important entity is the individual and individuals' rights that come
6 from God and are just acknowledged in constitutions and founding
7 documents. What is often attributed to Jefferson is, quote, 'The
8 government is best which governs the least because its people discipline
9 themselves,' unquote.

10 "So to avoid having the NCJD subject this complaint to their
11 protocols, I once again reach out to you to resolve this matter between
12 you and I or your attorney and I, if you wish to have an intermediary.

13 "You have no authority to keep me 1C while you are conducting
14 proceedings because I am looking for misbehave" -- "misbehavior on
15 your part. All you have to do is follow the law and the judicial code, and
16 you have nothing to be concerned with. You appear to be an individual
17 who cannot psychologically handle the power in a fashion that is not a
18 type of miniature tie raw knee. Shannon Nordstrom and I have been at
19 odds, and I will be filing a complaint against her unless we can settle
20 matters. Yet she in no way prohibits me from coming into 1C and taking
21 notes and observing any misbehavior, which I have found, in fact.

22 "Please know that I am very serious about following through to the
23 best" -- "best of strength that God gives me to do so. The men and
24 women that came before you, and I" -- "and I suffered greatly to establish
25 a nation built upon the individual and individuals' rights -- I treasure that

1 gift that God gave us by way of these brave men and women. The
2 sacrifice that I spend in time and convenience and discomfort is very
3 small compared to what they suffered to establish freedom and liberty
4 based upon the very principles that God and his son Jesus would wish
5 for all on this planet to enjoy. Yet many, strangely, would rather have
6 some time" -- excuse me. "yet many, strangely, would rather have the
7 tyranny that is imposed by liars and cheats that, quote, 'promise the
8 moon,' end quote, to fools and deliver the dirt of slavery to swallow and
9 choke on.

10 "Please repent of this tyranny that you yourself are a slave of and
11 stop the enmity" -- I'm not even sure what that word is -- "that" -- E-N --
12 E-N-M-I-T-Y -- "that you have with reason, logic, and common sense that
13 God gave to humans to guide us, as well as the life that he provides to
14 guide our respective paths.

15 "I attached as Exhibit 2L a letter written by Veterans In Politics for
16 clarification of two complaints that had recently" -- "that had recently" --
17 I'm sorry -- "that had been recently filed where it appears that letters of
18 caution were issued against two different judges because of their
19 misbehavior. Exhibit 3L attached is the letters that I received back on my
20 complaints against Herndon and Bare for which clarification is sought.

21 "In 1995 I asked in open court for former Judge Fine [phonetic] to
22 resign as a judge because she was clearly not suited to the job. She
23 refused. Unfortunately for hundreds upon hundreds of families she
24 refused. Although two commissioners in 1995 voted to remove her, it
25 was not until 1998 that the NCJD finally did get rid of this horrible judge

1 by all accounts.

2 "I believe you should seriously consider resigning. Although you
3 differ from her in that you have a sharp mind and the potential to be fair
4 and not tyrannical, you may not be able to resist these base desires to,
5 quote, 'Lord power' over people and to violate your oath and the code.

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

15 And then, "Dated this 25th day of April 2019." And there's a
16 signature there. And then his name, his apparent address, and the rest
17 of his email and telephone number.

18 Q All right. I have here State's Exhibit 3, the copy of State's
19 Exhibit 2 and its contents. Here we see State's Exhibit 3 on the screen.
20 This is the first letter from April 8th, 2019, correct?

21 A Yes.

22 Q A copy of it. Now, when we look at that, do we see the same
23 email address and same phone number given for Mr. Blandino?

24 A It all looks to be the same. And it was hand-delivered from
25 the same person.

1 Q Okay. And then we go to the third page of State's Exhibit 1A.
2 What do we see there?

3 A Certificate of service. That's -- with legal documents,
4 attorneys normally have those, when they're getting mailed out or now
5 it's E-filing or receipt of copy or just U.S. mail just to confirm somebody
6 from an office or whatever has basically just confirming that it was sent
7 out, and then somebody's going to sign it. Usually it's thought the
8 person drafting documents. But he's -- he was trying to be official -- as
9 official as possible.

10 Q Okay. So it indicates it's personally delivered. What is
11 personally delivered?

12 A Somebody coming and dropping off a physical, original
13 copy.

14 Q Okay.

15 A Which doesn't happen too often.

16 Q And it says it's delivered to who?

17 A Me. Michael Federico at -- at the law office, 9950 West
18 Cheyenne, Las Vegas, Nevada 89129.

19 Q Okay. And then under that it's dated and signed?

20 A Yes, it is.

21 Q And does the date indicate it's the 25th day of April, 2019?

22 A Yes.

23 Q And the signature indicates it's Kim Blandino?

24 A Yes.

25 Q If we go to the next page, this is page 4 of that document.

1 What is this?

2 A Just signaling to the reader that the next pages are not part
3 of the substantive document. In other words, it's not a continuation of
4 the letter. It's attachments that sometimes attorneys or whoever's
5 preparing something will refer to. And then you might have Exhibits A
6 through -- A through C or whatever have you.

7 Q Okay.

8 A This one was oddly 1L, but --

9 Q And 1L, as you recall, was referenced within the body of the
10 letter itself; is that right?

11 A Yes.

12 Q Okay. I'm going to turn to that 1L document. What do we
13 see here?

14 A It appears to me some customer feedback form from
15 Municipal Court that the Defendant may have filled out.

16 Q Okay. This is the document that he attached to the April 25th
17 letter; is that right?

18 A Yes.

19 Q And then it appears that there's also some sort of a date and
20 timestamp on this as well?

21 A Yes.

22 Q And what does that indicate?

23 A That would have been the day that he filed it. I think there's
24 a time too. I'm not positive though.

25 Q Okay. Does it appear to -- can you read the date there?

1 A Sure. April 25th, 2019, the same date that he came driving
2 over to my office.

3 Q Okay. And then do you believe -- you believe there's a time.
4 How do you believe that time is situated?

5 A Yeah. I'm not sure. I'm more -- I'm more assuming.

6 Q Okay.

7 A But usually you expect a time too just to document when this
8 person was there. Just like how important it was for these other
9 documents to be stamped at the law firm.

10 Q Okay.

11 A But --

12 Q And then up here at the top it indicates Las Vegas Municipal
13 Court, the Regional Justice Center with the address; is that right?

14 A Yes.

15 Q Below that it says, "Customer Feedback," and it goes on. Tell
16 me if this is correct. This is the printed text on the form, right:

17 "The Las Vegas Municipal Court is committed to providing
18 excellent customer service and welcomes all comments, objections, or
19 concerns. Please fill out the form below and either mail it to the above
20 address or submit it to the Municipal Court administration window
21 located on the second floor of the Regional Justice Center at 200 Lewis
22 Avenue"?

23 A Yes.

24 Q Okay. And then what do we see under that?

25 A That's the area where somebody can I guess either give a

1 compliment or slam a judge because they got an adverse ruling or
2 because they don't like the way they are being treated or --

3 Q Okay.

4 A -- you know, whatever. Just comments. You know, it's just a
5 way for the public to be able to acknowledge or --

6 Q So these are --

7 A Yeah.

8 Q -- like fill-in boxes with specific prompts for information?

9 A Yes.

10 Q Okay. And here on the top left, it indicates date. What is the
11 date?

12 A April 25th, 2019.

13 Q That appears to be handwritten?

14 A It appears so.

15 Q I'm showing you again State's Exhibit 3, the original letter.
16 I'm just looking at that here. I'm going to go down to the bottom of
17 State's Exhibit 1A. Here at the bottom, do we see a section for name,
18 phone number, and email address?

19 A Yes.

20 Q Does that all appear to be consistent with the same as the
21 April 8th letter of 2000 -- or from 2019 that is copied as State's Exhibit 3?

22 A Yes.

23 Q Okay. We'll go back here. Then at the top it says,
24 "Department or area visited." "Courtroom 1C, Department 20"; is that
25 right?

1 A Yes.

2 Q That is handwritten in?

3 A Yes.

4 Q "Business with court" is under that; is that right?

5 A Yes.

6 Q So that would be a section that someone would write -- could
7 write something like, "Oh, I had a traffic trial today"?

8 A Right. And, you know, whatever they were there for.

9 Q Okay. And so what did Mr. Blandino indicate he was there
10 for?

11 A He represented himself as being an investigative journalist
12 and -- it's hard to read, but, "investigating judge misconduct" I think is
13 what it says, but --

14 Q Okay.

15 A I didn't write it, but it looks like that.

16 Q Okay. So here on the document he submitted to the
17 Las Vegas Municipal Court, he did not identify himself as an investigator
18 for the Nevada Commission on Judicial Discipline; is that right?

19 A He didn't say that right there.

20 Q Okay. Below that, the document prompt indicates, "if this is
21 in regard to a specific employee, please provide name and/or title, if
22 knowing"; is that correct?

23 A Yes.

24 Q Okay. And then below that, there's a prompt for name for --
25 related to that specific employee. Did Mr. Federico -- or I I'm sorry. Did

1 Mr. Blandino fill in Michael Federico there?

2 A It appears so, yes.

3 Q And next to that would be a prompt for the position. It says,
4 "Title"; is that right?

5 A Yes.

6 Q And what does it say there?

7 A "Judge Pro Tempore."

8 Q Okay. Below that we have the section that says, "a prompt
9 being your comments slash remarks as the prompt"; is that right?

10 A Yes.

11 Q Okay. What does it say from that point?

12 A Do you want me to read the whole thing?

13 Q Please do.

14 A Okay. Just give me one moment.

15 "Kim Blandino," in parentheses, "Kim," went into Courtroom 1C at
16 about 9:36 a.m. today, 4/25/19. Just about every day that Kim is in the
17 RJC, Kim goes to Courtroom 1C to see the" -- "see the various" --

18 Q Okay.

19 A -- "that are going on" --

20 Q Oh, I'm going to stop you right there. So this picks up with
21 the second page; is that right?

22 A Yes.

23 Q Okay. And it appears that the comment section is what picks
24 up after "various"?

25 A I apologize. I'm not following.

1 Q On the first page it -- the comment section ends with, "See
2 the various," and then it appears that it picks up on the second page it's
3 attached to; is that right?

4 A Yes.

5 Q And then there's a third page?

6 A Yeah. Yes. And it's marked 3 on the bottom, so.

7 Q And a fourth page?

8 A Yes.

9 Q And a fifth page?

10 A Yes.

11 Q And a sixth page?

12 A Yes.

13 Q And a seventh page?

14 A Yes.

15 Q And an eighth page?

16 A Yes.

17 Q Okay. So we have already gone over this section here that's
18 below this brief comment section. Does that indicate that this is Kim
19 Blandino with all the contact information that we already know exists for
20 him?

21 A Yes.

22 Q Including his address at 441 North 16th Street, Las Vegas,
23 Nevada 89101?

24 A Yes.

25 Q His email, kim43792@earthlink.net?

1 A The same thing, yes.

2 Q And his phone number, 702-219-5657?

3 A Yes.

4 Q Okay. And so then we pick up with the complaint. So on the
5 next page, it is marked at the bottom as page 2. Do you see that?

6 A Yes.

7 Q Okay. I'm going to have you at this point in time read this
8 through. So --

9 A Okay.

10 Q -- page 8.

11 A "That are going on as Kim has complaints against the various
12 persons that adjudicate matters in this, quote, 'court,' end quote. Kim
13 has a complaint pending against a Jorgensen" -- spelled phonetically --
14 "that sat on the bench during one of Kim's cases. This Jorgensen would
15 not spell his name nor give Kim his first name. Admin themselves could
16 not tell me who this was. The Nevada Commission on Judicial Discipline
17 could not find this case at first, but now has ordered the JAVS.

18 "Now back to today. Kim has observed that Michael Federico was
19 on the bench. Michael Federico was on the bench when Kim had
20 proceedings in cases where Federico was allegedly going to try Kim for
21 traffic crimes, yet Kim had filed a motion to disqualify Federico.
22 Therefore, Federico was in violation of the NRS 1.230-1.235. And the
23 judicial code, quote, 'code,' end quote.

24 "For moving forward, that even after this Federico found Kim in
25 contempt of" -- "in direct violation of the statute and sentenced Kim to

1 somewhere between 25 days and 125 days in jail for contempt" -- in
2 parentheses -- 'sentence suspended only if requirements are met,' end
3 quote. Kim does not have a signed and filed judgment by Federico.

4 "When Kim came in to court today, as stated above, and sat down
5 in the front row, Federico stopped his colloquy with the defendant and
6 said, quote, 'Mr. Blandino,' end quote. Kim was startled and realized
7 Kim should stand up to address the, quote, 'judge,' end quote. Kim sat"
8 -- I'm sorry. "Kim said by his recollection, quote, 'yes,' end quote.

9 Federico said, by recollection of Kim, quote, 'Because you were at
10 my private office the other day, the must get out. You have ten seconds
11 to get out or I am going to find you in contempt, end quote.' Kim tried to
12 object, yet Kim was in, quote, 'fear,' end quote, of being put in jail where
13 it is extremely difficult to paperwork and legal research from.

14 "Kim immediately tried to contact Lieutenant Woolsey" -- I think is
15 the name; W-O-O-L-S-E-Y -- "and see if Kim could immediately get back
16 into the courtroom. Lieutenant Woolsey said through another employee
17 that Kim must email Woolsey. Yet this was an emergency matter. Kim
18 then went to an admin and asked to speak to" -- I'm not sure what that
19 says there. It looks like an S and then W-O-J-O dot dot dot W -- dot dot
20 dot W-I-A-K.

21 Q Okay.

22 A "Kim spoke to the sergeant at length and implored Wojo to
23 speak to Reyes [phonetic], the courtroom marshal, to see if Kim could
24 reenter. Wojo would not.

25 "Kim's religious beliefs and practices require that Kim try to settle

1 the matter at issue with the offending person directly. Therefore, Kim
2 did go to Federico's office and see if the matter could be settled without
3 filing a complaint with the NJ" -- I'm sorry -- "NCJD. This going to
4 Federico's office in no way gives him any authority to exclude Kim from
5 attending court proceedings and observing to see if there was judicial
6 misconduct and corruption.

7 "In fact, just yesterday Kim contacted" -- I think it's -- "Patricia
8 Blackman [phonetic], who was wronged by Hearing Commissioner
9 Shannon Nordstrom. Patricia wanted to know how to file a complaint.
10 So Kim had agreed to get Patricia some complaint, quote" -- I'm sorry --
11 parentheses -- "feedback forms, end parentheses. Federico has no
12 authority to exclude Kim from the courtroom just because Kim came to
13 where he works as a private attorney, especially where Kim is actively
14 investigating Federico for misconduct and corruption."

15 Q I'm going to stop you real briefly.

16 A Okay.

17 Q Here we have on State's Exhibit 1A a highlight mark on
18 investigating. Do you know where that came from?

19 A Yeah. That was me. I -- when I was looking through it, I
20 highlighted the wrong -- instead of highlighting a copy, I highlighted that
21 one, which was the original. So I started and then I stopped right away.

22 Q Okay. And so that was not on the original, correct?

23 A No, that highlight was not there. That's mine that happened
24 within the last few months I believe.

25 Q Okay. And you had retained this dock in your personal

1 records since that time; is that right?

2 A Oh, yes. It was at the law firm, and then I moved it to my
3 personal residence.

4 Q Okay. And then from there, where -- what does Mr. Blandino
5 continue to state in his complaint?

6 A "Kim was not in any way disruptive or causing any
7 disturbance. Kim was taking notes and gathering information. Kim tries
8 at all times to use the best use of resources, including time. Kim was at
9 the RJ" -- "RJC to pick up a CD of proceedings that Kim had ordered. See
10 Exhibit 1 attached."

11 And then the next page looks like it's in -- Exhibit 1.

12 Q Okay. It says Exhibit 1 at the bottom in handwriting?

13 A Yes.

14 Q And it appears to be some sort of a receipt for payment on a
15 transcript or something?

16 A Yes.

17 Q Okay. If we turn the page on that, and what do we see here?

18 A Exhibit 2L is what it says.

19 Q And 2L was an exhibit that was referenced within the letter --
20 the body of the letter itself?

21 A I believe so.

22 Q Okay. And --

23 A Yes. It's on page 2.

24 Q It's on page 2 of --

25 A It might have been somewhere else. I just found it now so

1 that I could say yes.

2 Q And this is a letter. It says "Veterans In Politics International"
3 at the top?

4 A Yes.

5 Q This is just a letter written by an individual. If we turn it to
6 the third page, does the have the name of the writer?

7 A Yeah. It looks like the President of Veterans In Politics
8 International, Steve Sanson.

9 Q Okay. This is not a government body, is it?

10 A Not that I'm aware of --

11 Q Okay.

12 A -- no. It's a -- I think it's a private organization run by
13 Mr. Sanson.

14 Q Okay. And then we go to Exhibit 3. Oh, I should say, you
15 having looked at this document -- and feel free if you need to refresh
16 your recollection -- the date at the top of that Veterans In Politics letter is
17 April 15, 2019?

18 A Yes.

19 Q And you've seen this before obviously, correct?

20 A Yes.

21 Q And this complaint, this has nothing to do with you?

22 A I didn't -- yeah. It was -- it was just some -- I think an
23 example of, "Hey, look what's going on. Look what I'm doing in other
24 matters," or whatever. At least my -- that was my impression. It had
25 nothing to do with me.

1 Q Okay. Just generally about complaints to the Nevada
2 Commission on Judicial Discipline; is that right?

3 A Kind of like bragging. Yes.

4 Q Specifically this was sent to NCJD at the --

5 A Yes.

6 Q -- top?

7 A I'm sorry. I'm trying to look at the screen and the paper.

8 Yes --

9 Q Okay.

10 A -- NCJD.

11 Q Okay. And then we go -- we're going to go to -- this next one
12 is marked as Exhibit 3L. What do you see there? We'll turn that page.

13 A Exhibit 3L, yes.

14 Q Okay.

15 A And then the next page is a -- it looks like a formal letter from
16 the State of Nevada Commission on Judicial Discipline marked
17 confidential. And the date was March 14th, 2019. Yes.

18 Q Okay. And it's entitled to who?

19 A Kim Blandino at the address he's been representing himself
20 to be at.

21 Q Okay. And what does this letter say?

22 A "Case number 2018-216." And I could just guess that would
23 be a 2018 case that was opened.

24 Q And then it says?

25 A It says, "Dear, Mr. Blandino, the Nevada Judicial Discipline

1 Commission met on March 1st, 2019 and decided to dismiss your
2 complaint you filed in the above-referenced case based upon a review of
3 the relevant court records, including a hearing recording obtaining by
4 Commission staff. You asserted that the judge called you an
5 inappropriate name, failed to issue an order, made improper legal
6 decisions, and various other allegations.

7 Although the Commission has dismissed your complaint, it has
8 taken what it considers to be appropriate action under the
9 circumstances. Thank you for bringing the facts set forth in your
10 complaint to the Commission's attention. Sincerely, Jill Davis, Associate
11 General Counsel," which I will presume would be from the Commission.

12 Q And then if we look at the top right-hand corner of this
13 document, are you familiar with this writing? Was this on the document
14 when you received it?

15 A Yes.

16 Q Okay. And what does it say there?

17 A "Herndon complaint." And that -- that heard Herndon I
18 presume would be judge Herndon, who used to be a District Court judge
19 here, and I believe is now a Supreme Court judge here."

20 Q Okay. Then we flip to the next page, and that's what
21 Defendant has marked as 3L. What do we see here?

22 A It looks like a similar document from the Commission on
23 judicial discipline except it's regarding -- up in the top right-hand side it
24 says, " Bare complaint." What happens probably Judge Bare, who used
25 to be a -- used to be with the State Bar as their counsel and then became

1 a District Court judge. I don't think he's on the bench anymore though.

2 Q Okay. And --

3 A I think he lost the election.

4 Q -- the date on that is December 14th, 2016?

5 A Yes.

6 Q And it's entitled, "to Kim Blandino" at the same address that
7 we know, 441 North 16th Street, correct?

8 A Yes.

9 Q Las Vegas, Nevada?

10 A Yes.

11 Q And it references a case number 2016-098; is that correct?

12 A Yes.

13 Q And then what does it say from that point?

14 A "Dear, Mr. Blandino, the Nevada Judicial Discipline
15 Commission met on December 9 of 2016 and decided to dismiss your
16 complaint you filed in the above-referenced case. Although the
17 Commission has dismissed your complaint, it has taken what it
18 considers to be appropriate action under the circumstances. Thank you
19 for bringing the facts set forth in your complaint to the Commission's
20 attention. Please be advised that our staff cannot discuss the
21 Commission's determinations with Complaint-" -- it's a little blurry on
22 mine -- "complainants.

23 Any questions or concerns should be submitted in writing to the
24 Commission's" -- "for the Commission's consideration. Sincerely, Jill
25 Davis, Associate General Counsel."

1 Q All right. So a two-page letter with a certificate of service?

2 A Yes.

3 Q An attachment of a Municipal Court complaint that was filled
4 out earlier today?

5 A Yes.

6 Q A letter from some organization just generally about judicial
7 complaints; is that right?

8 A Yes.

9 Q And then two letters from the Nevada Commission on
10 Judicial Discipline dismissing Mr. Blandino's prior complaints?

11 A Yes. Regarding other elected judges.

12 Q Okay. So you had the opportunity to review this letter after
13 you received it in the afternoon hours of April 25th, 2019?

14 A Yes. Immediately.

15 Q And once you read the letter, what, if anything, occurred that
16 day, in your mind? What was going on?

17 A I did a whole bunch of research on the individual and
18 became panicked, especially for my family.

19 Q And I'm going to come up there and retrieve this will from
20 you.

21 A Sure.

22 Q Now, I will note that within that -- we're looking at State's
23 Exhibit 4 -- it says, "He indicates he is an unpaid volunteer investigator
24 from the Nevada Commission on Judicial Discipline"; is that right?

25 A He did.

1 Q And what, if any, did that make you think at that time?

2 A This person's possibly got some credentials. I still think it's
3 inappropriate whatever this person's doing. I mean I just don't expect
4 government officials to just be showing up at your law office, you know,
5 especially without anybody else around, you know, and popping into
6 your courtroom. I would have expected, as the first time dealing with,
7 some kind of more formalities and -- or telephone calls as opposed to
8 people popping by a law firm with some kind of serious allegations.

9 Q Are you worried?

10 A I was very worried. I called my -- I probably called my wife
11 within minutes saying, "This guy's here again."

12 Q Okay.

13 A Yeah.

14 Q And what were you worried about?

15 A You know, I was worried about -- I didn't know if this guy's
16 outside, I don't know if he's -- you know, if he comes with weapons. I
17 mean anything could be used a weapon, a pen or a pencil, whatever.
18 And I didn't know if I should, you know, be leaving the office with a
19 police escort. You know, I told my -- you know, my wife to watch out. I
20 mean I think the kids were home. I don't think -- I would have said, "Hey,
21 you know, make sure you you're at the bus stop and watch everywhere,"
22 because, you know, we have three different rounds of bus stops for all
23 the kids.

24 Q You have how many kids?

25 A Six.

1 Q And they -- three different routes of bus stops --

2 A Yes.

3 Q -- to take to school?

4 A [No audible response.]

5 Q Is that a "yes"?

6 A Yes.

7 Q And so you were concerned about your kids as well?

8 A Yes.

9 Q What was the concern that was brought up from this letter?

10 A I didn't want anything to happen to my kids and my wife. I'm
11 sorry.

12 THE WITNESS: Can I get a tissue? Sorry. I shouldn't do
13 that.

14 MR. DICKERSON: No. Take your time.

15 THE WITNESS: Just -- I can't help it. Sorry.

16 BY MR. DICKERSON:

17 Q So you immediately start having conversations with your
18 wife?

19 A Yes.

20 Q And --

21 A And I also -- I mean I also -- you know, I think I emailed, I
22 called up -- you know, "This guy, you know, whoever he is or whatever
23 he's doing, he's -- he's gone rogue and he's here again. You guys got to
24 do something about this. I've been holding off on try to file a protective
25 order. You guys said you're investigating, and he's here again." I mean

1 what am I --

2 Q Who's that? You contacted law enforcement?

3 A Yeah. It was -- it was either the -- it was either the -- one of
4 the city marshal that works with like an FBI task force --

5 Q Okay.

6 A -- or it was a Metro detective. I don't remember which one. I
7 want to say it was the city, and the Metro detective hadn't contacted me
8 yet --

9 Q Okay.

10 A -- and I just -- I mean I was holding back on doing something
11 because I thought they were going to hopefully do something about this.

12 Q And you -- in addition to talking to your wife, do you -- do
13 you take some action that you -- was just a little bit out of the ordinary
14 for you?

15 A As far -- I mean I did research --

16 Q Yeah.

17 A -- you know, I talked to the police, I --

18 Q So you --

19 A I'm sorry. I talked to somebody, whether it was the marshal
20 or somebody else.

21 Q Do you start carrying a firearm?

22 A Yes. Yeah. I have a -- I call it a CCW. But I keep things
23 locked up because we have children and I'm not some professional
24 marksman for a police officer. You know, I had a few things, and I let
25 everybody know I'm going to have to carry to work. I didn't know what

1 was going on.

2 Q Okay. You --

3 A It wasn't -- I mean it wasn't like that day. I mean my -- my
4 home was like 15 minutes away. But that was the plan, and it was
5 more of my wife doesn't even like them, and she goes, "You're going to
6 have to protect yourself if you're going back to the office." This is before
7 you could work remotely.

8 Q And so it sounds like you devise some sort of security plan
9 with your wife?

10 A Yes.

11 Q And you'd contacted the law enforcement officers who were
12 already aware of the situation?

13 A Yes. I also got -- I don't know if it was up already, but we
14 took like a mugshot that we had of him and we -- they posted it
15 downstairs. Everybody knew to be aware of this guy.

16 Q Okay.

17 A Call the police if he shows up.

18 Q And in addition to that, you'd indicated that you did some
19 research on Mr. Blandino?

20 A Oh, yes.

21 Q Do you ultimately, through your research, at this -- around
22 this time come to figure out that it's very unlikely that he's actually in an
23 investigator for the Nevada Commission on Judicial Discipline?

24 A I would have been surprised that he fell through the cracks
25 with what I found on him.

1 Q So you --

2 A So, yes.

3 Q So at that point in time, do you continue your conversations
4 on -- with law enforcement?

5 A Yes. It's pretty much, "Look, if you guys don't do something,
6 I'm at least going to have try to get some kind of protection because at
7 this point nobody is protecting me. I have nothing. I'll go try to file for
8 an Order of Protection if the police aren't going to do anything."

9 But that's kind of where it was. So, "If you need anything else, I'm
10 here to cooperate. But I mean this is causing severe emotional distress."

11 Q Right.

12 A I mean it's not just me. I mean it's my colleagues, it's the
13 staff, anybody that goes in the office is at risk now, and my family at
14 home and people at the courthouse. Who knows who this person really
15 is. It appears to be maybe some government official that's gone rogue. I
16 just didn't know.

17 Q Okay.

18 A I never dealt with this organization before --

19 Q Okay.

20 A -- so on a direct one-on-one level. And I certainly didn't
21 expect people to be popping by that like and making threats. I just found
22 it to be highly -- it was like on TV, you know, when you have somebody
23 that goes rogue and they're trying to extort money from somebody.
24 That's the way I felt. And I never --

25 Q All right.

1 A -- felt like that before in my entire life.

2 Q So it's --

3 A It just felt bad. It felt --

4 Q -- it's --

5 A It felt wrong.

6 Q This really seem to ramp up this day, April 25th, 2019, which
7 is a Thursday?

8 A Yes.

9 Q And --

10 A I believe it was a Thursday.

11 Q Okay.

12 A That would have been the last day that the city does Monday
13 through Thursday.

14 Q Okay.

15 A There wouldn't have been anything on Friday, so.

16 Q And then the following Monday, April 29th, 2019, does -- are
17 there further steps that are taken with the criminal investigation?

18 A Yes. A Metro officer, I believe his name is Mead, and the city
19 marshal that's on the FBI task force, they came to my office and -- to
20 meet with me. I don't recall if I knew at the time, but they wanted me to
21 call over to this guy.

22 Q Okay. So you meet with them in your office. Do you discuss
23 the circumstances of what's going on there in person?

24 A Yes.

25 Q And then after your discussions with them -- or during your

1 discussions with them, they ask you if you can call him?

2 A Yes.

3 Q And do you agree to do that?

4 A Halfheartedly, yes. Yes.

5 Q You were not --

6 A I didn't want to talk to this person. I didn't -- I didn't want to
7 play the role of anybody even buying into this stuff. You know, I just
8 didn't want to give him the satisfaction that he's got one over on me.

9 Q Okay.

10 A But I did. I followed through with the instructions.

11 Q And that was so that the investigating detectives could figure
12 out what does this guy really want?

13 A Exactly. Want more details, you know, because of the things
14 that -- everything was left a little vague apparently, as far as their
15 investigation. So they wanted to make sure they had everything and all
16 of thinks thoughts so that they could see whether they're going to do
17 something.

18 Q So that's specifically related to -- when you say, "They
19 negotiate a settlement," as the Defendant had indicated in his letter; is
20 that right?

21 A Yes.

22 Q So at 12:37 p.m. that day, did you pick up the phone?

23 A Yes.

24 Q And dial the number that Mr. Blandino had provided in his
25 two prior letters --

1 A Yes.

2 Q -- here as 702-219-5657?

3 A Yeah. We were in a -- we were in a deposition slash
4 conference room next to my office, and that's where I believe that's
5 where we were and that's where I placed the call from. So there's a
6 speakerphone setup too. It's a telephone, but you can put it on speaker.

7 Q And were these investigators, these task force officers with
8 the FBI, that being the Las Vegas Metropolitan Police Department,
9 Detective Kenneth Mead, and Deputy Marshal Peter Marwitz, were they
10 there with you in the conference room?

11 A Yeah. Marwitz was the name I couldn't remember. Yes, they
12 were both --

13 Q Okay.

14 A -- there.

15 Q And is this call going to be recorded?

16 A Not that I'm aware of.

17 Q Okay. Because that would require a wiretap to do in the state
18 of Nevada, right?

19 A I believe so. I don't mess around with anything like
20 recording. But if they were doing something, I wouldn't have known.

21 Q Okay. But, to your knowledge, it was not recorded?

22 A Correct.

23 Q Okay. And when you call that number, does anybody pick
24 up?

25 A He picked up. It was --

1 Q Who did?

2 A -- his voice. Mr. Blandino. You know, the first time. I think it
3 took a couple rings, he picked up, and he -- you know, it was -- I forgot
4 what time it was, but he sounded a little disheveled over the phone, but
5 it definitely was that voice, the voice that I had heard at the law firm and
6 the voice that was at the court -- you know, the courthouse, and through
7 that lovely trial.

8 Q Okay. And do you introduce yourself?

9 A Yes.

10 Q What do you say?

11 A You know, I believe I asked -- when I make calls, it's usually,
12 "Hi. Is so and so there"? So, "Hi. Is Kim Blandino or is Mr. Blandino
13 there, please"? And they -- I believe they said something like,
14 "Speaking." I go, "Hi, I'm Michael" -- you know, "This is Michael
15 Federico." You know, it's been a while. I can't remember everything or
16 that much really. But generally that's the way it was. And he was
17 stunned, almost giddy about the fact that he was talking to me, or at
18 least he thought so. And I think he double-checked and asked me a
19 couple of things to screen me to make sure it was me. I don't remember
20 exactly.

21 But there was a point of almost giddiness, and he said a few times
22 throughout this conversation, "I just can't believe I'm talking to Michael
23 Federico right now." And I'm thinking to myself fortunately, well, you're
24 not really talking to me, you're talking to, you know, the government
25 through me, because I'm not going to say this kind of stuff without being

1 directed.

2 Q And so you introduced yourself. You said it's you. You
3 didn't tell him that these task force officers, Detective Mead and
4 Marshal Marwitz, are there in the room with you?

5 A No, I didn't tell him that.

6 Q And they didn't say anything so that he could be alerted to
7 their presence?

8 A Correct.

9 Q And you and Mr. Blandino had a conversation on the phone?

10 A Yeah. It was long I mean. And I didn't even talk that much.
11 He -- he talked a lot. I think the call might have -- I mean, I don't know,
12 what the time would have been, but I think it was 15, 20 minutes.
13 And the goal there was to get him to complain what he wanted, and the
14 officers gave me some suggestions. Like, for example, I think I think I
15 said, "do you want me to change a ruling on something? Do you want
16 me to like reverse or vacate your contempt"?

17 You know, things that you would never ever, ever do as a -- a
18 judge, at least that walks a straight line. I was just trying to come up
19 with things on my own. What things would I never do or never listen to?
20 And, you know -- you know, it made me feel bad for myself because I
21 mean I didn't want to say these things. But --

22 Q Well --

23 A -- we're trying -- try to get him to come out and talk more.

24 Q Fair to say that the law enforcement officers --

25 A Uh-huh.

1 Q -- they were giving you -- they passed you a couple notes
2 with questions, right?

3 A When I wasn't getting anywhere -- because he wanted -- he
4 insisted, insisted upon meeting in person. This guy wanted to be within
5 my presence. He wanted --

6 Q And --

7 A -- to meet and he was insistent upon it. So when I was failing
8 and I guess with my -- what I was supposed to be trying to do there, they
9 started pass -- they passed a few notes. I think they showed a couple. I
10 don't remember exactly. But I know --

11 Q Okay.

12 A -- that there was at least two notes passed to me with some
13 ideas as we were listening to him ramble on and ramble on. And I did
14 present them --

15 Q And --

16 A I presented them to you guys.

17 Q And so you indicated that you'd asked him, "What do" -- like,
18 "What do I have to do"? "What" -- "What is the settlement here"? Is that
19 kind of what --

20 A Yeah. "What's" -- yeah. "What's it going to take to get rid of
21 you," basically. And then when he wanted --

22 Q And his --

23 A -- to meet in person --

24 Q -- his --

25 A -- I tried to offer him stuff.

1 Q So his response to most all of that was wanting to meet you
2 in person?

3 A He was extremely, extremely insistent. This guy just wanted
4 to be in my presence, you know. Couldn't shake him off that. I mean I --
5 I obviously failed at what I was trying to do initially because he just
6 insisted. Also all I remember from it. He just rambled on and, "We've
7 got to meet. We have to meet. I need to see you." You know, it was a
8 little scary, but obviously I had a goal in mind to try to get him to open
9 up and say what he wanted.

10 Q And you said that you had specifically asked him at one
11 point, "do you want me to remove the contempt time"?

12 A It was something like that. I don't remember exactly. It's
13 been several years.

14 Q And he said, "No," as you recall?

15 A I don't remember what his answer was. I think no matter
16 what I offered him, he just wanted to meet in person.

17 Q Okay.

18 A That was -- that's all I really heard. I mean I didn't even hear
19 some of -- half the stuff because he kept rambling on and going on
20 about -- probably about religious beliefs or whatever. I mean it was
21 incoherent and too fast. When people talk too fast, you can't
22 comprehend what they're saying.

23 Q Okay. And so as you're sitting there talking to these
24 detectives and they passed you these notes; is that right?

25 A Well, we weren't really talking. We were -- there was facial --

1 Q I'm sorry.

2 A -- gestures, like I'm going [indicating].

3 Q Talking to --

4 A Yeah.

5 Q -- Mr. Blandino, the detectives are passing you notes, right?

6 A That's correct.

7 Q And you had saved some of those notes?

8 A I did.

9 Q There's two notes, right?

10 A Yes.

11 Q And I have those here as -- admitted by stipulation as State's

12 Exhibit 33 and State's Exhibit 34. I'm showing you those on the screen.

13 Are these the notes?

14 A Yes.

15 Q Okay. So we're looking at State's Exhibit 34. Does this

16 indicate -- these are notes that were written by the detectives?

17 A Yes.

18 Q Or one of the detectives?

19 A Yes.

20 Q The first one, what does that say?

21 A It looks like it's in different handwritings. None of it's my

22 handwriting. It's either Marwitz or Detective Mead. I don't know who

23 wrote what. I don't remember. It was kind of on the fly as I'm like, "Hey,

24 I don't have anything to offer." Anyway.

25 This note says, "I'm an attorney. I'm not going to go blind in

1 negotiations. Trying to get clarification prior to" -- it looks like "meeting."
2 And then, "Ask what happens if I don't agree to meet."

3 Q Okay. I'm showing you State's Exhibit 33. The last one was
4 34. Are these two notes here?

5 A Yeah. It looks like the same handwriting, 1 and 2. 1 says,
6 "What are your terms of settlement"? And number 2 is, "What do you
7 want to see happen"?

8 Q Okay. And these were the detectives' notes?

9 A One of them. I don't know which one. I don't know which
10 one was passing them.

11 Q One of the -- one of the two detectives wrote all of these
12 notes?

13 A I think they both wrote some, because I -- there might be two
14 different handwritings. But I don't know which -- who wrote what.

15 Q Okay. These were not your personal notes?

16 A None. I wasn't --

17 Q Because these --

18 A -- taking any.

19 Q -- were given to you during the call?

20 A Yeah. They were -- we were at a big table, and they were
21 kind of showing them to me or -- as I'm like putting my hands up like, "I
22 can't get this guy to agree to sell me something."

23 Q Okay. And nowhere in the detectives' notes do they say, you
24 know, "Hey, I'll give you an apology, I'll remove your contempt time, I'll
25 pay you money," any of that, right?

1 A Right. There was no -- there was no offers. And I wouldn't
2 have said anything like that --

3 Q Okay.

4 A -- I mean even under, you know, request.

5 Q During this entire call, you made no offers to do anything; is
6 that right?

7 A Correct. We wanted his offers.

8 Q What he was looking for?

9 A Right. More details because he was vague.

10 Q And so ultimately -- this calls on for a while, and
11 Mr. Blandino's wanting to meet with you. Was that ever a
12 consideration?

13 A It wasn't going to happen as far as I was concerned.

14 Q Okay.

15 A You know, especially with anyplace that didn't have, you
16 know, metal detectors or anything because anything can be used as a
17 deadly weapon. And, you know, I'm not going to go down like that, you
18 know.

19 Q Okay. So what do you guys end up agreeing upon?

20 A That he would provide me with some kind of terms of
21 agreement. I don't remember what it was called. It probably wasn't
22 called a release or settlement agreement, but, "Send me something in
23 writing." And I believe I gave him my office email address so that they
24 could do so. And he agreed to it.

25 Q And you confirmed his email address as well, right?

1 A And I believe it was the same one on all those other
2 documents that we went over.

3 Q And he had provided that to you during the call?

4 A Yes.

5 Q And then around approximately 12:58 p.m., that phone call
6 ended; is that right?

7 A Most likely, yes. I wouldn't know an exact time, but
8 whatever -- yes.

9 Q Okay. And is it fair to say that the call ended with kind of that
10 being what was settled upon by you and Mr. Blandino is Mr. Blandino
11 would think about what he wants, and he would send you whatever he
12 wants?

13 A Right. "Make me an offer." That's --

14 Q Okay.

15 A That was the -- that was the goal. "Make me a" -- "Make me a
16 detailed offer to wrap everything up."

17 Q And this was all based upon Mr. Blandino having now twice
18 in April of 2019 come to you seeking something from you --

19 A Correct.

20 Q -- what he called settlement?

21 A Seeking something from Judge Federico basically.

22 Q Now, a couple days pass by; is that right?

23 A Yes.

24 Q And on May 2nd, 2019, you end up getting one email from
25 Kim Blandino; is that right?

1 A Yes.

2 Q Okay. I have here what's been admitted by stipulation as
3 State's Exhibit 5. It's multiple pages. Do you recognize what it is we're
4 looking at here?

5 A That's -- on the top, that's emailing this to myself, so it
6 doesn't get deleted because, you know, you have things sent or you're
7 supposed to clean out your email box every once in a while so that the
8 service doesn't get I guess overloaded at the office. And so the bottom
9 email is a -- it says Kim Blandino and then his email address. Thursday,
10 May 2nd, 2019, 8:20 p.m. He sends me -- it says, "Draft of Settlement
11 Agreement." And he says, "Here's the proposed draft of settlement
12 agreement." Like I said, up on top, it's just me sending this to myself so
13 that it doesn't get purged.

14 Q All right.

15 A In other words -- yeah.

16 Q Now -- so you indicated that you had emailed it to yourself to
17 make sure it was saved?

18 A Yeah. And kept on top of my emails because I get a lot of
19 emails every day at the office.

20 Q Okay.

21 A Even back then.

22 Q And that had Federico Proposed Settlement as an attachment
23 to it, a PDF?

24 A That's what it says there.

25 Q Okay. And that was on the original email; is that correct?

1 A Yes.

2 Q And so it indicates that this email was sent by Mr. Blandino
3 May 2nd, 2019 at 8:20 p.m.; is that right?

4 A Yes.

5 Q To you, Michael Federico?

6 A Yes.

7 Q And was that at your work email that you had provided?

8 A Yes.

9 Q And the subject line is what?

10 A "Draft of Settlement Agreement." That was from
11 Mr. Blandino.

12 Q Okay. That's something that was typed on Mr. Blandino's
13 end as the subject?

14 A Yes.

15 Q And then what does it say there?

16 A "Michael, attached is proposed settlement" -- I'm sorry,
17 excuse me. "Michael, attached is proposed draft of settlement
18 agreement. If acceptable, you can sign, and I can get to your office same
19 day or next day to sign same original. Let me know expeditiously [sic].
20 Kim Blandino," and his telephone number.

21 Q Okay. And his telephone number is 702-219-5657?

22 A That's the phone that we called him on I believe.

23 Q Okay. Turn to the next page. Is this the attachment here, the
24 first page of the attachment which he had had as a PDF, the Proposed
25 Settlement Agreement?

A Yes. That attachment got to my office through one of his emails, yes.

Q Okay. Now --

A If I'm going to read anything, I wouldn't mind --

Q Yeah.

A -- having a hard copy. It's a --

Q Yeah.

A -- little easier than looking at that.

[Counsel confer]

MR. DICKERSON: All right. May I approach, Your Honor?

THE COURT: You may.

BY MR. DICKERSON:

Q I just have a copy of it. I've shown it to Defense counsel.

You can go ahead and review that so that it's easier for you to read from it.

A I appreciate it.

Q Yeah. No problem.

Okay. So, again, like we did with the last ones, here we are, State's Exhibit 5, starting with the top, what does -- what was it that Mr. Blandino titled this document.

A "Settlement Agreement and Release."

Q Okay. What is a settlement agreement?

A It's an agreement between parties to resolve a matter. In my realm, it's usually an injured party and the defendant or the non-claimant agrees to pay something in exchange for not bringing suit or dismissing

1 a suit. You know, a personally injury. Like all the commercials you see
2 on TV, that's where you see these usually.

3 Q But you never tell somebody that you're not going to file
4 criminal charges against them?

5 A No.

6 Q That would be unethical?

7 A From what I see on the news, you go to jail for that.

8 Q Illegal?

9 A Yes.

10 Q So you don't do that in any settlement agreements that you
11 worked on?

12 A No. Never. That's not worth my license.

13 Q Or here you refer to holding back charges with the Nevada
14 Commission on Judicial Discipline; is that right? That's what --

15 A Where --

16 Q -- that's --

17 A Where are you? I apologize.

18 Q That's what this document contains?

19 A Oh, yes.

20 Q So let's start from the top. It says, "This Settlement
21 Agreement and Release," and then in parentheses and quotes,
22 'Agreement.'" What does that indicate?

23 A Basically we are going to agree to some terms and in
24 exchange, he's going to I guess release me from his right to make more
25 complaints.

1 Q So we'll know as we go through this document, as
2 Mr. Blandino's titled it, agreement, it would be referring to this overall
3 document; is that right?

4 A That's correct.

5 Q Okay.

6 -- "is made between the following parties," and what does it
7 say from that point.

8 A "Complainant, Kim Blandino, Pro Se litigant and investigative
9 journalist and volunteer unpaid investigator for the Commission On
10 Judicial Discipline," in quotes, parentheses -- I'm sorry -- in parentheses,
11 quote, 'NCJD,' end quote, end parentheses."

12 Q Okay. I'll stop you right there.

13 A Uh-huh.

14 Q So here Mr. Blandino has again identified himself as one of
15 his capacities being a volunteer, unpaid investigator for the Commission
16 On Judicial Discipline?

17 A Correct.

18 Q And he's holding himself to you in this alleged settlement
19 agreement in that capacity?

20 A Yeah. Basically an official trying to strong-arm me to do
21 something.

22 Q Okay.

23 A That's how I looked at it.

24 Q And then underneath that, that -- and just to be clear, that
25 identifies complainant. Is that something that we're going to see written

1 throughout this document?

2 A I believe so.

3 Q So --

4 A He speaks in the first person a lot too, obviously.

5 Q Where we see Complainant, would that refer to
6 Mr. Blandino?

7 A According to his writing, yes.

8 Q Okay. And then below that, there's a numeral 2; is that right?

9 A Yes.

10 Q And that identifies Respondent; is that right?

11 A Yes.

12 Q And who does that identify as the Respondent?

13 A "Michael Federico," in, quote, 'Federico.'" In other words --

14 Q Okay.

15 A -- that's what he's going to refer to me as in here is Federico.

16 Q So you're going to either be referred to as Respondent or
17 Federico?

18 A According to that line, yes.

19 Q And, based upon the line above, Mr. Blandino's either going
20 to be referred to as Complainant [sic] or Kim?

21 A Yes.

22 Q Okay. And then following through on number two, how does
23 it address you as Mr. Federico, the Respondent?

24 A It says, "Respondent, Michael Federico, Alternate Judge for
25 Department 20, Courtroom 1C, Las Vegas Municipal Court, at the

1 Regional Justice Center, RJC, on April 25th, 2019 for the morning
2 session."

3 Q Okay. So this is sent to you in your capacity as a Judge Pro
4 Tempore?

5 A Yes.

6 Q And then below that, what does it say?

7 A "From time to time herein, all of these parties may be
8 referred to collectively as the, quote, 'settling parties,' end quote."

9 Q Okay. So this top of this document here has defined who's
10 involved in it; is that right?

11 A Yes.

12 Q And how they're going to be referred to throughout this
13 document?

14 A Yes.

15 Q Then we go down, Roman Numeral I, it says, "Recitals"; is
16 that correct?

17 A Yes.

18 Q And what is contained under there?

19 A You want me to read it all?

20 Q Yeah. Please go section by section.

21 A Okay. 1.1, "Kim has presented to Federico a document on
22 April 25th, 2019 at his office at 9950 West Cheyenne, Las Vegas, Nevada
23 89129, which is hereto as Exhibit 1S, offering to settle various issues
24 without having to involve the NCJD. Exhibit 1S establishes the incident
25 at hand for which Kim has complaint against Federico for the activities

1 on April 25th, 2019, as described herein and alluded to in paragraph 2
2 above."

3 Q Okay. There's a lot there. So, "Kim has presented to
4 Federico a document on April 25th, 2019 at his office at 9950 West
5 Cheyenne, Las Vegas, Nevada." So specifically there, Mr. Blandino is
6 indicating -- referring back to the document we just went over --

7 A This --

8 Q -- he dropped off at your office on April 25th, 2019?

9 A I believe that refers to that second writing that I talked about
10 this morning.

11 Q Right. Which you brought in, and it is contained as State's
12 Exhibit 1, 1 -- within State's Exhibit 1 as 1A and 1B?

13 A Yes.

14 Q Okay. It indicates within State's Exhibit 5 here that that was
15 attached as Exhibit 1S, right?

16 A Yes.

17 Q In fact, the PDF document you got, as we flip through it here,
18 on May 2nd, 2019, didn't contain any attachments?

19 A I don't believe so.

20 Q And so it -- despite the fact that the body of this document --
21 referring to Exhibit 1S -- it was not included when you first received it?

22 A I think he forgot.

23 Q Okay. And we'll find that out later on because you get a
24 follow-up communication from Mr. Blandino, correct?

25 A It was like a day or two later saying, "Oh, I forgot to attach

1 this."

2 Q Okay. Now, we go on. Here, still looking at 1.1, the -- he
3 indicates there, the -- that document from April 25th, 2019 is "offering to
4 settle various issues without having to involve the NCJD"?

5 A Correct.

6 Q And we know from Mr. Blandino's prior writings what he is
7 referring when he says NCJD; is that right?

8 A Nevada Commission on Judicial Discipline.

9 Q Okay. And then it goes on that, "That exhibit establishes the
10 incident at hand for which Kim has complainant": -- "complaint against
11 Federico for the activities of April 25th, 2019" --

12 A Yes.

13 Q -- correct?

14 A Yes.

15 Q And then it goes on to 1.2. What is indicated in 1.2?

16 A 1.2, that, "Kim has previously come to Federico's office at the
17 aforementioned address weeks ago in the hopes of catching Federico in
18 said office to speak face-to-face and man-to-man about resolving issues
19 from 2018 of complaint by Kim against Federico."

20 Q Okay. So this particular portion here, Mr. Blandino is
21 specifically mentioning that he was at your office before?

22 A Admissions, yeah.

23 Q And he was there to talk about events from 2018?

24 A That's correct.

25 Q Based upon your testimony, the only events that existed in

1 2018 was the traffic trial in August that you presided over, right?

2 A Yes.

3 Q Okay. And here in 1.2 Mr. Blandino further indicates that he
4 was "hoping to catch you off" -- "hoping to catch you at your office to
5 speak face-to-face and man-to-man about those issues"; is that right?

6 A That's what it says.

7 Q Okay. And then we go to 1.3. What does that say?

8 A "Because Federico was not at said office, Kim wrote an
9 impromptu note to Federico to hopefully resolve issues without having
10 to file with the NCJD. A copy of said impromptu note is attached as
11 Exhibit 2S, which Kim left with the receptionist at 9950 West Cheyenne."

12 Q So the 1.3 section appears to refer to State's Exhibit 2A and
13 2B that you've previously testified about?

14 A Yes.

15 Q Is that right?

16 A Yes.

17 Q There Mr. Blandino's putting it right out there that he was up
18 at your office again and gave the note that he wrote to your receptionist?

19 A No shame making these admissions again.

20 Q Okay.

21 A I mean laying it out, pretty much what happened.

22 Q And then we go to 1.4. What does that say?

23 A 1.4, that, "As stated in the 1S and the exhibits attached
24 thereto, Federico ordered" -- "ordered Kim out of the courtroom, 1C, on
25 April 25th, 2019 for the stated reasons of Kim having visited Federico's

1 office. Said order demands Kim leave within ten seconds under the
2 threat of being found in contempt and put in jail. That Kim was thus
3 denied" -- on the next page -- "the ability to report and investigate
4 Federico's activities from the bench in an open courtroom on the
5 aforementioned date."

6 Q Okay. And then that appears to deal exactly with what you
7 had previously testified to, the April 25th court date where he just shows
8 up in your courtroom when he's not on calendar?

9 A Yes.

10 Q Okay. What about 1.5? Can you read that to us?

11 A Sure. 1.5, that, "On April 29th, 2019 at 12:37 p.m., the
12 Respondent did call Complainant on the phone, and they did speak to
13 each other for approximately 18 minutes."

14 Q Okay. I'm going to stop you right there.

15 A Uh-huh.

16 Q Respondent. It says, "Respondent did call Complainant."
17 Based upon what we saw earlier, that you, sir, did call Mr. Blandino,
18 correct?

19 A The one where I was with the police officer, yes.

20 Q Okay. That's the same date, April 29, 2019?

21 A Yes.

22 Q And Mr. Blandino has indicated here that it was at 12:37
23 p.m.?

24 A Yes.

25 Q Okay. And then what does it say -- go on from that point.

1 A I'm sorry. Where did I stop?

2 Q Start, "Respondent did call Complainant on the phone."

3 A Oh. Let me start with that, "On April 29, 2019 at 12:37 p.m.,
4 the Respondent did call Complainant on the phone, and they did speak
5 to each other for approximately 18 minutes. And the Respondent asked
6 Complainant what it would take to settle issues, and the Complainant
7 told the Respondent that, at a minimum, an apology would be needed,
8 that Complainant told the Respondent that the Complainant would get
9 back to Respondent about a settlement and took down on paper the
10 Respondent's email. That this draft document represents Complainant's
11 good faith effort to resolve" -- I'm sorry -- "to settle matters for the
12 April 25th, 2019 incident."

13 Q Okay. So here, this section, 1.5, Mr. Blandino's indicated
14 what he recalls of your phone conversation with him; is that right?

15 A Yes.

16 Q That during the call you had said, "What would it take to
17 settle this," correct?

18 A Yes.

19 Q And that he said he's going to need some time to think about
20 it, essentially?

21 A I think that was at the end of the call --

22 Q Yeah.

23 A -- when he -- when he finally agreed.

24 Q And so he says he'll get back to you, correct?

25 A Yes.

1 Q And this document here is him getting back to you?

2 A Yes.

3 Q Now --

4 A The first time anyway, yes.

5 Q -- Roman Numeral II, that's entitled, "Agreement." Do you
6 see that section?

7 A Yes.

8 Q It starts at 2.1 as the first paragraph. Can you read that for
9 us?

10 A Yes. "In consideration for the terms set forth herein,
11 Complainant shall accept the lump sum of \$25 for the repayment of the
12 cost of the JAVS for the April 25th incident that was already ordered by
13 Kim on April 25th, 2019."

14 Q Okay. I'm going to stop you right there. So the \$25 -- this
15 first paragraph of the section marked as 2.1 indicates that Kim Blandino
16 will accept \$25 from you?

17 A Yes.

18 Q And then he specifically mentions that it's related to paying
19 him back for the JAVS?

20 A Correct.

21 Q Which is, as we know, the video system in the courtroom?

22 A Yes.

23 Q Okay.

24 A Yeah. This is it right here. It says JAVS right in front of me.

25 Q There you go. Right here on this --

1 A I never -- I never noticed it before. So, yes.

2 Q Now, that section goes on.

3 A There's more.

4 Q Up here it says, "In consideration," it starts off that way.

5 Does that term mean anything to you?

6 A It's kind of a legal term of art; consideration. In other words,
7 to have some kind of contract. Like, you know, if you -- I want you to do
8 something, there has to be some consideration, otherwise there's no
9 way to bind the person that agreed to it to actually do the -- whatever we
10 agreed to. In other words, "Hey, can you go get my mail"? Well, there's
11 no contract there because there's no consideration. "Hey, if I give you
12 \$25, can you go get my mail today, and then I rely upon that later on,
13 then you can kind of be in trouble for breaching a contract.

14 Q So --

15 A So it's a term of art in contracts.

16 Q -- in a context where it's not a legal contract, this would be
17 like a quid pro quo?

18 A Quid pro quo is legal mumbo jumbo, so to speak.

19 Q So this would be a quid pro quo? This -- Mr. Blandino is
20 telling you, "This is what I will accept from you" --

21 A Yes.

22 Q -- in this section; is that right?

23 A Yes.

24 Q Okay. So, number one, he'll accept \$25 from you?

25 A Yes.

1 Q And then we go on starting at the second paragraph of 2.1
2 and beginning with, "Additionally." Can you read that to us?

3 A Yes. "Additionally, the Respondent shall apologize and" --
4 "apologize in writing prior to May 30th, 2019 to Complainant for ordering
5 Complainant out of Courtroom 1C of the RJC on April 25th, 2019 within
6 ten seconds under threat of being in contempt and put in jail and
7 acknowledge that Complainant has a right to observe court proceedings
8 in the future unless proceedings are specifically sealed or closed to the
9 public."

10 Q Okay. He says he'll now -- Respondent, you, Mr. Federico, in
11 your capacity as a judge, as he indicated here, right --

12 A Yes.

13 Q -- shall apologize to him in writing?

14 A Yes.

15 Q Okay.

16 A And this is only for that one day. It wasn't for the other trial
17 or --

18 Q Judges issue writings at times; is that right?

19 A Say that again. I --

20 Q Judges --

21 A -- interrupted.

22 Q In your capacity as a judge, if you issue a writing, would that
23 generally be called an order?

24 A Correct.

25 Q Okay. So a written writing by a judge is generally something

1 that has some legal effect?

2 A Yes.

3 Q And here he wants you to have a writing where he -- where
4 you apologize to him?

5 A Yes.

6 Q As well as --

7 [Interruption by Siri]

8 MR. DICKERSON: Yeah, Siri is going off here.

9 BY MR. DICKERSON:

10 Q So in addition to asking for the apology, he wants you to also
11 acknowledge that he, Mr. Blandino, has a right to observe court
12 proceedings in the future unless the proceedings are specifically sealed
13 or closed to the public?

14 A Correct.

15 Q So he wants you in your capacity as a judge to write a
16 document that says, "I'm sorry, and you have all these rights," essentially
17 saying, "I can't kick you out of my courtroom ever"?

18 A Yes.

19 Q Okay. Despite the fact that he's showing up to your private
20 law office?

21 A Right. This is all -- yeah, he's only talking about April 25th
22 here so far.

23 Q Okay. And then we go on to the next paragraph of 2.1 that
24 begins with, "Additionally." What does that say?

25 A "Additionally, Respondent agrees to complete at his own

1 personal expense, quote, 'ethics, fairness, and security in your
2 courtroom and community,' unquote, in person in Reno October 21st
3 through 24th, 2019, or, in the alternative, to pay \$500 to Clark County
4 Law Library and give a copy of any receipt to Complainant prior to
5 October 31st, 2019."

6 Q Okay. So here he wants you, Mr. Federico, in your capacity
7 as a judge Pro Tem to go complete some class?

8 A Apparently, yeah, a multiple-day class in Reno.

9 Q Okay. A clasps in Reno, Nevada, lasting from October 21st
10 through October 24th, 2019?

11 A Yes.

12 Q Can you get -- you need to pay for that class?

13 A Apparently know.

14 Q You need to travel up to Reno?

15 A Yes.

16 Q And you need to go take whatever class this is?

17 A Yes.

18 Q And then, or you'll have another option; is that right?

19 A Yes.

20 Q You pay \$500 to the Clark County Law Library?

21 A Yes.

22 Q So now we have in 2.1, pay him \$25, right?

23 A Yes.

24 Q Given him -- give him an apology where you also
25 acknowledge that he has the right to be in your courtroom?

1 A Yes.

2 Q And either travel up to Reno for several days in October and
3 take a class or pay \$500 to the Clark County Law Library?

4 A Yes.

5 Q So four specific things that he wants you to do, the last two
6 of them, it's your choice?

7 A Correct.

8 THE COURT: Okay. Mr. Dickerson, we need to stop now.

9 MR. DICKERSON: Okay. Thank you, Your Honor.

10 THE COURT: During this recess, you're not to discuss or
11 communicate with anyone, including your fellow jurors, in any way
12 regarding the case or its merits either by voice, phone, email, text,
13 Internet, or other means of communication or social media, or read,
14 watch, or listen to any news or media accounts or commentary about the
15 case, or do any research, such as consulting dictionaries, using the
16 Internet, or using reference materials, make any investigation, test the
17 theory of the case, recreate any aspect of the case, or in any other way
18 investigate or learn about the case on your own, or form or express any
19 opinion regarding the case until it's finally submitted to you.

20 We're going to be in recess now until 12:30. So we're going
21 to take our lunch. I have to do some other hearings now. So we'll be in
22 recess until 12:30. And Officer Hawkes will greet you and bring you in
23 when we're ready. Thank you.

24 THE MARSHAL: All rise for the exit of the jury.

25 And jurors can leave your notebooks.

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[Court and Clerk confer]

[Jury out at 10:52 a.m.]

[Recess taken from 10:52 a.m. to 1:12 p.m.]

THE MARSHAL: Please come to order, court is now back in session. Thank you, everyone.

THE COURT: Okay. Anything outside the presence?

MR. DICKERSON: No, Your Honor. Oh, you do.

MR. BATEMAN: Well, we just - Your Honor, I did have an opportunity of -- with the -- what are their names?

MR. BLANDINO: Det. Mead and --

MR. BATEMAN: Yeah, Det. Mead and is it Marshal Marwitz? Their notes that they took during the phone call, they have them with them. I did, just now, have an opportunity to go in there and meet with them and review their handwritten notes of the phone call on the 29th of April. So I just want to make that record. I did get a chance just now to review those notes.

MR. DICKERSON: And we just became aware today, right before Mr. Bateman went to go look at those notes, that those notes existed. We did not have those in our possession. So they brought them with them, and we gave Mr. Bateman the opportunity --

THE COURT: How did you know they had them? They told you?

MR. DICKERSON: Yeah.

THE COURT: Okay. All right. But you've had an opportunity to review them?

1 MR. BATEMAN: Yes, I did.

2 THE COURT: Okay. We can bring the panel in.

3 THE MARSHAL: Yes, ma'am.

4 All rise for the jury, please.

5 [Jury in at 1:14 p.m.]

6 THE COURT: Okay. Does the State stipulate to the presence
7 of the jury panel?

8 MR. DICKERSON: We do, Your Honor.

9 THE COURT: And the Defense?

10 MR. BATEMAN: Yes, Your Honor.

11 THE MARSHAL: Thank you. Everyone please be seated.

12 THE COURT: You may continue with your direct
13 examination.

14 DIRECT EXAMINATION CONTINUED

15 BY MR. DICKERSON:

16 Q So we left off, we were at -- we were on State's Exhibit 5,
17 which I put up on the screen here for you.

18 A Will I be able to have my copy back?

19 Q Yeah, absolutely.

20 A I know you took it. If not, it's fine.

21 Q No, it's fine.

22 MR. DICKERSON: May I approach, Your Honor?

23 THE COURT: You may.

24 MR. DICKERSON: Thank you.

25 BY MR. DICKERSON:

1 Q We're going to be on page 2 of the document --

2 A I got it.

3 Q Specifically at the section that is marked 2.2.

4 A Yes.

5 Q Okay. So we just completed going through 2.1; is that right?

6 A Yes.

7 Q Where Mr. Blandino had requested \$25 payment from you?

8 A Yes.

9 Q An apology in writing?

10 A Yes.

11 Q Your acknowledgement that he can observe any court
12 proceedings in the future.

13 A Yes.

14 Q And then you going to a class in Reno from August 21st
15 through 24th, 2019 and/or paying \$500 to the Clark County law library.

16 A Yes.

17 Q And the last payment to the Clark County law library had to
18 take place before October 31st, 2019.

19 A Yes.

20 Q Now, the next section below that, is that 2.2?

21 A Yes.

22 Q Can you please read that to the ladies and gentlemen of the
23 jury?

24 A Respondent's and released parties are not responsible for
25 distribution or a portion of lump sum settlement proceeds that

1 complainant Kim is solely responsible for returning said \$25 to the party
2 that gave Kim the \$25 to remit to the court for said JAVS and the
3 respondent has no responsibility for any distribution of the
4 aforementioned funds. That the complainant shall defend, indemnify
5 and hold respondent, the released parties and their counsel harmless
6 from and against any claims or disputes arising between complainant as
7 to a portion and/or distribution of the aforementioned sum.

8 Q Okay. Go on to the next page. State's Exhibit 5.

9 A 2.3?

10 Q 2.3 at the top of what is marked as page 3 at the bottom.

11 A The settling parties each agree to bear their own costs and
12 attorneys' fees, if any, and complainant shall and hereby do expressly
13 release any and all claims against the respondent and the released
14 parties for attorneys' fees, cost, and investigation expenses and travel
15 expenses as set forth more fully below.

16 Q Okay. And then below we have a section with a Roman
17 numeral III entitled Release; is that correct?

18 A Yes.

19 Q Okay. Can you please read that paragraph underneath
20 release?

21 A You mean starting for purposes?

22 Q Yes, sir.

23 A For purposes of this release and this agreement, the term
24 "related persons" shall include for each releasing or released party any
25 and all of that party's past, present and future agents, attorneys, experts,

1 partners, legal representatives, heirs, administrators, trustors, trustees,
2 beneficiaries, assigns.

3 Q Okay. And then below that it starts at section 3.1; is that
4 correct?

5 A Yes.

6 Q Okay. Can you please read 3.1?

7 A "Release as a consideration for the promise made herein, the
8 complainant does, on behalf of himself and his related persons, does
9 hereby release and forever discharge respondent and all released parties
10 and each of their related persons from any and all actual potential
11 claims, demands, actions, suits and causes of action of whatsoever kind
12 and nature at law or in equity, whether known or unknown arising out of
13 or related to (1) any and all occurrences on April 25th, 2019 between
14 complainant and respondent, including any complaints to the NCJD."

15 Q Okay. Again, the complainant in this particular document, as
16 Mr. Blandino has referred to himself, is Mr. Blandino as indicated on the
17 first page of this document; is that correct?

18 A Yes.

19 Q And then the respondent is you, sir, Mr. Federico?

20 A Yes.

21 Q So in looking to 3.1 it indicates that word again,
22 consideration, the quid pro quo; is that right?

23 A Yes, sir.

24 Q So in consideration, in the quid pro quo, for you paying the
25 \$25, apologizing in writing, taking the class or paying the \$500 to the

1 Clark County law library, is that he is -- Mr. Blandino's agreeing here that
2 he will release you, Mr. Federico, from any and all claims related to the
3 April 25th, 2019 court appearance or in court event; is that right?

4 A Yes.

5 Q And that he specifically says here, including any complaints
6 to the NCJD, which we know to be Nevada Commission on Judicial
7 Discipline.

8 A Yes.

9 Q Okay. Below that section 3.2 can you please read that?

10 A "Waiver: The settling parties and their respective related
11 persons acknowledge and understand that (1) there is a risk that now or
12 subsequent to the execution of this agreement, complainant may have or
13 may discover some claim, loss, right, damage, or cause of action that is
14 unknown and unanticipated at the time this agreement is signed; and (2)
15 that some claim, loss, right, damage, or cause of action which is
16 presently known or which should be known may become more serious
17 than now expect or anticipate.

18 "Nevertheless, complainant and the respective related persons
19 hereby expressly waive all rights they may have in such unknown and
20 unexpected consequences or results as if those claims, losses, rights,
21 damages, or causes of action were known or should have been known to
22 the settling parties at the time of this agreement.

23 "The settling parties and related persons agree that this agreement
24 shall be given full force and effect in accordance with each and all of its
25 express terms and provisions relating to unknown and unsupported

1 claims, losses, rights, damages or causes of action to the same effect as
2 those terms and provisions relating to any other such claims released
3 herein.

4 Q Okay. There's one word there that's three lines up, at the
5 end of the -- that line, instead of unsupported was it unsuspected?

6 A Unsuspected, yes. That was my fault..

7 Q And then below that we have section 3.3; is that right?

8 A Yes.

9 Q Can you please read that.

10 A Covenant not to sue. Complainant covenant and agree that
11 he has not and shall not bring any other action, claim, suit or proceeding
12 against anyone, including Michael Federico, in any capacity either
13 individually or in his official capacity for any activities on or about April
14 25th, 2019, including any complaints to the NCJD.

15 Further complainant agrees he will withdraw and otherwise
16 voluntarily dismiss the customer feedback form attached as Exhibit 1L to
17 Exhibit 1S.

18 Q Okay. So here, this is H3 to 4 of the agreement or the
19 documents attached to State's Exhibit 5. This is complainant being Mr.
20 Blandino, correct?

21 A Yes.

22 Q Indicate to you that he has not brought any complaints or
23 claims against you at this point in time.

24 A Yes.

25 Q And then he's saying that he also will not, as a result of you

1 giving him what he's asking for.

2 A Correct.

3 Q And that includes specifically includes any complaints to the
4 NCJD, which we know is Nevada Commission on Judicial Discipline.

5 A Yes.

6 Q Okay. Below that we have section 3.4. Can you please read
7 that?

8 A Authority for release. In addition to the general provisions
9 and authority to enter into this agreement set forth in the recitals,
10 complainant does hereby expressly warrant and affirm that complainant
11 has the authority and capacity to enter into this agreement and provide
12 the releases required hereunder.

13 Q Okay. And if you could please read 3.5.

14 A Reservation of rights pursuant to NRS 101.050. It is
15 expressly agreed by and between the settling parties of this agreement
16 shall not release or discharge co-obligors and that the respondent shall
17 retain and reserve all rights against co-obligors pursuant to NRS 101.050.

18 Q Okay. Did that particular provision have any meaning to
19 you?

20 A I think it suggested that, you know, other people are
21 involved.

22 Q Yeah, and --

23 A Co-obligors.

24 Q And were there?

25 A I mean no. I mean just him and me and him representing

1 himself to be some government official.

2 Q Okay. And then we go to 3.6, this section is titled Death of
3 Respondent Prior to Payment; is that right?

4 A Yes.

5 Q The -- there's a highlight on this section; is that correct?

6 A Yes.

7 Q On 3.6 and 3.7. Do you know where those highlights came
8 from?

9 A No.

10 Q Okay. You don't recall whether you were highlighting those
11 when you first read this document.

12 A I may have; I just do not recall. I probably did because those
13 were ones that stuck out in my mind, but I don't recall specifically doing
14 it --

15 Q Okay.

16 A -- but I can say more likely than not it was me. If it came
17 from me.

18 Q Okay. Now, this 3.6 Death of Respondent Prior to Payment.
19 Respondent is you, Mr. Federico?

20 A Yes.

21 Q Okay. So this is essentially death of Mr. Federico prior to
22 these payments?

23 A Correct.

24 Q Can you please read this for the jury?

25 A Death of Respondent Prior to Payment, that's 3.6. Should the

1 death of the respondent occur after signature of this agreement, but
2 before payment of the above \$25 sum, then the complainant will be
3 entitled to receive the payment from the estate of the respondent by and
4 between -- I'm sorry -- by and because of this provision included herein.

5 Q What is your estate? What is that?

6 A That would be if somebody did something to me and I was
7 deceased and whatever I own goes into an estate, I guess.

8 Q Okay.

9 A Although, I'm married, so she probably would get
10 everything.

11 Q Okay. So here this provision's indicating that if you die
12 before you pay Mr. Blandino \$25, then your estate, your wife, or your
13 family is going to owe him that \$25.

14 A Sounded like it, yes.

15 Q Okay.

16 A Focus in on my death. That's all. I don't know.

17 Q Okay. And then 2.7 under that, what does that indicate?

18 A 3.7 Death of Respondent Prior to Payment to the National
19 Judicial College in Reno for Course Cited Above.

20 Q Okay. And so this, again, death of respondent, this is dealing
21 with the death of you, sir, Mr. Federico.

22 A My demise, apparently, yes.

23 Q Okay. If you could please read that to the jury.

24 A Death of Respondent Prior to Payment to the National
25 Judicial College in Reno for Course Cited Above. Should the

1 respondent's death occur prior to payment for the above-mentioned
2 course or to the Clark County law library, the complainant will be entitled
3 by this provision to the payment that would otherwise have been made
4 to the National Judicial College for tuition from the estate of the
5 respondent by and because of this provision, including herein as the
6 attendance of respondent after death would be rendered moot.

7 The complainant would and will then distribute those above
8 mentioned funds to the Clark County law library for their use.

9 Q Okay. So this is saying that \$500 that he, that Mr. Blandino
10 was asking for, to go to the Clark County law library, should you die then
11 that needs to be paid to him and he indicates that he will distribute those
12 funds to the Clark County law library.

13 A Yes.

14 Q When you read those provisions what, if anything, did you
15 think?

16 A It was a death threat. Absolutely.

17 Q Did you feel concerned?

18 A Yes.

19 Q Below that we have a section that's Roman numeral IV; is
20 that right?

21 A Yes.

22 Q This indicates miscellaneous representations and warranties.

23 A Yes.

24 Q Okay. Can you please read what is marked as section 4.1 of
25 that?

1 A 4.1 Each of the settling parties of this agreement represents
2 and warrants and agrees with each other party here -- I'm sorry hereto as
3 follows:

4 A. Each settling party represents and warrants that it has
5 had the opportunity to seek representation by counsel or to seek advice
6 of counsel with respect to the execution of this agreement. This
7 agreement shall be considered jointly drafted such that no provision in
8 law or in equity whereby a document is construed against the drafter
9 shall have any applicability in the enforcement of the terms herein.

10 B. Each settling party to this agreement has made such
11 investigation of the facts pertaining to the settlement as it deems
12 necessary in order to enter into this agreement.

13 Q On to the next page.

14 A C. The settling parties acknowledge that this agreement
15 represents a good faith settlement of the issues of April 25th, 2019. That
16 this agreement is intended to bar any complaint against the respondent
17 by complainant with the NCJD or any court, board, agency or reviewing
18 entity whatsoever with respect to this issues of April 25th of 2019.

19 Q Okay. So this particular section, subsection C of this portion
20 indicates that this agreement is intended to bar any complaints against
21 you by Mr. Blandino with respect to the Nevada Commission on Judicial
22 Discipline.

23 A Yes.

24 Q Okay. In exchange for you giving everything that he's asked
25 for.

1 A Yes.

2 Q And it also indicates in addition to the Nevada Commission
3 on Judicial Discipline that will also bar any complaint to any court,
4 board, agency, or reviewing entity whatsoever.

5 A Yes.

6 Q Agency could include any government agencies.

7 A Anything and everything. I mean it's very broad.

8 Q Law enforcement?

9 A Yes.

10 Q Okay. But then it specifies that this is respect to the issues of
11 April 25th, 2019.

12 A Just that one day.

13 Q Okay. Then we go on to subsection D, can you please read
14 that and just keep going through.

15 A Settling parties will execute all such further and additional
16 documents as shall be reasonable, convenient, necessary or desirable to
17 carry out the provisions of this agreement. Keep going?

18 Q Yes, please.

19 A E. The prevailing party in any action brought to enforce the
20 terms of this agreement shall be entitled to its attorneys' fees and costs
21 incurred in enforcing this agreement.

22 F. This agreement shall be deemed to have been delivered within
23 the State of Nevada and the rights and obligations of the settling parties
24 hereto shall be construed and enforced in accordance with and governed
25 by the laws of the State of Nevada.

1 G. This agreement may not be modified except through a writing
2 signed by all parties charged or benefited by the modification hereto.

3 H. If any provision in this agreement is held by a court of
4 competent jurisdiction to be invalid, void or unenforceable for whatever
5 reason, the remaining provisions not so declared shall continue in full
6 force and effect without being impaired in any manner whatsoever.

7 I. The settling parties agree that the 8th District of the District
8 Court, Clark County of Nevada, shall retain jurisdiction over this matter
9 for purposes of enforcing any provisions of this agreement, except that if
10 disqualification of judges of the 8th District Judicial Court is required and
11 a judge from another district is required to be assigned to the case, or a
12 change of venue is required by either party, such will be allowed by
13 either party without objection.

14 Q Then there's a bold section at the end, what does that say?

15 A In bold -- I'm sorry. In capitals it says. The settling parties
16 hereby certify that settling parties have read this settlement agreement
17 and fully understand same and in witness whereof, settling parties have
18 executed this agreement in place and on the places and dates set forth
19 opposite their respective signatures below. It is so agreed. And then it
20 has names and declare --

21 Q It says complainants; is that right?

22 A Yes.

23 Q And then it goes on to the next page with signature lines; is
24 that right?

25 A Correct.

1 Q The signature line states, I declare under penalty of perjury
2 that the foregoing is true and correct and that this is my signature below
3 executed on this day -- on this blank day of blank, 2019, followed by Kim
4 Blandino and his address.

5 A Yes.

6 Q And then it says respondent with the same declaration and
7 followed by your name and your work address.

8 A Yes, sir.

9 Q Okay. And that's the address at your law office, correct?

10 A Yes.

11 Q When you received this letter, you received it, apparently
12 sent to you in your capacity as a Las Vegas Municipal Court Judge Pro
13 Tem; is that right?

14 A Yes.

15 Q And you were resident in the State of Nevada at the time,
16 right?

17 A Yes. I was in my law office.

18 Q And you received this letter, the email itself with the
19 attachment at your law office here in Clark County, Nevada.

20 A Yes.

21 Q Okay. Now, that is May 2nd, 2019. Do you then hear from
22 Mr. Blandino the following day on May 3rd, 2019?

23 A I believe so.

24 Q I have here --

25 A The paperwork would have the actual dates, I don't

1 remember the exact dates off the top of my head.

2 Q Okay. Yeah. I have here what's been admitted by stipulation
3 as State's Exhibit 6. So I'm going to publish that, it's a multi-page
4 document, as you can see. Do you see what we're looking at here on the
5 front page?

6 A Yes.

7 Q What is this?

8 A That's the email from the Defendant noting that he forgot to
9 attach Exhibits to proposed settlement and says: Here is that complete
10 package attached. And then it has his name and he's always identifying
11 himself with his name and address. I mean name and telephone
12 number.

13 Q Okay. Same telephone number we've seen this whole time.

14 A Yep. Yes.

15 Q Same telephone number that you'd called him on on April
16 29th.

17 A Same number, yes.

18 Q And the subject line of this particular email says what?

19 A Forgot to attach exhibits to prior email. And then it says the
20 attachments, proposed settlement with exhibits.pdf.

21 Q Okay. This came from that same email address that we
22 talked about before, Kim Blandino's email address,
23 kim43792@earthlink.net; is that right?

24 A Yeah, it's pretty unique because you don't see Earthlink too
25 much.

1 Q And it was sent to your work email?

2 A Yes.

3 Q Okay. When you received this you were also a resident of
4 Clark County?

5 A Yes.

6 Q You received this at your work email located here in Clark
7 County, Nevada?

8 A Yes.

9 Q And this particular email, in fact, had an attachment to it.

10 A Yes.

11 Q That attachment, is that what we're seeing here in the
12 following pages --

13 A Yes.

14 Q -- that are, that make up State's Exhibit 6.

15 A It appears so, yes.

16 Q Okay. We turn the page to the next page and one of those
17 attachments was at the front of it, that same settlement agreement that
18 we just went through.

19 A Yes.

20 Q What is entitled Settlement Agreement and Release, correct?

21 A Yes.

22 Q Which is him giving you his demands that we talked about?

23 A Regarding the one day, the second day that I had an
24 encounter with him.

25 Q April 25th, 2019?

1 A Yes.

2 Q Thought he does mention in here the events of 2018 at 1.2,
3 correct?

4 A Correct.

5 Q Though he's indicating nothing about not releasing you from
6 claims for that day.

7 A Right. He's trying to be sneaky.

8 Q Is that something that you noticed?

9 A Yes.

10 Q And so then we go through that, flipping through the page, is
11 this that same agreement?

12 A I don't have this one in front of me, so --

13 Q Okay.

14 A -- it's a little hard to follow just on --

15 Q As you recall, it was the same agreement that you were sent
16 the day before?

17 A Oh, yes.

18 Q It just had attachments to it.

19 A Correct.

20 Q And now we get to those attachments; is that right?

21 A Yes.

22 Q Exhibit 1S is that what we see here?

23 A Yes.

24 Q Okay. And then that is followed by this letter, you recognize
25 this letter?

1 A Yes.

2 Q So Exhibit 1S was the letter that Mr. Blandino had dropped
3 off to your office on April 25, 2019.

4 A Yes.

5 Q Then that particular letter as you recall had exhibits attached
6 to it.

7 A Yes.

8 Q And so those exhibits that were attached to it ended in what
9 Mr. Blandino had given the letter L at the end; is that right?

10 A Yes.

11 Q And those were attached to the same email PDF?

12 A Yes.

13 Q Okay. Then we go through that, this is that -- flipping that
14 page, this is that Municipal Court complaint feedback or customer
15 complaint feedback form that he had sent you before?

16 A Appears so, yes.

17 Q And then Exhibit 2L which was attached to that, same letter
18 of April 25th, flipping the page on that does this appear to be the same
19 veterans and politics letter that he had attached to that letter?

20 A Yes. It's all the same.

21 Q And then we get to Exhibit 3L, was this also attached to the
22 April 25th letter?

23 A Yes.

24 Q And those are the two Commission on Judicial Discipline
25 letters that were sent to Kim Blandino at his address on 16th Street?

1 A Yes. And Judge Herndon and Judge Baerwins [phonetic],
2 yes.

3 Q Okay. Then we get to this next page after that, it says Exhibit
4 2S. Is that right?

5 A Yes.

6 Q So this would be the second exhibit to the settlement
7 agreement and release as he's titled it.

8 A Yes.

9 Q We turn the page on that, and you recognize this letter?

10 A Yes. That was the original letter, the first delivery he made.
11 Not delivery, but he filled it out at the office.

12 Q So this was the note that he wrote for you on April 8, 2019?

13 A Yes, the one we went over yesterday.

14 Q Okay. So that's April 3rd, you don't respond to Mr.
15 Blandino?

16 A Not right away, no.

17 Q Okay. Though a couple of days later you do on May 9th,
18 2019; is that right?

19 A Sounds about right. It was in email form, so --

20 Q What's that?

21 A It was in an email, I believe.

22 Q Okay.

23 A I never talked to him again on the phone. It's all email so
24 there was a paper trail

25 Q You only had one phone conversation with him that you've

1 already discussed?

2 A Yes.

3 Q And now in responding to him on May 9th, I'm going to
4 show you here what's been admitted by stipulation as State's Exhibit 7,
5 do you recognize what we're looking at here?

6 A Yes.

7 Q Is this again an email, the email chain that you had, and you
8 forwarded it to yourself for archiving?

9 A Yeah, the top with the strikethrough, that's what I did
10 because I was forwarding it back to myself so things wouldn't
11 inadvertently be deleted. Obviously I wanted to keep a copy of this --

12 Q Okay.

13 A -- on the computer, too.

14 So you got to read from the bottom, which is the email -- if
15 you look at the bottom --

16 Q We'll go to that --

17 A Okay.

18 Q We'll go to that next page. So here at the bottom of this
19 page there's an email at the bottom, it says May 3rd, 2019, 3:27 p.m.; is
20 that right?

21 A Yes.

22 Q And its subject line is forgot to attach exhibits prior to email.

23 A Yes.

24 Q Then we turn the page and there's the contents of that.

25 A Right.

1 Q Does that say I forgot to attach exhibits to the proposed
2 settlement, here is the complete package attached with Kim Blandino's
3 name and his phone number?

4 A Right.

5 Q That's the email that we just looked at?

6 A Yes.

7 Q And that was the one that contained, as he called it,
8 settlement agreement and release with the exhibits.

9 A Yes, and that's the one I respond, so if we could just keep a
10 nice, clean email chain.

11 Q So here we have May 9th at 9:20 a.m. is that you sending this
12 email?

13 A Yes.

14 Q To Kim Blandino?

15 A Yes.

16 Q The subject line is the same except it's re forgot to attach
17 exhibits to prior email.

18 A Yes.

19 Q Showing that you responded to his prior email that he just
20 sent on the 3rd.

21 A Yes.

22 Q What do you say there?

23 A I typed in please provide a new proposed global agreement
24 that would cover everything in the past you believe to be negative
25 against me so that I can see it.

1 Your current proposed agreement does not resolve
2 everything you seem to be complaining about and I need a better
3 explanation of what you will attempt to do if I do not agree to your
4 demands.

5 I need to know exactly what you are asking for in exchange
6 for resolving all of your purported "issues," so that I have it in writing to
7 review. Thank you.

8 That was from me.

9 Q Okay. Then that top line, agreement that would cover
10 anything in the past; is that correct?

11 A Anything, yes.

12 Q Not everything.

13 A Sorry if I said that, I've been reading a lot.

14 Q No problem.

15 Q So is this the normal way that you speak?

16 A Not exactly. I mean --

17 Q You were still in consultation with law enforcement officers
18 at this point in time about the investigation that was ongoing?

19 A Yeah, that was in other words, kind of the words of the
20 officers on the telephone call that I took notes down, I believe, or
21 whatever it was, or I might have even typed it. And I said hold on a
22 second, let me on here so I can start to type again.

23 They explained what I should say because they wanted more
24 information because he was vague in some of the terms in that very long
25 agreement.

1 Q And specifically it appeared that he was holding something
2 back as relates to his complaints as they originally were for the August
3 2018 events?

4 A Right. I mean the trial he didn't really mention the date of
5 the trial, which was his original complaint. Suddenly he's trying to do
6 something and just focus on the one day when he showed up to my
7 courtroom when there was an active police investigation and I told him
8 to get out.

9 Q So then he responds to you pretty quickly, is that right?

10 A I believe so.

11 Q Is that his email that we see in response above?

12 A Yes, yes.

13 Q So this is from Kim Blandino, at that same email address; is
14 that right?

15 A Yes.

16 Q May 9th, 2019 at 10:48 a.m.

17 A Yes.

18 Q This is to you, correct?

19 A Yes.

20 Q Again to your work email.

21 A Yes.

22 Q You were receiving this in Clark County, Nevada?

23 A Yes.

24 Q And the subject is, again, re forgot to attach exhibits prior to
25 email, correct?

1 A Yes.

2 Q And what does Mr. Blandino say here?

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

9 What I am asking for is consistent with remedial action, the
10 NCJD has effectuated over decades. I am willing to be flexible and
11 reasonable, yet if the things I proposed are a non-starter for you, I do not
12 want to move forward down a dead end.

13 And then Kim Blandino.

14 Q Okay. And there was an attachment to that?

15 A Yes.

16 Q And that attach --

17 A There was.

18 Q -- is that the same attachment that is noted here,
19 attachments Federico letter of May 9th?

20 A I believe so.

21 Q Okay. And is that what we see attached to this exhibit as I
22 think this is State's Exhibit 7.

23 A Yep. Yes.

24 Q So with that May 9th email response, Mr. Blandino sent you
25 yet another document?

1 A Yes, he did.

2 Q This document, what is the date at the top of the document?

3 A May 8th, 2019.

4 Q Okay. So dated the day before you responded to him.

5 A That's correct.

6 Q And just to be clear going back to his email, at the top of his
7 email, Mr. Blandino indicates here is a letter that I was just about to send
8 to you before I read your email; is that right?

9 A That's correct.

10 Q So he's indicating that he already had this letter prepared
11 before he ever got your --

12 A Yes.

13 Q Okay. And who is this letter entitled to?

14 A Michel Federico in his capacity as Judge Pro Tempore.

15 Q Okay. We're going to go through this letter as well. I Have
16 another copy.

17 A Could I get a copy -- physical copy to look at and read? It's a
18 little easier than this computer monitor.

19 Q Absolutely.

20 A Thanks.

21 MR. DICKERSON: May I approach, Your Honor?

22 THE COURT: You may.

23 BY MR. DICKERSON:

24 Q Okay. So I'm bringing you just a copy of this exhibit.

25 A Okay.

1 Q So that you have ease of reading.

2 A Would you like me to read it?

3 Q Let's take a look at it real quickly. So it's indicated that it's to
4 you again, Michael Federico in your capacity as judge Pro Tempore.

5 A Yes.

6 Q And it's from Kim Blandino.

7 A Yes.

8 Q And what is the subject line here?

9 A Follow-up to proposed settlement offer sent May 2 and 3.

10 Q Okay. Could you please start by reading this document?

11 A Okay. I have not received any word back from you regarding
12 the proposed settlement offer. I spent a great deal of very valuable time
13 preparing that document. I have so very much work to do already as a
14 result of judicial violations. I will need an answer or for you to otherwise
15 respond to this proposed settlement on or before May 23rd, 2019. This
16 is a reasonable time to make a decision I believe and is consistent with
17 the various rules of civil procedure, both state and federal.

18 I do appreciate your phone call to me to at least reach out to settle
19 matters, and I sincerely hope that we can settle things. I have been
20 consistent with all of my dealings to attempt to settle matters of dispute
21 in all areas of my life and dealings.

22 Even when I have been at a Home Depot or other retail
23 establishment and have been treated badly by an employee, in that very
24 moment I ask the person for an apology. About 99 percent of the time
25 the matter is resolved and -- there and then. With some the person

1 refused and then I escalate the matter to the manager on duty and make
2 a formal complaint.

3 Please note that I am doing this more for the people that follow me and
4 to do my part to help make things better for all with my power to do so.
5 As a person of faith, just faith alone is not enough. It must be
6 accompanied with works -- that's in quotes -- or deeds. The greatest
7 man in the history of this world railed against hypocrisy and told us to
8 love our neighbor as ourselves. That we humans cannot do anything of
9 ourselves. That we are either slaves of evil or servants of good with the
10 -- I'm sorry -- with that deeds are essential.

11 I've extended a good faith offer for something very serious. You under
12 threat of contempt of jail ordered me out of a public courtroom because I
13 came to your office to offer settlement. I have read nearly every case on
14 the "awesome summary contempt power," and the various Law Journal
15 articles pertaining to summary contempt. This power can be and is
16 abused, even the wrongful threat of contempt can be abused. This is
17 what you did. By doing so you violated important civil rights.

18 In fact, you can be criminally prosecuted for a misdemeanor
19 violation of federal civil rights under 18 USC Sec. 242 for your action on
20 April 25th, 2019.

21 You can ask just about anyone in the RJC, and they will tell you
22 that Kim Blandino is investigating judicial misconduct and corruption
23 and has done so for many years. That Kim Blandino not only files
24 complaints of customer feedback forms, but Kim files compliments with
25 customer feedback forms when good service warrants such feedback.

1 So for you to exclude me from the viewing and taking notes about
2 your activities on the bench, where you hold people's liberty and
3 property at risk, (and in cases where people jailed have wrongfully died
4 in custody due to negligence or other wrongdoing) their very lives at risk
5 with such circumstances.

6 You ordered me out under threat of being jailed if I did not leave
7 the courtroom. This terribly, terribly wrong and unlawful. I have already
8 told you that if we cannot settle this matter, I will file a complaint with
9 the NCJD. This must be done to protect the people in the future,
10 because you only acted in excess of your jurisdiction I cannot sue you
11 civilly because you are not absent all jurisdiction and threatening
12 contempt in an open courtroom is a judicial act non-administrative or
13 executive act, a civil suit cannot be brought.

14 However, know that I did file a complaint against Judge Herndon,
15 and he was issued a letter of caution by the NCJD. However, because
16 Herndon is subject to a civil suit and Herndon would not settle or even
17 respond to three separate requests to settle, Kim filed a civil suit against
18 Herndon.

19 Kim was just granted a stay of appellate proceedings by the 9th
20 circuit in that suit. See attached Exhibit 1F on the appeal of that civil
21 case against Herndon.

22 Please note that there was a typo where the clerk said, "denied as
23 necessary." Kim was able to contact the clerk and an amended order
24 was filed to reflect that Kim's request for judicial notice was denied as
25 unnecessary. Emphasis added.

1 Kim asked for this stay because there is a real possibility that the
2 NCJD could give relief that could affect the appeal of a substantial -- I'm
3 sorry -- in a substantial way as regards Herndon.

4 Q So in that particular paragraph, can you read for us again
5 that first sentence?

6 A First sentence of the first paragraph of that page?

7 Q Yes.

8 A I have already told you that if we cannot settle this matter I
9 will file a complaint with the NCJD.

10 Q Okay. And then we go on to the next paragraph after that.
11 What does that say?

12 A Kim also did make a criminal complaint against Herndon
13 with the FBI for violation of Section 424 Title 18 which --

14 Q Is that 242?

15 A I'm sorry. Yeah, 242.

16 Q 242 Title 18?

17 A Yes.

18 Q Okay. Is that the same -- that's the same one he mentioned
19 above for you.

20 A Correct. Which Kim was told would be investigated. If we
21 cannot come to a settlement, I believe it would be proper to go to the FBI
22 with a criminal complaint against you for stopping me from observing
23 you on the bench on April 25th, 2019.

24 Q One more time, what is that sentence say?

25 A With a criminal complaint against you for stopping me from

1 observing you on the bench on April 25th, 2019.

2 Q So the --

3 A I mean there was a --

4 Q It says.

5 A There was a period. Let me start over again.

6 Q Yeah. Is it if we cannot come to a settlement, I believe it
7 would be proper to go to the FBI with a criminal complaint against you
8 for stopping me from observing you on the bench on April 25th, 2019?

9 A Exactly, yes.

10 Q And then what does Mr. Blandino say after that?

11 A Granted this would only be a misdemeanor, however, it may
12 help others that come after me should you not agree to the apology and
13 settlement. Since it is possible you could become a decent judge
14 someday, redemption is always possible. The very man next to the
15 Savior found redemption in the last ten seconds of his life and this story
16 is written for all of us to know that it is never too late.

17 Q The paragraph there that we looked at, that specifically Mr.
18 Blandino has indicated that he would file a complaint, criminal complaint
19 with the FBI against you for a misdemeanor.

20 A Yes. Now things have escalated more with him, yes.

21 Q And he specifically says that that is should you not agree to
22 the apology and settlement; is that right?

23 A That's correct.

24 Q Okay.

25 A Want me to go on?

1 Q Yeah, please. That next paragraph entitled additionally.

2 A Okay. Additionally I have come to realize that since you work
3 within a partnership titled Olson Cannon Gormley Angulo & Stoberski --
4 and then it says OCGAS -- that I should give some notice to these
5 individuals of the matters involved prior to filing with the NCJD or the
6 FBI.

7 Q And so here he is now talking about your private law firm
8 that you work for.

9 A Yeah. This is a threat on top of a threat, apparently.

10 Q Okay. And he's indicating that he's going to abbreviate your
11 law firm's name Olson Cannon Gormley Angulo & Stoberski as
12 OCGA&S, with an ampersand symbol.

13 A Yes. That is a common abbreviation.

14 Q Okay. So as we go through here, every time we see that it's
15 going to be referring to your law firm?

16 A Yes.

17 Q Okay. Please pick it up from the point where he indicates --

18 A I got it.

19 Q -- he'll talk to them prior to filing. That he should give them
20 notice prior to filing with NCJD or the FBI.

21 A The calculus for this is simple. Putting myself in the place of
22 any one of these partners, and everything else being equal, I would want
23 to know that a person who works with the firm and had a prominent web
24 page was not bringing any disrepute in any way to the firm or its name.

25 Q One more time. He says his calculus is because if he were at

1 the law firm and running the law firm he would want to know that you
2 weren't bringing disrepute to the firm?

3 A Right. In other words, hey, You're not going to agree to this
4 now I'm threatening you with your job.

5 Q So he's acknowledged that what he's threatening you with
6 would bring disrepute?

7 A Yeah, that's obvious, but yeah, he's made sure I'm aware of
8 that.

9 Q Okay. And were you aware of that at the time? Was that
10 your feeling that if it became known that the FBI was investigating you
11 for a crime that that would bring disrepute?

12 A It certainly could of, yes.

13 Q If the Nevada Commission on Judicial Discipline its knowing
14 that you have ethical issues or charges with them that could bring
15 disrepute?

16 A It would in my eyes if I was the attorney looking at the other
17 person, yes.

18 Q Okay. And those are things that -- would those be
19 humiliating?

20 A Beyond -- I mean, yeah, it's my license. It's my job, my life,
21 how I support my family.

22 Q Okay. So after the sentence it says, "disrepute in any way to
23 the firm or its name.

24 A I'm there. Should I go on?

25 Q Would you pick back up there. Yeah.

1 A "OCGAS has been in existence since 1960. It would not be
2 fair or Christian of me not to inform the firm of the issues at hand if we
3 cannot resolve them. I have no idea what agreements there are between
4 you and OCGAS, I therefore have no idea if your agreement requires you
5 to disclose any of what we have discussed so far or not.

6 "Because the issues involved could affect how OCGAS might be
7 perceived by the public, I believe I must give OCGAS a right to review
8 prior to taking this matter forward. In fact, it is possible that your
9 agreement with them requires you to disclose such things to them. I do
10 not want to hear from you on this -- I do want to hear from you on this
11 issue. I do not want you to violate any agreement with them you might
12 have."

13 Q Okay. So in this paragraph he's saying he's at this point and
14 later in the paragraph indicated that he feels he must notify your law
15 firm --

16 A Right.

17 Q -- of everything that he's been writing to you about.

18 A Because I didn't immediately agree to his terms, yes.

19 Q Okay. And he further indicates that he believes it wouldn't
20 be fair or Christian of him not to inform them; is that right?

21 A That's what it says, yes.

22 Q Okay. Can we pick up there at the next paragraph, then?

23 A Sure. "Therefore, consistent with my beliefs, I will send a
24 copy of all the relevant documents to OCGAS unless I hear from you by
25 Monday, May 15, 2019."

1 Q Oh, so he says he'll send everything to your law firm unless
2 he hears from you by Monday, May 15, 2019.

3 A Correct.

4 Q But he'd indicated that he didn't believe it was fair or
5 Christian of him to not inform your law firm.

6 A Right.

7 Q But now he's indicating in the next sentence, quid pro quo.
8 He needs to hear from you by May 15th, 2019 or he's sending all this
9 stuff to your law firm.

10 A Right, it's another strong-arm tactic, yes.

11 Q Okay. Please pick up at the next sentence.

12 A "For all I know, any agreement with OCGAS may have
13 provisions governing such situations as we have here. I can state with
14 certainty that if I were anyone of those partners and Federico did what
15 was done on April 25th, 2019 to any human being, I would be very
16 displeased with such action. I would want remedial action as soon as it
17 was possible and if it was possible.

18 "I would not want anyone associated with the firm that had my
19 good name on it associated with a member of the Bar that excluded a
20 member of the public from an open courtroom, let alone an investigator
21 and a journalist from the public courtroom because said person came to
22 a public law office in a good faith attempt to settle differences and a
23 complaint some days earlier.

24 "I am sorry I have to cut this letter short; I have worked on this
25 letter now over the course of two days and I have to get to the

1 courthouse immediately. I have the JAVS, but now I must order the
2 transcript of the 25th.

3 "Please excuse any and all spelling and grammar and other errors I
4 virtually have no time but to eat, sleep and do legal work. Dated this 9th
5 day of May, 2019."

6 And it appears to be signed by Kim Blandino, pro se, and we have
7 his address, telephone number and email, as we've mentioned many
8 times earlier.

9 Q Okay. Right here, where Mr. Blandino apologizes for cutting
10 the letter short, he indicates that he's been working on this letter for how
11 long?

12 A "Over the course of two days" and he had to go to the
13 courthouse for something else.

14 Q Okay. And then, below his signature line, we have a
15 certificate of service as its titled.

16 A Yes, sir.

17 Q And that indicates that, "Kim Blandino, pro se hereby certifies
18 that service of the foregoing letter with the complaint attached was
19 personally emailed to Michael Federico" at your work email address; is
20 that right?

21 A Yes.

22 Q And is that, in fact, where you received it?

23 A Yes.

24 Q And it again was dated the 9th day of May, 2019.

25 A Yes.

1 Q Signed by Mr. Blandino.

2 A Yes.

3 Q And the 9th day of May, 2019 was, in fact, when you received
4 the letter that he said he was working on for the past two days.

5 A I believe so.

6 Q Okay. Turn the page on this, and this particular letter also
7 had attachments to it; is that right?

8 A Yes.

9 Q Each one's ending in the letter F, correct?

10 A Yes.

11 Q Is that what we're seeing here, Exhibit 1F?

12 A Yes.

13 Q Turn the page on that. Do you know what this is?

14 A Yeah, it -- hold on a second. I skipped a page, excuse me. It
15 appears to be a Federal 9th Circuit Court order regarding a matter that
16 Mr. Blandino filed against Judge Herndon. It says Douglas Herndon. But
17 official capacity.

18 Q In his official capacity as a State of Nevada Judge?

19 A Yes.

20 Q And in his individual capacity?

21 A Yes.

22 Q And then some other individual, a Dr. Jeffrey Weinberger
23 [phonetic]?

24 A Correct. That's in the caption, I have no idea.

25 Q Okay. And you don't know anything about this case.

1 A Well, I mean I learned about it, but I didn't have any firsthand
2 knowledge. I had as much knowledge as anybody in the public would
3 have.

4 Q You weren't in any way involved in this particular case as a
5 lawyer or anything?

6 A No. I never represented the judge, no.

7 Q And this indicates it's in the federal court; is that right?

8 A Yes.

9 Q The 9th Circuit Court, what is that?

10 A In state we have 8th District Court, and then we have the
11 Court of Appeals. In federal court, different types of cases, they have
12 Federal District Court, and then the next level for an appeal is the 9th
13 Circuit. And that would cover like California and Nevada, I don't have to
14 go into details, but --

15 Q Above that would be the Supreme Court of the United
16 States?

17 A U.S. Supreme Court is one step above this order, yes.

18 Q And essentially in looking at this order, it says that the
19 appellate proceedings are stayed, briefing schedules are vacated and
20 really nothing's really going on.

21 A Yeah. I don't really know what the reason was.

22 Q On just the face of it.

23 A I think he was just puffing to show hey, look, I got this
24 lawsuit against Judge Herndon --

25 Q Okay.

1 A -- another threat. I mean there's no other reason to have
2 some other judge's -- some order attached to it other than threaten.

3 Q Okay. Then we turn the next two pages, this is this that
4 amended order that he talked about?

5 A Apparently so. It looks like it's that same case and, like I said,
6 he's just again showing that he sues people.

7 Q With that typographical error note?

8 A Yes.

9 Q Okay. All right.

10 A I never heard of these other lawsuits, whatever until I saw
11 this document.

12 Q Okay. So that was a quick response to your email.

13 A Yes.

14 Q And did you email him back?

15 A No.

16 Q You didn't sent him a letter of your own?

17 A No, nothing.

18 Q No proposed agreement of your own or anything like that?

19 A Oh, nothing. This went right on to the detective or the
20 marshal.

21 Q And --

22 A Me almost immediately.

23 Q In the meantime that May 15th, 2019 deadline was coming
24 up for him to notify your firm about everything that he had been talking
25 to you about so far.

1 A That's correct.

2 Q So May 15th, comes around; is that right?

3 A Yes.

4 Q And you still haven't talked to Mr. Blandino again.

5 A Correct.

6 Q Are you nervous at this time?

7 A I'm not happy.

8 Q And are you still talking to law enforcement?

9 A Oh, yes. Like I said, this I think I typed hot of the press or
10 something like that when I forward this on, saying here you go, you got
11 it.

12 Q Okay. Now, in the meantime --

13 A Before I even read it, I think I sent it on just to get it to them.

14 Q Are you worried about what to do and whether he's going to
15 come back?

16 A Absolutely.

17 Q Were you talking to law enforcement about your options to
18 protect yourself?

19 A Correct.

20 Q That includes seeking a protection order to keep Mr.
21 Blandino away from you.

22 A Correct.

23 Q And at the time what was the overall indication?

24 A They needed a -- they asked me to hold on still until they had
25 enough evidence so they could file charges. Please hold on because,

1 you now, once a case goes into the system, you can get other
2 protections like from the judges in the case.

3 Q Okay.

4 A But I was still bare, I mean I'm carrying a firearm, you know.
5 We got our children, I got my wife, I got my colleagues, you know, other
6 people, I just -- somebody needed to control this situation obviously.
7 Obviously he was a threat. At least in my eyes.

8 Q So they're still -- they're doing their investigation; they want
9 you to hold off in case potentially you have to contact him again.

10 A Right.

11 Q And they didn't want to -- you to get a protection order and
12 then somehow trick Mr. Blandino into violating a protection order or
13 something like that. That wouldn't have been appropriate at all.

14 A They wanted to keep their investigation clean, and it was at a
15 cost of me being -- worrying more. But I understood what they had to
16 do.

17 Q So May 15th passes, and we get to May 16th, 2019. Showing
18 you here State's Exhibit 8. Do you recognize what this is?

19 A Yes.

20 Q Go ahead and zoom in for you. Is this another one that you --
21 another email with exhibits that you forwarded or with attachments, I
22 should say, that you forwarded to yourself to archive?

23 A Yes. You read from the bottom up to the top when there's
24 just me emailing myself again.

25 Q Okay. The email that is the substance of this, who is it from?

1 A Kim Blandino and then his email address is there, as you can
2 see.

3 Q And that's the same email address, kim43792@earthlink.net?

4 A Yeah, the EarthLink one, yes.

5 Q And what was the date and time that this was sent as
6 indicated by the email?

7 A Thursday, May 16, 2019, 11:39 a.m.

8 Q And who is this sent to?

9 A Well, there was new people. It was Jim Olson, Walt Cannon,
10 John Gormley, Peter Angulo, Michael -- Mike Stoberski and then Michael
11 Federico, myself.

12 Q And who are Jim Olsen, Walt Cannon, John Gormley, Peter
13 Angulo, Mike Stoberski?

14 A That's the OCGAS that you see. In other words, the law firm
15 name, those are those named partners that are still -- they were still
16 actively practicing.

17 Q And so they run your law firm?

18 A They're the bosses. I might be an attorney, but they're the
19 big guys.

20 Q And so they were your bosses.

21 A Correct.

22 Q And now since that May 15th deadline had apparently
23 passed, it appears that Kim Blandino was not reaching out to all of them;
24 is that right?

25 A Yes.

1 Q And so was this sent to all of their work email addresses that
2 you're aware of?

3 A Yes.

4 Q And there were attachments to it; is that right?

5 A Yes.

6 Q Those attachments are noted above.

7 A Yes.

8 Q Letter to firm of May 16th, PDF; Federico letter of May 9th,
9 pdf; and proposed settlement with exhibits; pdf; is that right?

10 A Yes.

11 Q And ere all three of those exhibits, in fact, attached?

12 A Yes, I believe so. I'd have to see it, but --

13 Q Mr. Blandino indicates here, please see three attachments for
14 review; is that correct?

15 A Yes.

16 Q And then again gives his name and his phone number that
17 he's given throughout.

18 A Yes.

19 Q So we turn the page and there's a new --

20 MR. BATEMAN: What exhibit number is this, I didn't --

21 MR. DICKERSON: This is going to be Exhibit No. 8.

22 MR. BATEMAN: Thank you. Sorry [indiscernible].

23 BY MR. DICKERSON:

24 Q We turn the page and is this that first attachment the letter to
25 the firm on May 16th?

1 A Oh, yes; it is.

2 Q And is it dated at the top?

3 A May 16th, 2019.

4 Q And who is it directed to?

5 A Olson Cannon Gormley Angulo & Stoberski and cc to
6 Michael Federico.

7 Q And who does it indicate it's from?

8 A Kim Blandino.

9 Q And what is the subject matter?

10 A Follow-up to letter of May 9, 2019 requesting settlement with
11 Michael Federico.

12 Q The follow-up to the letter of May 9th, the letter of May 9th
13 was the one where Mr. Blandino had threatened to send all this
14 information to your law firm, should you not respond by May 15th?

15 A Correct.

16 Q This is his follow-up to it?

17 A Yes. In other words, going forward with his threat.

18 Q So if you could -- I can get you a copy of this.

19 A I can read it from here. It might be a little bit nice to have
20 variety.

21 Q Yeah, let me see. Okay, let's mix it up then. Go ahead.

22 A "I have asked an attorney for your law -- sorry -- for your firm,
23 Michael Federico, to settle issues in regard to his misbehavior in a Las
24 Vegas Municipal Court in his role as alternate judge. The very last letter
25 that was sent on May 9th, 2019 to Federico notified him that if I did not

1 hear anything in response I would notify the firm.

2 "Because Federico and his various activities can reflect either in a
3 positive or negative on your firm, I believe it is necessary to notify you
4 before I file with the Nevada Commission on Judicial Discipline against
5 Federico. I presume you have a 'morals clause' with any and all
6 attorneys that are associated with your firm. I believe it is also very
7 possible you have a 'duty to disclose' provision as well. "So it is very
8 possible that Federico has not disclosed to the firm of my potential
9 formal complaint and dispute with Federico.

10 "In any event, my religious beliefs and practices require me to
11 resolve all issues with the persons and parties that have in any way
12 offended. Also I converse -- also conversely, if I offend I am obligated to
13 seek resolution with the offended party or their representative and then,
14 if resolution is not possible, to work my way up through any system of
15 remedies or appeals as it were.

16 "Since I gave Federico till May 23rd to settle before filing a
17 complaint, I gave a deadline of May 15th to at least begin good faith
18 negotiations, or I would notify the firm so the firm has a 'heads up' if
19 Federico has failed to inform the firm of this situation when he might be
20 required to do so.

21 "I attach the prior submissions I have sent to Federico for your
22 review. I also -- I'm sorry -- I have both JAVS of the proceedings in the
23 Municipal Court on April 25th, 2019 and of April -- I'm sorry -- August
24 2018 [sic] where Federico violated Judicial Code, as well as other duties,
25 including his oath. The transcript of the April 25 event is at this point

1 being prepared.

2 "At this juncture I believe it is more than reasonable to have a sit
3 down conference where all can look into the eyes of each other and
4 determine that there is good faith on all sides. I have spent much time
5 presenting a proposed settlement that is attached to this letter and in
6 addressing the issues directly with Federico.

7 "My last two complaints to the NCJD resulted in letters of caution
8 due to two District Court Judges. So I do not make frivolous complaints.
9 What Federico did in open court on April 25th to order me out of court
10 within ten seconds under threat of jailing for coming to the firm's office
11 and leave a letter asking for settlement of issues is blatantly wrong.

12 "While it is appreciated that Federico did call me to seek resolution
13 is fine, there must be follow through. If one is invited to the dance, but
14 ignored once at the dance, does the tree falling in the forest make a
15 sound? Mixed metaphor intended for comedic effect?"

16 Q Question mark?

17 A Yeah, question mark.

18 Q That one fell flat, I think. So then we go to the next page.

19 A "Know clear that I am still very much ready and willing to
20 negotiate with Federico. At this point I must see a good faith gesture. I
21 have been left for the first waltz and have not heard any tree fall."

22 Q It seems to be a follow-up on that joke.

23 A I guess so, it's bizarre, but --

24 Q And so before that he's indicating, "I am much ready and
25 willing to negotiate with Federico." And then he goes on into the next

1 paragraph, starting "I am" what is that?

2 A "I am very flexible and am willing to meet at almost any time
3 and place with Federico and/or his attorney that is wished as I place this
4 process as a high priority on my long list of things to do. Time is of the
5 essence.

6 "However, if a date is set timely, I can work with reasonable
7 settings. I will need a response within one week. If the firm has any say
8 so in this process of settlement due to any pre-existing employment
9 agreements and any controlling clauses therein, I would hope that
10 Federico is encouraged to do a 'sit down' with Kim by the firm if that is
11 within their authority to so encourage under any employment agreement
12 or clause therein, either express or implied.

13 "Please look at the attachments, I know this is serious, I really want
14 to be forward-looking in that I want to deter wrongful behavior in the
15 future by Federico to the benefit of all."

16 Dated the 16th day of May, 2019. Signature line for Kim Blandino,
17 pro se, his address telephone number and the EarthLink email address
18 along with a certificate of service that he does with apparently all of his
19 documents.

20 Q It says, "Certificate of service, Kim Blandino, pro se hereby
21 certifies its service of the foregoing letter with complaint and
22 attachments was personally emailed to" --

23 A That's the board of directors, my bosses, that's Jim Olson,
24 Walter Cannon, John Gormley, and I'm guessing the second -- yeah,
25 Peter Angulo, Mike Stoberski and then myself. And the email addresses

1 are all law office addresses underneath their names.

2 Q And then again indicating that it was done on the 16th of
3 May, 2019 by Kim Blandino.

4 A That's correct.

5 Q Okay. And further the letters that he attached are included
6 thereafter; is that right?

7 A Yeah, the ones that I believe read before.

8 Q Yep. So we have the one that was sent to you on May 9th,
9 2019, but dated at the top May 8th, 2019; is that right?

10 A Yes, sir.

11 Q With the exhibits that he had attached to that letter; is that
12 right?

13 A I believe those are the same ones, yes. And that federal case
14 against somebody else.

15 Q Right. And then the document where he makes his original
16 formal request of you that he entitled Settlement Agreement and
17 Release, that was attached as well; is that right?

18 A Yes.

19 Q And the exhibits that he had sent to you later on.

20 A That's correct.

21 Q Which include the letter he dropped off at your firm on April
22 25th, 2019.

23 A Yes.

24 Q And the exhibits to that letter?

25 A Yeah, those strange exhibit numbers, yes.

1 Q Which included that customer feedback form we've gone
2 through.

3 A Yes.

4 Q And the veterans in politics letter.

5 A Yes, all that, yes.

6 Q And the letters from the Commission on Judicial Discipline.

7 A Yes. For those other judges, yes.

8 Q And the next exhibit which was the first note that you wrote
9 at your office on April 8, 2019.

10 A Yeah, that was at first surprise visit.

11 Q So in the letter to your board of directors, at the law firm that
12 you work for in your private capacity as a lawyer, he sent all of the
13 communications that he had had with you up until that point in time.

14 A Correct.

15 Q These board of directors, Jim Olson, Walt Cannon, John
16 Gormley, Peter Angulo, Mike Stoberski, can their decisions have an
17 effect on your career and your livelihood?

18 A Of course.

19 Q And in what capacity?

20 A Well, I mean they make the decisions with hiring, discipline,
21 terminations, they're well known, all of them very well known in legal
22 community.

23 Q So potentially --

24 A It's a small legal community, too, so --

25 Q So potentially could lead to you losing your job.

1 A Of course.

2 Q It could lead to you being humiliated.

3 A Of course. That already was humiliating just having them
4 see any of this stuff.

5 Q Do you notify the detectives that were involved in the
6 investigation after receiving that?

7 A Yeah, soon as I receive it I can't tell you if I saw it right away
8 or a couple of minutes or whatever later, but I fired it off saying here to
9 go and, you know, this is a real problem, you got to do something.

10 Q Okay. Did the detectives indicate to you that it was time that
11 you could now, if you wished, go file for a protection order against Mr.
12 Blandino?

13 A I think it was a few days later. I'm not sure, but it was in, I
14 think, email format where they said there was enough evidence. Hey, go
15 ahead and do what you need to do in the meantime because you're bare,
16 you know.

17 Q And they were still working on their investigation, but they
18 wanted you to be protected?

19 A Correct.

20 Q Okay.

21 A They knew all along, I mean, you know, I was jumping up
22 and down, I got to do something. I mean all this investigation's great,
23 but bottom line is I'm out in the open. Everybody else I know is out in
24 the open. I'm hoping somebody can do something, but they have to do
25 their investigation. And for me to do anything sooner could have

1 interrupted that investigation, that's kind of the way it works.

2 Q Ultimately all of this comes to an end in regards to the
3 investigation and everything; is that right?

4 A Yes.

5 Q Criminal charges were filed against Mr. Blandino.

6 A Yes.

7 Q And that happened shortly after that letter was received by
8 you and the board of directors at your law firm.

9 A Yes.

10 Q And that's what now has you up here on the stand testifying
11 today.

12 A That's correct.

13 Q Okay.

14 MR. DICKERSON: The State will pass the witness.

15 THE COURT: Cross-examination?

16 MR. BATEMAN: Yes, thank you.

17 CROSS-EXAMINATION

18 BY MR. BATEMAN:

19 Q Thank you. All right.

20 Mr. Federico, good afternoon.

21 A Hello.

22 Q So you testified on direct examination, obviously, that you
23 are when you're not sitting as a judge Pro Tem, you're a full time
24 attorney with a civil case law?

25 A Civil cases, yeah; it's a civil litigation law firm, primarily.

1 Q What does that mean? You and I, obviously, work in the
2 legal field, can you explain maybe just a little, I don't know, as briefly as
3 possible, what a civil litigation is or what that means?

4 A It is where people or entities, or a mixture of both have
5 claims against one another. In other words, it's a plaintiff and a
6 defendant, co-defendants, as opposed to State v. Blandino, that kind of
7 thing.

8 Q Okay.

9 A So it's basically -- it could be government entities, too. In
10 other words, State of Nevada v. Clark County. But it's usually suing for,
11 like, money, things like that as opposed to being charged and possibly
12 facing jail time. So civil doesn't have anything to do with really jail time.
13 Or the --

14 Q So your clients wouldn't necessarily go to jail, they would
15 maybe owe money for breaching a contract or something to that?

16 A More in the lines of injury. In other words, like if you fall at
17 Caesar's Palace and you sue, then maybe I'd be defending Caesar's.
18 That kind of thing, if that makes sense. Slip and fall in the bathtub or
19 something at a hotel and maybe I'm defense counsel. That's kind of the
20 way it works.

21 Q Okay. And all right. And so I mean it's, so you said you're
22 suing for money so you're like negotiating with other entities for other
23 people all the time; is that accurate?

24 A For money, yes. I mean it's usually money. Or if it's like a
25 casino it could be somebody looking to pump their player's card, things

1 like that.

2 Q Oh, yeah, that's something to get --

3 A Negotiations usually within the realm of money, at least in
4 my job. I don't know what other people do. But not too much -- not
5 really that many contractual matters. Unless it's like indemnity
6 agreements, some things that we don't need to talk about, it's too
7 complicated.

8 Q Right. And boring?

9 A Yes. I agree.

10 Q So you said you do mostly defense or negligence claims, is
11 that --

12 A Negligence and intentional torts.

13 Q Okay. All right. Now, we obviously you went through the
14 video, we saw the video of the traffic trial in -- back in August of 2018.
15 You did mention that there were people behind the bar when you -- and
16 those ere people most likely waiting to have their case heard.

17 A I saw that, and I also saw a few attorneys that I recognized
18 for appearing in front of me or just knowing. Yes. And the police officer
19 that actually testified in his trial. So there were multiple people around
20 or coming and going. Just because there's a lot of cases.

21 Q Right.

22 A On the calendar usually.

23 Q But it's also, I mean the courtroom is open to the public as
24 well.

25 A Yes.

1 Q Okay. And really, I mean, as long as someone's not
2 disruptive, they're welcome in the gallery of a courtroom.

3 A Agreed.

4 Q Thank you. And in that --

5 A We're being paid by taxpayers. So you know, generally
6 speaking how could you just start excluding people randomly without,
7 you know, cause. So I agree.

8 Q Thank you. All right. And sorry, just going through some of
9 my notes here. Okay. I know there's a moment in that -- that the trial.
10 You noted that Mr. Blandino, prior to that trial had filed a motion. Can
11 you just maybe explain to our jurors what's a motion? I don't know, they
12 might not understand what is that?

13 A I don't think he filed anything before the trial, but he made
14 mention about doing so maybe during the trial.

15 Q On the traffic case?

16 A I'm not really sure what he was doing, but I don't think he'd
17 filed anything yet.

18 Q Okay.

19 A Other than that motion that I was hearing. I don't think there
20 as anything against me. I'm not trying to correct you, but that's my --

21 Q No, I'm just talking about a motion --

22 A -- understanding.

23 Q -- right before that traffic trial.

24 A Yes. But a motion is a request of the court to do something.
25 For example, in his case, I think it was to dismiss all charges because his

1 case did not go to trial fast enough because maybe it was continued
2 once before.

3 And then he had several other things, like something about his
4 religious beliefs. And a few other things. I only remember that because
5 it was on the trial, so I have as good a memory as everybody else
6 watching it for the most part.

7 Q Right. So a motion is something, right --

8 A A motion is --

9 Q -- a request for the court, the judge to --

10 A Yes, Your Honor, I'd like --

11 Q -- do something, to make a decision. Okay?

12 A Yes, sir.

13 Q In that context. And then one of the other things, that maybe
14 I just want to make, that are -- you said to him -- I believe he was -- said
15 something, and you sort of stopped him and said, you've made your
16 record. I just want to know what do you mean by that, just so our jurors
17 understand? Like when you say, you've made your record, what do you
18 mean by that?

19 Q Well, I mean you went to get out on the record in case there's
20 some kind of appeal things that you say to protect yourself. In other
21 words, if you don't object to something that shouldn't have been said,
22 then later on if you make an appeal, you really can't complain about it
23 and get the ruling reversed.

24 You want to make your record, have your arguments in case, for
25 example, in federal court your case goes up to the 9th Circuit. Having a

1 record transcript audio/video recordings like we probably have here
2 today and over there, you want to have a record of things so you can go
3 on if you lose at the level that we're currently at.

4 Q Okay.

5 A Just like you do here for this case, I guess.

6 Q All right. Thank you. And -- all right.

7 So now, obviously, so we saw that, we fast forward then to April
8 8th where -- April 8th, 2019, Mr. Blandino goes to your office and was it
9 your testimony were you present that day in your office?

10 A I was in my office, yes.

11 Q Okay. But it was your instruction to the receptionist tell her --
12 to tell her to have him -- that you're not going to meet with him or that
13 you weren't there, or what exactly, if you recall, what was your --

14 A It could have been any of those. The bottom line is I'm not
15 going to deal with this right now. If I talk to somebody that I don't know
16 and they get ahold of an attorney, you're not going to get them off the
17 phone for a while. And I have an obligation to clients that I'm dealing
18 with right now.

19 So something along those lines. It could have been get rid of him,
20 could have been anything. It's like, hey, I can't deal with this right now, I
21 don't have anything scheduled and I'm sure I was doing at least five
22 different things at once, for clients that I'm obligated to handle their tasks
23 for.

24 Q Okay.

25 A In civil litigation you usually have stacks of paperwork on

1 your -- you have to have a big desk and you also will have things on your
2 floor, because you have different things that are kind of blooming, so to
3 speak. Getting phone calls, you know, writing briefs. It's a lot of -- I
4 suppose in criminal it's a lot of paper pushing. A lot of paper pushing.

5 Q And a lot of juggling -- a lot of, what'd you say, balls in the
6 air at the same time.

7 A Multitasking I like to say. You got to be a good multitasker
8 you're civil litigation. And criminal, for that matter.

9 Q Uh-huh. Thank you.

10 Okay. And okay. So as you recall in that April 8th letter than
11 he said that he came to you because his -- or something to the effect that
12 his religious beliefs required him to do so. Do you recall that?

13 A Whatever the letter says is what it says, yes. Yes.`

14 Q Okay. And I think he used the words, probably, negotiate a
15 settlement, maybe he wanted to sound, I don't know, more formal for
16 you, but I mean, really, I guess if you put that letter in context with alter
17 talking to him, I mean do you get the impression -- is it your impression
18 that he really just wanted to sit down and talk to you?

19 A No. I never had that impression at all. I felt like he wanted to
20 get a me.

21 Q Okay. And when you say he wanted to get at you --

22 A He's a disgruntled former defendant, I mean, in criminal
23 cases, as you're aware, there's a winner and a loser. And the losers will
24 never be happy with the results. Sometimes they're okay with it. They
25 just had their day in court. And obviously people that don't prevail they

1 have their remedies. They go and make these complaints. They can
2 contact the judicial -- the Commission on Judicial Ethics, but you don't
3 go and go after the judge outside of court. That's not part of anything
4 that to me any reasonable person would do.

5 Q Okay.

6 A I certainly would never do something like that if I was in front
7 of a judge and I wasn't happy with the ruling and I felt they did
8 something wrong. Never in a million years would I go looking for their
9 person's work or possibly home.

10 Q Also you are a licensed attorney of 25-plus years as well --

11 A No, about 26.

12 Q -- and it makes -- it does make a difference.

13 A What do you mean?

14 Q Well, I mean as your way of thinking as opposed to someone
15 who's not an attorney licensed by --

16 A You know, I've heard thousands of cases, I've represented
17 thousands of clients, and this is the one and only time that this has
18 happened. So I wouldn't agree.

19 Q Okay.

20 A Respectfully.

21 Q All right.

22 A This is an outlier, Counsel. So I mean not to argue with you.
23 I apologize if I am.

24 Q No, you're fine. Okay. So then we -- so you didn't contact
25 him at all after the April 8th --

1 A No, no.

2 Q -- incident? All right.

3 A I want that person away.

4 Q And it was your testimony I believe it was that day or next
5 day, I think it was the next day you said you went to file a police report;
6 was that correct?

7 A Yes, I did, along with other things, too, like the -- telling
8 people at the city watch out there's a rogue defendant around. If
9 they're --

10 Q Okay.

11 A -- coming after a Pro Tem, what about the quote real judges
12 that are full time where they're there every day. I'm only there once in a
13 blue moon.

14 Q All right.

15 A I shouldn't say that. Sometimes it's more frequently, but I'm
16 not there that often like the -- like Your Honor here.

17 Q Okay. And okay. You said, I believe you said you've been a
18 Pro Tem judge since 2001?

19 A Justice court started in 2001, that was my first appointment,
20 and Municipal Court was 2003, along with other titles as well.

21 Q Okay. And just briefly can you explain to our jurors what's
22 the difference between a justice court and municipal court? I mean
23 municipal court is the court for city of -- well, in this case, the City of Las
24 Vegas; is that correct? Is that accurate?

25 A Municipal Court is for the city. It's only misdemeanor cases.

1 And it's only criminal -- criminal or, I guess, traffic matters. In justice
2 court, that's where all cases start that are criminal, whether it's a
3 trespass case or whether it's battery, use of deadly weapon or murder.
4 They all start in justice court or similar court.

5 Q Okay. And that's run by the county, right? I mean is there --

6 A Correct. Those cases go up to this level afterwards.

7 Q Right. So there's different sort of what do you call it,
8 government entities, I guess, that oversee each court?

9 A It appears -- I don't know all the --

10 Q Municipal is the city, justice court is the county?

11 A Yes, like I was saying on direct, I'm appointed by the city for
12 municipal court, which was this case; and I'm appointed by the County
13 Commission for my justice court rules.

14 Q All right. And we had already, I guess, established that a
15 courtroom is a public forum, so Mr. Blandino was within his rights to go
16 into your courtroom on April 25th, was he not?

17 A Absolutely not, not after he sent me that extortion letter. No
18 way. Not in my eyes.

19 Q All right.

20 A You obviously disagree, but no way -- I mean, as you saw
21 from the video I'm usually pretty firm but fair, I stopped, and I think I
22 stuttered talking to the --

23 Q He wasn't being disruptive, he just came and sat down. He
24 wasn't --

25 A The fact that he came in after that letter he dropped off,

1 threatening letter, and me knowing a criminal investigation was going
2 on, that was certainly disruptive to me.

3 I mean, obviously, nobody else knew, except that I kind of froze for
4 a second as you saw on there, but to me it was extremely disruptive. I
5 was at a loss for words, and I couldn't even speak to the defendant. I
6 was so thrown out by the fact that this individual, after having the nerve
7 to come after me at the office, and suddenly show up at a courtroom that
8 I'm almost never in.

9 That was extremely disruptive to me. And that's why you got to
10 go. I mean you can't be -- try and extort somebody and then show up in
11 the courtroom and I have that right to remove him. And I didn't so
12 forcibly, I didn't ask for marshal or say you're in my courtroom you're in
13 contempt. I mean my response was, I think like anybody would, with a
14 reasonable mind, you got to go. You know, get out of here, I mean I was
15 concerned.

16 Q Okay.

17 A You've had me and there are defendants sometimes in cases
18 that try to come at the judge, and anything can be used as a deadly
19 weapon, as you know. You got to have your --

20 Q But I mean there's a -- I mean there's a rigorous screening
21 process here to enter the regional justice center, right?

22 A Not for pens and pencils. For firearms and knives.

23 Q Okay. I mean you have armed marshals in your courtroom.

24 A Usually one. And the one might be sitting over three and --
25 sorry.

1 Q Okay.

2 A I stay on a first name basis with the marshals, just so that
3 they know if I say their first name they know I'm reading somebody
4 wrong and there might be a problem. And then they get up.

5 Q Okay.

6 A That's kind of the way -- sorry.

7 Q Okay. And so but I mean you -- so I mean were you
8 frightened or what were you -- I mean you're saying you froze when he
9 came in on the 25th?

10 A Well, you know the person coming to my office once that
11 never had happen before, that was obviously horrible. But then the fact
12 that he found me in court randomly three weeks -- or whatever, two or
13 three weeks later, and showed up certainly was no coincidence in my
14 mind. Because I'm not sitting there every day. My office is where he
15 found me, way up on the northwest side of town.

16 Q Okay.

17 A Not down here. So me just -- probably was the next time I
18 sat after that was over there, and that was kind of more frequent that I
19 usually sit, because I have a full time job, you know that really --

20 Q How frequently do you sit for in Municipal Court?

21 A Sometimes it could be a few mornings or something in a row
22 if somebody's out sick or there's an open spot. But usually, at most, it
23 would be once a month on average.

24 Q Okay.

25 A Sometimes you can go six months without sitting. It's very --

1 in general it's very infrequent. However, there are --

2 Q So once a month you say? I mean when it's --

3 A I would say on average, if you looked at all the sittings once a
4 month. But you could have like three mornings or a morning and
5 afternoon. It varies. But on average I comfortably would say back then
6 anyway, when I had more time on my hands, probably once a month
7 was an average, saying that --

8 Q Okay.

9 A -- some weeks maybe twice in one week. Some months,
10 none at all. So I'm comfortable saying that, but I'm not a hundred
11 percent accurate. You'd probably even 75 percent accurate on that.

12 Q Okay. And well, so then going to -- so then, obviously, we
13 heard your testimony of him dropping off the letter which led to you
14 calling him, I believe it was on April 29th?

15 A That sounds right.

16 Q Okay.

17 A It's kind of hard to hear you because I hear a lot of
18 paperwork. I don't know if you can -- sorry.

19 Q Okay.

20 A It's a little distracting.

21 MR. BLANDINO: I apologize.

22 BY MR. BATEMAN:

23 Q All right. And well, you stated, I mean you did not want to
24 call Mr. Blandino; is that correct?

25 A Oh, no. I mean yes, it's correct. I absolutely --

1 Q Okay.

2 A -- did not want anything to do with this individual.

3 Q And so -- but you called him at the insistence of the
4 marshals, of the -- sorry, detective and the marshal.

5 A They didn't insist. I mean they asked for my cooperation.
6 I'm the one that started the process. Of course I'm going to cooperate.
7 Otherwise you'd kind of be in --

8 Q So you did so, then, to at their request. Maybe not
9 insistence, but at their request?

10 A To facilitate their investigation, I guess is a better way to put
11 it, yes.

12 Q So --

13 A I didn't do -- I didn't do it because I wanted to or because it
14 was my idea -- we'll put it that way.

15 Q Okay. So the idea to call Mr. Blandino came from these law
16 enforcement detectives?

17 A Right. You can -- I mean, you can imagine the call after
18 seeing the trial how --

19 Q Right.

20 A -- much he talks.

21 Q Yeah. And so when you -- I believe you -- your testimony
22 was that he was -- I guess he was surprised when you called him. Is that
23 how you would categorize his --

24 A I would say delighted and giddy.

25 Q Okay.

1 A I mean --

2 Q I believe you said giddy at your grand jury testimony.

3 A I didn't?

4 Q I believe you did use that word giddy.

5 A That -- that was a couple years ago. I'm just telling you what
6 I remember.

7 Q Uh-huh.

8 A I can -- I can -- I can hear him, but obviously I'm not going to
9 -- I mean, I've had thousands of telephone calls --

10 Q Right.

11 A -- you know, but --

12 Q But never one quite like this for you've got --

13 A Right.

14 Q -- marshals sitting in on you. I mean, I assume --

15 A He --

16 Q -- this one would probably stand out a little bit.

17 A -- he repeated at least three times, I cannot believe that I am
18 speaking with Michael Federico. And you could just, you know, it's just
19 like reeling in the fish or those telephone scams. It's just a matter of,
20 okay, he thinks he's got one over on somebody finally after whatever all
21 of his attempts. That's what it sounded like. I'm not saying that it's true,
22 but that's what it sounded like. And --

23 Q Okay.

24 A -- I remember I kept shaking my head at the officers. I'm just,
25 like, you know, because it's humiliating knowing that he thinks he's got

1 one over on me like that. It's just, you know, it's a blow to any ego you
2 might have. It's embarrassing.

3 Q But I mean, I thought he told you that, I mean, he's made
4 these -- he's written these letters before, but no one has ever called him
5 back, right? Did he mention that? Do recall that and --

6 A Some -- something like that, you know. He was very
7 impressed with himself that finally his scam had worked. That was my
8 impression, for lack of a better word.

9 Q Okay. And I mean, it seemed like, I mean, every prior
10 incident the judge previously had just ignored him. I mean, do you recall
11 him saying that or words to that effect --

12 A No, I --

13 Q -- [indiscernible]?

14 A -- don't -- I don't -- sorry. Have you finished? I apologize.

15 Q Well, I mean, it --

16 A I didn't hear the question, counsel. I'm sorry.

17 Q Okay. So I mean, he indicated on the call that, you know,
18 every -- he had written these letters, but every prior incident, he was just
19 ignored.

20 A I think so.

21 Q Okay.

22 A I can't swear to it, but he probably said it. I don't have an
23 independent recollection.

24 Q Okay.

25 A Something --

1 Q But that would probably --

2 A -- like that.

3 Q -- be consistent with the types of things he was talking about
4 on that call --

5 A If --

6 Q -- is that fair?

7 A -- if one of the officers testified to that, I would be in 100
8 percent agreement with it --

9 Q Okay.

10 A -- because they were paying more attention. I was just kind
11 of focusing on the goal and hoping to get off the phone with this guy.

12 Q But in fact, they were taking notes. Did you observe the
13 officers' taking notes of the call?

14 A I thought maybe they were, but you know, years later, all I
15 remember is -- well, I didn't remember. I found in my folder those two
16 pieces of paper that you were able to see with your notes that I read
17 earlier.

18 Q Yes, and I believe --

19 A I forgot the exhibits. But I'm sure they were because they
20 had to keep track of what was going on. I just wasn't paying attention. I
21 was nervous as well.

22 Q All right. So --

23 A Those are the originals, too, obviously.

24 Q Correct. So I'm showing you --

25 MR. BATEMAN: If I may approach, Your Honor?

1 THE COURT: You may.

2 BY MR. BATEMAN:

3 Q Showing you what's been previously marked and entered
4 into evidence is State's Exhibit 33 and 34. I need --

5 A Thank you.

6 Q -- glasses. And do you recognize those as the notes that the
7 detectives gave to you?

8 A Yes.

9 Q Okay. And so they were --

10 A I mean, it was kind of past that. I mean, I'm sitting on one
11 side. I think they were on the other side, and the phone was in the
12 middle.

13 Q Uh-huh.

14 A And either they were showing me or passing back, and then
15 I'd pass it back and put my hands up in the air because that wasn't
16 working, and then something else would be written. That's kind of what
17 -- it was a fluid process in an effort to get more information from your
18 client.

19 Q Okay.

20 A So that's the way -- I remember that because I was --

21 Q So this is --

22 A -- a little nervous.

23 Q Okay. So this is one of the notes. I don't know if you can
24 read that, and I don't know how to --

25 A Do you want me to read both of them, sir?

1 Q Well, I mean, sure. Well, there -- it looks like there's two
2 questions there zoomed in, written in handwriting, yeah. Read there
3 number 1.

4 A What are your terms -- "What are your terms of settlement,"
5 and number 2 is "What do you want to see happen."

6 Q Okay. So you, on this call, you asked the questions that they
7 told you to ask; is that correct?

8 A Yes, or try to put my own spins, or I might ask that exact
9 quotes, but I got --

10 Q But words to this effect? I mean you --

11 A I understand.

12 Q But that's -- you understand what I'm trying to say. Maybe
13 not verbatim like what are the terms of your settlement --

14 A They --

15 Q -- conduct.

16 A -- are the pros -- they are the experts, and I'm trying to
17 follow their advice. They're trying to help me so that we can make this a
18 one-telephone deal because they knew I didn't want to make that first
19 phone call.

20 Q Right.

21 A That's what was going on as I'm throwing up my hand,
22 saying hey, he wants to meet in person. What am I supposed to do
23 here?

24 Q Right. And I believe you testified that --

25 MR. BATEMAN: Yeah, how do you do that? Oh, it's over

1 there.

2 THE MARSHAL: There you go.

3 THE WITNESS: Thanks.

4 BY MR. BATEMAN:

5 Q Okay. So -- okay. So you -- say that again. You wanted to
6 make this a one-phone call deal?

7 A You know --

8 Q Or --

9 A -- I did not want anything to do with your client.

10 Q Uh-huh.

11 A I just wanted him to go away. I didn't want anything to do
12 with it, and obviously, I was forced to proceed with law enforcement,
13 which I didn't really want to. And the least amount of contact or
14 engagement possible. I mean, and it's not just a selfish thing as far as
15 well, you know, I've got to work. You know, this is, you know, I've got
16 my own life to do. I mean, I just didn't want to deal with an individual
17 like that, that would come to my private law office --

18 Q Okay.

19 A -- knowing that -- knowing the -- more importantly the way
20 that he was in that trial and how firm I had to be with him, and how
21 difficult he was and his voice. I just wanted him to be gone.

22 Q Okay.

23 A So --

24 Q But you didn't ignore him. You -- I mean, you engaged him
25 at the insistence here. So what -- I guess what I'm saying is --

1 A Well, no, there was, like, I said --

2 Q -- what you said is was he --

3 THE COURT: Okay, one at a time.

4 MR. BATEMAN: Sorry.

5 THE COURT: One at a time.

6 BY MR. BATEMAN:

7 Q The idea to call him was from the law enforcement officers.

8 It wasn't your idea. And it wasn't your wish to do so; is that correct?

9 A That's correct.

10 Q Okay. And so did you -- and then let me show you what's

11 Exhibit 34. I mean, here are some notes it looks like. If you can read

12 those. Did you also ask these, or did you say these things to Mr.

13 Blandino?

14 A Either I said them pretty close to theirs or something with the

15 same meaning, yes. I would've said -- I would've said anything that they

16 asked me to that you see in these papers.

17 Q You would have?

18 A I agree.

19 Q Okay. And it says -- it looks like [indiscernible] "I'm attorney.

20 I'm not going to go blind into negotiations." And it looks like that second

21 sentence there says, "Trying to get clarification prior to meeting. " And

22 then it says to the last part there, it says, "Ask what happens if I don't

23 agree to meet." Because -- now that question. Mr. Blandino was

24 insistent on just meeting you, right, and wanted to talk to you?

25 A He wanted to be in my presence for something, yes.

1 Q Okay. Just to --
2 A He wanted to be around me.
3 Q Uh-huh.
4 A He was very --
5 Q Okay. He --
6 A -- I don't want him to call him names, but it was very weird.
7 Q Okay. And now this is out of the, you know, out of the
8 ordinary. The --
9 A Which is very --
10 Q -- questions, I mean, he didn't really want -- what he wanted
11 was to just to, yeah, sit down and meet with you. And in fact, he -- I
12 guess -- you indicated he was insistent, I believe, is what you said or
13 something to that effect. Did he --
14 A I --
15 Q -- insistent on meeting with you?
16 A I would say insistent or obsessed.
17 Q Uh-huh.
18 A I didn't know what it was --
19 Q Okay.
20 A -- when on the 25th, you know --
21 Q Well, this is --
22 A -- I even -- I think I said, you know, stop stalking people. I
23 mean, that's the way I felt.
24 Q Right. And yeah, those are your parting words at the --
25 A It was.

1 Q -- at the hearing, don't stalk people. I mean, that doesn't
2 really sound like someone who's scared to you, or I mean, does it? Does
3 it sound like someone who's scared?

4 A On the -- on the -- I would say based upon just seeing him,
5 what was going on, I was pretty much stunned and shocked and --

6 Q Okay. I mean, like --

7 A -- I'm glad that's all I said. Oh, I'm sorry. I didn't mean to
8 interrupt you.

9 Q No, I mean, well, I mean is -- yeah, don't -- stalk people. I
10 mean, that sounds like someone, I don't know, like, as he's leaving, like,
11 get out and don't stalk people.

12 A Well, let's put it this way. I believe whoever the marshal was,
13 they escorted me out of court and to my car that day.

14 Q Okay.

15 A There was a lot of concern there, no matter what I had to say.

16 Q Okay.

17 A It's not like you're going to -- there's any backyard justice or
18 anything like that. I mean, you know, I'm sitting on the bench. There's --

19 Q Right.

20 A -- someone victimizing me, and I was concerned. I could call
21 -- I could've called him a lot of names. We'll put it that way.

22 Q Understood.

23 A So calling him just a stalker I think was the least of what I
24 was probably thinking in my mind to be honest with you.

25 Q Fair enough.

1 A So --

2 Q Okay.

3 A -- sorry.

4 Q And so in fact, so on the call, even he approached you to
5 quote unquote settle matters, when you called him, he really had
6 nothing prepared to offer; is that correct? I mean --

7 A To offer him? I had nothing to offer him.

8 Q No, him. Like, when you said, what do you want, he really
9 had nothing to say. I mean, he had to --

10 A No, I think it really, you know, it's been a couple years, but I
11 believe -- because it was, like, a 20-minute phone call. I think your client
12 said 18 --

13 Q Uh-huh.

14 A -- minutes somewhere or whatever. It was really him
15 insisting on me -- he needed to see me, he wanted to speak face-to-face.
16 That's how it went for the most part. And then when we really try to nail
17 down, he said he has to think about it -- something like that. Not exact --
18 I don't remember exactly, but he had to think about it, and he'll get back
19 with me.

20 Q Okay.

21 A That's when he calmed down out of kind of more of like a
22 manic state and kept on rambling on. He did say that because the phone
23 call obviously ended without me hanging up on him, fortunately. So he
24 kind of mellowed out and realized I wasn't going to meet with him face-
25 to-face -- at least not right there.

1 Q Okay.

2 A Did that make sense?

3 Q Yes. So I mean, so I mean, he asked for a few days to think
4 about it because he didn't really have anything prepared to say, I want
5 this, and I want that?

6 A Well, I mean, I caught him off guard because he didn't know
7 who it was. And like I said, he was -- he was, like, a giddy kid when --
8 when one of the times when he goes, hey, I can't believe I'm talking to
9 Michael Federico, where you could just hear it in his voice. It was a
10 different voice than the voice that you hear, you know, a different tone.

11 Q Okay.

12 A It was a very, very, very giddy, delighted --

13 Q [Indiscernible]

14 A -- and it was making me sick knowing that he was so excited
15 about it. So and that's the truth.

16 Q But I mean, well, I'm just going to ask, I mean, your opinion.
17 Does it strike you as odd that he didn't have a list of demands or
18 requests at the ready? I mean, he's come to you and asked to meet with
19 you before. Just your opinion?

20 A My opinion is no.

21 Q Is that --

22 A I mean --

23 Q -- no?

24 A -- he -- if he's done this is to -- he's tried to do this to several
25 people and people, and people will just ignore him, and he goes away.

1 So he's never had the opportunity to really follow --

2 Q Okay.

3 A -- through. That's what it sounded like. Your client obviously
4 would know more. I don't know.

5 Q Okay.

6 A But my opinion is no, it didn't --

7 Q No?

8 A -- surprise me because he was very surprised -- he was -- he
9 was ambushed with the call, but then he was certainly able to carry the
10 conversation, most of it, for almost 20 minutes -- surprise call that he
11 never expected in a million years, apparently, and he might've said
12 something like that, but I won't swear to it.

13 Q Okay. So on the call, or you said you wanted this to be a
14 one-call kind of a situation. I mean, meaning, like, you wanted this to be
15 -- to characterize it. I mean, what do you mean by that? Just to be sort
16 of like one and done, make the call, and then we've got him?

17 A Well, I just -- I just wanted the process to be the least
18 intrusive method on me and my life.

19 Q Understood.

20 A If that makes sense.

21 Q Yes, that makes sense. Thank you.

22 A The police investigators, they do their job. I'm cooperating
23 victim, the least amount keeps me from being more victimized, I guess,
24 would be a sad way of saying it, but I'm just trying to describe it and
25 answer your question.

1 Q Right. And in fact, you asked him, like, what do you want me
2 to do. Do you want me to, like, reverse my ruling or reverse the --
3 remove the contempt? I mean, do you recall -- you asked him that?

4 A Yeah. It was -- you were trying to -- I was trying to suggest
5 things, give him some ideas that he would agree to right there and then.

6 Q Okay.

7 A Throwing out some random crazy things that are -- that are
8 way off the charts in my mind but --

9 Q Right. I believe he testified --

10 A -- what would some --

11 Q -- that on direct that I can't believe I was saying this sort of
12 thing.

13 A Yeah.

14 Q But he rejected that, right? He just said, no, I don't want you
15 to reverse your ruling.

16 A I don't remember -- I don't remember right now. Whatever
17 I've said is final. I don't remember what his responses are. All I know is
18 that he didn't agree --

19 Q Okay.

20 A -- to any of what I said because obviously we had to ask him
21 to -- or I had to ask him to send me an agreement. He didn't agree to any
22 of my -- we'll say, crazy suggestions like reversing rulings or doing
23 something to his record. You know, I was just making things up of --

24 Q Uh-huh.

25 A -- things that somebody who shouldn't be on the bench

1 would possibly do. So it's very surreal. But yeah, he didn't agree.

2 Q Okay. And -- okay. And -- all right. So okay. So you asked
3 him -- all right. So he said no, and then -- so you wanted -- was that also
4 the -- sorry -- I believe it was on those notes -- that you wanted
5 something in writing. And I'm saying you, meaning the three of you, I
6 guess --

7 A He --

8 Q -- wanted something in writing; is that correct?

9 A -- so you -- well, you said he said no. I don't think he said no.
10 Maybe the officers have a better recollection. All I know he didn't agree.
11 I don't think he rejected anything. I don't recall. I can just -- I can say
12 that --

13 Q Uh-huh.

14 A -- that he did not agree to them. I don't know that he said no
15 to anything. I don't recall either way.

16 Q Right.

17 A The officers probably do. I don't recall that though.

18 Q But I mean, right. And I mean --

19 A I'm just -- I just --

20 Q -- he just wanted to meet with you, right? I mean, you said,
21 he just wanted to be your presence --

22 A He sound --

23 Q -- he wanted to talk to you. I mean, he wanted just to --

24 A He sounded like a man obsessed, and he insisted he had to
25 be in my presence.

1 Q Okay.

2 A He had to come see -- I mean --

3 Q But it wasn't --

4 A -- I never had --

5 Q -- his intention to formally --

6 THE COURT: One at a time, please.

7 THE WITNESS: Sorry, Your Honor.

8 MR. BATEMAN: Pardon?

9 THE COURT: One at a time.

10 BY MR. BATEMAN:

11 Q Okay. It wasn't his --

12 A Your turn, sorry.

13 Q I mean, he wasn't intending to send you anything in writing.

14 He wanted to meet with you from that conversation?

15 A He did not desire to do anything but be around me.

16 Q Okay.

17 A He wanted to be around me, and I didn't want to be around
18 him. That's it in a nutshell.

19 Q Understood.

20 A Especially he's a disgruntled criminal -- I'm sorry -- a criminal
21 defendant in a case, or at least a traffic matter, whatever you want to call
22 it. It's not a good idea to say, hey, come out, let's go hang out, let's have
23 some beers or something. It just doesn't happen in their real-world. It
24 does not ever happen. And I wouldn't want it to happen.

25 Q Right.

1 A I just wouldn't. I mean --

2 Q But I mean, at this point, you didn't have any case with him.
3 I mean, the case was done. I mean, it wouldn't have been --

4 A Oh with the -- but I did a lot of digging into him. I knew --

5 THE COURT: Okay, okay.

6 BY MR. BATEMAN:

7 Q That's --

8 THE COURT: All right. At this time, we're going to take a
9 recess. Okay. During this recess, you're admonished not to discuss or
10 communicate with anyone including your fellow jurors in any way
11 regarding the case or its merits either by voice, phone, email, text,
12 Internet, or other means of communication or social media or read,
13 watch or listen to any news or media accounts or commentary about the
14 case; do any research such as consulting dictionaries, using the Internet
15 or using reference materials, making the investigation; test a theory of
16 the case, re-create any aspect of the case, or in any other way investigate
17 or learn about the case on your own or form or express any opinion
18 regarding the case until it's finally submitted to you.

19 We'll be in recess for 15 minutes.

20 THE MARSHAL: Thank you. All rise for exiting jury, please.
21 Jurors.

22 [Jury out at 3:00 p.m.]

23 [Outside the presence of the jury]

24 THE COURT: Okay. The record reflect that the hearing is
25 taking place outside the presence of the jury panel. You know you can't

1 testify about any digging or anything about Mr. Blandino. You
2 understand that, right?

3 THE WITNESS: I can't talk about his -- yeah, whatever you
4 say, Your Honor, yes.

5 THE COURT: Right. I mean, I didn't know what you were
6 going to say, so that's why I --

7 THE WITNESS: I wasn't going to talk about a felony or
8 kidnapping children or anything like that. It's just a matter of my state of
9 mind is I did some research and based upon that. I wasn't going to go
10 any further. I figured that's why you --

11 THE COURT: Yeah. I just wanted to make sure.

12 THE WITNESS: Of course.

13 THE COURT: All right.

14 MR. BATEMAN: Thank you, Your Honor.

15 THE WITNESS: Thank you.

16 [Recess taken from 3:01 p.m. to 3:19 p.m.]

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

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

19 [Jury in at 3:20 p.m.]

20 THE MARSHAL: Thank you. Please be seated.

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

22 MR. DICKERSON: We do, Your Honor.

23 THE COURT: Mr. Bateman?

24 MR. BATEMAN: Yes, Your Honor.

25 THE COURT: Okay. You may continue with your cross-

1 examination.

2 MR. BATEMAN: Thank you.

3 CROSS-EXAMINATION CONTINUED

4 BY MR. BATEMAN:

5 Q And hello again --

6 A Hi.

7 Q -- Mr. Federico. Okay. Let me -- I just want to switch gears
8 here. Now, Mr. Federico never verbalized, like, any threat of violence
9 against you?

10 THE COURT: Did you mean Mr. Blandino?

11 BY MR. BATEMAN:

12 Q I'm sorry -- Mr. Blandino.

13 A So I'm sorry?

14 Q Sorry.

15 A Physical threat --

16 Q Right. Mr. Blandino never verbalized any physical threat of
17 violence against you?

18 A No.

19 Q Is that correct?

20 A It was all me inferring.

21 Q Okay. So any fear that was created, you created in your
22 mind? I mean, you drawing inferences?

23 A Except the time that we thought we saw his vehicle around
24 us over at Oka [phonetic] Park and the time that my wife thought she
25 saw somebody that looked like him across the street from our

1 community when she was getting the kids.

2 Q Okay.

3 A So there was --

4 Q And those turned out not to be him?

5 A I don't know.

6 Q Okay. And so then also, going back to these -- and just to be
7 -- not to go through all of these letters and stuff. I mean, what monetary
8 relief did Kim ask for -- it was \$25?

9 A It was \$25. It was the \$500 and/or me spending money to go
10 to Reno to take some kind of classes. It was apology.

11 Q Okay.

12 A That's all I recall. The documents are in evidence.

13 Q Right. And but I mean, he told you the \$25, when he asked
14 for it, in the next paragraph there, he states that that money is to go to
15 somebody else -- it doesn't go to him, correct?

16 A [Indiscernible]

17 Q That money was to reimburse someone?

18 A He would --

19 MR. DICKERSON: Calls for speculation, Your Honor.

20 THE COURT: Sustained.

21 MR. BATEMAN: Okay.

22 BY MR. BATEMAN:

23 Q In there, I believe there was a "hold harmless" clause. Can
24 you explain to our members of the jury what is a, like, in contract
25 language and civil law, what is a hold harmless clause?

1 A If somebody is going to receive some -- for example, if you
2 settled a case and you have -- if I'm a plaintiff, I get money because
3 you're my attorney, and the insurance company gives me money, but I
4 still owe my medical providers, I'll sign an agreement that says, well, for
5 giving me all of the money, I will hold you harmless for anything my
6 medical providers might try to do to you to get paid because I've got the
7 money now --

8 Q Correct.

9 A -- if that makes sense.

10 Q And in that settlement release, there is a hold harmless
11 clause, correct?

12 A Correct.

13 Q Okay. And that says that the -- you will be held harmless for
14 the \$25 that you paid, you'll be held harmless from the person to whom
15 it is owed, right?

16 A I -- it's not my writing. I think so.

17 Q Okay. And getting to that, that it's not your writing, I mean,
18 look, you had interaction with Mr. Blandino at the trial in 2018. Clearly,
19 this document is not his writing either; would you agree?

20 A I would -- I would -- I would -- I'm speculating. I'd speculate
21 that part of it is and part of it isn't.

22 Q I just want your, yeah, your opinion so that --

23 A My --

24 Q -- [indiscernible] --

25 A -- my opinion is some of it might not have been -- a lot of it

1 was. Like, the -- the death clauses that caught me off guard because I
2 read releases and settlement agreements, as you said, quite often.

3 That --

4 Q Okay.

5 A -- that threw -- that was way out there.

6 Q [Indiscernible] --

7 A If I die --

8 Q -- survivability clause is standard in many contracts.

9 A Maybe with, like, NBA players or NFL, or corporate deals. I
10 don't know. I don't deal with those. But in a regular personal injury
11 setting, I don't think so.

12 Q But the concept of a survivability clause is not form to you?

13 A No.

14 Q Okay.

15 A You learn that in Contracts 101.

16 Q Yes. A first-year law student could tell you that, correct?

17 And so I mean, so you stated your opinion. Part of this was -- would you
18 say was part his, where it's part not his words? I mean, would you think
19 it's safe to assume that this was some sort of like, cut and paste job?

20 MR. DICKERSON: It calls for speculation, Your Honor.

21 MR. BATEMAN: I'm asking his opinion. I think he can testify
22 as to his opinion, Your Honor.

23 MR. DICKERSON: And I believe it's outside lay opinion, Your
24 Honor.

25 THE COURT: Well, I mean, the witness isn't necessarily a

1 layperson either. I mean, he's an attorney. I mean, if you're asking him
2 what's his opinion based on reading --

3 MR. BATEMAN: Yes.

4 THE COURT: -- the documents. Go ahead.

5 THE WITNESS: Oh, thank you. I would say part of it was
6 taken from somewhere else -- some standard contract says, as I've done
7 in the past. And then you modify it and add your own paragraphs to fit
8 your needs -- underlying reasons. So I would say it would be a -- call it a
9 hybrid. That's what I believe just because --

10 BY MR. BATEMAN:

11 Q Does that --

12 A -- of the --

13 Q And that's pretty standard. I mean, attorneys don't, like,
14 reinvent the wheel with every contract or pleading standard. You have
15 something, you might pull language that applies here and use it; is that
16 accurate?

17 A I do.

18 Q Okay. And -- okay. And I mean, and in that -- I believe on
19 your -- sorry.

20 In your correspondence -- or in the correspondence from Mr.
21 Blandino, he states that he is -- was in a volunteer -- an unpaid volunteer
22 investigator. Couldn't you draw the inference that unpaid volunteer is
23 unofficial?

24 A No, I wouldn't.

25 Q You wouldn't?

1 A No.

2 Q Okay.

3 A I mean, I'm --

4 Q So --

5 A -- an unpaid volunteer for the State Bar Fee Dispute
6 Committee.

7 Q Okay.

8 A But I can't just say that unless I have the letter that's
9 confirmed by the State Bar telling me that I'm allowed to do that.
10 Otherwise, I'm outside their authority, and I'm doing things -- you know,
11 I'm having apparent authority.

12 Q Okay --

13 A So --

14 Q -- now, but I mean, you knew him from the trial in 2018. You
15 knew he was not anything -- any official type of person with the Nevada
16 Commission on Judicial Discipline?

17 A He said something about himself during that trial about
18 being an investigator. I just blew it off because I didn't -- I don't -- I don't
19 let people use tag -- like name tags and stuff like that coming into my
20 court influence me.

21 Q Okay.

22 A He said something about it, but I can't say that it was the
23 Judicial Committee.

24 Q But I mean, you have, I mean, you have contact with him.
25 You said you've been trained by them every couple of years? I mean,

1 you get training from them?

2 A The CLEs, yes.

3 Q Okay, yes. And so I mean, it's safe to assume you knew he
4 was not in any official capacity with the Commission?

5 A Honestly, I felt like he wouldn't have been, but there was also
6 the possibility that he was some kind of rogue person. I just didn't know.

7 Q Okay.

8 A It didn't make a difference anyway. I didn't think it was
9 appropriate. I felt like this wasn't the way a person should be doing
10 things if they do have that title. I really didn't know. I was just
11 speculating.

12 Q All right. Thank you. And going to the -- going back to your
13 phone call with Mr. Blandino. When -- as you stated that he wanted to
14 meet with you and you said -- you said no, and finally he got the hint,
15 you said please, send me something in writing because that's what the
16 detectives wanted you to say, correct?

17 A Correct.

18 Q Okay. And you had no intention of working anything out
19 with him, correct?

20 A Correct.

21 Q Okay. I mean, you weren't -- but you led him to believe that
22 you were dealing in good faith, that you would respond to what he was
23 -- what he was asking for, correct?

24 A I made him think I was taken the bait.

25 Q Okay. So and I mean, in this -- now, you stated as your, you

1 know, in your job as a civil litigator, I'm assuming you negotiate, and you
2 negotiate settlements; is that fair?

3 A Fair.

4 Q Okay. And did --- I mean, do you ever, you know, I don't
5 know. Are you familiar with the negotiation technique of what they call
6 high anchoring where -- are you --

7 A Do you mean -- do you mean a cap and a floor?

8 Q Yes.

9 A I don't know what high anchoring is. You caught me.
10 But --

11 Q Okay.

12 A -- a floor and a ceiling when you're trying to negotiate, and
13 you do brackets -- maybe in mediations?

14 Q Okay. High anchoring more refers to, okay, I'm going to
15 obviously ask that my first offer be super high, right?

16 A I've seen that.

17 Q So that because yes, I'm willing to settle in here, but I'm
18 going to, you know, somewhere in the middle, but I'm going to ask,
19 obviously, for something.

20 A Trying to make a good midpoint for yourself. I understand
21 what you're saying.

22 Q Correct.

23 A Yes.

24 Q And so you know, Mr. Blandino is, you know, in his mind, I
25 mean, he's -- well, I mean, from what he was saying to you, he wants to

1 negotiate. He wants to enter into negotiations, correct?

2 A Correct.

3 Q And you led him to believe that you would work something
4 out with him -- that you would respond to his -- I guess to his request,
5 correct?

6 A Correct.

7 Q And so and in fact, I mean, that's why law-enforcement was
8 there, wanted some been in writing, right? I mean -- that's what you
9 were there. You were trying to get him to slip up, correct? I mean --

10 A Well, he started something, and they wanted to make sure
11 that if he was going to finish it, there was no loose ends, I guess.

12 Q Uh-huh. And right. And so --

13 A I didn't ask him to come to my office the two different
14 times --

15 Q I understand.

16 A -- and try to bait him in. He came and started it up. So --

17 Q Right.

18 A -- anyway. So --

19 Q So right. Again, it goes back to the question of why didn't
20 you ignore him?

21 A I had never been in that situation before, and I didn't think it
22 was something to be ignored since I immediately thought somebody
23 was trying to extort from me. That's why.

24 Q But I mean, by calling him and asking him what he wants,
25 with law enforcement, you know, something in writing, I mean you led

1 him down this path, correct?

2 A After him coming to my office twice and finding me in my
3 office, yes.

4 Q But you changed the rules. He wanted just to meet in person
5 with you. You, at the insistence of law enforcement changed things and
6 said, no, give me something in writing, correct?

7 A I apologize. Could you say that again?

8 Q He -- your testimony was, he wanted to meet more than --
9 wanted to meet with you more than anything else in that phone
10 conversation. But you, at the insistence or the urging of law
11 enforcement, sort of changed that and said no, give me something in
12 writing, correct?

13 A Correct.

14 Q And so what I'm saying is you led him down a different path
15 than what he had originally wanted, which was just a face-to-face
16 meeting?

17 A I'm not sure I'd call it a different path. I would just say it was
18 modifying things -- not agreeing to his initial terms and saying, hey, let's
19 do this in writing.

20 Q Okay.

21 A I mean, it kind of -- sorry.

22 Q And then so -- all right. So you and so he did that, and then
23 you were told by the detectives to follow up with that May 9th email,
24 correct?

25 A Correct.

1 Q You led him down this path and said hey, because the -- I
2 mean, he thinks he's negotiating a, you know, he thinks he's working
3 something out with you, probably expecting a counteroffer, something
4 of that effect. And then they ask you to ask him for what -- a global
5 resolution?

6 A They did.

7 Q And what does that mean?

8 A What does that --

9 Q A global?

10 A -- mean? What does that mean? Well, you have the second
11 time he came into my office -- I'm sorry -- the second time he was in my
12 court where he said I committed misconduct, and that's where he
13 focused his original documents on. And with the original complaint
14 started with the trial that was in 2018.

15 So globally means let's wrap up both of these because all he's
16 doing initially is talking about the second time he was in my court. And
17 of course you want to cover all bases and take care of any possible
18 claims that would, I guess, include the trial as well -- all the complaints
19 he had against me about the water and stuff at that.

20 Q Okay.

21 A But that was the global as far as my understanding.

22 Q All right.

23 MR. BATEMAN: The Court's indulgence?

24 BY MR. BATEMAN:

25 Q Well, sorry. Just to get back on that, you -- I mean, he only

1 was trying to, I guess, resolve being kicked out of the courtroom -- an
2 April 25th incident, correct, originally?

3 MR. DICKERSON: Objection. Calls for speculation --

4 THE COURT: Right.

5 MR. DICKERSON: -- and best evidence.

6 THE COURT: Sustained. You probably just need to clarify it.

7 MR. BATEMAN: Okay.

8 BY MR. BATEMAN:

9 Q Well, the -- sorry. You asked for the global negotiation
10 because his proposed -- his proposal only included dealing with the
11 incident on April 25th?

12 A I believe so, correct.

13 Q Correct? Okay. And you -- right. So you wanted to -- or with
14 the help of, you know, with the assistance of officers, to lead him down
15 this path, right? I mean, you did. Again, you changed what he was
16 seeking to suit your own purposes?

17 A I can't speak for the officers. I was just following direction.

18 Q Okay.

19 A I think -- I think I'm really speculating if I talk about that.

20 Q All right.

21 MR. BATEMAN: I will pass the witness, Your Honor.

22 THE COURT: Any redirect?

23 MR. DICKERSON: Thank you, Your Honor.

24 REDIRECT EXAMINATION

25 BY MR. DICKERSON:

1 Q Wouldn't it have been great that if on April 29th, 2019 you
2 call Kim Blandino, and he says, hey, I'm so glad you called, that's all I
3 wanted, let's go our separate ways, right?

4 A Right.

5 Q But that was not what that conversation was, was it?

6 A No, not at all.

7 Q And it only come to the point on April 29th, 2019 that you're
8 calling him in your conference room with two law-enforcement officers
9 there listening after Mr. Blandino had shown up unannounced at your
10 office on April 8th?

11 A Yes.

12 Q Left a letter that they that he wrote indicating -- I'm ready to
13 start filing my complaints?

14 A Yes.

15 Q You need to negotiate with him?

16 A Yes.

17 Q And then showing up for no particular reason other than his
18 stated reason for investigating you in your courtroom on April 25th,
19 2019?

20 A Yes.

21 Q And then later that day, showing up unannounced,
22 unwelcome after you kicked him out of the courtroom for coming to your
23 office, back to your office --

24 A Yes.

25 Q -- this time with the new letter that was typed out?

1 A Yes. He didn't write anything that day. He dropped it off --
2 he dropped off that nice package.

3 Q And it was that -- it was those events which ultimately led to
4 you making that call to him on April 29th?

5 A That's correct.

6 Q The pressure that he exerted on you, which led to that day?

7 A It was great.

8 Q Now, there was some talk about kicking him out of the
9 courtroom on April 25th, 2019. And defense counsel had mentioned that
10 there was other people in the courtroom, right, and they were allowed to
11 sit in there -- that we saw on video?

12 A I think there is quite a few because I remember comments
13 that were made afterwards by some.

14 Q Have any of those people shown up unannounced at your
15 law office after you convicted them of crimes in court?

16 Q Never.

17 A Have any of those people dropped off a letter that you felt
18 was threatening at your office?

19 A Never.

20 Q Have any of those people in your courtroom ever threatened
21 you before?

22 A Never.

23 Q Then, there was discussion about that phone call in particular
24 -- the conversation that you had with him. Did you ever suggest to Mr.
25 Blandino that you should pay him \$25?

1 A Tell him that I believed I should?

2 Q Yeah.

3 A No.

4 Q Did you ever suggest that?

5 A No.

6 Q Did you ever suggest that?

7 A No.

8 Q Did you ever tell him that you should pay him or pay to the
9 Clark County Law Library, \$500?

10 A No.

11 Q Did you ever suggest that you should take this class in Reno
12 in October of 2019?

13 A No.

14 Q Did you ever suggest that you should -- in your capacity as a
15 judge, issue a written apology?

16 A No.

17 Q That you should acknowledge, in that written apology, that
18 he has a right to come and view your courtroom at any time and
19 investigate?

20 A No.

21 Q And there was some discussion about whether some of the
22 language in that document entitled Settlement Agreement or Lease that
23 Mr. Blandino had sent to you seemed to be maybe and paste; remember
24 that?

25 A Yes, on cross. Is there any template for seeking a quid pro

1 quo from a judge that you can just find online?

2 A I doubt it.

3 MR. BATEMAN: Objection.

4 A I've never -- I've never looked for something like that but --

5 THE COURT: I'm sorry. What's the objection?

6 THE WITNESS: Sorry.

7 MR. BATEMAN: I think it miscategorizes the net settlement
8 demand.

9 MR. DICKERSON: That's what they --

10 THE COURT: Overruled, and you couldn't take it up on
11 recross.

12 THE WITNESS: I apologize. What was the question -- oh,
13 yeah. I'm not familiar with anything like that. I have never seen
14 anything like that before. I can't say it's not out there though. I mean,
15 that would be -- I just don't know. But I doubt it because it wouldn't be
16 an ethical document. So I guess on maybe the dark web or something --
17 I don't know. I'm just obviously speculating.

18 BY MR. DICKERSON:

19 Q You've never seen it?

20 A No. That's like make-believe land in "Lawyerville," you
21 know? I mean, it just doesn't happen.

22 Q Because when you get an adverse ruling from a judge that
23 you don't like, there's no template to search for to send that judge your
24 terms for their personal service to you, to release whatever you believe
25 you have against them, is there?

1 A No.

2 Q And you discuss these death clauses that you saw in that
3 document that said if you died, then \$25 is still owed to Mr. Blandino by
4 your estate?

5 A It was all my death, not anything to do with him possibly
6 dying during the terms of the contract, so --

7 Q Right. And if you died, \$500 is still owed by your estate to
8 Mr. Blandino now?

9 A Right. I think for him to distribute when he feels like it, I
10 guess.

11 Q Okay. That was concerning to you?

12 A Oh, yes.

13 Q And you testified you felt that was a death threat?

14 A Oh yes. There was two of them in there.

15 Q Defense counsel asked you, insinuating that you changed the
16 rules. You changed the rules by asking for something in writing; is that
17 right?

18 A That's what he asked. I mean, that's what he suggested.

19 Q Did you ask for that note on April 8th, 2019?

20 A Absolutely not.

21 Q Did you ask for Kim Bland Dino to come drop off that letter
22 on April 25th, 2019?

23 A No.

24 Q And in the follow-up letter or email that you sent to Mr.
25 Blandino on May 9th, 2019 about the global agreement, there was some

1 question about that, right?

2 A Yes.

3 Q And I have here State's Exhibit 7, putting it back on the
4 screen. You sent that email at 9:20 a.m.; is that right?

5 A Whatever it says. I don't remember, but whatever the time
6 is, I'm sure is accurate.

7 Q Is that the time there for your email?

8 A Yes, off the law firm email.

9 Q Okay.

10 A Which is very important when you're sending emails from
11 law firms.

12 Q And Mr. Blandino responded to you an hour and 28 minutes
13 later --

14 A Yes.

15 Q -- with this letter; is that right?

16 A Yes.

17 Q The one dated from the day before, May 8th, 2019?

18 A Yes.

19 Q One more when we turn to it on the last page -- the one that
20 he indicates, I have worked on this letter now over the course of two
21 days; is that the same letter?

22 A Yes, it is.

23 Q The course of two days, so somewhere around May 7th, May
24 6th would probably be about that?

25 A I believe so.

1 Q Okay. Defense counsel had asked you why you don't you
2 just ignore him -- remember that?

3 A Yes.

4 Q If you'd never heard from Mr. Blandino after April 8th, 2019
5 when he dropped that note at your office, would that call have taken
6 place on April 29th?

7 A I apologize. I didn't hear that first part. I wasn't following.

8 Q If you never heard from Mr. Blandino again after April 8th,
9 2019, when he came to your office, stood around for approximately 20
10 minutes, and wrote that note, would you have ever been sitting in your
11 conference room on April 29th, 2019?

12 A No.

13 MR. BATEMAN: Object, Your Honor. Calls for speculation.
14 I'm going to object to that question.

15 THE COURT: Overruled. I'm going to allow him to answer.
16 BY MR. DICKERSON:

17 Q So if you never heard from Mr. Blandino again after he came
18 to your office, stood around for 20 minutes, wrote a note, and indicating
19 that you need to contact him and settle. If you never heard from him
20 after that date, would you have been sitting in your conference room or
21 your deposition room with two law-enforcement officers on April 29th,
22 2019 calling Mr. Blandino?

23 A It's only because of him. His actions caused it all.

24 Q So --

25 A I didn't want anything to do with the guy.

1 Q -- so if you had never heard from Mr. Blandino after April 8th,
2 2019 when that bill was dropped at your office, would you have been
3 sitting there calling him?

4 A No. Never.

5 Q If Mr. Blandino had not come to your courtroom on April
6 25th, 2019, and then later that day, come to your office and dropped off
7 another letter, indicating further that he wanted you to contact him and
8 that he was going to file a complaint, would you have been sitting there
9 in your -- if he never did that?

10 A Never did any of that stuff? No, there would be no reason for
11 it. He --

12 Q Okay.

13 A -- he engaged me first and came at me. So instead of going
14 back at him, I went to law enforcement.

15 Q If that traffic trial in August of 2018 was the last time that you
16 ever saw Mr. Blandino, how would you feel about that?

17 A It would've been a much better scenario.

18 Q And would you have ever been sitting in that deposition
19 room on April 29th, 2019 calling Mr. Blandino?

20 A No, no reason to. It would've been forgotten.

21 Q And ignored?

22 A Right.

23 Q Okay.

24 A It's another trail I heard for the taxpayers.

25 MR. DICKERSON: I'll pass the witness.

1 THE COURT: Thank you. Any recross?

2 MR. BATEMAN: No, Your Honor.

3 THE COURT: Thank you very much for your testimony here
4 today. You may step down, and you are excused from your subpoena.
5 And thank you very much for being here the last couple of days.

6 THE WITNESS: Thank you, Your Honor.

7 THE COURT: You may call your next witness.

8 MR. DICKERSON: Thank you. The State will call Paul
9 Deyhle.

10 THE MARSHAL: Paul Deyhle. Please remain standing, raise
11 your right hand, and face the clerk.

12 PAUL DEYHLE, STATE'S WITNESS, SWORN

13 THE CLERK: You may be seated. Please state and spell your
14 first and last name for the record.

15 THE WITNESS: Paul Deyhle. Last name, D as in David, E-Y-
16 H-L-E.

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

18 THE COURT: You may proceed.

19 MR. DICKERSON: Thank you very much.

20 DIRECT EXAMINATION

21 BY MR. DICKERSON:

22 Q Sir, what do you do for a living?

23 A I'm an attorney for the -- the Judicial -- the Nevada Judicial
24 Discipline Commission.

25 Q Okay. And this is the Nevada -- the State of Nevada's

1 Commission on Judicial Discipline; is that right?

2 A Yes.

3 Q And what is your title on the Commission on Judicial
4 Discipline?

5 A I'm the General Counsel and Executive Director.

6 Q Okay. So does that mean that you run that Commission for
7 the State of Nevada?

8 A Yes.

9 Q And can you tell us how long you've been doing that job?

10 A Since November of 2013.

11 Q What's your background before coming into your position
12 with the Commission?

13 A I was a partner at McDonald Carano Wilson law firm for
14 about 14 years in practicing in corporate business and intellectual
15 property law.

16 Q Okay. And so moving over and running a state Commission
17 is different than practicing law; is that right? Like in a civil practice?

18 A Oh, yes, much different.

19 Q And can you just tell the ladies and gentlemen of the jury
20 what is the Nevada's Commission on Judicial Discipline?

21 A It's a commission that investigates judges based on
22 complaints or allegations of judicial misconduct and incapacity.

23 Q And how is the Commission on Judicial Discipline
24 structured?

25 A It has seven commissioners. Three are appointed -- three lay

1 members are appointed by the governor. Two judges are appointed by
2 the Supreme Court, and two attorneys are appointed by the Board of
3 Governors of the State Bar of Nevada.

4 Q And so what is the Commission's role -- those seven people?

5 A They decide -- those seven Commissioners decide on
6 whether a complaint moves forward in the process, whether an
7 investigation is authorized, whether discipline is imposed.

8 Q Okay. This Commission itself and just the Commission as a
9 whole, the entire body as a Commission of the State of Nevada, does
10 that have its foundation in being created within the Constitution of the
11 State of Nevada?

12 A Yes, it does.

13 Q And are there laws within the Nevada Revised Statutes that
14 deal directly with the Nevada Commission on Judicial Discipline and its
15 structure?

16 A Yes, it's NRS Chapter 1.

17 Q And then, within the state law, does it also dictate that the
18 Commission on Judicial Discipline has its own procedure rules that have
19 to be set up?

20 A Yes.

21 Q And does that, in fact, exist within your Commission, sir?

22 A Yes.

23 Q Can you tell us about the way that the Commission on
24 Judicial Discipline investigates judges -- the process that occurs?

25 A The Commission -- once an investigation is authorized, they

1 -- we -- the Commission has author -- they have authorized investigators
2 essentially that are -- they're engaged. They're not employees of the
3 Commission. They're independent contractors that the Commission
4 engages to conduct the Commission's investigation.

5 Q And when you Commission, when you get these
6 investigators and you commission them, they then become agents of the
7 State of Nevada's Commission on Judicial Discipline?

8 A Yes.

9 Q And the State of Nevada's Commission on Judicial
10 Discipline, their investigators have special authority under Nevada law;
11 is that right?

12 A Yes.

13 Q What does that authority include?

14 A It includes when an investigation is authorized, speaking and
15 interviewing judges, witnesses, requesting transcripts, videos, and other
16 documentation that's needed in the course of an investigation.

17 Q So they have the ability to, under the state law, to compel
18 witnesses by subpoena?

19 A Yes.

20 Q And to compel the production of evidence by subpoena?

21 A Yes.

22 Q There's also a state law which deals directly with certain
23 individuals having to cooperate with your investigators by law?

24 A Yes.

25 Q And what is that -- what is that generally -- what is the law

1 generally there?

2 A The large what?

3 Q What is that -- what does that authority generally mean?

4 What is that?

5 A Well, if our investigator, in the course of an investigation,
6 needs to speak with a witness, get documentation, the public officers,
7 officers of the court, the state employees, they are required by law to
8 cooperate with the Commission and further and furnish any information
9 -- transcripts, documentation that's requested.

10 Q Okay. Now, the investigators that you bring into your
11 investigations, where do you find them?

12 A We just -- we did -- well, we've had the same investigators
13 for a number of years now -- Spencer Investigations -- and we've got --
14 the investigators, they're individually separately licensed under Nevada
15 laws as an investigator and make sure that they're licensed, we conduct
16 interviews, we engage them.

17 Q Okay. And these are professional investigators?

18 A Yes. They work not only for the Commission but in other
19 capacities.

20 Q And they're licensed by the State?

21 A Yes, they are.

22 Q And when your Commission brings them into an
23 investigation they become public officers?

24 A I believe so, yes.

25 Q And can you talk to us about how the Commission on

1 Judicial Discipline begins an investigation?

2 A Well, the Commission receives a complaint, and Commission
3 staff, myself, other attorneys will prepare. We'll review the complaint,
4 we request any videos that may be pertinent, and we'll draft up a
5 recommendation, which includes the facts and the law, present that to
6 the Commission for its next quarterly meeting. And then they, the
7 Commission, will decide, you know, what -- what the next step is. If
8 there's -- that meets that evidentiary threshold at the beginning for the
9 investigation. They'll authorize an investigation, and that will proceed
10 accordingly. If it does not, then it will be dismissed. And then -- well, I
11 don't know. Do you want me to go forward?

12 Q That's fine right there for this portion here. As far as the
13 complaint, where do you -- where can you get complaints that you start
14 taking action on?

15 A Where do we get them from or --

16 Q Yeah.

17 A -- where can they complain and get the form?

18 Q Where can you get -- where do you get the complaints from?

19 A From anyone who wants to file a complaint with the
20 Commission, I think.

21 Q Anybody in the public?

22 A That's correct, yeah.

23 Q And you receive their complaints?

24 A Yes.

25 Q And then your office begins the initial investigation?

1 A Yes. The initial -- the initial investigation is really comprised
2 of a video -- requesting videos from courts throughout the State, and if
3 applicable, or transcripts. That's all that the staff can do at that point. So
4 the Commission has all the information it needs at that preliminary stage
5 to decide whether there is enough of evidence to move forward in the
6 process. The Commission has to authorize an investigation for a full
7 investigation to commence.

8 Q And once the Commission authorizes the investigation, is
9 that when an investigator for the Commission on Judicial Discipline
10 would be retained to work on that case?

11 A Yes.

12 Q And the Commission to open an investigation, needs to find
13 that there's specific burden of evidence that's been met; is that right?

14 A That is correct.

15 Q And am I correct that the Commission looks at each one of
16 those initial investigations to determine specifically if there is objectively
17 verifiable evidence from which a reasonable inference could be drawn
18 that a judge committed misconduct or is incapacitated?

19 A Yes. That's the initial evidentiary threshold to determine
20 whether an investigation is going to be authorized, yes.

21 Q Okay. And then once that investigation is -- if it's not
22 authorized, what happens?

23 A That's -- it's dismissed or and/or a letter of caution is issued
24 to the judge.

25 Q And a letter of caution would come with a dismissal?

1 A Yes.

2 Q A letter of caution -- is that discipline?

3 A No, it's not discipline, and it's not made public. It's just a
4 letter to the judge.

5 Q And is it a finding of misconduct?

6 A No.

7 Q Okay. And so then let's say that the Commission finds that
8 there is objectively verifiable evidence that they can draw a reasonable
9 inference that a judge committed misconduct or is incapacitated. What
10 happens at that point?

11 A The Commission will authorize an investigation, we'll engage
12 the investigators, and then they will proceed to interview the witnesses
13 and the judges, review documents. And then after that process is
14 completed, they will prepare an investigation report and submit that and
15 all materials, transcripts to the Commission. And then that process will
16 start again. A recommendation is prepared, and the Commission will
17 then make a decision whether the investigation substantiated the
18 allegations or not.

19 Q Okay. And so you have -- this is now the second phase of the
20 investigation?

21 A Yes.

22 Q And it's completed when the investigator completes their
23 side of it -- completes an entire report on their investigation and submits
24 that to the Commission?

25 A Yes.

1 Q As well as all the evidence they've collected?

2 A Yes.

3 Q And then, what does the Commission do at that point in time
4 once they have all of that in front of them?

5 A Well, then the evidentiary threshold changes at that point,
6 and it becomes a reasonable probability that there is clear and
7 convincing evidence that misconduct occurred. So it goes from
8 objectively verifiable evidence to clear and convincing, which is
9 significantly higher.

10 Q And so at that point in time, what if the Commission finds
11 that the investigation doesn't meet that burden?

12 A Again, it would be dismissed and/or a letter of caution
13 issued.

14 Q Okay. And what if they find that the investigation does show
15 clear and convincing evidence of misconduct or incapacitation?

16 A Then, they will authorize the judge -- well, they'll require the
17 judge to respond to the complaint.

18 Q Okay. Is any of this public?

19 A No.

20 Q Up until this point none of it is public?

21 A That is correct.

22 Q And then what happens when the judge responds to the
23 complaint?

24 A Then, the Commission will meet again and review the
25 response and make another determination saying reasonable probability

1 of clear and convincing evidence and determine whether formal charges
2 will be filed.

3 Q And so, if the Commission decides that, after receiving the
4 response, there is not enough evidence to meet that burden, what
5 happens?

6 A It'll be that -- dismissed with or without a layer of caution.

7 Q Okay. And if they decided there is enough evidence to
8 proceed, what happens at that point?

9 A Then they'll authorize the formal charges to be filed by a
10 independent prosecuting officer.

11 Q What is an independent prosecuting officer?

12 A It's an independently licensed Nevada attorney that the
13 Commission engages again. It's not a Commission employee. It's a
14 licensed attorney that has a separate practice, but part of that practice is
15 working for the Commission.

16 Q Okay. And when they're working in that capacity for the
17 Commission, they are a public officer that is a prosecuting officer for the
18 Commission on that case?

19 A Yes.

20 Q So they essentially become a prosecutor in a judicial ethics
21 matter?

22 A Yes.

23 Q And so, then what happens once the prosecuting officer is
24 engaged, formal charges are filed? What happens there?

25 A Well, then it goes forward as any civil trial, if you will, as --

1 the -- there's -- formal charges will be filed. The judge can answer -- will
2 have the time to answer the complaint, and then it'll just proceed
3 forward to trial unless there's a stipulation settlement, you know, prior to
4 that.

5 Q Okay. So a settlement where the judge can potentially admit
6 that they did something wrong?

7 A Yes.

8 Q And that would wrap up the whole matter with whatever the
9 Commission on Judicial Discipline deems to be an appropriate sanction
10 for that?

11 A Yes. If the Commission and the judge agree to the stipulated
12 terms, then a document is created. It's public, and it's filed with the
13 Supreme Court and posted on our website.

14 Q Okay. Does the Commission on Judicial Discipline, those
15 seven members who are appointed, they have to approve of that
16 settlement?

17 A Yes.

18 Q Would it ever be appropriate for a private citizen to go find a
19 judge that they have an issue with and make their own settlement with
20 that judge on behalf of the Commission on Judicial Discipline?

21 A Absolutely not.

22 Q That's not how that works?

23 A No.

24 Q And so, then if the settlement -- if there is no settlement, the
25 Commission and the judge who is now being charged by the

1 Commission can't agree on anything, then it goes to a trial?

2 A Yes.

3 Q And this is a public trial?

4 A Public trial.

5 Q The judge can have an attorney?

6 A Yes.

7 Q The judge gets all the evidence?

8 A Yes.

9 Q And it would be a trial just like we would expect a trial to be,
10 essentially?

11 A Yes. Rules of evidence, rules of civil procedure apply. Yes.

12 Q And I should also mention too that, earlier, before those
13 formal charges are ever filed, and the Commission gives the judge an
14 opportunity to respond, does the judge know what potential violations
15 are pending against them?

16 A Yes. Yes. They get a copy of the complaint. They get a copy
17 of the investigation report, all of the supporting documentation that was
18 involved in the investigation, including transcripts, videos, audios of
19 interviews, anything that the Commission relied on to come to the -- to
20 author -- you know, to require the judge to respond. The judge is sent
21 this -- these materials prior to having to respond.

22 Q And so, the judge is afforded due process?

23 A Yes.

24 Q And then ultimately, we go forward. If trial is held and the
25 Commission finds that there are -- there's sufficient evidence to find the

1 judge committed misconduct and/or is incapacitated, what are the
2 potential punishments?

3 A There's a range of remedy -- of sanctions, or punishment, if
4 you will, ranging from public admonishments and reprimands to fines
5 requiring the judge to take an educational class to more severe cases.
6 There would be removal or bar from being a judge again.

7 Q Okay.

8 A It just depends upon the facts of the case.

9 Q And so, a variety of things up to removal from the bench and
10 being banned from ever being a judge again?

11 A Yes.

12 Q Now you talked about your investigators. Do you know who
13 Kim Blandino is?

14 A Yes.

15 Q And has Kim Blandino ever been an investigator for the
16 Commission on Judicial Discipline?

17 A No.

18 Q Has Kim Blandino ever been authorized by the Commission
19 on Judicial Discipline to hold himself out in public and to judges as an
20 investigator on behalf of your commissioner?

21 A No.

22 Q Did you come to learn that Mr. Blandino, in fact, was doing
23 that?

24 A Yes.

25 Q And did that cause you concern?

1 A Yes.

2 Q Why'd that cause you concern?

3 A Well, first and foremost, it's not true, that he is not an
4 investigator for the Commission. But as you said earlier, investigators
5 have certain powers under the law to compel witnesses and others to
6 comply and furnish documents and information. So if someone who is
7 not authorized by the Commission was acting in that respect, that would
8 be very concerning. Yes.

9 Q As you sit here today, are you aware that Mr. Blandino and a
10 municipal court judge Pro Tem, Michael Frederico, in that capacity, had
11 interactions in the Las Vegas Municipal Court on August 28, 2018 and
12 April 25, 2019?

13 A Yes.

14 Q And you're aware of those interactions?

15 A Yes.

16 Q And can you confirm whether the Nevada Commission on
17 Judicial Discipline ever filed charges against Michael Frederico for either
18 of those interactions?

19 A I can confirm that no charges were filed.

20 Q And can you confirm whether the Nevada Commission on
21 Judicial Discipline ever found it appropriate to discipline Michael
22 Frederico for either of those interactions?

23 A No. No discipline was imposed.

24 MR. DICKERSON: The State would pass the witness.

25 THE COURT: Any cross?

1 MR. BATEMAN: Yes.

2 CROSS-EXAMINATION

3 BY MR. BATEMAN:

4 Q Good afternoon, Mr. Deyhle? Is that --

5 A Deyhle, yes.

6 Q -- how you pronounce it? Am I doing it right? Deyhle. Okay.

7 You stated that your title with the Commission is executive director?

8 A Executive director and general counsel.

9 Q And general counsel. Okay. And that was -- I'm sorry. When
10 I say the Commission, I mean, obviously, the Nevada Commission on
11 Judicial Discipline. I'll probably just say Commission to be brief.

12 A Sure.

13 Q Okay. And now on direct examination, you stated that the
14 Commission responds to -- it responds to complaints? I mean, in other
15 words, it doesn't generate its own cases as it were. It's in response to
16 complaints from the general public or from whatever source.

17 A Yes. So there's one exception, that there -- if information
18 comes to the attention of the Commission and a complaint has not been
19 filed, then, under the law, as executive director, I have the authority to
20 file a complaint myself upon authorization by the Commission.

21 Q Okay. But in fact, that's a very small percentage of the
22 complaints that are generated or would be generated by you or by the
23 Commission as it were --

24 A Yes.

25 Q -- correct? In fact, now the Commission creates an annual

1 report or biannual report?

2 A Both, yes.

3 Q Okay. And those reports are required by law, correct?

4 A Yes.

5 Q Okay. And so, I -- you know, I do have the report for I
6 guess -- yes. The pie chart that comes out with that. I'm sure you're
7 familiar with the report.

8 A Yeah. Yeah.

9 Q There's a -- basically, breaking down the source of
10 complaints. And I know that for the year 2021, I know it's -- the
11 Commission generated one complaint. Does that sound right?

12 A One complaint, you know, I didn't look at that, but it's a low
13 number.

14 Q Okay. And in -- okay. And so yes. So most -- and so, it
15 does -- so the Commission does rely on complaints from third parties,
16 really, before it will begin to investigate any claim of judicial
17 misconduct?

18 A Yes.

19 Q And so -- and just sort of to recap, so a person sends a
20 complaint into the Commission, and then you or someone on your staff
21 reviews that cap, you said reviews transcripts, other evidence to judge
22 its merits, correct?

23 A Well, the staff counsel does it. They don't judge the merits
24 on that. The Commission does.

25 Q Okay.

1 A We just present it to the Commission for determination.

2 Q Now is that with every complaint? So is that decision made
3 by the Commission -- by the commissioners?

4 A As to whether a complaint moves forward or not?

5 Q Yes.

6 A Yes. Yes.

7 Q So is every complaint then forwarded to the commissioners?

8 A Yes.

9 Q Okay. Do you make recommendations with -- when you
10 send that over? Does the --

11 A Yes.

12 Q Okay. And so, it's possible then that [indiscernible] possible
13 [indiscernible] you said is just after initial review, we're just going to
14 dismiss this outright? Is that your --

15 A Well, if the Commission determines that. If --

16 Q Right. That's what you --

17 A -- it doesn't meet the evidentiary standard, yes.

18 Q Uh-huh. Also, you stated that it could also be dismissed but
19 with a letter of caution to the judge.

20 A Yes.

21 Q What does that entail? What would you -- if you're
22 dismissing it, what would you caution the judge in that sense if it's
23 dismissed?

24 A Well, the --

25 Q Maybe you can explain to our jurors here. What do you --

1 why -- if you're going to dismiss it, why are you cautioning the judge?

2 A Well, the Commission -- on the allegations, the -- if the
3 Commission decides to dismiss certain allegations and not others or
4 they decide to dismiss and they see other things in the file, in the video
5 that is concerning, they will send a letter of caution that the judge
6 just -- you know, it's just to bring certain things to the attention of the
7 judge, so the judge is aware.

8 Q Okay. And now is it true that sometimes a complaint will
9 come in and the Commission will request of the complainant more
10 information or more -- I don't know -- more evidence?

11 A Well, during an investigation?

12 Q Yes.

13 A Yeah.

14 Q Any time of that process.

15 A Yeah. The Commission investigator will interview the
16 complainant along with the judge and other witnesses as the case may
17 be. Yeah.

18 Q Okay. So, and then these people then -- I mean I guess these
19 complainants will voluntarily comply and provide you with what you're
20 asking for?

21 A Well, the Commission will have -- the Commission
22 investigator will meet with the complainant for an interview and will ask
23 the complainant questions. And you know, at some point during that
24 interview, if the complainant brings up documents, you know, that may
25 be relevant, the Commission investigator may request them from the

1 complainant. But that's, you know, just on a case by case basis. A lot of
2 times, you know, it's just an interview. They're getting information.
3 There's no information to be provided, and it just goes forward from
4 there.

5 Q Okay. And the -- so it was your testimony, on direct
6 examination, the Commission itself does not employ investigators?

7 A That's correct.

8 Q And in fact, they would depend on contractors I believe was
9 your testimony.

10 A Yeah.

11 Q But you don't use their services until it's determined that a
12 case has merit, correct?

13 A That is correct.

14 Q Is it -- and I can't read my notes. What would it be -- can you
15 remind us? So it's -- they're asked that -- what is it, the clear and
16 convincing standard? Is that when you're just like okay, we -- clear and
17 convincing evidence that there's potential misconduct, so we're
18 employing these investigators to research it further?

19 A The evidentiary standard at the beginning to determine
20 whether an investigation is going to be authorized is objectively
21 verifiable evidence that misconduct occurred. So much less standard --

22 Q See -- okay. So I did have that in my notes. Okay. But I
23 couldn't read it. Object -- yes. Okay. Objectively verifiable. And then it
24 goes to the next -- if there is objectively verifiable evidence, it goes to the
25 next phase, which is what?

1 A A reasonable probability that there's clear and convincing
2 evidence that misconduct occurred. That's after the investigation is
3 concluded.

4 Q Okay. So is that objectifiably -- is that when you employ your
5 contract -- your investigators?

6 A Yes. Once -- if the Commission decides -- they have to make
7 that determination that there's -- they meet the evidentiary threshold.
8 And if they do, then they will authorize an investigation. And then
9 Commission staff will get in touch with the investigators and then move
10 on from there.

11 Q Okay. But that's only after quite a lengthy process of a
12 complaint being submitted to the point when you would employ your
13 contractors, correct?

14 A Well, from the time a complaint is received, it could be
15 three -- depending on when it's received, because the Commission
16 meets quarterly, so every three months. So it could be a month, two or
17 three months before an investigator is authorized just depending on
18 when we receive that complaint.

19 Q And -- okay. So in other words, there's nobody employed by
20 the Commission to investigate and commence an investigation then,
21 correct?

22 A Before the Commission authorizes one?

23 Q Yes.

24 A No. Other than what I said earlier on direct, that the
25 Commission has the authority to requests JAVS videos and transcripts to

1 assist the Commission in making a determination.

2 Q Okay. But you said that was very rare, and most complaints
3 come from --

4 A Well --

5 Q -- outside the Commission.

6 A No. That -- what I think what I said was rare was, as
7 executive director, filing a complaint when one has not been filed. So
8 that's rare. But as far as staff requesting videos, transcripts with respect
9 to a case, that happens quite often.

10 Q But that is in response to a complaint that's been submitted?

11 A Yes.

12 Q Okay. And so, those complaints originate from, yeah,
13 attorneys, the general public, I believe -- I saw the pie chart. There was
14 quite a few --

15 A Yes.

16 Q -- inmates that generate these complaints.

17 A Yes.

18 Q And then all of them are evaluated and end up somewhere in
19 this process of being dismissed or dismissed with a letter of caution or,
20 you know, further investigations as needed.

21 A Yes, right.

22 Q Okay. And -- okay. Right. So, and you stated that you are
23 familiar with Mr. Blandino, correct?

24 A Oh, yes.

25 Q And I'm assuming he's -- well, he indicated that he was an

1 unpaid volunteer investigatory for the Commission. Wouldn't you -- I
2 mean didn't you infer that unpaid and volunteer isn't anything that is
3 official?

4 A I wouldn't agree to that.

5 Q Uh-huh. And but the -- I mean the position of investigator,
6 you said there's no investigators though on the payroll, right, of the
7 Commission?

8 A Not as an employee.

9 Q Okay. And so -- and certainly not in the beginning stages of
10 a complaint. It relies on the complaints generated by the public,
11 attorneys, inmates, litigants, whomever, but --

12 A Yes.

13 Q Right?

14 A Yes.

15 Q Okay. And so, Mr. Blandino is -- as a private citizen, is
16 certainly welcome to file complaints with the Commission; is that
17 correct?

18 A Yes.

19 Q Okay. In fact, you said as much to the supreme court. I
20 believe it was last year. You addressed the supreme court, and you said
21 basically the same thing. Reiterated what you said on direct
22 examination, that he's not a -- he's not affiliated in any official capacity
23 with the Commission. Do you remember saying that?

24 A Yes, I do.

25 Q Okay. Do you remember also saying though that he was --

1 well, I'll quote it. Tell me if these words are accurate, that Mr. Blandino
2 can certainly investigate judicial misconduct on his own if he wishes, as
3 do other individuals and organizations throughout the state, and file
4 complaints with the Commission. Those complaints have been and will
5 continue to be considered just like any other complaint received by the
6 Commission.

7 A Yes, I said that. Yeah.

8 Q And you said -- and that was what, within the last year?

9 A Yes. Yes.

10 Q Okay. And do you still stand by those -- that statement, that
11 he is -- as a private citizen, may file complaints with the Commission?

12 A Yes.

13 Q Okay.

14 MR. BATEMAN: I'll pass the witness, Your Honor.

15 THE COURT: Any redirect?

16 MR. DICKERSON: Yes, Your Honor.

17 REDIRECT EXAMINATION

18 BY MR. DICKERSON:

19 Q Those statements to the Nevada Supreme Court, that was in
20 a hearing that they were holding regarding the Nevada Commission on
21 Judicial Discipline; is that right?

22 A Yes.

23 Q What specifically?

24 A Well, there was a administrative docket petition that was filed
25 with the Supreme Court, and the Supreme Court is in the process of

1 revising the Code of Judicial Conduct and also reviewing the
2 Commission's statutes and rules.

3 Q And that came up -- Mr. Blandino came up because he had
4 filed something to the Supreme Court about his opinion?

5 A Yes. He submitted written comments.

6 Q And the comments that Defense counsel just reiterated for
7 you that you made, Mr. Blandino, just like anybody else, being able to
8 file complaints with the Commission, those were preceded by you
9 beginning your statement before the Nevada Supreme Court with Mr.
10 Blandino is not and never has been an investigator for the Nevada
11 Commission on Judicial Discipline?

12 A Yes.

13 THE COURT: Any recross?

14 MR. BATEMAN: No, Your Honor.

15 THE COURT: Thank you very much for your testimony here
16 today.

17 THE WITNESS: Thank you.

18 THE COURT: You may step down. You are excused from
19 your subpoena.

20 And you may call your next witness.

21 MR. DICKERSON: Our next witness will be Peter Marwitz.

22 THE MARSHAL: Remain standing. Raise your right hand.
23 Face the clerk.

24 PETER MARWITZ, PLAINTIFF'S WITNESS, SWORN

25 THE CLERK: You may be seated. Please state and spell your

1 first and last name for the record.

2 THE WITNESS: Peter Marwitz. It's M-A-R-W-I-T-Z.

3 THE CLERK: Please spell your first name and spell.

4 THE WITNESS: Peter, P-E-T-E-R.

5 THE CLERK: Thank you.

6 MR. DICKERSON: Thank you, Your Honor.

7 DIRECT EXAMINATION

8 BY MR. DICKERSON:

9 Q What do you do for a living, sir?

10 A I'm a city of Las Vegas municipal court marshal.

11 Q Okay. And so, what is the -- what is being a city of Las Vegas
12 municipal court marshal?

13 A We do security in the courthouse for the municipal court
14 including -- and also serving warrants and doing investigations.

15 Q Okay. And you're employed by the city of Las Vegas?

16 A Yes, sir.

17 Q Underneath their Department of Public Safety?

18 A We're separate from them, but --

19 Q Okay.

20 A -- the municipal court.

21 Q Specifically for the court system?

22 A Yes, sir.

23 Q And so, you're law -- are you a law enforcement officer?

24 A Yes, sir, since 2005.

25 Q Okay. And so, you're a law enforcement officer that

1 specifically works for the Las Vegas Municipal Court?

2 A Yes, sir.

3 Q Is one of your duties providing security for judges?

4 A Yes, sir.

5 Q Investigating threats against judges?

6 A Yes, sir.

7 Q And how long have you been doing this job?

8 A As of -- since 2005, peace officer. I've been a marshal since
9 2007.

10 Q Okay. And are you familiar with Kim Blandino?

11 A Yes, sir.

12 Q Do you see Kim Blandino here in the courtroom today?

13 A I do.

14 Q If you could please identify him and identify a piece of
15 clothing --

16 MR. BATEMAN: We'll stipulate to identity of the Defendant.

17 THE COURT: Thank you.

18 MR. DICKERSON: Thank you.

19 BY MR. DICKERSON:

20 Q Now did you become involved in an investigation of the
21 Defendant in 2019, involving Municipal Judge Pro Tem Michael
22 Frederico?

23 A Yes, sir.

24 Q At that time, what was your job?

25 A At that time, I was assigned to a task force.

1 Q And what was -- where was that task force?

2 A That task force was here in town. It was with the FBI. It
3 included multi -- multiple agencies, including Metro, Henderson, my --
4 our department, and several others, sir.

5 Q What is a task force?

6 A So that task force was to investigate either criminal or CT,
7 counterterrorism, or anything that was criminal, including anything --
8 threats against public officials.

9 Q Okay. And so, this included the Las Vegas Metropolitan
10 Police Department?

11 A Yes, sir.

12 Q The Henderson Police Department?

13 A Yes, sir.

14 Q The Federal Bureau of Investigation?

15 A Yes, sir.

16 Q Any other federal agencies?

17 A The Federal Air Marshals. There was Air Force involved as
18 well too.

19 Q Okay. Other law enforcement agencies also involved in this
20 task force?

21 A Yes, sir.

22 Q And so, a task force, tell me if I'm wrong here. Is that
23 essentially you're working in a unit with law enforcement officers from
24 various different agencies --

25 A Correct.

1 Q -- but you guys are all working together full-time as one
2 time?

3 A Correct.

4 Q Okay. So when you were working in this task force, was your
5 partner another city municipal court marshal?

6 A No, sir. He was -- he's a detective with Metro -- Las Vegas
7 Metro Police Department.

8 Q And that's because you guys worked together on the task
9 force?

10 A Correct.

11 Q And that was your full-time job?

12 A Yes, sir.

13 Q And so, when this case came up with Mr. Blandino in
14 reference to Judge Pro Tem Frederico, this was something that your task
15 force was assigned to investigate?

16 A Yes, sir.

17 Q Did this ultimately bring you to a point, on April 29, 2019,
18 where you were at Mr. Frederico's private law office at 9950 West
19 Cheyenne?

20 A Yes, sir.

21 Q And were you there with your partner at the time?

22 A Yes, sir.

23 Q And that was the Las Vegas Metropolitan Police Department
24 detective?

25 A Yes, sir.

1 Q Is that Kenneth Mead?

2 A That's correct.

3 Q And did you meet with Mr. Frederico there at his office?

4 A We did.

5 Q During that time that you're meeting with Mr. Frederico, did
6 you and your partner propose that he call Mr. Blandino?

7 A Yes. Mr. Frederico was very concerned that Mr. Blandino
8 was going to come back to his office because of the second visit. So he's
9 afraid that Blandino would come back into his house or back to the office
10 again.

11 Q Okay. And now did Mr. Frederico, in fact, agree to call Mr.
12 Blandino?

13 A Yes, sir.

14 Q And did he, in fact, do that with you and Detective Mead
15 there?

16 A Yes, sir.

17 Q And was the number that he used to call Mr. Blandino the
18 same one that Mr. Blandino provided on several documents?

19 A That's correct.

20 Q Now can you tell the ladies and gentlemen of this jury about
21 that call and what occurred that day?

22 A Yes. So the call started. When Blandino answered the
23 phone, he was shocked that Frederico reached out to him. Blandino said
24 he was an investigative journalist with the Nevada Commission of
25 Judicial Discipline. Blandino stated the -- he wished the statute of

1 limitations for judicial conduct was over a year. Kim went on -- Mr.
2 Blandino went on to say that it's his practice to settle -- if he's got an
3 issue with somebody, to settle with them man to man or one on one
4 before he has to move it up to another level.

5 Q What was Mr. Blandino's demeanor like during the start of
6 this call?

7 A He was upset because he was, just prior, removed from the
8 courthouse -- or removed from Frederico's courtroom.

9 Q When you say upset, like what do you mean?

10 A He was told to leave. So he didn't think that was proper.

11 Q Oh. Mr. Blandino's demeanor on the phone?

12 A At the beginning, yes.

13 Q Okay. Did he sound excited at all?

14 A At times through the call, yes.

15 Q Okay. Did he talk much during the call?

16 A A lot. A lot.

17 Q Did he say anything about being surprised that --

18 A He was shocked. Yes.

19 MR. BATEMAN: Your Honor, I'm going to -- these questions
20 are leading. I'm going to --

21 THE COURT: I'm sorry?

22 MR. BATEMAN: I was just -- these are leading questions. I
23 mean -- object.

24 THE COURT: Sustained. You are leading.

25 MR. DICKERSON: Okay.

1 BY MR. DICKERSON:

2 Q What do you mean about his demeanor? Tell me more
3 about that.

4 A At the beginning and when Mr. Blandino answered the
5 phone, he was surprised, surprised that Frederico had reached out to
6 him.

7 Q How so?

8 A Because these --

9 Q No, no. What was it about Mr. Blandino's -- what he said and
10 his demeanor on the call which led you to surmise that?

11 A Just the way he was talking. Like it was -- that he'd done this
12 before is what Mr. Blandino has done is what he said.

13 Q Okay.

14 A And this is the first time that someone reached out to him.

15 Q Okay. And now had you and your partner discussed with Mr.
16 Frederico specific things that you were going to offer Mr. Blandino?

17 A No, sir.

18 Q Was that at all something that you guys were doing?

19 A No. There was -- the nature of the call was just to see what
20 Mr. Blandino meant by settle -- meant for settle.

21 Q Okay. And so, the nature of the call being that, what was it
22 that you discussed with Mr. Frederico about what, if anything, he should
23 say to Mr. Blandino?

24 A Yeah. Not to offer anything, not to -- just to find out what it
25 meant by Mr. Blandino putting those two letters about the settlement,

1 sir.

2 Q Okay. At some point during the call, did Mr. Frederico say
3 do you want me to remove the contempt time?

4 A He did.

5 Q Okay. Is that something that you or your partner indicated
6 that he should say?

7 A No, sir.

8 Q Okay.

9 A No.

10 Q Nonetheless, did Mr. Blandino respond that that wasn't what
11 he wanted?

12 A He did. So when Mr. Frederico said hey, does removing the
13 contempt time work, Mr. Blandino said no, no, no, because that's going
14 to cause some kind of civil procedure problems with Mr. Frederico. So
15 yeah.

16 Q Did Mr. Blandino offer to Mr. Frederico what he believed
17 would be something that he wanted at minimum?

18 A Yes. At minimum, Mr. Blandino said I want an apology in an
19 open forum.

20 Q Okay. And did he indicate what that apology that he wanted
21 was for?

22 A That was for the traffic trial plus the having -- on the 25th,
23 when he was -- when Frederico was -- told him to leave his courtroom.

24 Q The August --

25 A August 28th I believe is the trial.

1 Q Okay. As well as the April 25, 2019 event?

2 A Yes, sir.

3 Q And that's what Mr. Blandino stated?

4 A Yes.

5 Q Did Mr. Blandino say anything about how, when, or where
6 you wanted to communicate or whether he did want to communicate
7 with Mr. Frederico?

8 A He did. So Mr. Blandino wanted to meet in person with Mr.
9 Frederico. He did state that if he didn't, he was going to go ahead and
10 file the judicial complaints. But they ultimately used email as the best
11 way to do it. So they exchanged emails at the end.

12 Q Okay. So at the end of the call, both Mr. Blandino and Mr.
13 Frederico exchanged emails?

14 A Correct.

15 Q So if [indiscernible] the prompts that you wanted, and you
16 and your partner told Mr. Frederico to revise to Mr. Blandino were open-
17 ended questions?

18 A Correct.

19 Q So like what do you want?

20 A Correct.

21 Q And by this time, on April 29, 2019, your -- you were now
22 involved in this investigation; is that right?

23 A Yes, sir. Yes, sir.

24 Q And were you aware of the other two letters -- or the two
25 letters that had been dropped off to --

1 A We were.

2 Q -- his office?

3 A We were. Yes, sir.

4 Q And had you reviewed those letters?

5 A We did.

6 Q And at that point in time, when this call was placed, were you
7 aware that Mr. Blandino was reaching out to Mr. Frederico, seeking
8 contact to quote-unquote "negotiate"?

9 A Yes, sir.

10 MR. DICKERSON: We'll pass the witness, Your Honor.

11 THE COURT: Cross.

12 MR. BATEMAN: Yes.

13 CROSS-EXAMINATION

14 BY MR. BATEMAN:

15 Q Good afternoon. What's the title? I'm sorry. Is it officer? Is
16 it marshal?

17 A Marshal, sir.

18 Q Marshal Marwitz. Okay. So on April 29th, you were present
19 for that phone call. And that phone call was not recorded or transcribed;
20 is that correct?

21 A That's correct.

22 Q And as -- and you were -- so on that phone call, you testified
23 previously you were aware of the letters that had been dropped off and
24 sort of the history that led to that point. Did you take notes in that phone
25 call?

1 A I did. Of the interview or the phone call?

2 Q Of the phone call.

3 A I did, sir.

4 Q Okay. And so, what -- you know, from those notes, what do
5 you recall about that? I mean you stated previously he -- Mr. -- sorry.
6 Mr. Blandino said no when Mr. Frederico asked him if he wants to
7 remove the --

8 A Yeah.

9 Q -- contempt time.

10 A Yeah.

11 Q Right. He said no because that would be improper. Or
12 what's your word for --

13 A It was criminal -- the way the Plaintiff said, it was something
14 to do with civil procedures.

15 Q Okay.

16 A That it would affect Mr. Frederico.

17 Q All right. And did you write down to Mr. Frederico the words
18 that he should say?

19 A We did not.

20 Q Did you give him questions to ask?

21 A We wanted open-ended questions.

22 Q Okay. Did you give him or suggest to him any of those
23 questions? You personally.

24 A No.

25 Q Okay. Did you see Detective Mead -- is that your partner's

1 name?

2 A Correct.

3 Q Okay. Did Detective Mead, did you notice him write down
4 any questions for Mr. Frederico to ask?

5 A I don't know about questions. More of like to keep it open-
6 ended. I would have to ask him.

7 Q Okay. Did you review your notes prior to your testimony
8 today?

9 A Yes, sir.

10 Q And do you recall any of those questions that --

11 A The questions?

12 Q Yeah. The questions that -- any of those open-ended
13 questions.

14 A No. We didn't give him -- questions to Frederico. Just
15 wanted to know what the settlement was. So we didn't want him --

16 Q Okay.

17 A We just wanted to figure out what he meant by the
18 settlement or settle.

19 Q All right. And you testified that Mr. Blandino wanted to meet
20 in person?

21 A Correct.

22 Q Would you say he was fairly insistent on hey, I just want to
23 meet?

24 A Not -- no, because --

25 Q I know this has been a long time. It's been over two years for

1 this phone call, but --

2 A Because that was his second time showing up at Frederico's
3 office. And he was very concerned of him coming to his house or back
4 there.

5 Q Oh. And but you wanted -- I mean you specifically -- the --
6 you and your partner wanted something in writing; is that correct?

7 A Yes.

8 Q Okay. Now is that to be able to incriminate him?

9 A No. The -- we didn't want the -- to meet in person, we didn't
10 want that.

11 Q Okay. But you wanted something in writing to have it, to
12 hold against him? Why did you want something in writing?

13 A To see what he wanted -- meant by settlement, sir.

14 Q But I mean he could have just articulated that over the phone
15 or --

16 A No.

17 Q -- in a meeting.

18 A No, because Mr. Blandino said he needed time to think about
19 it and would get back to him.

20 Q Okay. And I mean do you recall Mr. Blandino -- I understand
21 Mr. -- sorry. Let me back up. I understand Mr. Frederico did not want to
22 meet with him [indiscernible]. But did, at any time, Mr. Blandino say
23 look, you can have your attorney present or other people present?

24 A During that call?

25 Q Yes.

1 A Not that I recall.

2 Q Not that you remember. Okay. And so, Mr. Blandino, after
3 this call, subsequently sends an email to Mr. Frederico, sort of giving his
4 list of the things that he wants, correct?

5 A Yes.

6 Q And would you characterize that call that Mr. Frederico led
7 him to believe that he would negotiate with Mr. Blandino?

8 A Negotiate as far as the settlement?

9 Q Yes.

10 A I don't know. I don't know.

11 Q Like -- okay. You know, like send me what you want, and I'll
12 get back to you and we'll discuss it.

13 A Oh. To talk about it?

14 Q Yeah, to talk about it.

15 A Not that I know of, sir.

16 Q All right. And in fact, you didn't have -- with that first -- that
17 letter that was sent I believe it was May 2nd, and even then the follow-up
18 of May 3rd, you didn't have enough evidence to arrest him after those
19 emails were sent, did you?

20 A On those?

21 Q Yes.

22 A We went ahead and collected that and continued our
23 investigation.

24 Q Okay. But you asked for more evidence. You asked for a --
25 you told -- you or your partner told Mr. Frederico ask for more, ask for a

1 global settlement, correct?

2 A I believe that was in one of the emails. Yes, sir.

3 Q Okay. And the reason you did that is because it -- you had
4 insufficient evidence to arrest him at that point, correct?

5 MR. DICKERSON: Calls for an improper legal conclusion,
6 Your Honor.

7 THE COURT: Yeah. Why don't you rephrase the question?

8 MR. BATEMAN: Okay.

9 BY MR. BATEMAN:

10 Q After the email was sent on May 2nd and May 3rd, why
11 didn't you arrest Mr. Blandino?

12 A We were still investigating at that time.

13 Q What did you lack in your investigation?

14 A Continued -- continue on -- nothing, but -- nothing.

15 Q Is it fair to say that when you did have enough evidence
16 against Mr. Blandino, you arrested him?

17 A We submitted for -- through the DA. Yes.

18 Q Okay, sorry. Yes. So not you personally arrested him.

19 A No.

20 Q Yes. So -- sorry. Maybe you want to explain that to our
21 jurors how that works. You swear out an affidavit for arrest.

22 A Correct.

23 Q Why don't you explain that? Sorry.

24 A So --

25 Q Because our jurors -- you and I are in this sort of process, and

1 they might not understand that.

2 A After some time, I went ahead and filed an affidavit with the
3 DA approval and go ahead and get that signed by a judge for a warrant
4 for his arrest for the charges.

5 Q Okay. So in that, you would list your cause. The judge
6 reviews it --

7 A Correct.

8 Q -- and determines if there is --

9 A Enough there --

10 Q -- what they call probable cause to justify --

11 A Yes.

12 Q -- that. Okay. And so, when you did that, once you felt you
13 had enough, what day was that? Do you recall?

14 A I do not.

15 Q Was it after -- I mean was it after May 9th?

16 A I do remember he was arrested on the 21st.

17 Q Okay.

18 A So it must have been between those two time periods.

19 Q Okay. And so, I mean -- now again, I know that, you know,
20 Mr. Blandino initiated this contact. But you and your partner, through
21 Mr. Frederico, changed the way -- changed the way you interacted with
22 Mr. Blandino, meaning that -- asking for writing. He wanted just a
23 meeting in person, and you wanted him to give you something in
24 writing; is that correct?

25 A Preferably, yes. Mr. Frederico did not want to meet with Mr.

1 Blandino.

2 Q And so, again, just to clarify, you did not tell Mr. Frederico
3 what to say on that call?

4 A We told him he -- not to keep the questions open or just to
5 find out what he wanted with the settlement. That's all.

6 Q But no specific open questions for him to ask?

7 A No, not that I can recall.

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

9 THE COURT: Any redirect?

10 MR. DICKERSON: Yeah, just briefly.

11 REDIRECT EXAMINATION

12 BY MR. DICKERSON:

13 Q Marshal, that -- you'd indicated that call was not recorded,
14 right?

15 A That call was not recorded. Correct.

16 Q You did not have a wiretap warrant authorized by a judge to
17 record that call, right?

18 A We did not.

19 Q Which would have been required by law?

20 A Yes, sir.

21 Q I'm going to just show you here State's Exhibits 33 and 34.
22 This is not your handwriting, is it?

23 A It is not.

24 Q Okay.

25 MR. DICKERSON: [Indiscernible]

1 THE COURT: Okay. Any recross?

2 MR. BATEMAN: No, Your Honor.

3 THE COURT: Okay. Thank you very much for your testimony
4 here today. You may step down, and you are excused from your
5 subpoena.

6 Do you have a quick witness?

7 MR. DICKERSON: I don't. I think he -- he'll go longer than 10
8 minutes.

9 THE COURT: Okay. All right.

10 MR. DICKERSON: It's the detective.

11 THE COURT: Okay. Can I have the attorneys just approach
12 for one moment?

13 MR. DICKERSON: Yes, Your Honor.

14 [Sidebar begins at 4:49 p.m.]

15 THE COURT: How many witnesses do you have?

16 MR. DICKERSON: Two.

17 THE COURT: Okay. Because I have a significant calendar
18 tomorrow.

19 MR. DICKERSON: Okay.

20 THE COURT: So I was just going to have them come in at
21 1:30. Is that okay?

22 MR. DICKERSON: That's fine.

23 THE COURT: All right. I just want to make sure
24 [indiscernible] 17 victim witnesses. I just don't want people waiting in
25 the hallway.

1 MR. DICKERSON: I think that 1:30 should allow us to finish
2 our case in chief and rest.

3 THE COURT: And then you'll be ready to go?

4 MR. BATEMAN: Yeah.

5 THE COURT: All right.

6 MR. BATEMAN: I mean how long do you think your
7 [indiscernible]? You have two more?

8 MR. DICKERSON: Yeah.

9 MR. BATEMAN: You guys have Mead and --

10 MR. DICKERSON: Yeah. Mead is probably --

11 MR. BATEMAN: Who's the other one?

12 MR. DICKERSON: Zach Johnson, the digital forensics lab
13 guy.

14 MR. BATEMAN: Oh.

15 MR. DICKERSON: So he's probably going to be --

16 MS. MARLAND: Twenty to 30 minutes.

17 MR. DICKERSON: Yeah. And then Mead will probably 20, 30
18 minutes, because he'll do -- yeah.

19 THE COURT: Okay. So an hour. So yeah, you're going to
20 need to have your witnesses here. I mean who are you going to call
21 besides Blandino? I mean --

22 MR. BATEMAN: I don't know. I mean I'm still debating. I'll
23 talk and [indiscernible] Judge Steele [phonetic] but I don't know that --

24 THE COURT: Okay.

25 MR. BATEMAN: -- I want to call her.

1 THE COURT: Is she going to come?

2 MR. BATEMAN: She said she would. I'm going to talk to her
3 tonight. I honestly [indiscernible] I don't think I'm going to call her just
4 because I think she's going to do more harm than good.

5 MR. DICKERSON: You should call her.

6 MR. BATEMAN: Be quiet.

7 THE COURT: You should call her?

8 MR. BATEMAN: Listen to him.

9 MR. DICKERSON: Yeah. I already pretrialed her. Yeah. I
10 already pretrialed her. You should call her.

11 MR. BATEMAN: Yeah. You're trying to get the
12 [indiscernible]. Come on, man. It's like the Harlem Globe Trotters in
13 [indiscernible].

14 THE COURT: So [indiscernible] Judge Steele.

15 MR. BATEMAN: She doesn't completely tell him to go to
16 hell.

17 MR. DICKERSON: Yeah.

18 MR. BATEMAN: She was nice to have [indiscernible] made
19 the mistake [indiscernible].

20 MR. DICKERSON: Yeah. They've been -- I mean she's knows
21 him since the '90s, when she was practicing law, before she was
22 practicing law. Yeah. He came into a --

23 MR. BATEMAN: No. They've known each other for a long
24 time when she's --

25 MS. MARLAND: [indiscernible] knows from work

1 [indiscernible].

2 MR. BATEMAN: Well, he has [indiscernible] friends. Okay.
3 He does. And I found that out, you know, talking to all the people. He
4 says oh, yeah, these guys are going to -- so I don't -- like I said, I'm
5 leaning not to call her, because I think she will do more harm than good
6 despite what he thinks. So I think it will just be him. So just -- I'm sorry.
7 So like, you know, I've never had anyone testify in the narrative. I mean
8 like how does that work. How does -- do I just say go?

9 THE COURT: I just suggested that because you indicated you
10 did not feel comfortable --

11 MR. BATEMAN: Yeah.

12 THE COURT: -- asking the questions. And this -- it only
13 comes up in a criminal case when a defendant wants to testify. And
14 generally, my experience is sometimes defense counsel knows what
15 their client is going to testify to, and they know it's not true. And so --

16 MR. BATEMAN: Right. I get it.

17 THE COURT: -- they want to be -- they can't be
18 [indiscernible].

19 MR. BATEMAN: Right. Well, my main concern is that, more
20 than anything, is his going to violate those rules of putting on -- you
21 know, how are you going to testify, to embarrass people, things that are
22 not relevant, to purposely --

23 THE COURT: Don't worry. I'm not going to let him --

24 MR. BATEMAN: -- embarrass people. I get that --

25 THE COURT: I'm not going to let him --

1 MR. BATEMAN: But he's --

2 THE COURT: -- go off the chains.

3 MR. BATEMAN: Yeah. So ever since he said that, he's hell
4 bent on it, then I'm fine with it, you know, because he's just, you know --
5 I can't really practice or [indiscernible] coach -- not really like coach but
6 just rehearse anything with him, because it's just the words that God is
7 going to put into his mouth at the moment.

8 MR. DICKERSON: And --

9 THE COURT: Well, I hope that rabbi actually does talk to him
10 tomorrow and --

11 MR. BATEMAN: And he'll strike him [indiscernible].

12 MR. DICKERSON: One thing that --

13 THE COURT: And he speaks about relevant [indiscernible].

14 MR. DICKERSON: Right. It's going to be difficult.

15 MR. BATEMAN: So I think it'd be appropriate --

16 MR. DICKERSON: One thing that we --

17 MR. BATEMAN: -- to admonish him maybe outside just what
18 is --

19 THE COURT: Oh, don't worry. I was planning on it.

20 MR. BATEMAN: Because he just -- you know --

21 MR. DICKERSON: Yeah.

22 MR. BATEMAN: -- clearly, he and I have different, you know,
23 like --

24 MS. MARLAND: He doesn't listen.

25 THE COURT: No, I know. He wants to talk about anything.

1 MR. BATEMAN: Mr. Bateman, that's an exhibit.

2 THE COURT: It's --

3 MR. BATEMAN: No, this shirt is not an exhibit. I am not --

4 THE COURT: Yeah. He wants to talk about everything except
5 what he's here for.

6 MR. DICKERSON: And so, one other thing that we should
7 probably bring up, just while we're talking about it, is the Defense is
8 offering entrapment as a defense, which, pursuant to law, entirely opens
9 up the Defendant's character.

10 THE COURT: That's true.

11 MR. DICKERSON: And so, that includes his priors probably,
12 subject to Foster and those analyses. But just his overall character is
13 totally an issue, including specific instances. So I just want to bring that
14 up, so everyone is aware of it.

15 THE COURT: We can make a full record on that tomorrow.
16 We'll do [indiscernible].

17 MR. DICKERSON: Yeah. We're going to wait and see kind of
18 what's going to happen tomorrow.

19 THE COURT: Okay. All righty.

20 MR. DICKERSON: All right.

21 THE COURT: Just make sure he knows that.

22 MR. BATEMAN: Yes.

23 THE COURT: I know you will.

24 MR. BATEMAN: Thank you, Your Honor.

25 [Sidebar ends at 4:54 p.m.]

1 THE COURT: All right. At this time, we are going to
2 conclude for the evening. During this recess, you're not to discuss or
3 communicate with anyone, including your fellow jurors, in any way
4 regarding the case or its merits, either by voice, phone, email, text,
5 internet, or other means of communication or social media, or read,
6 watch, or listen to any news or media counts or commentary about the
7 case, do any research, such as consulting dictionaries, using the internet,
8 or using reference materials, make any investigation, test the theory of
9 the case, recreate any aspect of the case, or in any other way investigate
10 or learn about the case on your own, or form or express any opinion
11 regarding the case until it's finally submitted to you.

12 We'll be in recess till tomorrow afternoon at 1:30. Same
13 thing. You'll come up to the 14th floor. Officer Hawkes will greet you
14 and bring you in when we're ready. Thank you very much for your
15 courtesy today and your patience. And you are excused.


16 THE MARSHAL: Thank you. All rise for the exiting jurors.

17 THE COURT: 1:30. Yes.

18 THE MARSHAL: All rise for the exiting jurors.

19 [Proceedings adjourned at 4:55 p.m.]
20

21 ATTEST: I do hereby certify that I have truly and correctly transcribed the
22 audio-visual recording of the proceeding in the above entitled case to the
23 best of my ability.

24 

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 VII** with the Clerk of the Court by using the electronic filing system on the 27th day of March 2023.

The following participants in this case are registered electronic filing system users and will be served electronically:

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