

IN THE SUPREME COURT OF THE STATE OF NEVADA

KIM BLANDINO,

Appellant,

vs.

THE STATE OF NEVADA,

Appellee.

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Clerk of Supreme Court

CASE NO: 84433

APPELLANT'S APPENDIX IX

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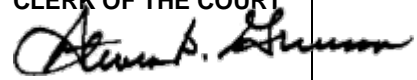
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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7
8 STATE OF NEVADA,
9 Plaintiff,

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

10 vs.

11 KIM DENNIS BLANDINO,
12 Defendant.

13 BEFORE THE HONORABLE MICHELLE LEAVITT
14 DISTRICT COURT JUDGE
MONDAY, MARCH 7, 2022

15 **RECORDER'S TRANSCRIPT OF JURY TRIAL - DAY 5**

16
17 APPEARANCES

18 For the Plaintiff

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MELANIE H. MARLAND, ESQ.

19
20 For the Defendant

BENNAIR R. BATEMAN, ESQ.

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23
24 RECORDED BY: SARA RICHARDSON, COURT RECORDER
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MARKED

RECEIVED

None

FOR THE DEFENDANT

MARKED

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Las Vegas, Nevada, Wednesday, March 4, 2022

[Case called at 9:26 a.m.]

[Outside the presence of the jury]

THE MARSHAL: All rise. The Eighth Judicial Court, Department 12, is now in session. The Honorable Michelle Leavitt, presiding. Come to order, and be seated, please.

MR. DICKERSON: Good morning, Your Honor.

THE COURT: Good morning. Any --

MR. BATEMAN: Good morning.

MR. BLANDINO: Morning.

THE COURT: Good morning. Anything outside the presence?

MR. DICKERSON: I believe we do have some things outside the presence, just as it relates to Defendant's expected testimony this morning.

THE COURT: You've got it.

MR. DICKERSON: Namely, I couldn't help but overhearing Defendant speaking loudly about --

MR. BLANDINO: It's hard for me to be quiet.

MR. DICKERSON: Thank you, Mr. Blandino. I appreciate that notation, on the record. With that, it's that Mr. Blandino, is seeking for his defense counsel to certify him as an expert in religion and his religious beliefs, which I think he believes --

THE COURT: Okay. What? Say that again?

1 MR. DICKERSON: Certify him as an expert --

2 THE COURT: Who --

3 MR. DICKERSON: -- in his religion and religious beliefs,
4 which I think he believes is somehow a defense in this case. At this point
5 in time, what I would request is that Your Honor make a finding that it's
6 not relevant. Namely, because the crimes that he's charged with here,
7 extortion, and impersonating a public officer, are neutral and gen --
8 generally applicable laws. The First Amendment, the Free Exercise
9 clause of the Constitution, does not afford the defendant a right to
10 conduct any sort of extortion on anybody, or conduct any sort of
11 impersonation of a public officer.

12 I would just note, for the chur -- for the Court, some cases at
13 hand. The Church of the *Lukumi Babalu Aye v. City of Hialeah*. This is a
14 United States Supreme court case out of 1993. 508 U.S. 520. Indicates
15 that a law that is neutral and generally applicable need not be justified
16 by a compelling governmental interest, even if the law has the incidental
17 effect of burdening a particular religious practice.

18 I'd also note for you, state -- *United States v. Lee*. This is a
19 1982 case coming out of the U.S. Supreme Court, specifically dealing
20 with the payment of taxes, indicates that, "To maintain an organized
21 society that guarantees religious freedom to a great variety of faiths
22 requires that some religious practices yield to a common good."
23 "Because the broad public interest in maintaining a sound tax system is
24 of such a high order, religious belief in conflict with the payment of taxes
25 affords no basis for resisting those taxes."

1 I'd also point to the Ninth Circuit case, out of 2011, *Alpha*
2 *Delta Chi-Delta Chapter v. Reed*. This indicates that in dealing with the
3 University, San Diego State, their policy regarding fraternities and
4 sororities and issues affecting their discrimination, the --

5 THE COURT: Is someone's phone on? Someone's --

6 MR. BLANDINO: Oh, shoot.

7 THE COURT: -- phone is on. That's okay. Just -- that's okay.

8 MR. BLANDINO: It's on vibrate.

9 THE COURT: Yeah, but it interferes with the audio --

10 MR. BLANDINO: Electronics.

11 THE COURT: -- system.

12 MR. DICKERSON: The Ninth Circuit found there that the --

13 THE MARSHAL: Shut it off.

14 MR. DICKERSON: -- University's non-discrimination policy,
15 as it was written, is a general -- generally applicable rule. It doesn't
16 target any religious belief or conduct and does not impose special
17 disabilities on the plaintiffs or other religious groups. So any burden on
18 religion is incidental to the application of the policy, like those cases and
19 the policies at hand there, as well as one other that's worth mentioning.
20 That is a slightly different analysis, only because it comes under the
21 federal law, the RFRA law, which came after some precedent-setting
22 cases, specifically, *Lukumi Babalu Aye*, where the federal government
23 passed a law which does not apply to the states, which indicates that a
24 person can use their free exercise of religion, both as a sword and a
25 shield, from prosecution.

1 Here, under the First Amendment of the U.S. Constitution, as
2 it currently stands, a defendant cannot use it as a sword, in this particular
3 -- or as a shield, in this particular instance -- or a sword, for that matter.
4 What we are looking at, in Grady, was a case where you had a group of
5 protestors that -- part of their religious belief was that they were
6 vehemently opposed to nuclear weapons. And they felt, in their
7 religious belief, that they had to do everything they can to protest that
8 and obstruct nuclear weapons and their storage of them, and the
9 country's implementation of a nuclear weapons program.

10 And so they went, and they made unlawful entry onto the
11 Kings Bay Naval Base, and they started to conduct a bunch of malicious
12 destruction of property, pouring blood all over the base. Ultimately, at
13 the end of the day, the 11th Circuit it, just last year, held that "The need
14 for uniform application of laws prohibiting unauthorized entry on naval
15 base property, as well as the depredation and destruction of naval base
16 assets, are the least-restrictive means of achieving the government's
17 compelling interest in national security -- an interest of the highest
18 order -- and precludes the recognition of the proposed exceptions to
19 these criminal laws, even under the RFRA."

20 That's a more strict standard, the RFRA. Which I just note,
21 does not apply here. We -- it is informative, in that respect, because it is
22 more restrictive. But, here, we also note that in that case, they -- they
23 cited Lee that I previously rea -- mentioned about the -- the tax benefits.
24 This is all just to say that the Defendant's religious beliefs, in this case,
25 are not relevant. They are not a defense. They are not a defense to

1 these neutral and generally applicable laws.

2 THE COURT: Okay. And that is all true. So, Mr. -- I don't
3 know, Mr. Bateman --

4 MR. BATEMAN: Well --

5 THE COURT: -- I don't know if you wanted to respond at all?

6 MR. BATEMAN: I would, in the sense that it's moot. I am not
7 trying to -- I am not seeking to certify Mr. Blandino as an expert as to his
8 own religious beliefs. But I would say, to the extent that we -- we have
9 established that character is at issue. And so I think it's certainly proper
10 for him to be able to testify as to his religious beliefs and practices. I
11 think he's certainly capable, as the witness representing himself, to
12 expound, these are my religious beliefs and practices, and this is how I
13 came to these beliefs, to show, look, because his character is at issue.

14 So we show mistake, or lack of mistake, intent, motive, you
15 know, a common course of conduct, that sort of thing. And I think, to
16 that extent, his religion is relevant. And so, like I say, I don't quite know
17 how to respond, because I am not trying to certify him as an expert.

18 THE COURT: Okay.

19 MR. BATEMAN: But I do think he should be able to testify.
20 Certainly, because his character is at issue, and those reasons that I laid
21 out, I think it's proper for him to mention those.

22 THE COURT: Okay. I will give Mr. Blandino some leeway.
23 However, you know, it is not a defense to these specific charges, but
24 when he's testifying to the jury panel, I will give him some leeway.
25 However, it will be -- it will be limited. He -- his testimony will be limited

1 by the law, the rules of evidence, and especially relevance.

2 MR. DICKERSON: And with that ruling, Your Honor, we'll
3 just be requesting a jury instruction which indicates, the Defendant's
4 religious beliefs are not a defense to these crimes.

5 THE COURT: Okay. You can submit whatever instruction
6 you deem appropriate. But, Mr. Bateman, are you going to question
7 him?

8 MR. BATEMAN: I -- as I've said before, I don't intend to.

9 THE COURT: Okay. I just --

10 MR. BATEMAN: He is going to --

11 THE COURT: -- wanted to make sure.

12 MR. BATEMAN: I just -- I --

13 THE COURT: I just wanted to make sure. I just wanted to
14 make sure.

15 MR. BATEMAN: Okay. Yeah, I don't intend to. He is
16 planning to testify in the narrative. I've, you know, beat this dead horse
17 already.

18 THE COURT: Okay. All right. Well, Mr. Blandino, obviously,
19 I am going to allow you to testify. And when you come up here, I'm just
20 going to say --

21 MR. BATEMAN: Is it -- sorry. He's asking me -- and I -- is it
22 possible for him to, because of his --

23 THE COURT: No, he's not going to drag boxes up to the
24 witness stand.

25 MR. BLANDINO: Okay.

1 MR. BATEMAN: Okay. Could he testify --
2 THE COURT: No, he'll --
3 MR. BATEMAN: -- from the --
4 THE COURT: -- testify from the --
5 MR. BATEMAN: -- defense table?
6 THE COURT: -- witness stand, so.
7 MR. BATEMAN: Okay.
8 THE COURT: He's not going to admit any evidence. He is --
9 [Mr. Bateman and Mr. Blandino confer]
10 THE COURT: -- represented by counsel. I am going to allow
11 him to testify in this manner. However, Mr. Blandino, I just want to make
12 sure you understand, I am going to limit your testimony to relevance, the
13 law, and the rules of evidence. So when I ask you to move on, you need
14 to move on; do you understand that?
15 MR. BLANDINO: Well, I understand the words you just said.
16 THE COURT: Okay. All right.
17 MR. BLANDINO: But in context.
18 THE COURT: I just want to make sure --
19 MR. BLANDINO: But --
20 THE COURT: -- you understand.
21 MR. BLANDINO: -- there's a threat that's come to possible
22 members of this court, and myself --
23 MR. BATEMAN: Okay.
24 MR. BLANDINO: -- [indiscernible - simultaneous speaking]
25 MR. BATEMAN: We'll address that. Just --

1 MR. BLANDINO: -- [indiscernible - simultaneous speaking]

2 MR. BLANDINO: Let's finish this.

3 THE COURT: What?

4 MR. BATEMAN: I'll address that in just a moment. The --
5 well, I know you're not going to allow him to drag the bankers boxes,
6 but --

7 THE COURT: That's correct.

8 MR. BATEMAN: -- would you allow him, should he need to,
9 if he references something, need to refresh his recollection by looking at
10 a document? I mean, he may do that. I'm assuming that you would
11 allow him to, presuming it's relevant, that sort of thing, that he would be
12 able to, like any other --

13 THE COURT: Yeah, I guess --

14 MR. BATEMAN: -- witness?

15 THE COURT: Well, obviously, like any other witness. So I
16 guess it would depend.

17 MR. BATEMAN: Okay.

18 THE COURT: But --

19 MR. BATEMAN: That's wanted to --

20 THE COURT: -- obviously, if he needs to refresh his
21 recollection, yeah, I will allow that.

22 MR. BATEMAN: Okay. And if we may approach?

23 THE COURT: Sure.

24 [Sidebar begins at 9:37 a.m.]

25 MR. BATEMAN: It's kind of my intention, since his phone

1 number and email were broadcast live, he's gotten some emails, and
2 some text messages, and that sort of thing. So he said to me, without
3 any hint of irony, whatsoever, hey, I want the Court to be aware, there
4 might, you know, be -- there's crazies out there that might try and get in
5 touch with them. So I'm just -- I don't really want to put that on record,
6 but.

7 THE COURT: You know, it could be, because this is being
8 livestreamed.

9 MR. BATEMAN: It is. I mean, he did mention that he's
10 editing those out as he prepares them, and subsequent. But the
11 livestream, obviously that, you know, ship --

12 MR. DICKERSON: So --

13 MR. BATEMAN: -- has left the port, but.

14 MR. DICKERSON: What he said right now is that there's a
15 threat to the Court and the personnel here. What is the basis of that?

16 MR. BATEMAN: Him getting text messages and emails.

17 MR. DICKERSON: Has there been anything --

18 THE COURT: Specifics?

19 MR. DICKERSON: -- specific?

20 MR. BATEMAN: I don't think there's threats to him. I can ask
21 him. He --

22 MR. DICKERSON: Or to the --

23 MR. BATEMAN: -- left it, kind of --

24 MR. DICKERSON: -- court?

25 MR. BATEMAN: -- up here. Yeah.

1 MR. DICKERSON: He will -- yeah.

2 THE COURT: No, he's not coming here.

3 MR. DICKERSON: Yeah, leave him out.

4 MR. BATEMAN: I know.

5 THE COURT: Okay.

6 [Mr. Bateman and Mr. Blandino confer]

7 MS. MARLAND: We can ask the media to step out.

8 THE COURT: What?

9 MS. MARLAND: We can ask the media to step outside for a
10 minute, if we need to address the specifics.

11 THE COURT: Yes.

12 MS. MARLAND: All right.

13 THE COURT: I always go out in the hallway.

14 MR. DICKERSON: We can go out there.

15 THE COURT: Yeah. I don't know, we're probably going to go
16 out in the hallway. I think we're probably going to go out in the hallway.
17 I'll tell them that now.

18 [Mr. Bateman and Mr. Blandino confer]

19 THE COURT: We're probably going to go out in the hallway.
20 Mr. Bateman, please meet me out in the hallway.

21 UNIDENTIFIED SPEAKER: Do you want the clerk, Judge?

22 THE COURT: Sure.

23 [Sidebar at 9:39 a.m., ending at 9:44 a.m., not transcribed]

24 [Mr. Bateman and Mr. Blandino confer]

25 THE COURT: Anything else, outside the presence, before we

1 bring the panel in?

2 MR. DICKERSON: Nothing from the State, Your Honor.

3 THE MARSHAL: Phones don't go to --

4 THE COURT: Mr. Bateman?

5 THE MARSHAL: -- the witness stand.

6 MR. BLANDINO: Oh, okay.

7 MR. BATEMAN: Okay.

8 THE COURT: Mr. Bateman?

9 MR. BATEMAN: There is -- yes, Judge. There is one other
10 thing. And we may need to preserve our -- our record. I am going to
11 move -- to consulting with my client, move for a mistrial, based on Mr.
12 Federico --

13 [Marshal and Mr. Blandino confer]

14 MR. BATEMAN: -- saying that he did some digging. I know
15 Your Honor stopped him. But that, I think, is unfairly prejudicial. I think
16 it put in the juror's minds that there is something to be found, there is
17 some digging to do, and something to be found on Mr. Blandino. And
18 so I think that -- now, I know Your Honor stopped him immediately, but I
19 think, also, that added maybe even more --

20 MR. BLANDINO: Suspicion.

21 MR. BATEMAN: -- yeah, more weight to it, or more
22 suspicion, or more intrigue, perhaps. And perhaps leading to the
23 temptation that maybe some of the jurors have done digging, or family
24 members on their behalf, perhaps. So I would move for a mistrial, based
25 on -- on Mr. Federico stating that he did some -- some digging.

1 THE COURT: Okay.

2 MR. DICKERSON: Okay.

3 THE COURT: Mr. Dickerson?

4 MR. DICKERSON: Yeah, number one, that came out during
5 Defense's questioning of Mr. Federico, as they led him into that. And,
6 furthermore, the Court stopped Mr. Federico from going any further.
7 Other than that, there was some digging to do. Namely, some digging to
8 figure out, is this guy actually an investigator with the Commission on
9 Judicial Discipline. Which, it turns out, when we have that digging, he's
10 not, as Paul Deyhle testified.

11 I think that's what's left in their mind. Further, this jury has
12 been instructed, as the law requires, every single time they've taken a
13 break, that they are to do no research of any sort of thing, regarding this
14 case, and not to discuss the case, whatsoever. Juries are presumed to
15 follow their instructions, as this jury is. There's no basis, at this point in
16 time, for a mistrial.

17 THE COURT: Okay. At this time, the Court's going to deny
18 the motion for a mistrial. Is there anything else, before I bring the panel
19 in?

20 MR. BATEMAN: Not from Defense.

21 THE COURT: Okay. So, Mr. Blandino, you can take the
22 witness stand.

23 MR. BLANDINO: Am I going to -- you're going to call me up
24 there before they -- the jury comes in?

25 [Mr. Blandino and Mr. Bateman confer]

1 THE COURT: Do you want to take the witness --
2 MR. BLANDINO: Do you --
3 THE COURT: -- stand?
4 MR. BLANDINO: Do you want --
5 THE COURT: -- Mr. Blandino?
6 MR. BLANDINO: -- me to go up there before the --
7 THE COURT: Please.
8 MR. BLANDINO: -- jury comes in?
9 THE COURT: Please.
10 MR. BLANDINO: Okay. Am I allowed to show them that I
11 have this ankle bracelet on?
12 THE COURT: Okay. See, if --
13 MR. BLANDINO: Or --
14 THE COURT: -- you want to show the jury that, you can.
15 MR. BLANDINO: Uh-huh.
16 THE COURT: I mean, I would obviously never let the
17 Prosecutor, the State of Nevada --
18 MR. BLANDINO: Right.
19 THE COURT: -- tell the jury panel that, because you're
20 entitled to the presumption of innocence.
21 MR. BLANDINO: Right.
22 THE COURT: And it is completely up to you, whether you
23 want to tell them that you have a house arrest bracelet.
24 MR. BLANDINO: Yeah, I'm just wondering if it was parallel.
25 Because I know that it's been deemed by many courts that having a -- a

1 witness appear in shackles gives a prejudicial effect to the jury, and that
2 they have to, by all means --

3 THE COURT: I think it --

4 MR. BLANDINO: -- avoid that.

5 THE COURT: -- would not be -- I think it would be prejudicial
6 to you to tell them that.

7 MR. BLANDINO: Yeah.

8 THE COURT: But again, it's up to you --

9 MR. BLANDINO: Under the circumstances --

10 THE COURT: -- if you want to --

11 MR. BLANDINO: -- because I --

12 THE COURT: -- tell them that.

13 MR. BLANDINO: -- volunteer it, and I'm going to tell the
14 truth, the whole truth, and nothing but the truth, I think it's appropriate.

15 MR. BATEMAN: May I say --

16 THE COURT: Okay.

17 MR. BATEMAN: -- Your Honor --

18 THE COURT: Again, I do not think that that's good for you. I
19 don't think it's appropriate to tell the jury that, but --

20 MR. BATEMAN: I've had -- I have --

21 THE COURT: -- that is up to you.

22 MR. BLANDINO: -- no choice now because of what -- the way
23 it's been presented, I've been denied the right to represent myself. I
24 have no choice.

25 MR. BATEMAN: If I may, Your Honor? Doing so would

1 certainly be against the advice and counsel of me, to whom he refers to
2 as his forced counsel. And so I certainly would not recommend that.
3 Again, Your Honor has ruled the -- about his prior conviction. And,
4 again, my advice and counsel to him is to not bring that up and to not
5 open the door to that. I just want --

6 THE COURT: Because I believe --

7 MR. BATEMAN: -- that to be clear --

8 THE COURT: -- it would be --

9 MR. BATEMAN: -- for the --

10 THE COURT: -- yeah, substantially --

11 MR. BATEMAN: -- record.

12 THE COURT: -- prejudicial.

13 MR. BATEMAN: It is. And, obviously, you can lead a horse
14 to water, but you can't make him drink.

15 MR. BLANDINO: Or even Diet Pepsi.

16 MR. BATEMAN: Or even Diet Pepsi.

17 MR. BLANDINO: In regards to the oath, I didn't know if you
18 wanted this outside the presence. I can't swear or affirm. So under
19 Gordon v. Idaho, and the other law, I'll testify under penalty of perjury,
20 recognizing it could be prosecuted, and understand I need to tell the
21 truth, the whole truth, and nothing but the truth.

22 THE COURT: Okay. So you don't want to affirm either?

23 MR. BLANDINO: I can't swear or affirm, in court --

24 THE COURT: Okay.

25 MR. BLANDINO: -- with my religious beliefs and practices.

1 THE COURT: Okay.

2 MR. BLANDINO: And you'll find that in Gordon --

3 THE COURT: That's fine.

4 MR. BLANDINO: -- v. Idaho.

5 THE COURT: Just -- listen, trust me. I know. So what I'm
6 going to do, when you get up here and when the jury is in here, I'm
7 going to -- I'm going to canvas you about the fact that you know you're
8 testifying under an oath --

9 MR. BLANDINO: Right.

10 THE COURT: -- and that you know your testimony is being
11 given here, based upon the pains and penalties of perjury.

12 MR. BLANDINO: Right. Okay.

13 THE COURT: Okay?

14 MR. BLANDINO: It's just that some judges have had qualms
15 about that particular --

16 THE COURT: Not at all.

17 MR. BLANDINO: -- caveat.

18 THE COURT: Okay. So you can come --

19 MR. BLANDINO: Yeah, that's fine.

20 THE COURT: -- take the witness stand.

21 MR. BLANDINO: And I can't have my phone up there for the
22 text?

23 THE COURT: For the text?

24 MR. BLANDINO: I've got to refer, to recollect my --

25 THE COURT: Okay. If you -- I mean, if you have things --

1 MR. BLANDINO: The code of --
2 THE COURT: -- on your phone --
3 MR. BLANDINO: The code of judicial conduct. They need to
4 know that. And so I didn't have --
5 THE COURT: Okay.
6 MR. BLANDINO: -- a paper copy.
7 THE COURT: That's fine.
8 MR. BLANDINO: Okay.
9 THE COURT: You can bring it up--
10 MR. BLANDINO: I've got it queued up.
11 THE COURT: -- for that purpose.
12 MR. BLANDINO: I've got it queued up. Because it became
13 an issue, and the Court -- Prosecution opened the door. Okay.
14 THE COURT: Okay. And, again, I just want to make sure you
15 understand, like, I'm not going to argue with you in front of this jury
16 panel.
17 MR. BLANDINO: Right.
18 THE COURT: When I tell you an objection's been sustained,
19 or I tell you it's not relevant and you need to move on --
20 MR. BLANDINO: Uh-huh.
21 THE COURT: -- you need to move on. If you don't, I will
22 excuse the jury from the courtroom, so.
23 MR. BLANDINO: Right.
24 THE COURT: Or I'll tell them not to consider your testimony.
25 MR. BLANDINO: Okay.

1 THE COURT: So it's up to you what you want them to hear
2 and what you want them to be able to consider.

3 MR. BLANDINO: Right.

4 THE COURT: Okay.

5 MR. DICKERSON: And so --

6 MR. BLANDINO: Wow. It's neat from up here.

7 MR. DICKERSON: With that, Your Honor, he has his phone
8 up there. He's already indicated, several times before with what we
9 were -- what we were discussing. Like, there's issues concerning that.

10 THE COURT: There's -- I'm sorry, there's issues?

11 MR. DICKERSON: There's issues concerning his phone,
12 receiving communications, anything of -- of that sort. I would just
13 request that, you know --

14 THE COURT: Okay.

15 MR. DICKERSON: -- questioning --

16 THE COURT: You can't look at your phone unless you ask
17 permission from --

18 MR. BLANDINO: Oh, okay.

19 THE COURT: -- the Court, and you want to look at
20 something --

21 MR. BLANDINO: To refresh my recollection?

22 THE COURT: That's correct.

23 MR. BLANDINO: There we go.

24 MR. DICKERSON: Thank you.

25 THE COURT: Okay.

1 MR. BLANDINO: Understood.

2 THE COURT: So why don't you turn it over so it's not
3 distracting at all.

4 MR. BLANDINO: Oh, okay. I shouldn't need this. You --
5 mouse pad, so it doesn't -- it's on vibrate mode, so I'll put it --

6 THE COURT: Okay.

7 MR. BLANDINO: -- on the mouse pad.

8 THE COURT: All right. You can bring them in.

9 THE MARSHAL: Yes, ma'am.

10 MR. BATEMAN: I do have my hearing at 11:00 --

11 THE COURT: Okay.

12 MR. BATEMAN: -- in Department 23.

13 THE COURT: Okay.

14 MR. BLANDINO: Oh, what time is it?

15 MR. BATEMAN: We're almost --

16 THE COURT: All right.

17 MR. BATEMAN: -- at 10:00 now.

18 MR. BLANDINO: 10:00 -- well, eight minutes until.

19 [Counsel confer]

20 MR. BLANDINO: Judge, what is the reason for having me
21 come up before they come in? Is there a reason for that? Oh, you can't
22 say.

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

24 [Jury in at 9:52 a.m.]

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

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

3 MR. DICKERSON: We do, Your Honor.

4 THE COURT: And the Defense?

5 MR. BATEMAN: We do, Your Honor.

6 THE COURT: Okay. Ladies and gentlemen, Mr. Blandino is
7 going to testify today in front of the jury panel. Mr. Blandino, if you'll
8 turn towards me and raise your right hand.

9 MR. BLANDINO: I can't do the raising.

10 THE COURT: Raise your right hand. Okay. You don't even
11 want to raise your right hand?

12 MR. BLANDINO: That would be --

13 THE COURT: Okay.

14 MR. BLANDINO: -- like a swearing or --

15 THE COURT: All right.

16 MR. BLANDINO: -- affirming.

17 THE COURT: So you understand that you'll be giving
18 testimony here today in front of this jury panel --

19 MR. BLANDINO: I do.

20 THE COURT: -- correct?

21 MR. BLANDINO: I do.

22 THE COURT: And you understand that the testimony you
23 will be giving will be under the pains and penalties of perjury?

24 MR. BLANDINO: I do.

25 THE COURT: And so you understand your obligations to

1 give truthful testimony --

2 MR. BLANDINO: I do.

3 THE COURT: -- correct?

4 MR. BLANDINO: Absolutely.

5 THE COURT: Okay. You may have a seat.

6 MR. BLANDINO: Yeah.

7 THE COURT: And if you'll state your true and full name,
8 spelling your first and last, for the record.

9 MR. BLANDINO: Kim Blandino. I know the courts use my
10 middle name. I never use it. It's Dennis, just so you know. And I'll
11 explain later, if I'm given a chance, as to why I don't use Dennis. But it's
12 K-I-M, and then B-L-A-N-D-I-N-O, Blandino.

13 THE COURT: Okay. You can have a seat.

14 MR. BLANDINO: Okay.

15 THE COURT: Thank you very much.

16 KIM BLANDINO, DEFENDANT, SWORN

17 All right. Mr. Blandino, is there something you want to tell
18 the jury panel here today? And you may.

19 MR. BLANDINO: I could take days. You know --

20 THE COURT: I assure you; it won't be days.

21 DIRECT EXAMINATION

22 MR. BLANDINO: Yeah, I know that. Okay. Let's first get out
23 what a lot of people get or need. I was born in 1955, October 14th, to be
24 specific. If you count backwards, that would make me 66 years old. But
25 I'm actually 67, because we know that conception lasts about nine

1 months -- so January 21st. So, technically speaking, on this planet, I'm
2 67 years old. And I think that's important. Certain cultures, as a matter
3 of fact, designate your birth from conception date, and so I do so.

4 Anyway, I was born to Anthony and Ruth Blandino. They're
5 from Pennsylvania. My mom actually went to Hershey High School in --
6 where the Hershey's chocolates is made. She was very religious,
7 Catholic. And my dad was -- always told us, when we were growing up,
8 oh, I'm -- we had -- I had four brothers, no sisters. He always told us,
9 when he wouldn't go to church, oh, I went enough when I was younger,
10 so I don't have to go now. He was a funny guy, my dad was. So I was
11 the second child. And, you know, people always --

12 MR. DICKERSON: Okay, Your Honor, we're just going to
13 object to relevancy.

14 THE COURT: I mean, I'm going to give you a little leeway --

15 MR. BLANDINO: Okay.

16 THE COURT: -- about your background.

17 MR. BLANDINO: Okay.

18 THE COURT: But, remember, you're here --

19 MR. BLANDINO: Okay.

20 THE COURT: -- to give relevant --

21 MR. BLANDINO: Right.

22 THE COURT: -- testimony.

23 MR. BLANDINO: Okay. All right. Well, since Mr. Federico
24 brought up his kids, my oldest son, there, is Zachary, in the gallery, with
25 the purple shirt. My younger son -- I had two kids, and he's the oldest.

1 He's 33. My youngest son is at UC Davis. He got his PhD just this
2 December --

3 MR. DICKERSON: Okay.

4 THE COURT: Okay.

5 MR. BLANDINO: -- from -- yeah.

6 MR. DICKERSON: Relevance, Your Honor.

7 THE COURT: And, again, let's get --

8 MR. BLANDINO: Okay.

9 THE COURT: -- towards some relevant testimony.

10 MR. BLANDINO: All right. Well, first and foremost, you've
11 seen things that if I were to have seen them on the screen and didn't
12 have any background, I'd say what the heck is wrong with this Kim
13 Blandino? He is some kind of nut? And that's perfectly understandable.
14 You know, it's sort of like looking at the front of --

15 THE COURT: Again --

16 MR. BLANDINO: -- a building --

17 THE COURT: -- I just want to remind you --

18 MR. BLANDINO: Yeah.

19 THE COURT: -- what you're here for.

20 MR. BLANDINO: Yeah.

21 THE COURT: You're here to give relevant testimony ---

22 MR. BLANDINO: Okay.

23 THE COURT: -- regarding the matters in this case.

24 MR. BLANDINO: Well, all of these things that have -- all of
25 these things that had happened in this case, the state of mind, the

1 motivation, and everything, stem from my religious beliefs and practices.
2 I was raised Catholic, but then, along the way, I saw that that was not the
3 proper way to go. So I take a mix of my religious beliefs and practices
4 from a variety of sources. The most important two laws, as the
5 scriptures say -- and it's in testimony throughout the scriptures -- is to
6 love God with all your strength, with all your might, with all your soul,
7 and to love by neighbor as thyself.

8 So under that rubric, it would be impossible for me to have
9 committed a crime, because --

10 MR. DICKERSON: All right.

11 MR. BLANDINO: -- at --

12 THE COURT: The --

13 MR. DICKERSON: We're going to object --

14 MR. BLANDINO: -- at every step --

15 THE COURT: The objection --

16 MR. DICKERSON: -- to all of that.

17 THE COURT: -- is sustained.

18 MR. DICKERSON: And ask for that to be stricken --

19 THE COURT: All right.

20 MR. DICKERSON: -- Your Honor.

21 THE COURT: And that will be stricken from the --

22 MR. DICKERSON: Thank you.

23 THE COURT: -- record. And again, I would ask you to go -- to
24 testify about something that's relevant in this matter.

25 MR. BLANDINO: Okay. Well, whenever I do any action or --

1 or inaction, like, it's always motivated by my faith, even this speaking --

2 THE COURT: Okay. So let's --

3 MR. BLANDINO: -- here today.

4 THE COURT: -- talk about the actions --

5 MR. BLANDINO: Yeah.

6 THE COURT: -- in this case.

7 MR. BLANDINO: Well, even the -- look, the scriptures say,
8 even in my testimony today, I don't have any notes before me. I have
9 what I -- what I've written, and I've got all this stuff in the box, which I
10 can't have, unless I am to refresh my recollection. But the scriptures say
11 you'll be called before people.

12 THE COURT: Again, that is not relevant.

13 MR. BLANDINO: Yeah.

14 THE COURT: I would ask you to testify about something
15 regarding the underlying facts --

16 MR. BLANDINO: Okay.

17 THE COURT: -- in this matter.

18 MR. BLANDINO: All right. When dealing with Mr. Federico,
19 Marwitz, Mead, all these individuals at the trial and otherwise, I had to
20 speak as the Holy Spirit gave me to speak. And so when these -- when
21 this trial happened -- you saw the video of the trial -- and Mr. -- Mr.
22 Dickerson, the prosecuting attorney, made a big deal out of turning his
23 seat around, going like this [swivels in chair]. Well, I was in a swivel
24 chair. That was a swivel chair that they had at that trial. Is there any
25 way we could pull that video up, because I want to go by frame by frame

1 on that.

2 MR. DICKERSON: Your Honor, I have no objection to his -- to
3 his counsel questioning him on that. I think that that's something that
4 wouldn't necessarily need to be in the narrative. However Defense
5 wants to proceed.

6 THE COURT: Okay. Do you want to bring up the --

7 MR. BLANDINO: Yes.

8 THE COURT: -- the --

9 MR. BLANDINO: Because it looks crazy. It looks crazy, on its
10 face.

11 THE COURT: Okay. Do you know where in that exhibit?

12 MR. BLANDINO: I -- we need to start at the beginning and
13 play it.

14 THE COURT: Okay.

15 UNIDENTIFIED SPEAKER: [Indiscernible] it.

16 MR. BLANDINO: I'll explain every action and what I was
17 doing and why, in that video. I guess, before the video -- can I keep
18 speaking, or should I wait until they get ready?

19 THE COURT: Just wait.

20 [Counsel confer]

21 MR. BLANDINO: And what is the number of --

22 THE COURT: Just a minute.

23 MR. BLANDINO: -- that exhibit?

24 [Counsel confer]

25 MR. DICKERSON: The Court's brief indulgence, Your Honor.

1 Okay. This is the -- just for the record, this is the video that's been
2 marked as State's Exhibit 32, which is videos of the traffic trial in
3 Municipal Court, from August 28th. And this is --

4 THE COURT: Okay.

5 MR. DICKERSON: -- the --

6 THE COURT: So you may publish Exhibit 32.

7 [Whereupon, a video recording, State's Exhibit 32 was played in
8 open court at 10:02 a.m., not transcribed.]

9 MR. BLANDINO: Can they stop it right there?

10 [Video paused at 10:02 a.m.]

11 THE COURT: Okay.

12 MR. BATEMAN: Okay. What are we -- what are we looking
13 at here, Mr. Blandino?

14 MR. BLANDINO: Okay. This is Courtroom 1C, as was already
15 testified to, Department 20. And so this is -- you know, you can see the
16 church-like pews there. And that's the -- that's where I'm at, and the
17 defense table. Over here is John Corey. He's a real nice guy. He's the
18 prosecutor for the city. He's the city attorney. This is Marshall Reyes,
19 who -- he's a nice guy as well.

20 THE COURT: Okay.

21 MR. BLANDINO: Now --

22 THE COURT: I'm not sure --

23 MR. BATEMAN: Do we have the --

24 THE COURT: -- we need all this commentary.

25 MR. BATEMAN: Yeah.

1 MR. BLANDINO: This is -- this is Michael Federico, who you
2 saw testify. Now below him, do you see these two white bars there --
3 the white bars? What they are, are those are for name tags. The --

4 MR. BATEMAN: Well, just -- I'm sorry. Let me --

5 MR. BLANDINO: Yeah, you see where the -- the judge's
6 name tag is? It's similar to that.

7 MR. BATEMAN: Is there an ability to do --

8 MR. DICKERSON: Yeah.

9 MR. BATEMAN: -- touch-screen?

10 MR. DICKERSON: I think there's --

11 THE COURT: Sure.

12 MR. DICKERSON: -- a mouse up there.

13 MR. BATEMAN: There's mouse up there.

14 THE COURT: Uh-huh.

15 MR. BLANDINO: Oh, can I do the mouse?

16 THE COURT: Absolutely.

17 MR. BLANDINO: Okay. That's not acting as counsel?

18 MR. BATEMAN: Just --

19 MR. BLANDINO: Okay. Okay. Can you see that mouse on
20 that lower one?

21 THE COURT: Right. You can -- there you go.

22 MR. BLANDINO: For whatever reason, I -- they've got two
23 name tag plates here. And if there's a visiting judge, you can slide a
24 name tag in there. And why there's two, I don't know. But you see,
25 there's no name tag there. And you see here that there's two people in

1 the audience right there.

2 MR. BATEMAN: Okay. So I know you're doing it, but
3 perhaps, please explain to the jurors why -- the significance of a blank
4 name tag.

5 MR. BLANDINO: The significance of blank name tags is the
6 fact that anybody can make a complaint to the Commission on Judicial
7 Discipline, for misconduct by a judge. You know, somebody could be
8 seeing this video right now, from Tokyo, Japan -- it could be a ten-year-
9 old girl -- and say, wait a minute, what's this judge sitting on the bench
10 saying, without a name tag? They could put in a complaint to the
11 Commission on Judicial Discipline.

12 And as you saw Paul Deyhle testify, they take information
13 from wherever and they'll say, hey, we don't think that's right. We think
14 this is a violation of the code of judicial conduct. You'll see, in the video.
15 I don't know where it is exactly. But if I could refer to that, then. He -- I
16 have to ask him for what his name is, because I don't know.

17 MR. BATEMAN: Let --

18 MR. BLANDINO: He has to -- he says it, and then spells it out
19 for me.

20 MR. BATEMAN: Should we keep going, then, on the video
21 or --

22 MR. BLANDINO: I'm sorry?

23 MR. BATEMAN: I said, should we keep --

24 MR. BLANDINO: Oh, I just want to --

25 MR. BATEMAN: -- resume the video?

1 MR. BLANDINO: I just want to -- if I can note, because you --
2 you have never sat on a jury, from what I heard on the venire, before.
3 So these are the court support staff. Just like the judge here has a
4 support staff. There's Sarah Richardson, she's the court --

5 MR. BATEMAN: Can you use the mouse?

6 MR. DICKERSON: Objection.

7 MR. BLANDINO: -- recorder.

8 MR. BATEMAN: Can you use the mouse?

9 MR. BLANDINO: And then court clerk.

10 MR. DICKERSON: Relevance.

11 THE COURT: You know what?

12 MR. BATEMAN: Can you use the mouse?

13 THE COURT: You -- I mean, that is --

14 MR. BLANDINO: Okay. But anyway --

15 THE COURT: The objection is sustained.

16 MR. BLANDINO: These are support staff that support him.

17 And, you know, they'll tell when court hearings are available.

18 THE COURT: Okay.

19 MR. BLANDINO: -- and things like that.

20 THE COURT: Do you want Mr. Bateman to start the video
21 again?

22 MR. BLANDINO: Yeah, that --

23 THE COURT: Okay.

24 MR. BLANDINO: -- that'd be good.

25 THE COURT: All right.

1 [Video resumed at 10:05 a.m.]

2 MR. BLANDINO: Oh, stop it right now.

3 [Video paused at 10:05 a.m.]

4 MR. BLANDINO: See? You notice how that chair swivels?

5 That's a swivel chair. It's not like Mr. Dickerson has, where he's -- he
6 had --

7 THE COURT: Okay.

8 MR. BLANDINO: -- to turn it around.

9 THE COURT: It's a swivel --

10 MR. BLANDINO: He had to --

11 THE COURT: -- chair --

12 MR. BLANDINO: -- lift it up and turn it.

13 THE COURT: -- correct?

14 MR. BLANDINO: It's a --

15 THE COURT: All right.

16 MR. BLANDINO: -- swivel, yeah. It's a swivel.

17 THE COURT: Keep going.

18 MR. BLANDINO: Why they have a swivel chair there, I don't
19 know, but they -- that's what they had.

20 [Video resumed at 10:06 a.m.]

21 MR. BLANDINO: Okay. Stop it there.

22 [Video paused at 10:06 a.m.]

23 MR. BLANDINO: I'm telling -- I'm telling him what -- it -- it's a
24 court or record. Now, in Nevada, you have courts of record, courts of
25 justice.

1 MR. DICKERSON: Objection, Your Honor.

2 THE COURT: Sustained. The objection --

3 MR. BLANDINO: Okay.

4 THE COURT: -- is sustained.

5 MR. BLANDINO: Okay. Oh, from this view, now, too, you
6 can see, that's Trooper Faulkner, who you see later in there. He's
7 waiting to testify. And the -- I don't know who's behind him. I think it's
8 another officer to testify as well.

9 MR. BATEMAN: Okay. Mr. Blandino --

10 MR. BLANDINO: Now --

11 MR. BATEMAN: You can use the mouse. No one knows --

12 MR. BLANDINO: Yeah.

13 MR. BATEMAN: So we can see --

14 MR. BLANDINO: Oh, I'm sorry.

15 MR. BATEMAN: -- where you're pointing.

16 MR. BLANDINO: I forgot about the mouse.

17 MR. BATEMAN: Okay.

18 MR. BLANDINO: Okay. That's Faulkner. And the here, it's --
19 it looks like another officer, but I don't know who he is. Now, understand
20 that they're looking at blank name tags, too. Their view is of the blank
21 name tags. Those people could make complaints against this judge, if
22 they wanted. You can make anonymous complaints to the Commission.
23 You're not required --

24 THE COURT: I think that --

25 MR. BLANDINO: -- to let anybody know.

1 THE COURT: -- that point has been made.

2 MR. BLANDINO: Okay.

3 THE COURT: Mr. Bateman?

4 [Video resumed at 10:07 a.m.]

5 MR. BLANDINO: All right. So, and this is -- I'm sorry. Pause
6 it right there?

7 [Video paused at 10:07 a.m.]

8 MR. BLANDINO: Nobody talks over me, I'm the judge. I was
9 raised in a Sicilian household. And I have to apologize, I do tend to
10 interrupt. My own son, he's always at me, Dad, you stop me from
11 talking. But in our household, there was, like, always interruption. It's
12 just the way I was brought up and is a bad habit. But, you know, when
13 I'm talking to my brother, we all give and take --

14 THE COURT: Okay.

15 MR. BLANDINO: -- and there's no problem. Yeah.

16 THE COURT: Any -- keep going.

17 MR. BLANDINO: So anyway, he said, don't overtalk me. And
18 I apologized each time, because it's -- it is -- it is a bad habit. I mean, he
19 found -- if you saw his testimony here, he even had to apologize a couple
20 times because he was overtalking either Mr. Dickerson or Mr. Bateman.
21 And with a name like Federico, he could have the same ancestry --

22 THE COURT: Okay.

23 MR. BLANDINO: -- as me, possibly.

24 THE COURT: All right.

25 MR. BLANDINO: Yeah.

1 [Video resumed at 10:08 a.m.]
2 MR. BLANDINO: Okay. Let's pause it here. I can't --
3 [Video paused at 10:08 a.m.]
4 MR. BLANDINO: Can I pause it from -- with my mouse?
5 There's a --
6 MR. BATEMAN: I don't know.
7 MR. BLANDINO: The mouse, does --
8 MR. DICKERSON: No.
9 MR. BLANDINO: -- it pause? Okay. Okay. So, here, he's
10 talking about a motion that I filed prior to this hearing. Which I do have
11 that motion in my box. If I could refresh my recollection?
12 THE COURT: There -- just keep going.
13 MR. BLANDINO: Okay.
14 THE COURT: You filed a motion prior to the trial.
15 MR. BLANDINO: There was a motion for speedy trial. Now,
16 this was not -- there was a trial set prior to this. He's just the visiting
17 judge. The one -- and he referred to her, was -- Shannon Nordstrom,
18 was the one that was normally in that chair. Now, at this time, I believe,
19 Shannon Nordstrom still wasn't approved by the city council to be on
20 that --
21 THE COURT: Okay. Again --
22 MR. BLANDINO: -- bench.
23 THE COURT: -- that's not relevant.
24 MR. BLANDINO: Well --
25 THE COURT: So please move on.

1 MR. BLANDINO: I put in a -- when I went before Shannon
2 Nordstrom --

3 THE COURT: You did a motion prior to trial?

4 MR. BLANDINO: Right.

5 THE COURT: Okay.

6 MR. BLANDINO: But pr -- prior -- but pr -- prior to this
7 appearance, I went before Shannon Nordstrom, and I said -- because it
8 was scheduled to be Elworth Winter [phonetic]. Later on in this tape,
9 you'll see that I referenced Elworth Winter was on a certified copy of --
10 that's the judge that's supposed to be there. But Shannon Nordstrom
11 was in a transition of taking over for Elworth -- Winter in that position.
12 The city council hadn't yet approved her to be in that seat. Now, this
13 gentleman, Mr. Federico, he has to get approval before he --

14 THE COURT: Okay. Mr. --

15 MR. BLANDINO: -- ever sits on --

16 THE COURT: -- Blandino --

17 MR. BLANDINO: -- a bench.

18 THE COURT: -- again, I would --

19 MR. BLANDINO: Yeah.

20 THE COURT: -- ask you to get to --

21 MR. BLANDINO: Okay.

22 THE COURT: -- the point.

23 MR. BLANDINO: Well, anyway, I told --

24 THE COURT: So you filed your motion.

25 MR. BLANDINO: Well, no. There's something before that,

1 Judge. Shannon Nordstrom, I said, look, I don't know who you are.
2 There may be some conflict issues and I might have to file a motion to
3 disqualify. So you've got to give me time to -- you've got to give me
4 time to file a motion. Which she did, she granted me. And I filed a
5 motion to disqualify Nordstrom, and then he appears on the bench.
6 Apparently, she didn't want to challenge that motion to disqualify. The
7 statute that I filed under was NRS 1.230 --

8 THE COURT: Again --

9 MR. BLANDINO: 1.235.

10 THE COURT: -- that's not relevant.

11 MR. BLANDINO: Okay.

12 THE COURT: Mr. --

13 MR. BLANDINO: Well --

14 THE COURT: -- Federico was sitting that day.

15 MR. BLANDINO: Yeah, he was sitting that day. But, see, we
16 had the same circumstance. And you'll see later on this video, as it
17 bears out, I said, I don't know who you are. I mean, you could have
18 some conflict issues. You've heard me say that. So, therefore, if you're
19 going to do -- rule on this, I need to have time to do that. And this judge
20 here is well familiar with that process and procedure.

21 MR. DICKERSON: Objection.

22 THE COURT: Sustained.

23 MR. DICKERSON: We move to strike that.

24 THE COURT: And that will be stricken from the record.

25 MR. BLANDINO: Okay. It looks like I'm going to get a lot of

1 strikes. Because I -- oh, by the way, I don't know if I did mention this. I
2 am not an attorney at law. I may dress like one now, but I'm not an
3 attorney at law. But I am an attorney in fact. And in this particular
4 instance --

5 THE COURT: Okay. I just want to make sure the jury is clear.
6 He is not an attorney. He is not licensed in the state of Nevada, or any
7 other state.

8 MR. BLANDINO: True.

9 THE COURT: Go ahead.

10 MR. BLANDINO: Yeah. But one is still allowed, in these
11 courts, and other courts, to be -- represent yourself, in certain instances.
12 And so I was representing myself. And I think he explained, also, that I
13 was pro se, which is Latin for of ourselves, you know. And I would -- I
14 now hold that I'm a peculiar pro se, because people find me peculiar --
15 and that's a biblical term. Anyway, so here I am representing myself in
16 this matter. And you can see the suit I'm wearing. I wear that vest
17 sometimes to break up, the color scheme --

18 THE COURT: Okay.

19 MR. BLANDINO: -- of this.

20 THE COURT: Again, that's not --

21 MR. BLANDINO: And I'm wearing that suit --

22 THE COURT: -- relevant.

23 MR. BLANDINO: Yeah.

24 THE COURT: Let's get to the point.

25 MR. BLANDINO: But out of respect to the Court, I'm --

1 THE COURT: Okay.

2 MR. BLANDINO: -- wearing a suit. I could've just come in
3 street clothes, but I'm wearing a suit. Not trying to fool anybody as
4 though I'm an attorney, but just out of respect. So I'm trying to do a
5 dismissal because -- the speedy trial rule. And that's what he's
6 referencing. And I think the tape didn't quite pick up, but he came in a
7 little bit irritated and said to the court, it's a little late.

8 MR. DICKERSON: Objection. Hearsay.

9 THE COURT: Yeah. Sustained.

10 MR. BLANDINO: Okay. All righty. Well, anyway, so --

11 MR. BATEMAN: But --

12 MR. BLANDINO: -- let's start it up again.

13 MR. BATEMAN: I mean, he can certainly testify that's his
14 impression of Mr. Federico -- of Mr. Federico's mood at that point.

15 THE COURT: I'm sorry?

16 MR. BATEMAN: I said, Mr. --

17 THE COURT: You can -- if you want to ask him --

18 MR. BATEMAN: Well --

19 THE COURT: -- what Mr. Federico's mood was?

20 MR. BLANDINO: Yeah. Okay.

21 MR. BATEMAN: All right. Let's -- are you ready to continue?

22 MR. BLANDINO: Oh, were you going to -- I thought you were
23 going to ask me a question.

24 MR. BATEMAN: Well, what was your perception of Mr.
25 Federico's mood when he --

1 MR. BLANDINO: Well, when he --
2 MR. BATEMAN: -- took the bench?
3 MR. BLANDINO: -- came in, he said --
4 MR. DICKERSON: Objection.
5 MR. BLANDINO: I'm sorry, I'm --
6 MR. DICKERSON: Hearsay.
7 THE COURT: Again, that's hearsay.
8 MR. BLANDINO: Oh, I'm sorry.
9 THE COURT: But if you want to --
10 MR. BLANDINO: Oh, I'm sorry.
11 THE COURT: What was your --
12 MR. BLANDINO: You just want --
13 THE COURT: -- impression of his --
14 MR. BLANDINO: -- my perception of his mood. He --
15 THE COURT: To his demeanor?
16 MR. BLANDINO: Yeah, demeanor. He seemed irritable and a
17 little bit teed off, I guess, if I could use that term, teed off.
18 MR. BATEMAN: Okay. Continue.
19 MR. DICKERSON: Okay.
20 [Video resumed at 10:13 a.m.]
21 MR. BLANDINO: So freeze it there.
22 [Video paused at 10:13 a.m.]
23 MR. BLANDINO: Can you freeze it there, Ben? He saw me
24 lifting that thing. It was -- those are documents that were actually -- I had
25 -- there were some motions that were filed. That motion to dismiss for

1 speedy trial is pretty thick. It was about that, with exhibits. And I had
2 some other motions that I was filing.

3 And so I know you've probably seen me lugging these paper
4 boxes around. But, you know, that's stuff that I think is important, that I
5 might need. And I always found it's better to be prepared, to have more
6 than you need, rather than less than you need, you know? So anyway,
7 we can continue.

8 MR. BATEMAN: All right. Did we --

9 MR. BLANDINO: Did you have--

10 MR. BATEMAN: Is there a way to --

11 MR. BLANDINO: -- a question, Ben?

12 MR. BATEMAN: No, we're just trying to see if we can raise
13 the volume on that. It's --

14 MR. BLANDINO: Oh.

15 THE CLERK: We have to call IT to come in and do it.

16 MR. BATEMAN: Oh.

17 THE COURT: Okay. Well, let -- let's keep going.

18 UNIDENTIFIED SPEAKER: Is the volume all the way up on
19 the laptop?

20 MR. BATEMAN: It is, yes.

21 THE COURT: Okay.

22 [Video resumed at 10:14 a.m.]

23 MR. BLANDINO: Okay. Could you pause it right there?

24 [Video paused at 10:14 a.m.]

25 MR. BLANDINO: What I'm asking for is for the court to take

1 judicial notice. Which, I don't know if I can explain the law or not.

2 THE COURT: You cannot.

3 MR. BLANDINO: I can't. Okay.

4 THE COURT: You cannot.

5 MR. BLANDINO: Well, I'm asking that judge to take judicial
6 notice of certain things. And I guess, we can continue.

7 [Video resumed at 10:14 a.m.]

8 MR. BLANDINO: I can barely hear myself. That's -- the
9 volume is terrible. I don't even know what I'm saying there. I mean, I
10 can't hear what I'm saying. It's muffled.

11 [Counsel confer]

12 MR. BATEMAN: I'm sorry. We're at 1 minute, 29 seconds.
13 We'll use a different media player. See if that gives us better results.

14 [Video resumed at 10:15 a.m.]

15 MR. BLANDINO: Can you stop it there?

16 [Video paused at 10:16 a.m.]

17 MR. BLANDINO: The same religious issues that you -- that
18 Mr. Dickerson and show -- and things showed, in those documents in
19 which I was sent the letters or wrote the letters to him -- and then the
20 one case -- well, two cases -- dropped them off. Those same religious
21 beliefs and practices convey to him, here, basically, were the same and
22 consistent with what I did there in those letters. Okay.

23 THE COURT: Okay.

24 [Video resumed at 10:17 a.m.]

25 MR. BLANDINO: Can you stop it there?

1 [Video paused at 10:17 a.m.]

2 MR. BLANDINO: What I referenced there is that I mentioned
3 that I was doing current -- going -- or current investigative -- investigative
4 actions around judicial corruption. And it was -- I think it -- what I was
5 referencing there was, not in this court, particularly, but in the other --
6 other courts within the Eighth Judicial District. Can I give a little
7 background as to what the Eighth Judicial --

8 THE COURT: No.

9 MR. BLANDINO: -- District is? No? Okay.

10 [Video resumed at 10:18 a.m.]

11 MR. BLANDINO: Stop it here. Stop it here.

12 [Video paused at 10:18 a.m.]

13 MR. BLANDINO: Stop it here. Okay. Now, you're seeing
14 new people come in, here. They have no idea what the name of that
15 judge is on the bench. He just gave me ten --

16 MR. DICKERSON: Objection. Calls for speculation.

17 THE COURT: Sustained.

18 MR. BLANDINO: Well --

19 THE COURT: You're leaving to go to the -- get a drink of
20 water, correct?

21 MR. BLANDINO: Well, he told me I had ten seconds to get a
22 drink of water.

23 THE COURT: We heard --

24 MR. BLANDINO: Okay.

25 THE COURT: -- what he said.

1 MR. BLANDINO: And so I took the guy literally, that I had to
2 really hurry, and that I could be found in contempt if at -- least I didn't
3 hurry as fast as I could. I mean, honestly, I didn't think he -- just a figure
4 of speech. I don't know if I can go -- if you'll note, when -- on the other
5 video that you saw, he gave me ten seconds to leave the courtroom
6 when he threw me out. So, apparently, my perception was that this ten
7 seconds is a common refrain that he uses over and over again. That's
8 what I perceived with the two events.

9 THE COURT: Okay.

10 MR. BLANDINO: Is that he loves that ten-second thing, you
11 know? But what I don't think he realized is that I could take him
12 seriously. Ten seconds to go out in the hallway and get a drink of water
13 and come back. I think it was a thoughtless and wrongful act for him to
14 do that, and he put people in jeopardy. I was running -- I asked for the
15 tape. I had it administratively saved from going the -- out the doors to
16 the water fountain. It's on the marshal's desk, but I never got -- had it
17 subpoenaed. So that footage, if anybody wanted to see it, I'd sure like to
18 have you show it. Because I did pretty fast speed there and -- to the
19 water fountain and back. So go ahead. Continue, I guess.

20 MR. BATEMAN: Okay.

21 [Video resumed at 10:20 a.m.]

22 MR. BLANDINO: Oh, oh, stop it here.

23 [Video paused at 10:20 a.m.]

24 MR. BLANDINO: You'll notice that the -- no one's put any
25 names in, between the time we started here. There's no name tag that's

1 been slid in. So you still don't know -- if anybody's coming in, you don't
2 know what their name of this guy is. Okay.

3 [Video resumed at 10:20 a.m.]

4 MR. BLANDINO: Okay. Stop it here. When I was --

5 [Video resumed at 10:21 a.m.]

6 [Video paused at 10:21 a.m.]

7 MR. BLANDINO: Can you stop it there?

8 [Video paused at 10:21 a.m.]

9 MR. BLANDINO: You get -- you've been able to observe. I
10 drink a lot of fluids during the day. You see pictures there -- water on
11 there. I repeatedly asked this court to have water there. There's signs
12 up -- and I have pictures of those -- up outside the courtroom, No Food
13 or Beverages Allowed. There's -- in two different places outside that
14 courtroom. So I'm dependent on having water there. Now, if you're just
15 coming in for just a quick thing, obviously, you don't need water, but I'm
16 here for a while and I get cottonmouth. I mean, I really do. And so I --

17 THE COURT: Okay.

18 MR. BLANDINO: -- I advised --

19 THE COURT: So let's move it along.

20 MR. BLANDINO: I've advised everybody, hey, you got to
21 have water down there.

22 THE COURT: Okay.

23 MR. BLANDINO: And they just refused to listen to me.

24 THE COURT: All right.

25 MR. BLANDINO: It's just ridiculous.

1 THE COURT: Let's start -- let's --
2 MR. BLANDINO: Okay.
3 THE COURT: -- move it along.
4 [Video resumed at 10:21 a.m.]
5 MR. BLANDINO: And you'll see that I'm out of breath here.
6 [Video paused at 10:21 a.m.]
7 MR. BLANDINO: I'm not in that good a shape and wasn't
8 then.
9 [Video resumed at 10:22 a.m.]
10 MR. BLANDINO: Could you stop that?
11 [Video paused at 10:22 a.m.]
12 MR. BLANDINO: This is -- was totally baffling to me. He
13 says, you're not really supposed to give somebody the opportunity to
14 speak, or something. I don't know exact -- it, kind of, mumbled. But he
15 says, I, like I from up on high, give pro ses the opportunity to speak. To
16 me, that was -- it was, like, what? You know, you don't have due process
17 here? I -- this was unfathomable to me, and it seemed completely
18 arrogant and disrespectful of a party, which is a violation of the code of
19 judicial conduct --
20 THE COURT: Okay.
21 MR. BLANDINO: -- I believe
22 THE COURT: Let's move it along. Let's move it along.
23 MR. DICKERSON: And that's an improper legal conclusion.
24 He can't make judgment of what's a violation, Your Honor.
25 THE COURT: Let's move it along.

1 MR. BATEMAN: Well, if I may just ask him, over his
2 objection. Mr. Blandino, given Mr. Federico's actions there, were you
3 going to file a complaint to the Commission, based on that?

4 MR. BLANDINO: Oh, yes.

5 MR. BATEMAN: Okay.

6 MR. BLANDINO: Based on that alone, would be a count now.

7 MR. BATEMAN: Okay.

8 MR. BLANDINO: Wait a minute. I've got to clarify that,
9 though. That, if at any point along the line, he had said, subsequent to
10 that, you know what? Thinking it over, I apologize. That was not a good
11 thing to say. Then no complaint is necessary, if an apology's given.

12 MR. BATEMAN: All right.

13 [Video resumed at 10:24 a.m.]

14 MR. BLANDINO: stop it there.

15 [Video paused at 10:24 a.m.]

16 MR. BLANDINO: You can see, I'm still a little bit out of
17 breath. I'm trying to catch my breath. So, you know --

18 THE COURT: Okay.

19 MR. BLANDINO: -- like I said -- okay.

20 THE COURT: So let's move it along.

21 [Video resumed at 10:24 a.m.]

22 MR. BLANDINO: Okay. Stop it there.

23 [Video paused at 10:25 a.m.]

24 MR. BLANDINO: So I'm referencing three different things
25 there. The fact that Shannon Nordstrom was not the scheduled judge to

1 be there at the previous thing. And I said, you know, we could have
2 some disqualification issues. And so, you know, there could be a
3 relationship or something with -- I mean, there's any number of different
4 disqualification factors, and so I brought that up. And then the fact that
5 we've got the same problem with him, because I don't know if there is
6 any possible disqualification issues. I've run into those before.

7 THE COURT: Okay.

8 MR. BLANDINO: Yeah,

9 THE COURT: So he didn't let you have a continuance, right?

10 MR. BLANDINO: [No audible reply]

11 THE COURT: Okay. Let's move it along --

12 MR. BLANDINO: Well, not a --

13 THE COURT: -- Mr. Bateman.

14 MR. BLANDINO: -- continuance, Judge. An opportunity to
15 file a motion to --

16 THE COURT: Sure.

17 MR. BLANDINO: -- disqualify. Yeah. I think there's a
18 distinction there.

19 THE COURT: Okay.

20 [Video resumed at 10:26 a.m.]

21 MR. BLANDINO: Okay. Stop.

22 [Video paused at 10:26 a.m.]

23 MR. BLANDINO: See, what the judge is saying there, that --

24 MR. DICKERSON: Object to best evidence.

25 THE COURT: Right.

1 MR. BLANDINO: I'm sorry.
2 THE COURT: They heard what Mr. Federico said.
3 MR. BLANDINO: Well, did they?
4 THE COURT: Sure.
5 MR. BLANDINO: You know, it's hard to make out.
6 THE COURT: They heard what --
7 MR. BLANDINO: It sounds like --
8 THE COURT: -- Mr. Fed --
9 MR. BLANDINO: -- it was -- he did he say --
10 THE COURT: It -- they heard --
11 MR. BLANDINO: Judicial shopping or --
12 THE COURT: Hey.
13 MR. BLANDINO: -- forum shopping.
14 THE COURT: They heard what Mr. Federico said.
15 MR. BLANDINO: Can I have --
16 THE COURT: Do you have anything --
17 MR. BLANDINO: -- it replayed then?
18 THE COURT: No, you cannot. Let's move it along.
19 [Video resumed at 10:26 a.m.]
20 MR. BLANDINO: Stop it, please, there.
21 [Video paused at 10:27 a.m.]
22 MR. BLANDINO: He said I already admitted to it.
23 THE COURT: Again --
24 MR. BLANDINO: And I disagree with that entirely. Now that,
25 I think, is another ground for a complaint with the Commission on

1 Judicial Discipline. Because he's mischaracterizing my actions, and he
2 knows that there's a possibility for motions to disqualify. He's already
3 jumping the gun. This is called prejudicial, because he's prejudging
4 what I'm trying to do there.

5 THE COURT: Okay. Mr. Bateman, let's move it along.

6 [Video resumed at 10:27 a.m.]

7 MR. BLANDINO: Okay. Stop it there.

8 [Video paused at 10:27 a.m.]

9 MR. BLANDINO: Now, you can see, he raised his voice there.
10 Now, that wouldn't be worthy of a complaint, because I was a little slow
11 to sit down. I should've apologized there. I admit to that. But that's not
12 grounds for a complaint, because he's just trying to make it insistent that
13 I sit down. Okay. He has the right to control the courtroom. It's not
14 objectionable, that.

15 [Video resumed at 10:28 a.m.]

16 MR. BLANDINO: Stop it there, please.

17 [Video paused at 10:28 a.m.]

18 MR. BLANDINO: I don't know how to answer this -- ask this
19 question. Ben, you might have to correct me or phrase it right. It's been,
20 in my experience, that when a motion is filed, you have an opposition --

21 THE COURT: Okay.

22 MR. DICKERSON: Objection --

23 THE COURT: Again, none of this --

24 MR. DICKERSON: -- Your Honor.

25 THE COURT: -- is relevant. The objection is sustained. So

1 let's move it along.

2 MR. BLANDINO: How about this, if I say it this way. I
3 believed and felt that I should be entitled to have an opportunity to reply
4 to the opposition?

5 THE COURT: Okay. And let's move on.

6 [Video resumed at 10:29 a.m.]

7 MR. BLANDINO: Okay. Stop it there.

8 [Video paused at 10:29 a.m.]

9 MR. BLANDINO: You see me swivel to look back to the
10 courtroom. I had seen other people come in. There's no name tags.
11 And I'm seeing if there's anybody else that came in that can also visually
12 see that there's no name tag there. If I can jump ahead on what my
13 thinking was here. My intent was to try and catch people coming out of
14 the courtroom after this -- proceeding was over, and see -- canvas them,
15 both in my capacity looking for judicial corruption and misconduct, and
16 investigative -- journalism, to see if they had problems with the fact that
17 somebody sitting on the bench here, and there's no name tag there, you
18 know?

19 So I asked the people. After this hearing, I said, what would
20 you feel like if a judge was, like, wearing a hood and you couldn't even
21 identify his face? Would that trouble you? So I ask those types of
22 questions, because, to me, that's crazy.

23 [Video resumed at 10:30 a.m.]

24 MR. BLANDINO: Stop it there, Ben.

25 [Video paused at 10:30 a.m.]

1 MR. BLANDINO: You see that guy in the red shirt? He -- I
2 think he came in just before I was going -- go -- ordered out, ten seconds
3 to get a drink of water. So he's over there on that side. So that's one --

4 THE COURT: Okay.

5 MR. BLANDINO: -- of the guys that came in after this thing --

6 THE COURT: All right.

7 MR. BLANDINO: -- started.

8 MR. DICKERSON: Objection.

9 THE COURT: Let's move it along.

10 MR. DICKERSON: Relevance, Your Honor. We'll just --

11 THE COURT: It's not relevant.

12 MR. DICKERSON: -- move to strike that one.

13 THE COURT: The objection is sustained.

14 MR. DICKERSON: Thank you.

15 [Video resumed at 10:31 a.m.]

16 MR. BLANDINO: Okay. Let's stop it there.

17 [Video paused at 10:31 a.m.]

18 MR. DICKERSON: And one thing, just for the record, Your
19 Honor. When we stop it, if Defendant's counsel could just put on the
20 record what the time stamp is on the video so that we have a clear
21 record --

22 MR. BLANDINO: Oh, that's a --

23 MR. DICKERSON: -- of all this.

24 THE COURT: Okay.

25 MR. BLANDINO: -- good idea.

1 MR. DICKERSON: Thank you.

2 THE COURT: Thank you.

3 MR. BLANDINO: Good thinking, Michael.

4 THE COURT: It's Mr. Dickerson.

5 MR. BLANDINO: Oh --

6 MR. BATEMAN: 6 minutes --

7 MR. BLANDINO: -- I'm sorry.

8 MR. BATEMAN: 53 seconds, Your Honor.

9 THE COURT: Thank you.

10 MR. BLANDINO: Okay. Well, what -- reason I wanted that

11 stopped is, the judge, it -- seemed to agree with my objection there and

12 has said it wasn't at issue. So I wasn't totally wrong during this hearing,

13 in his eyes, as it appeared to me. Yeah. And so --

14 MR. BATEMAN: We'll just --

15 MR. BLANDINO: -- I made some valid points.

16 MR. DICKERSON: Move to strike for best evidence, Your

17 Honor.

18 THE COURT: That -- the objection is sustained.

19 [Video resumed at 10:32 a.m.]

20 MR. BLANDINO: Stop it there.

21 [Video paused at 10:32 a.m.]

22 MR. BATEMAN: Stopped at 7 minutes 20 seconds.

23 MR. BLANDINO: What he's speaking to there, that I'm not in

24 custody. In other words, wasn't brought down from the jail, or --

25 THE COURT: Okay. That's --

1 MR. BLANDINO: -- you know, that kind of thing.

2 THE COURT: -- not relevant.

3 MR. BLANDINO: Okay.

4 THE COURT: Let's move it along.

5 [Video resumed at 10:32 a.m.]

6 MR. BLANDINO: Stop that, would you, please? This --

7 [Video paused at 10:33 a.m.]

8 MR. BATEMAN: Stopped at 7 minutes 45 seconds.

9 MR. BLANDINO: This is mind-boggling to me. Elworth
10 Winter is the one he's sitting in for, because Shannon Nordstrom had not
11 yet been assigned to the -- to the -- to that court as hearing
12 commissioner. That's what they title that, hearing commissioner, there.
13 And so Elworth Winter was on all the paperwork.

14 THE COURT: Okay.

15 MR. BLANDINO: And so --

16 THE COURT: Let's move forward.

17 MR. BLANDINO: My perception was that he was very
18 unknowledgeable of even what the names of the court staff was, or --

19 THE COURT: Okay.

20 MR. BLANDINO: -- the person's involved in the thing. He
21 just kind of comes in --

22 THE COURT: All right.

23 MR. BLANDINO: -- you know, for the day.

24 THE COURT: Let's proceed.

25 [Video resumed at 10:33 a.m.]

1 MR. BLANDINO: Stop it there, please.
2 [Video paused at 10:34 a.m.]
3 MR. BLANDINO: So he's stating that if I was his brother --
4 THE COURT: Okay.
5 MR. BLANDINO: -- to me --
6 THE COURT: Again, the -- the jury heard --
7 MR. BLANDINO: I know.
8 THE COURT: -- what he said.
9 MR. BLANDINO: But my perception is that he's got a very
10 limited understanding as to what --
11 THE COURT: Okay. That's not --
12 MR. BLANDINO: -- disqualification --
13 THE COURT: -- relevant.
14 MR. BLANDINO: -- issues are.
15 THE COURT: That is not relevant.
16 MR. DICKERSON: And that's an improper --
17 THE COURT: Let's move forward --
18 MR. DICKERSON: -- legal conclusion as well.
19 MR. BLANDINO: All right.
20 [Video resumed at 10:35 a.m.]
21 MR. BLANDINO: Okay. Stop it there. Can you stop it there,
22 Ben?
23 [Video paused at 10:35 a.m.]
24 MR. BLANDINO: So --
25 MR. BATEMAN: That stops at -- what is it?

1 MS. MARLAND: 9 minutes.
2 MR. BATEMAN: 9 minutes 3 seconds.
3 THE COURT: Thank you, Mr. --
4 MR. BLANDINO: Okay. Two --
5 THE COURT: -- Bateman.
6 MR. BLANDINO: Two things here. I'm asking for his name
7 now. I hadn't asked for it yet. So now these individuals in the court, if
8 they were listening, presumably have his name. This gentleman that's
9 walking around in the black, that's Thomas Boley. He's what they call --
10 he's similar to a public defender.
11 MR. DICKERSON: Objection. Relevance.
12 THE COURT: Sustained.
13 MR. BLANDINO: Okay.
14 THE COURT: Let's --
15 MR. BLANDINO: Well, I --
16 THE COURT: -- move forward.
17 MR. BLANDINO: I -- just trying --
18 THE COURT: Let's --
19 MR. BLANDINO: -- to relate --
20 THE COURT: Let's move for --
21 MR. BLANDINO: -- that he's --
22 THE COURT: That is not relevant, who that is.
23 MR. BLANDINO: He knows who the judge --
24 THE COURT: Let's move forward.
25 MR. BLANDINO: -- is, probably.

1 [Video resumed at 10:36 a.m.]

2 MR. BLANDINO: Could you stop it there?

3 [Video paused at 10:37 a.m.]

4 MR. BATEMAN: And that is stopped at 10 minutes 27
5 seconds.

6 MR. BLANDINO: In my experience, most of the time, what
7 he's saying is correct. There's not somebody sits in, but somebody
8 discovers that there is --

9 MR. DICKERSON: Objection, Your Honor.

10 THE COURT: It is sustained. I don't -- this is not relevant.

11 MR. DICKERSON: It's an improper opinion, Your Honor.

12 [Video resumed at 10:38 a.m.]

13 MR. BLANDINO: Okay. Stop it there.

14 [Video paused at 10:38 a.m.]

15 MR. BLANDINO: What he just did there is another grounds
16 for a complaint to the Commissioner on Judicial Discipline or some other
17 type of complaint, in my view. Because he's not --

18 MR. DICKERSON: Objection, Your Honor.

19 MR. BLANDINO: Because he's --

20 MR. DICKERSON: It's going to be --

21 THE COURT: Well --

22 MR. BLANDINO: -- he's violating the code.

23 MR. DICKERSON: -- an improper legal --

24 THE COURT: Well, I mean, he can say, in his view --

25 MR. DICKERSON: Right.

1 THE COURT: -- he thinks that's something he can complain
2 about.
3 MR. DICKERSON: Okay.
4 MR. BLANDINO: Right.
5 THE COURT: But that's it. Okay. So let's move on.
6 MR. BLANDINO: I just want to point out those specific --
7 THE COURT: Okay.
8 MR. BLANDINO: -- instances where it's objectionable --
9 THE COURT: Thank you.
10 MR. BLANDINO: -- or complainable about.
11 THE COURT: Thank you very much.
12 MR. BLANDINO: Yeah.
13 [Video resumed at 10:39 a.m.]
14 MR. BLANDINO: Can you stop it there?
15 [Video paused at 10:40 a.m.]
16 MR. BLANDINO: So, finally, I'm -- a reasonable request. I'm
17 asked to give -- bring some water, and they do bring water up. You see
18 me, later, drinking from a cup. Which, you know, could have done that
19 earlier. But there was somebody else that moved in the courtroom
20 again. And then there's no nameplates there, of course.
21 [Video resumed at 10:40 a.m.]
22 MR. BLANDINO: Okay. Stop it there. It --
23 MR. BLANDINO: So, time stamp --
24 MR. BLANDINO: My -- oh, I'm sorry.
25 MR. BATEMAN: -- is 12 minutes, 38 seconds.

1 MR. BLANDINO: My perception is, here, that he's being
2 impatient. And a judge should not be impatient, as he is, and that's
3 wrong, so. And he gets increasingly so, as it goes on.

4 [Video paused at 10:41 a.m.]

5 MR. BATEMAN: Paused at 12 minutes, 56 seconds.

6 MR. BLANDINO: Well, I guess I'm going to be real irrelevant
7 again. But I guess I got to keep trying until I get the right code, right -- on
8 how to say this. However, it appears to me that he's trying to make me
9 look foolish, in that because I say rushing the judgment because he
10 shouldn't be on the bench, in my view, that somehow I'm inconsistent
11 with a denial motion for speedy trial.

12 So my understanding was that you cannot be forced to waive
13 one constitutional right to assert another. That was my view. So if
14 somebody says, yeah, you got the right to remain silent, but I'm going to
15 beat you silly with a -- with a cane, then you -- you're --

16 MR. DICKERSON: Objection.

17 MR. BLANDINO: -- you're exercising the right --

18 MR. DICKERSON: Improper legal --

19 THE COURT: Right.

20 MR. BLANDINO: -- but you're going to --

21 MR. DICKERSON: -- testimony --

22 MR. BLANDINO: Yeah.

23 THE COURT: You're exercising the right legal testimony --

24 THE COURT: I --

25 MR. DICKERSON: -- Your Honor.

1 THE COURT: I agree. I agree.

2 MR. BLANDINO: So anyway --

3 THE COURT: So let's move it along.

4 MR. BLANDINO: Yeah. All right.

5 [Video resumed at 10:42 a.m.]

6 MR. BLANDINO: Could you stop it there?

7 [Video paused at 10:43 a.m.]

8 MR. BLANDINO: I'm trying, as best I can, to be respectful
9 and speak to him without -- but I'm trying to make my objections known,
10 because of the record, if this goes up on appeal. Which it ultimately -- it
11 ends up, does. The prosecution has entered the documents that showed
12 I appealed this -- this decision down here. So I'm trying to object, as best
13 I can. And, you know, I'm stepping on his words a little bit. I should have
14 apologized there, you know. So anyway, continue.

15 [Video resumed at 10:43 a.m.]

16 MR. BLANDINO: The case I have an opposition, I looked at
17 the demand for dismissal is being based upon issues with the judge
18 issues with being a certain re --

19 [Video ended at 10:44 a.m.]

20 MR. BLANDINO: Is that the end of that one?

21 MR. BATEMAN: Yes.

22 MR. DICKERSON: And just for the record, the file that we
23 were just on was the file named 28-08-2018_09-22-58.

24 [Whereupon, a video recording, State's Exhibit 32 was played in
25 open court at 10:44 a.m., not transcribed]

1 MR. DICKERSON: Tell the Judge what file we're on?
2 [Video paused at 10:44 a.m.]
3 MR. BATEMAN: Oh. And this -- yes, this is file -- this is from
4 State's Exhibit 32. This is file name 28-08-2018_09-37-04.avi.
5 [Video resumed at 10:45 a.m.]
6 MR. BLANDINO: Could you stop it there?
7 [Video paused at 10:45 a.m.]
8 MR. BLANDINO: All right. Someone new is coming in the --
9 in the courtroom there. And they still haven't put any --
10 THE COURT: Okay. Let me ask you --
11 MR. BLANDINO: -- name tags in there.
12 THE COURT: -- did the nameplate get -- did he put a
13 nameplate on the entire time?
14 MR. BLANDINO: There was no --
15 THE COURT: Okay.
16 MR. BLANDINO: -- name tag put in.
17 THE COURT: All right. So we don't have -
18 MR. BLANDINO: Oh, you're going to --
19 THE COURT: -- to stop it and say that every time, then.
20 MR. BLANDINO: Oh, but the new --
21 THE COURT: So from start to finish, no name tag, correct?
22 MR. BLANDINO: Yeah. But --
23 THE COURT: Okay.
24 MR. BLANDINO: -- numerous people come in later on.
25 THE COURT: Okay.

1 MR. BLANDINO: Yeah. And especially when he --
2 THE COURT: All right.
3 MR. BLANDINO: -- kind of, blows his top.
4 THE COURT: Thank you.
5 MR. BLANDINO: And they -- they're able to view that.
6 [Video resumed at 10:46 a.m.]
7 MR. BLANDINO: Stop it there.
8 [Video paused at 10:46 a.m.]
9 MR. BLANDINO: In my view --
10 MR. BATEMAN: All right. It --
11 MR. BLANDINO: This --
12 MR. BATEMAN: This is --
13 MR. BLANDINO: Saying, this lovely --
14 MR. BATEMAN: Stop. This is time stamp --
15 MR. BLANDINO: Sorry.
16 MR. BATEMAN: -- sorry -- 1 minute and 7 seconds.
17 MR. BLANDINO: To say this lovely 15-page brief, I mean,
18 that's pretty doggone sarcastic, the way I view it. So, I mean, that's kind
19 of rude to say.
20 THE COURT: Okay.
21 MR. BLANDINO: I don't know if it rises to the level of a
22 complaint, but.
23 THE COURT: Okay. And let's move on.
24 [Video resumed at 10:47 a.m.]
25 MR. BLANDINO: Could you stop it there?

1 [Video ended at 10:49 a.m.]
2 MR. BLANDINO: I didn't -- I don't know, did --
3 MR. BATEMAN: Wait.
4 MR. BLANDINO: Is it proper to ask; everybody heard that?
5 MR. BATEMAN: Wait. It's 3 minutes --
6 MR. DICKERSON: Improper.
7 MR. BATEMAN: -- 12 seconds.
8 MR. DICKERSON: We would object to him --
9 THE COURT: Right.
10 MR. DICKERSON: -- asking --
11 THE COURT: That's improper.
12 MR. DICKERSON: -- anything.
13 MR. BLANDINO: Oh.
14 THE COURT: Okay?
15 MR. BLANDINO: Well, can I --
16 MR. BLANDINO: Because --
17 MR. BLANDINO: -- repeat what I said?
18 THE COURT: No.
19 MR. BLANDINO: Oh.
20 THE COURT: I mean, they just heard it. And the jury will
21 have --
22 MR. BLANDINO: I kind of --
23 THE COURT: -- this when they go --
24 MR. BLANDINO: -- had a hard time --
25 THE COURT: -- back to deliberate.

1 MR. BLANDINO: -- understanding exactly what I said.

2 THE COURT: Okay. That's fine. Let's move it along.

3 MR. BATEMAN: Okay. Starting at 12 seconds. Oh, and
4 that's the end. That's the end of that file. Okay. All right. And then,
5 now this next video here is -- this is file 28-08-2018_09-47-04M.mp4. And
6 this is from -- this is a file that is done on the disk which is marked as
7 State's Exhibit 32.

8 [Whereupon, a video recording, State's Exhibit 32 was played in
9 open court at 10:50 a.m., not transcribed.]

10 MR. BLANDINO: Could you stop it there?

11 [Video paused at 10:52 a.m.]

12 MR. BATEMAN: This is 1 minute, 54 seconds.

13 MR. BLANDINO: Now, in my view, saying that when I'm just
14 -- it was a perfectly valid -- I thought that it was a perfectly valid thing to
15 ask, that you didn't ask me the same thing he asked him. Which is, you
16 know, you have protocol in court, was my view. And so for him to say
17 that that was BS, now, that is a actionable thing on a complaint to the
18 Commission of Judicial Discipline.

19 MR. DICKERSON: Objection. Calls for an improper legal
20 conclusion.

21 THE COURT: Well --

22 MR. BLANDINO: That's --

23 THE COURT: I mean --

24 MR. BLANDINO: That's my view.

25 THE COURT: -- in his opinion --

1 MR. BLANDINO: In my opinion --
2 THE COURT: -- he believes that.
3 MR. BLANDINO: -- I can put --
4 THE COURT: Okay.
5 MR. BLANDINO: -- a complaint in --
6 THE COURT: All right.
7 MR. BLANDINO: -- on that.
8 THE COURT: Okay.
9 MR. BLANDINO: Now, if he --
10 THE COURT: Thank you --
11 MR. BLANDINO: -- apologized later --
12 THE COURT: -- Mr. Blandino.
13 MR. BLANDINO: -- no need for a complaint.
14 THE COURT: Okay. Let's go forward.
15 MR. BLANDINO: Yeah.
16 [Video resumed at 10:53 a.m.]
17 MR. BLANDINO: Okay. At this time, I'm going to -- I need to
18 have you stop it there.
19 [Video paused at 10:54 a.m.]
20 MR. BATEMAN: Pardon?
21 MR. BLANDINO: Huh? The time index?
22 MR. BATEMAN: 3 minutes even.
23 MR. BLANDINO: I don't know how you want me to preface
24 this, Ben, but we discussed this prior to. So there was tape redacted --
25 MR. BATEMAN: Your Honor --

1 MR. BLANDINO: -- out.

2 MR. BATEMAN: -- may I briefly consult with Mr. Blandino?

3 THE COURT: In the middle of his testimony, no. What I'm
4 going to ask you to do is move on, and we can come back to this.

5 MR. BATEMAN: Okay. Thank you.

6 [Video resumed at 10:54 a.m.]

7 MR. BLANDINO: I'm sorry, I missed what you said there,
8 Judge. Could you stop it there?

9 [Video paused at 10:55 a.m.]

10 MR. BLANDINO: Now, for the first time --

11 MR. BATEMAN: Wait.

12 MR. BLANDINO: -- I actually know --

13 MR. BATEMAN: Time stamp is --

14 MR. BLANDINO: -- his name and -- and how --

15 MR. BATEMAN: Well, hold on.

16 MR. BLANDINO: -- it's spelled.

17 MR. BATEMAN: The time stamp is 3 minutes, 28 seconds.

18 MR. BLANDINO: Now, for the first time, I actually know what
19 the name of this judge is. He -- I think he spelled it out. Thanks. That
20 was my recollection.

21 THE COURT: Okay. Let's move forward.

22 [Video resumed at 10:55 a.m.]

23 MR. BLANDINO: I'm sorry, could you stop it?

24 [Video paused at 10:56 a.m.]

25 MR. BLANDINO: I noticed that some of the jurors are not

1 looking at -- I just took a drink of water, just to show -- and so I have to
2 drink water every -- I'm probably going to go through this pitcher if I stay
3 on here even an hour. I drink a lot of water during the day. I notice
4 that --

5 THE COURT: Okay.

6 MR. BLANDINO: -- you see that.

7 THE COURT: All right.

8 MR. BLANDINO: Okay.

9 THE COURT: Let's move forward.

10 [Video resumed at 10:57 a.m.]

11 [Video paused at 10:57 a.m.]

12 MR. BLANDINO: Since this has already been played, his
13 testimony and everything, if you want me, we -- the -- we can go
14 forward --

15 THE COURT: Okay.

16 MR. BLANDINO: -- until after his testimony. There's no need
17 for the jury to see it --

18 THE COURT: All right.

19 MR. BLANDINO: -- twice.

20 MR. BATEMAN: Okay.

21 MR. BLANDINO: Do you want to forward, Ben? Oh, wait a
22 minute. There's some interaction there. Let's see what this is. I thought
23 he was going to start the testimony --

24 MR. BATEMAN: No, they didn't --

25 MR. BLANDINO: -- right then.

1 MR. BATEMAN: -- time stamp where we left off.
2 [Video resumed at 10:58 a.m.]
3 MR. BLANDINO: Stop it there, if you would. This, I --
4 MR. BATEMAN: We're at 6 minutes --
5 MR. BLANDINO: -- really found objectionable.
6 MR. BATEMAN: 30 seconds.
7 MR. BLANDINO: He says, this isn't a criminal matter, like a
8 domestic violence or anything. My understanding is, this is criminal, and
9 they treat it under the same evidentiary basis as criminal in any other
10 context. I don't know if it's appropriate to say this, but since then, the
11 legislature --
12 THE COURT: It's not appropriate.
13 MR. DICKERSON: Objection.
14 MR. BLANDINO: --has decriminalized traffic. Okay.
15 THE COURT: It's not appropriate.
16 MR. BLANDINO: But --
17 [Video resumed at 10:59 a.m.]
18 MR. BLANDINO: I -- it seems like he's -- Ben?
19 [Video paused at 10:59 a.m.]
20 MR. BLANDINO: It seems like he's taking this like it's not
21 serious. That's why, later on, we have the --
22 THE COURT: Okay. If -- you --
23 MR. BLANDINO: -- interchange.
24 THE COURT: -- can't testify about how he is taking it, okay?
25 So let's go forward.

1 [Video resumed at 10:59 a.m.]

2 [Video ended at 11:01 a.m.]

3 THE COURT: Okay. At this time, it's 11:01, so we're going to
4 take a recess. During this recess, you're admonished not to discuss or
5 communicate with anyone, including your fellow jurors, in any way,
6 regarding the case or its merits, either by voice, phone, email, texts,
7 internet, or other means of communication, or social media, or read,
8 watch, or listen to any news or media accounts, or commentary about
9 the case, do any research, such as consulting dictionaries, using the
10 internet, or using reference materials, make any investigation, test a
11 theory of the case, recreate any aspect of the case, or in any other way
12 investigate or learn about the case on your own, or form or express any
13 opinion regarding the case, until it's finally submitted to you.

14 We'll be in recess for at least 15 minutes. If it's going to be
15 longer, Officer Hawks will let you know. Thank you very much.

16 THE MARSHAL: Thank you. All rise for the exiting jury,
17 please. Jurors.

18 [Jury out at 11:02 a.m.]

19 [Recess taken from 11:02 a.m. to 11:37 a.m.]

20 [Outside the presence of the jury]

21 THE MARSHAL: Mr. Bateman. Please come to order. Court is ow
22 back in session.

23 THE COURT: Okay. Mr. Blandino, you can come back up on
24 the stand.

25 MR. BATEMAN: And I'm going to ---

1 THE COURT: Mr. Blandino? You can --

2 MR. BLANDINO: Yeah, yeah. I'm coming.

3 THE COURT: Okay. All right. And then, you can bring the
4 panel in.

5 THE MARSHAL: Yes, ma'am.

6 MR. BATEMAN: Just --

7 MS. MARLAND: We need -- we need the exhibit back.

8 MR. BATEMAN: Oh, yeah. The clerk has the exhibit. Ms.
9 Marland is going to do the --

10 MS. MARLAND: The time stamps.

11 MR. BATEMAN: -- the time stamps and objecting. Just given
12 the fact that I'm not really questioning him, I don't want to sit down. I
13 know that optics are important. But I'm going to just be over and have
14 her do the pausing and starting stuff. And --

15 MR. BLANDINO: Do you -- do you know when we're going to
16 break for lunch, at all, a roundabout figure?

17 THE COURT: Within the next hour.

18 MR. BLANDINO: Within the next --

19 THE COURT: Uh-huh.

20 MR. BATEMAN: Okay. That's good.

21 THE MARSHAL: We can bring them in.

22 MS. MARLAND: What was the time stamp again?

23 MR. BATEMAN: I have 8 minutes 27 seconds, in my notes.

24 MR. BLANDINO: Yes, so as soon as he -- as soon as he starts
25 testifying, and then bodycam or whatever, we can skip beyond that. We

1 can skip through that. They've seen it before, so.

2 THE MARSHAL: It'll be just a minute, ma'am. We've got one
3 in the bathroom.

4 THE COURT: Okay. No problem.

5 MR. BLANDINO: Boy, it's a different view from up here. It's
6 amazing how this little elevation can make a difference.

7 MR. BATEMAN: Yeah.

8 MR. BLANDINO: You ever notice, judges are on a pedestal,
9 but the senate is in a well, and the congress is in a well. So they're
10 looking up, the judge is looking down. It's -- interesting situation. I've
11 never researched the history on that thing, what the -- there's got to be
12 some history on that. You need to have some Jeopardy theme music or
13 something on, like this, dee dee do do. No?

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

15 [Jury in a 11:42 a.m.]

16 THE COURT: Okay. Does the State stipulate to the presence
17 of the jury panel?

18 MR. DICKERSON: We do, Your Honor.

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

20 THE COURT: And Mr. Bateman?

21 MR. BATEMAN: Yes, Your Honor.

22 THE COURT: Okay. Mr. Blandino, you may proceed. Go
23 ahead.

24 MR. BATEMAN: Oh, I'm sorry. I thought we were queueing
25 up the tape.

DIRECT EXAMINATION CONTINUED

[Whereupon, a video recording, State's Exhibit 32 was resumed in open court at 11:43 a.m., not transcribed.]

MR. BLANDINO: I'm sorry, I missed that. Did he say, "a very good record for yourself?"

THE COURT: He did.

MR. BLANDINO: Okay. Okay, we can skip through this, all the way through the body camera, if you want to.

[Video paused at 11:43 a.m.]

THE COURT: He wants to stop it. Okay.

MR. BATEMAN: Okay. You want to skip through the testimony, for the sake of the jury's patience and sleep. I don't want them falling asleep. But, yeah, we can skip through all of this.

MR. BLANDINO: What is that?

MR. BATEMAN: It appears as though we've gotten to the -- right here.

[Video resumed at 11:44 a.m.]

MR. BLANDINO: Okay. You can stop it there. And then move forward. I'd just like to note that --

THE COURT: Just a minute. Let's get the ti --

MR. BATEMAN: 11 and 19 is the time stamp.

THE COURT: Thank you. Go ahead.

MR. BLANDINO: There's more people that have come into the courtroom. And as you can see --

MR. DICKERSON: Objection, Your Honor. This has already

1 been --

2 THE COURT: Right.

3 MR. DICKERSON: -- testified to.

4 THE COURT: Sustained.

5 UNIDENTIFIED SPEAKER: Okay.

6 THE COURT: Okay. Is anything new?

7 MR. BLANDINO: Well, the name tag. Still no name tag there.

8 MR. DICKERSON: Objection.

9 THE COURT: That's not new.

10 MR. BLANDINO: Why isn't that new? If it's old? New?

11 THE COURT: Anything else?

12 MR. DICKERSON: No, Your Honor. Thank you.

13 THE COURT: Okay. Anything else, Mr. Blandino?

14 MR. BLANDINO: No.

15 THE COURT: Okay.

16 MR. BLANDINO: Continue.

17 [Video resumed at 11:45 a.m.]

18 MR. BLANDINO: Okay. We can go -- we can go forward past

19 this part.

20 [Video paused at 11:46 a.m.]

21 MR. BLANDINO: If you wish.

22 THE COURT: Well, you're testifying, so you want to fast-

23 forward?

24 MR. BLANDINO: Yeah, that's what I was saying.

25 THE COURT: Okay.

1 MR. BLANDINO: Yeah.

2 THE COURT: Is there anything else on this video?

3 MR. BLANDINO: They're going to -- I want to go to the point
4 where they go to the bodycam and then the -- they have IT problems.

5 [Video resumed at 11: 46 a.m./Video paused at 11:46 a.m.]

6 MR. BLANDINO: The bodycam footage is what I meant, not
7 body camera.

8 [Video resumed at 11:46 a.m./Video paused at 11:46 a.m.]

9 MR. BATEMAN: Yeah, I think the -- if I remember correctly,
10 though, the -- towards the end. It's on the next files, I believe. I don't
11 think the -- because they had the IT problems, if you recall, there in
12 municipal court. So I don't know what --

13 MR. BLANDINO: There's -- the bodycam wasn't on this one?
14 I thought it was on this one.

15 MR. BATEMAN: I don't believe so. If you recall, they had
16 the --

17 MR. BLANDINO: Oh, yeah, yeah. Okay.

18 MR. BATEMAN: -- IT problems. So would you like to --

19 MR. BLANDINO: So what index -- we're at 12 --

20 MR. BATEMAN: -- proceed with this video? I don't know
21 what --

22 MR. BLANDINO: So we're at 12:06 now. So there's another
23 14 minutes minus 6 seconds --

24 MR. BATEMAN: Yeah.

25 MR. BLANDINO: -- on this.

1 MR. BATEMAN: Okay.

2 MR. BLANDINO: Can you --

3 THE COURT: Okay.

4 MR. BLANDINO: Can you go through it quick? Like, a quick

5 scan through there?

6 THE COURT: For what purpose? What is it --

7 MR. BATEMAN: I mean --

8 THE COURT: -- you want to tell this jury?

9 MR. BATEMAN: Is there something in particular, yeah, you

10 would like?

11 THE COURT: Right.

12 MR. BATEMAN: That of the --

13 MR. BLANDINO: No, I'm just trying to speed things up, that's

14 all, move along.

15 THE COURT: Okay.

16 MR. BLANDINO: And then --

17 THE COURT: Well, is there anything you want to tell this

18 jury?

19 MR. BLANDINO: Oh, yeah, yeah. Well, what happens, it

20 looks like, is when they get to the bodycam footage, they have an IT

21 problem. And I end up having to wait, like, an hour and a half,

22 approximately, while they bring the IT guy down. It was similar to what

23 happened here --

24 THE COURT: Okay. That --

25 MR. BLANDINO: -- in the courtroom.

1 THE COURT: I mean, that's not relevant.

2 MR. BLANDINO: Yeah. Okay.

3 THE COURT: Okay. So then the IT person comes down and
4 it gets resolved, I'm assuming?

5 MR. BLANDINO: Yeah -- well, in --

6 THE COURT: Okay.

7 MR. BLANDINO: -- the meantime -- in the meantime, while I
8 was there, I put a quick motion to disqualify the judge.

9 THE COURT: Uh-huh.

10 MR. BLANDINO: And I went over to the clerk's window, got
11 it filed at about 11:12 a.m. I have the document, if it can be introduced. I
12 have the document. It was 11:12. To file a formal written motion to
13 disqualify, based on what I'd seen so far. Which I could always
14 supplement later, was my thinking.

15 And so during that time -- and I was called away by the
16 marshal to come back. I -- and I think we see, on the tape, that he
17 threatens contempt if I don't get back within a certain amount of time.
18 So that was my recollection of what I saw. But is there any way that --
19 that document can be introduced --

20 THE COURT: I mean --

21 MR. BLANDINO: -- as evidence?

22 THE COURT: -- you've testified to it. So in the middle of trial,
23 you filed a motion to disqualify Mr. Federico?

24 MR. BLANDINO: Right.

25 THE COURT: Okay.

1 MR. BLANDINO: Pursuant to NRS 1.230, 1.235.

2 THE COURT: Okay. All right. Go ahead. Anything else you
3 want to testify to?

4 MR. BLANDINO: Well, I was just going to wait for them to
5 scroll past the bodycam, I guess. If you want to go --

6 THE COURT: Okay. Well, we --

7 MR. BLANDINO: -- zip through that.

8 THE COURT: -- don't know what you want shown.

9 MR. BLANDINO: Can you -- can you go at, like, double or
10 triple-speed, at all? No?

11 MR. DICKERSON: It doesn't work that way, Your Honor. I
12 would just --

13 THE COURT: I mean --

14 MR. DICKERSON: If Defense is going to testify in the
15 narrative, he should just testify.

16 THE COURT: I'm -- that's what I'm trying to tell him, to
17 testify. So go ahead.

18 MR. BLANDINO: Well, can I review that motion that I have,
19 to put in -- introduce as evidence?

20 THE COURT: No.

21 MR. BLANDINO: No?

22 THE COURT: No.

23 MR. BLANDINO: Okay. All right. All right. Well, there was
24 that delay of an hour and a half.

25 THE COURT: You've already told the --

1 MR. BLANDINO: To my --

2 THE COURT: -- jury that.

3 MR. BLANDINO: To my recollection, I objected to the fact
4 that I'm given ten seconds to get a drink of water, whereas the city is
5 given an hour and a half to play with the video. So my perception and
6 based on what experience I had that with judges, they would be equal.
7 In other words, if I would try to do an hour and a half to get ready, he'd
8 say no. And you can see he wanted to move this thing along. I thought
9 -- my perception was that a dismissal, based on that, or either they just
10 skip -- they skip the -- the bodycam footage, if they want to introduce
11 evidence. To have me hanging around for that long, I thought, was
12 abuse of discretion on the part of the judge's part.

13 And I've seen judges, in the past, where they say, no, if
14 you're not ready to go, we're dismissing these charges, you know? So
15 they're not reasonable to make a guy wait, you know, in that regard.
16 And so that -- that's where we were. So we need to go to the contempt,
17 though. We need to go to that.

18 MR. DICKERSON: Yeah, if Defense counsel wants to do that,
19 they're more than welcome to use our computer to do it.

20 MR. BATEMAN: All right.

21 MR. BLANDINO: Do you have an idea of what the time index
22 that was -- contempt was? No? Oh, one thing, I -- my belief is that him
23 giving them that hour and a half without -- was grounds for filing a
24 complaint with the Commission on Judicial Discipline. They're -- judges,
25 from my perception, is that a judge is supposed to be equal to both

1 parties. They're not supposed to show favoritism.

2 [Video ended at 11:51 a.m.]

3 MR. BATEMAN: Yeah, this is the side. Yeah, that was the
4 last one. This is the next one sequentially. Is that the --

5 [Whereupon, a video recording, State's Exhibit 32 was played in
6 open court at 11:52 a.m., not transcribed.]

7 MR. BLANDINO: Can you stop it there?

8 [Video paused at 11:52 a.m.]

9 MR. BLANDINO: I --

10 MR. BATEMAN: This is twenty -- hold on. This is 27
11 seconds. And this is State's Exhibit 32. And this is --

12 MR. BLANDINO: Is that a real-time index on there that shows
13 what the time of day it is?

14 MR. BATEMAN: And this -- hold on. So this is -- and from
15 State's Exhibit 32, this is file 28-08-2018_11-05-21.avi, is what -- this is the
16 -- the file we're looking at from that exhibit. We are paused at 27
17 seconds now.

18 MR. BLANDINO: Okay. Can I testify as to what --

19 MR. BATEMAN: Okay.

20 MR. BLANDINO: He's speaking to somebody. Can
21 somebody go get that guy? And to my --

22 THE COURT: Okay.

23 MR. DICKERSON: Objection.

24 THE COURT: I mean, we all heard -- the objection is
25 sustained.

1 MR. BLANDINO: Okay.

2 THE COURT: We've heard it. Is there anything else you want
3 to say?

4 MR. BLANDINO: But I just -- I believe he was speaking to
5 Mr. --

6 THE COURT: Okay.

7 MR. BLANDINO: -- or to --

8 MR. DICKERSON: Objection.

9 MR. BLANDINO: -- Marshal --

10 THE COURT: The objection --

11 MR. BLANDINO: -- Reyes.

12 MR. DICKERSON: Lacks --

13 THE COURT: -- is sustained.

14 MR. DICKERSON: -- personal knowledge.

15 THE COURT: The objection is sustained.

16 MR. BLANDINO: All right.

17 THE COURT: So let's move forward.

18 MR. BLANDINO: All right. Well, it is Marshal Reyes that
19 ultimately comes to me, at the -- at the window where they -- filing there.
20 And this -- the way this courtroom is laid out --

21 THE COURT: Again, that's not relevant. Marshal Reyes came
22 to get you at the window?

23 MR. BLANDINO: I was -- yeah, I was filing that motion to
24 disqualify. And I did, in fact, get it filed. And it was filed at 11:12. Even
25 though they don't have time stamps on it, I had the head clerk give me a

1 time stamp on it, later, when I got my certified copy of that motion to
2 disqualify. And so Reyes brings me back to the courtroom. He told me,
3 if you don't get back right away -- I said, well, I haven't really got my file-
4 stamped copy yet. I had to get it later. He said, well, if you don't come
5 back now, they're going to throw you in jail for contempt.

6 THE COURT: Okay. Go ahead.

7 MR. BLANDINO: Okay. No, I thought we were going to run
8 the tape then.

9 THE COURT: Okay. You have to -- you have to tell
10 Mr. Bateman --

11 MR. BLANDINO: Oh, I'm sorry.

12 THE COURT: -- what you want.

13 MR. BLANDINO: Ben --

14 THE COURT: I mean, he can't read your mind.

15 MR. BATEMAN: All right.

16 [Video resumed at 11:55 a.m.]

17 MR. BLANDINO: If you can stop it there.

18 [Video paused at 11:55 a.m.]

19 MR. BLANDINO: What I did, while I was waiting in line, I kept
20 checking back with the Court to see the -- where they were on the IT
21 thing. So it wasn't like I just went -- disappeared. I kept checking back,
22 see. Okay, they're still working on it. And I was checking back
23 periodically. I don't know what the time intervals were.

24 THE COURT: Okay.

25 MR. BLANDINO: Okay.

1 THE COURT: And you want him to keep going?
2 MR. BLANDINO: Yeah, yeah.
3 THE COURT: Okay.
4 MS. MARLAND: That time stamp was 1:09.
5 [Video resumed at 11:56 a.m.]
6 MR. BLANDINO: I'm sorry, I can't hear what he's saying
7 there. Is there any way to turn that up?
8 THE COURT: No.
9 MR. BLANDINO: We can stop it there. I can testify.
10 [Video paused at 11:56 a.m.]
11 THE COURT: I'm just wondering why we're even playing
12 while the court is in break. So let's move it forward.
13 MR. BLANDINO: What? No. Can I testify here?
14 THE COURT: Go ahead.
15 MR. BLANDINO: See, they give that -- they give the city an
16 hour and a half to go that --
17 THE COURT: Okay.
18 MR. BLANDINO: -- that way.
19 THE COURT: You've already testified --
20 MR. BLANDINO: But --
21 THE COURT: -- to that.
22 MR. BLANDINO: But I'm not --
23 THE COURT: So let's move forward --
24 MR. BLANDINO: -- getting -- I'm getting --
25 THE COURT: Let's move forward.

1 MR. BLANDINO: -- maybe a minute or two --
2 THE COURT: Let's move forward.
3 MR. BLANDINO: -- to get back, before he's going to do the --
4 THE COURT: Okay. And the jury did --
5 MR. BLANDINO: -- remand.
6 THE COURT: -- hear that.
7 MR. BLANDINO: Okay. That's complainable with the
8 Commission, I believe. Not equal -- equal to both parties.
9 [Video resume at 11:57 a.m.]
10 MR. BLANDINO: Can you stop it? Pause it there.
11 [Video paused at 11:57 a.m.]
12 MR. BLANDINO: What I wanted to inform him of here was --
13 which he stopped me -- that under the statutes, as I saw them, that when
14 a motion to --
15 MR. DICKERSON: Objection. Calls for an improper legal --
16 THE COURT: All right.
17 MR. DICKERSON: -- conclusion.
18 THE COURT: I agree. You are -- but you were trying to tell
19 him you had filed that motion?
20 MR. BLANDINO: Yeah, and that he's --
21 THE COURT: Okay.
22 MR. BLANDINO: -- required to -- he's required --
23 MR. DICKERSON: Objection.
24 THE COURT: Okay.
25 MR. BLANDINO: -- to stop.

1 THE COURT: The objection is sustained. Let's move
2 forward.

3 [Video resumed at 11:58a.m./Video ended at 11:58 a.m.]

4 MR. BLANDINO: Now, here, my perception is that he's
5 becoming very, very impatient, whereas, he's very patient for the -- an
6 hour-and-a-half wait. And this, I believe, is actionable with the
7 Commission on Judicial Discipline, too. I mean, to have that kind of
8 skewed thing where they get an hour and a half to prepare this, and I'm
9 coming back fairly quick in relationship to that, shows an inequality
10 among parties, you know. It appeared to me that this is all about the
11 money and the money that was raised by these tickets, and not about
12 health and public safety.

13 MR. BATEMAN: We're now, okay, on the video, again, from
14 State's Exhibit 32. This is file 28-08-2018_11-07-53.avi, from State's
15 Exhibit 32.

16 [Whereupon, a video recording, State's Exhibit 32 was played in
17 open court at 11:59 a.m., not transcribed.]

18 MR. BLANDINO: Stop that there, please.

19 [Video paused at 12:00 p.m.]

20 MR. BLANDINO: This, again, is another actionable thing.
21 Impatience --

22 MR. DICKERSON: Objection.

23 THE COURT: Okay. In your --

24 MR. DICKERSON: Improper legal conclusion.

25 THE COURT: -- opinion --

1 MR. BLANDINO: My perception is --
2 THE COURT: In your opinion --
3 MR. BLANDINO: In my opinion --
4 THE COURT: Okay.
5 MR. BLANDINO: -- this is, again, actionable with the
6 complaint --
7 THE COURT: Okay.
8 MR. BLANDINO: -- to the Commission --
9 THE COURT: Okay.
10 MR. BLANDINO: -- on Judicial --
11 THE COURT: All right.
12 MR. BLANDINO: -- Discipline --
13 THE COURT: And let's --
14 MR. BLANDINO: -- impatience.
15 THE COURT: -- move forward.
16 MR. BLANDINO: And circus acts, that is -- is objectionable.
17 THE COURT: Okay.
18 MR. BLANDINO: Yeah.
19 MS. MARSLAND: That was at 36 seconds.
20 [Video resumed at 12:00 p.m.]
21 MR. BLANDINO: Stop it there.
22 [Video paused at 12:01 p.m.]
23 MR. BLANDINO: Exactly what I was saying before. My
24 perception is of impatience. Here, it's admitted to.
25 THE COURT: Okay. Let's move on.

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[Video resumed at 12:01 p.m.]

MR. BLANDINO: We can skip through this part, if you want.

THE COURT: Okay. Where do you want to go to?

MR. BLANDINO: Where the body cam footage ends.

THE COURT: Mr. Bateman?

MR. BLANDINO: If you want to turn the volume, I can testify while we're --

[Video paused at 12:02 p.m.]

MR. BLANDINO: -- reloading it. What I was trying to convey to the officer in this --

THE COURT: That --

MR. BLANDINO: -- in this video --

THE COURT: -- I can tell you --

MR. DICKERSON: Objection. Relevance.

THE COURT: -- is completely irrelevant.

MR. BLANDINO: All right. Why did they show this originally then?

[Video is being fast-forwarded]

MR. BLANDINO: Notice, there's quite a number of people in the courtroom now. It's about a little less than half full.

[Video resumed at 12:03 p.m.]

MR. BLANDINO: You know what?

[Video paused at 12:04 p.m.]

MR. BLANDINO: To move this along, because I know you'd like to have it moved along, yeah, I'll start testifying. We can dispense

1 with the rest of the -- oh, wait a minute. We have the contempt. He
2 hasn't -- we got to get that contempt in there. If you can scroll to that?
3 Can you do that?

4 MR. DICKERSON: Can we just move to strike all of his
5 commentary?

6 THE COURT: Sustained. Granted.

7 [Video paused at 12:05 p.m.]

8 MR. BATEMAN: It's --

9 MR. BLANDINO: Is that pau --

10 MR. BATEMAN: -- some kind of glitch?

11 MR. DICKERSON: What do you want to do here?

12 [Video resumed at 12:06 p.m.]

13 MR. BLANDINO: Okay. If we can stop it here again.

14 [Video paused at 12:07 p.m.]

15 MR. BLANDINO: The State -- the city, I'm sorry, in this case,
16 was given an hour and a half --

17 MR. DICKERSON: Objection.

18 MR. BLANDINO: -- to get their IT --

19 MR. DICKERSON: Already testified to.

20 MR. BLANDINO: -- problem -- my perception is --

21 THE COURT: Okay. All right. You've already -- that's -- okay.

22 MR. BLANDINO: My perception is --

23 THE COURT: You've already --

24 MR. BLANDINO: -- it wasn't --

25 THE COURT: -- testified to that.

1 MR. BLANDINO: But I'm saying --
2 THE COURT: So let's move on.
3 MR. BLANDINO: -- it wasn't equal --
4 THE COURT: Let --
5 MR. BLANDINO: -- for him not to even --
6 THE COURT: Okay.
7 MR. BLANDINO: -- give me a recess.
8 THE COURT: Let's move on.
9 [Video resumed at 12:07 p.m.]
10 MR. BLANDINO: That's an actionable thing with the
11 Commission.
12 THE COURT: Okay. Let's move on.
13 MR. DICKERSON: Objection. Strike. Improper legal
14 conclusion.
15 MR. BLANDINO: I couldn't hear what I said myself. Can I ask
16 how much time is left on this tape?
17 MR. DICKERSON: No, you can't ask the question.
18 MR. BLANDINO: I think we can just go through this. If --
19 THE COURT: Okay. So we -- we can stop it?
20 [Video paused at 12:13 p.m.]
21 MR. BLANDINO: I've got to see how much is left on this.
22 THE COURT: Okay. We can stop it. Go ahead.
23 MR. BLANDINO: Okay. But --
24 THE COURT: You can testify.
25 MR. BLANDINO: Thirty-seven -- oh, there's 13 minutes left.

1 MR. BATEMAN: We paused at 24 minutes 37 seconds.

2 MR. BLANDINO: Okay.

3 MR. BATEMAN: A total of 37 minutes --

4 MR. BLANDINO: You know what? I --

5 MR. BATEMAN: -- and 45 seconds on this video.

6 MR. BLANDINO: I think I should -- for the jury's sake and
7 everybody's sake, what I'd like to testify to is, I counted at least -- by my
8 perception -- five violations of the Code of Judicial Conduct, on which I
9 can make a complaint to the Commission on Judicial Discipline for. As
10 well as, if I chose to -- you saw the district attorney. They have these
11 customer feedback forms. They have those customer feedback forms
12 throughout the city and the -- and the county.

13 THE COURT: Okay.

14 MR. BLANDINO: And those are feedback so you can get
15 positive or negative feedback. Also, my understanding is that I've got
16 the right to go to the chief judge of the City of Las Vegas.

17 THE COURT: Okay. And, again --

18 MR. BLANDINO: Yeah.

19 THE COURT: -- I mean, this is --

20 MR. BLANDINO: That's my --

21 THE COURT: Mr. Federico

22 MR. BLANDINO: -- perception.

23 THE COURT: -- is not on trial.

24 MR. BLANDINO: No, I understand that.

25 THE COURT: So you can proceed with your testimony.

1 MR. BLANDINO: But my perception was, he -- they -- he --
2 THE COURT: Okay.
3 MR. BLANDINO: -- violated --
4 THE COURT: We got it. We got it.
5 MR. BLANDINO: Yeah, he violated that. So I've got --
6 THE COURT: Okay. We got --
7 MR. BLANDINO: -- those options.
8 THE COURT: -- it. So you need to move on.
9 MR. BLANDINO: Now, of course, I -- and the district attorney
10 pointed this out and showed the documents. I did end up appealing this.
11 You know what happens. The -- he finds me guilty of five different
12 things and I appeal it to the district court, which is the only appeal I
13 would have, is to the district court. There's no appeal to Nevada
14 Supreme Court on these misdemeanors things --
15 THE COURT: Okay.
16 MR. BLANDINO: -- was my perception --
17 THE COURT: All right.
18 MR. BLANDINO: Although, you can go on a --
19 THE COURT: Okay. This is not --
20 MR. BLANDINO: -- extraordinary writ.
21 THE COURT: None of this is relevant.
22 MR. BLANDINO: Okay.
23 THE COURT: So you appealed it. Anything else?
24 MR. BLANDINO: Let's see. Yeah, I appealed it. The district
25 attorney testified and showed the documents that the appeal was

1 dismissed.

2 MR. DICKERSON: Objection. Misstates evidence, Your
3 Honor.

4 THE COURT: Right. Again --

5 MR. DICKERSON: We didn't testify.

6 THE COURT: -- do you have anything else you want to tell
7 this jury panel?

8 MR. BLANDINO: Well, yeah. I've got a lot of stuff still. We
9 got to look at the documents and stuff, the other exhibits.

10 THE COURT: Okay. Do you have --

11 MR. BLANDINO: I'm just saying --

12 THE COURT: -- anything else you want to tell this jury panel?

13 MR. BLANDINO: Yeah. Yeah.

14 THE COURT: Okay. Let's go.

15 MR. BLANDINO: Okay. Well, I'm just saying, we can -- we
16 can scroll through this. We can scroll --

17 THE COURT: Okay. We're not -- we're not going to scroll
18 through it.

19 MR. BLANDINO: Well, I mean just --

20 THE COURT: You can testify.

21 MR. BLANDINO: -- complete it. Okay. Okay. So, in any
22 event, I did the -- I did the appeal. And it was dismissed. My recollection
23 was that it was dismissed, based on the fact that the transcripts were not
24 transmitted. I had legal issues that I presented as to why the transcripts
25 are supposed to be sent up automatically within ten days.

1 MR. DICKERSON: Objection. Relevance, Your Honor.

2 THE COURT: Sustained.

3 MR. BLANDINO: But -- well, to rebut what Michael Federico
4 had said, I believe testimony -- but there was testimony here that the
5 appeal was my only remedy, and that's not true. I can appeal -- I can --

6 THE COURT: Okay. Again, that is not relevant.

7 MR. BLANDINO: My perception is, I can --

8 THE COURT: That is not relevant.

9 MR. BLANDINO: -- complain to the Commission.

10 THE COURT: So if you want to --

11 MR. BLANDINO: How's that not relevant?

12 THE COURT: If you want to continue to testify, fine.

13 MR. BLANDINO: Okay.

14 THE COURT: If you don't, you can step down.

15 MR. BLANDINO: No. No. I'm not stepping down, no. So if I
16 can have -- I need to look at Exhibit -- the exhibit where the date was -- I
17 first stopped to Mr. Federico's office. Was it the April 8th? That exhibit,
18 where I wrote that handwritten note?

19 MR. BATEMAN: Court's indulgence.

20 THE COURT: Okay. Go ahead. You can testify.

21 MR. BLANDINO: Well, I'd like to look at the note. Can I --

22 THE COURT: For -- you need to look at something --

23 MR. BLANDINO: -- look at the note?

24 THE COURT: -- to testify?

25 MR. BLANDINO: Yes.

1 THE COURT: Because --

2 MR. BATEMAN: I need to refresh my recollection as to what I
3 wrote. And I'll testify, based on my recollection of the note. And I don't
4 know exactly what words I put down there.

5 THE COURT: Nor do you have to know exactly what words
6 you put down there, to testify.

7 MR. BLANDINO: Well, some of that needs explanation.
8 Anyway, at some point --

9 MR. BATEMAN: This is what --

10 MR. BLANDINO: That -- yeah.

11 THE COURT: Okay. So it is --

12 MR. BATEMAN: This is Exhibit --

13 THE COURT: -- Exhibit --

14 MR. BATEMAN: -- States Exhibit Number 3.

15 THE COURT: Okay. Do you want it published?

16 MR. BATEMAN: Would you like it published?

17 MR. BLANDINO: It's already been published. It --

18 THE COURT: Okay. Published means --

19 MR. BATEMAN: It means --

20 THE COURT: -- you want the jury to see it.

21 MR. BLANDINO: Oh, yeah. I thought they were already
22 going to see it. Am I mistaken on that? Oh, you mean, publish as a
23 Defense exhibit? Is that what you mean?

24 MR. BATEMAN: Put on the screen.

25 MR. BLANDINO: Okay. Oh, see it now. Okay. Okay. So

1 Ashley Williams, was it, testified that I borrowed pa --

2 THE COURT: Okay. Again, you're --

3 MR. DICKERSON: Objection.

4 THE COURT: -- not going to testify about what other
5 people --

6 MR. BLANDINO: Okay.

7 THE COURT: -- testified to.

8 MR. BLANDINO: All right. I'm sorry.

9 THE COURT: The jury heard it.

10 MR. BLANDINO: Anyway, I went over to the office. And it
11 was only because I was nearby on that side of town. I said, wow, I
12 haven't -- I haven't, you know, followed through on that, the complaint I
13 was going to make with the Commission on Judicial Discipline. And I
14 knew that I had a certain amount of time, one year from the incident, to
15 go ahead and -- to go ahead and file a complaint [indiscernible] be
16 dismissed outright. So I borrowed a piece of paper at the office --
17 because I had, really, nothing planned. I was in the area. I said, well, I
18 should stop by because it's part of due diligence. So let's see. Wait a
19 minute, this isn't the original one -- oh, wait a minute, I'm sorry, yeah, it
20 is. I'm sorry.

21 THE COURT: Okay. You know, we're not going to spend
22 time here, you reading all these exhibits. You need to be prepared to
23 give your testimony.

24 MR. BLANDINO: Yeah.

25 THE COURT: So let's go.

1 MR. BLANDINO: Well, my initial complaint was -- it wasn't
2 all my complaints that I had from there. But to give him an idea of what
3 we're talking about, giving me ten seconds to get a drink of water, thus
4 risking the safety of others. And then numerous violations of the code, is
5 what I wrote. Now, that code would be the Judicial Code of Conduct.
6 Can I read from the appropriate parts of --

7 THE COURT: No.

8 MR. BLANDINO: -- that code?

9 THE COURT: No.

10 MR. BLANDINO: Okay. And then I'm letting him know that
11 because of my religious beliefs and practices, I have to give him an
12 opportunity, just like he had any -- every opportunity, at the thing, to
13 apologize for any of his misbehavior. And you saw that I apologized
14 when I was -- felt I was wrong. There was a couple times when I
15 should've apologized, but --

16 THE COURT: Okay. Let's --

17 MR. BLANDINO: -- was concentrating on the --

18 THE COURT: -- keep going.

19 MR. BLANDINO: -- case. Yeah. I was so concentrating on
20 what was before me, that I neglected to apologize, which is why it's right
21 to give him another chance. So because the -- this -- the limitations are
22 coming up for filing a complaint, I said, please let me know within ten
23 days. And then I'm just letting him know, for his own edification, that
24 my last two complaints resulted in letters of caution. Now, Paul Deyhle
25 testified as to those letters of caution. Although they're not discipline, a

1 letter of caution, under the --

2 THE COURT: This is not relevant.

3 MR. BLANDINO: Yeah.

4 THE COURT: This is not relevant.

5 MR. BLANDINO: So I say, please don't take this matter
6 lightly. I came, personally, to your office as a good faith gesture. Now,
7 testimony was given.

8 THE COURT: Okay. Again, I'm not going to allow you to --

9 MR. BLANDINO: Yeah.

10 THE COURT: -- testify about what other people --

11 MR. BLANDINO: Well, I'm -- I want to rebut --

12 THE COURT: -- testified to.

13 MR. BLANDINO: -- what was said.

14 THE COURT: The jury was here.

15 MR. BLANDINO: I want to rebut what --

16 THE COURT: Go ahead.

17 MR. BLANDINO: -- was said.

18 THE COURT: Go ahead.

19 MR. BLANDINO: That it was stated that --

20 THE COURT: Again, you're not here to testify about what
21 other people --

22 MR. BLANDINO: Yeah.

23 THE COURT: -- said. Just tell the jury what you want them
24 to know, from you.

25 MR. BLANDINO: How do I rebut, without saying that, Judge?

1 I'm confused.

2 THE COURT: You just say what you want to say. If you can't
3 do that, then let's just move on.

4 MR. BLANDINO: Well, let me think about this a minute. Now
5 I've lost my train of thought. Okay. If I would've gotten an apology -- if
6 I'd gotten an apology at any point along the line, or if when I came here
7 to the office, they said, buzz off, or whatever, take a hike, you know, I
8 would've just filed my complaint with the Commission and that would've
9 been done.

10 At no point, was I told -- no point was I told we don't want to
11 see you here. This is an office, and we don't want to see you. And if you
12 caught here again, you're going to be arrested for trespassing. We'll call
13 the police. If that had been done, none of this even would've been
14 happening, because I would've filed my complaint and that would've
15 been it. And comp -- the Commission does what it does with the
16 complaint.

17 So I'm required to at least give an individual an opportunity
18 to correct. Though, in previous letters, and we'll have that one up here
19 again, I think, the -- I mean, the subsequent letter or feedback. I forget
20 where it was. When I'm, like, at a Home Depot or something, out in the
21 public, and let's say an employee is rude to me or --

22 THE COURT: Okay. That --

23 MR. BLANDINO: -- somebody's rude --

24 THE COURT: This is not relevant.

25 MR. BLANDINO: My religious --

1 THE COURT: This is not --

2 MR. BLANDINO: -- practice always requires me to try and
3 resolve issues with the person. And if I -- if I ask for an apology and they
4 refuse, I -- well, call the manager --

5 MR. DICKERSON: Objection.

6 MR. BLANDINO: -- over here.

7 MR. DICKERSON: Relevancy.

8 THE COURT: Okay. It's not relevant.

9 MR. DICKERSON: He's already been --

10 MR. BATEMAN: Well --

11 THE COURT: The objection is sustained.

12 MR. BATEMAN: Your Honor, it is mentioned in one of his
13 letters. It's --

14 THE COURT: I --

15 MR. DICKERSON: Can we approach --

16 THE COURT: The objection --

17 MR. DICKERSON: -- Your Honor?

18 THE COURT: -- was sustained.

19 MR. DICKERSON: May we?

20 THE COURT: Sure.

21 MR. DICKERSON: Thank you.

22 [Sidebar begins at 12:24 p.m.]

23 MR. DICKERSON: I don't understand why any of this is in the
24 narrative. I think that --

25 THE COURT: I mean, this is crazy.

1 MR. DICKERSON: I think that --

2 MR. BATEMAN: But --

3 THE COURT: I'm trying to give --

4 MR. DICKERSON: I think that Defense can --

5 THE COURT: -- him every opportunity to tell this jury what

6 he wants to tell them, and he's telling them everything except what's

7 relevant.

8 MR. DICKERSON: The Defense Counsel can direct him. I'm

9 still -- I don't understand why any of this is in the narrative.

10 MR. BATEMAN: Okay. I -- yeah, I mean, I -- like I say --

11 THE COURT: I mean, what he says to someone at Lowe's or

12 Home Depot, is just not relevant.

13 MR. BATEMAN: Yeah, I get it.

14 THE COURT: Does he have, like, areas that he wants to tell

15 the jury about?

16 MR. BATEMAN: Pardon?

17 THE COURT: Does he have, like, areas of this -- you know,

18 does he want to tell the jury about?

19 MR. BATEMAN: You know, like I said, previously, I don't

20 know, maybe we can break. I don't know. I can talk to him. Like I said,

21 he's -- this is the words God's put in his mouth. And like I said, I -- you

22 know, I don't know.

23 THE COURT: Well, it doesn't --

24 MR. BATEMAN: It's hard to --

25 THE COURT: -- appear like that to me.

1 MR. BATEMAN: Yeah. I -- you know, I don't -- I'm just telling
2 you.
3 THE COURT: Like, maybe he should, like --
4 MR. BATEMAN: I know this is --
5 THE COURT: -- line an outline out.
6 MR. BATEMAN: I've suggested --
7 THE COURT: We --
8 MR. BATEMAN: -- that.
9 THE COURT: Okay.
10 MR. BATEMAN: I have done that. I -- you know, I don't
11 know. You know, maybe now that he sees, has a better idea.
12 THE COURT: Yeah, it's not that easy.
13 MR. BATEMAN: I can talk to him. I know. I just --
14 THE COURT: Okay.
15 MR. BATEMAN: You know, or if he wants me to direct his
16 testimony, I -- you know. This is --
17 THE COURT: That would --
18 MR. BATEMAN: Like I say --
19 THE COURT: -- really be great.
20 MR. BATEMAN: I -- you know. I don't know. Like I say, I
21 haven't really prepared him on that because, again, you know, like I
22 would've said. So I don't know.
23 THE COURT: Okay.
24 MR. BATEMAN: How to --
25 THE COURT: So we'll take --

1 MR. BATEMAN: -- get through this.

2 THE COURT: -- a lunch break. And then, I'll --

3 MR. BATEMAN: Yeah.

4 THE COURT: [Indiscernible]

5 MR. BATEMAN: Should I go to my office and get my own

6 laptop so that I can do it? I didn't bring my laptop. I didn't --

7 THE COURT: Yeah, I mean --

8 MR. DICKERSON: We'll leave that to you.

9 THE COURT: -- that's up to you.

10 MR. DICKERSON: I don't know if we're going to --

11 MR. BATEMAN: Yeah. I don't know, I've got to --

12 MR. DICKERSON: I mean, we only have one video left.

13 MR. BATEMAN: Okay.

14 MR. DICKERSON: It's that -- it's, like, a minute long.

15 MR. BATEMAN: Oh, [indiscernible]?

16 MR. DICKERSON: Yeah, so.

17 MR. BATEMAN: [Indiscernible].

18 MR. DICKERSON: Because I've got to [indiscernible].

19 MR. BATEMAN: -- download and set it up. Okay. That's

20 fine.

21 MR. DICKERSON: Yeah, that's a pain.

22 MR. BATEMAN: Because this is really tedious, going over to

23 the other one. And I don't want to be seen sitting down there in --

24 whatever.

25 THE COURT: Okay. So we're going to take probably, like, an

1 hour and 15 minutes.

2 MR. BATEMAN: Okay.

3 THE COURT: And then we'll start again [indiscernible].

4 MR. BATEMAN: Okay.

5 THE COURT: We're going to break until about 1:45.

6 MR. BATEMAN: Okay.

7 THE COURT: Okay? All right. Thank you.

8 THE COURT: All right.

9 [Sidebar ends at 12:26 p.m.]

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

21 We'll be in recess until 1:45. Thank you very much.

22 THE MARSHAL: Thank you. All rise for the exiting jury,
23 please. Jurors.

24 [Jury out at 12:27 p.m.]

25 THE COURT: Okay. You can step down.

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

2 [Outside the presence of the jury]

3 THE COURT: The record will reflect that the hearing is taking
4 place outside the presence of the jury panel. Mr. Blandino, I do want you
5 to be able to tell the jury what you want to tell them, but I'm not quite
6 sure we've heard much of anything that's even relevant to the charges
7 that the State has brought against you. Like, my suggestion, I mean,
8 write an outline out, you know, to -- of what you want to say. Because it
9 appears to me as though you're having a hard time determining what
10 you want to tell the jury panel. Or you can have Mr. Bateman direct you.
11 But, I mean, this is not working --

12 MR. BLANDINO: But I -- the --

13 THE COURT: -- okay?

14 MR. BLANDINO: This impersonation charge, Judge, is all go
15 -- goes to state of mind in what I was doing. But the fact is --

16 THE COURT: I think --

17 MR. BLANDINO: And --

18 THE COURT: -- you think Mr. Federico's on trial, and he's
19 not.

20 MR. BLANDINO: But the fact is --

21 THE COURT: It is you.

22 MR. BLANDINO: Yeah.

23 THE COURT: I mean, you're the one that's on the trial.

24 MR. BLANDINO: But the fact is --

25 THE COURT: I understand you want to talk all about Mr.

1 Federico. But, really, I mean, I really want you to be able to tell this jury
2 panel what you think is important, because they're going to be deciding,
3 you know, that -- the counts, as to you, not Mr. Federico.

4 MR. BLANDINO: The fact is that I was investigating judicial
5 corruption and misconduct. So that's --

6 THE COURT: Okay.

7 MR. BLANDINO: -- true. It's true.

8 THE COURT: Okay.

9 MR. BLANDINO: I was -- I was not being paid by anybody.

10 THE COURT: Okay.

11 MR. BLANDINO: I was volunteer.

12 THE COURT: But you haven't --

13 MR. BLANDINO: So that's true.

14 THE COURT: -- told them that, at all.

15 MR. BLANDINO: No, but the problem is --

16 THE COURT: So tell them that --

17 MR. BLANDINO: -- is that the whole --

18 THE COURT: -- if that's what you want to tell them.

19 MR. BLANDINO: Well, no, I'll get to that with the other
20 testimony. But at this point in time, I got to let them know what my state
21 of mind was, or else they're not going to be -- they're going -- they're
22 going to be totally lost.

23 THE COURT: You've got to get --

24 MR. BLANDINO: And that's why --

25 THE COURT: -- to the point. I'm telling you --

1 MR. BLANDINO: And that's why --

2 THE COURT: -- if it continues like this, I'm just going to stop
3 it because it's just not relevant. So if you want Mr. Bateman to direct
4 you, you know, that's fine. Or you need to write down some notes, an
5 outline. Because I'm not going to sit here for ten minutes while you try
6 to read stuff and then determine what you want to tell this jury. Like,
7 you should've been prepared today to testify. I've never seen anything
8 like this.

9 MR. BLANDINO: Well, the scriptures require me to speak as
10 the Holy Spirit would speak, because I am --

11 THE COURT: Okay.

12 MR. BLANDINO: -- despite your protestations and the district
13 attorneys' --

14 THE COURT: Okay.

15 MR. BLANDINO: -- protestations, I have to move as God
16 requires me --

17 THE COURT: Okay.

18 MR. BLANDINO: -- to move.

19 THE COURT: Well, I'm going to tell you --

20 MR. BLANDINO: Yeah.

21 THE COURT: -- if you continue to move as God requires you,
22 if that's what that was, then you're not going to testify --

23 MR. BLANDINO: Well, I wouldn't --

24 THE COURT: -- further.

25 MR. BLANDINO: -- go -- I wouldn't be so bold as to --

1 THE COURT: Okay?

2 MR. BLANDINO: -- say it that way, Judge. You could get --

3 THE COURT: All right?

4 MR. BLANDINO: -- struck by lightning --

5 THE COURT: Do you understand?

6 MR. BLANDINO: -- even though you're in a closed building.

7 THE COURT: Do you understand? Okay.

8 MR. BLANDINO: No, I don't --

9 THE COURT: You need to --

10 MR. BLANDINO: -- because you --

11 THE COURT: -- testify. We're not going to stand ten

12 minutes, you reading stuff.

13 MR. BLANDINO: I didn't spend --

14 THE COURT: You know?

15 MR. BLANDINO: -- ten minutes.

16 THE COURT: And again, I'm not sure -- I'm not sure I've

17 heard anything relevant yet. Mr. Federico is not on trial, so. He's not.

18 So let's get past that, okay?

19 MR. BLANDINO: But I have --

20 THE COURT: You're being charged --

21 MR. BLANDINO: -- to show --

22 THE COURT: Let me -- you're being --

23 MR. BLANDINO: Okay. I'm sorry.

24 THE COURT: -- charged with extortion --

25 MR. BLANDINO: I apologize again. I apologize.

1 THE COURT: -- and impersonation. So let -- I mean, talk
2 about the charges that are against you.

3 MR. BLANDINO: But the extortion, as well, is the fact that my
4 state of mind and my intent is key to this. And that aspect of it was, was
5 I really trying to resolve a legal dispute, albeit, with the Commission on
6 Judicial Discipline?

7 THE COURT: Then tell the jury that.

8 MR. BLANDINO: Yeah. Well --

9 THE COURT: You haven't even told them that yet.

10 MR. BLANDINO: Well -- but, see -- I know that.

11 THE COURT: We've gone through the trial again --

12 MR. BLANDINO: But I've got --

13 THE COURT: -- for whatever --

14 MR. BLANDINO: -- to lay a foundation.

15 THE COURT: -- reason. I have no idea.

16 MR. BLANDINO: I've got to lay a foundation.

17 THE COURT: They've already --

18 MR. BLANDINO: I have to show --

19 THE COURT: -- seen it.

20 MR. BLANDINO: But I have to --

21 THE COURT: They saw it.

22 MR. BLANDINO: But what --

23 THE COURT: So we -- now they've seen it two times.

24 MR. BLANDINO: Yeah, but they've seen it from the district
25 attorneys' perspective. The second time --

1 THE COURT: No, they saw it --

2 MR. BLANDINO: -- was necessary --

3 MR. DICKERSON: Your Honor --

4 THE COURT: -- from start to finish.

5 MR. DICKERSON: -- I would ask that --

6 MR. BLANDINO: Yeah.

7 THE COURT: That was nobody's perspective.

8 MR. DICKERSON: I would ask that the Defendant stop
9 making representations in -- during this hearing, at all, right? I think that
10 he --

11 MR. BATEMAN: Well --

12 MR. DICKERSON: -- this is not his place to argue it. I think --

13 THE COURT: That's true.

14 MR. DICKERSON: I think that --

15 THE COURT: So I'm just telling you, it's going to get shut
16 down.

17 MR. DICKERSON: And --

18 THE COURT: So I suggest you talk to Mr. Bateman. I mean,
19 write an outline of, like, the stuff you just said to me, so you just have an
20 idea of how you want your testimony to flow, okay? Or you can have
21 Mr. Bateman ask you questions. But if it continues like this, we're just
22 going to -- we're -- I'm going to go to the State, and they're going to
23 cross-examination, and we'll be done.

24 MR. DICKERSON: So I know it's been the Defendant's
25 request to testify in the narrative like this, Your Honor. I just want to

1 make sure that that's clear, on the record, that that's his request to do
2 this today. And I would just say that, at this point in time, I don't see any
3 reason why that's occurring.

4 THE COURT: I don't think it's very helpful to you, so, you
5 know? I don't have a problem if Mr. Bateman wants to direct it. And if
6 there's other things that you want to tell the jury panel? Because I can
7 always say, is there anything else you want the jury to know?

8 MR. BLANDINO: Well, I talked to Ben before -- thing. And I
9 told him that if I start drifting into an area, I said, I don't have a problem
10 with you interrupting me. So, kind of, hybrid, of the narration and that,
11 is possible. I think it's appropriate. The other situation is -- would be,
12 like, if I do stray into an irrelevant area, he can say, well, Mr. Blandino,
13 this, and he could give me some guidance.

14 THE COURT: Almost your --

15 MR. BLANDINO: Because --

16 THE COURT: -- whole testimony has been irrelevant, so.

17 MR. BLANDINO: I don't understand how that could even be.

18 THE COURT: Okay.

19 MR. BLANDINO: Because I'm --

20 THE COURT: Well, I suggest, during the lunch break, you
21 figure it out. And you can make yourself an outline or speak to Mr.
22 Bateman. But you really need to give the jury the testimony you want
23 them to know, relevant to the charges against you. Because Mr. Feder --
24 they're not going to be deciding anything about Mr. Federico.

25 MR. BLANDINO: But this --

1 THE COURT: Okay?

2 MR. BLANDINO: My understanding --

3 THE COURT: All right.

4 MR. BATEMAN: Okay.

5 THE COURT: We'll see you at 1:45.

6 MR. DICKERSON: Thank you, Your Honor.

7 THE COURT: Thank you.

8 THE MARSHAL: Thank you, everyone.

9 [Recess taken from 12:33 p.m. to 1:54 p.m.]

10 [Outside the presence of the jury]

11 THE MARSHAL: Please come to order. The Court is now
12 back in session.

13 THE COURT: Okay. Everybody ready to go? Let's bring
14 them in.

15 MR. DICKERSON: I believe so, Your Honor. I -- before we
16 bring them in, I just wanted to -- we are outside the presence, correct?

17 THE COURT: We are outside the presence. Go ahead.

18 MR. DICKERSON: I just wanted to confirm that the testimony
19 from Mr. Blandino is going to continue with the same course that Mr.
20 Blandino has chosen is to testify in the narrative, that he does not want
21 his counsel directing it.

22 THE COURT: Is that correct, Mr. Blandino?

23 MR. BLANDINO: Yes.

24 THE COURT: Okay. And Mr. Bateman, you're not going to
25 question him, correct?

1 MR. BATEMAN: That is correct, Your Honor.

2 MR. BLANDINO: Well, that -- that would mean that if I start
3 drifting off track, he could say, Mr. --

4 THE COURT: No, if it continues, I told you we will then
5 proceed with cross-examination. So I just want to make sure you
6 understand that. Do you have an outline, so you know what you're
7 going to testify to?

8 MR. BLANDINO: No, it's more like an inline than an outline.

9 THE COURT: Okay. All right. Let's bring them in. I'm just
10 warning you it won't be a repeat of what we had this morning.

11 THE COURT: Mr. Blandino, you can go back up on the stand.

12 MR. BLANDINO: I just -- with the Court's indulgence, I just
13 got --

14 THE COURT: No, you can go back up on the stand.

15 THE MARSHAL: All rise for the jury, please.

16 [Jury in at 1:56 p.m.]

17 THE COURT: Okay. Does the State stipulate to the presence
18 of the jury panel?

19 MR. DICKERSON: We do, Your Honor.

20 THE MARSHAL: Thank you. Everyone, please be seated.

21 THE COURT: And the Defense?

22 MR. BATEMAN: Yes, we do, Your Honor.

23 THE COURT: Thank you, Mr. Bateman.

24 Mr. Blandino, you can have a seat. And is there anything
25 further that you can have a seat. Is there anything further that you want

1 to let this jury know?

2 MR. BLANDINO: Of course there is.

3 DIRECT TESTIMONY CONTINUED

4 MR. BLANDINO: Okay. So the April 8th letter -- that's where
5 we stopped. I'm just trying to recollect where I stopped off at. April 8
6 letter. I go into the courthouse maybe at least three times a week
7 looking at different courts and everything, looking for any violations of
8 the Code of different judges. So on April 25th, that date in question
9 where, I don't know what exhibit it was was thrown out of the
10 courtroom. What exhibit is that?

11 THE COURT: No, you're not --

12 MR. BLANDINO: Okay.

13 THE COURT: Keep going.

14 MR. BLANDINO: Anyway, that exhibit -- if I can refresh my
15 recollection then.

16 THE COURT: Mr. Blandino, I told you what was going to
17 happen. So you can testify to this jury panel.

18 MR. BLANDINO: Well, I was there in that courtroom, but I
19 was there at four or five different other locations in the RJC that day. It
20 was just happenstance that Mr. Federico was in court on that particular
21 day.

22 MR. BATEMAN: And Your Honor, if I may -- this -- what he's
23 referring to there's a marshal's report of his activities in the Regional
24 Justice Center on April 25th. I believe that's what he's wanting to use to
25 refresh his recollection.

1 THE COURT: Is it a court -- is it -- has it been marked?
2 MR. BATEMAN: It has not.
3 THE COURT: Okay. You want to approach, and have it
4 marked?
5 MR. DICKERSON: May I see it?
6 MR. BATEMAN: Yes.
7 THE COURT: So it will be marked as Defense Exhibit A.
8 [Defendant's Exhibit A marked for identification]
9 MR. BATEMAN: Well, it just may be -- I don't know that I'm
10 going to admit it, but just to allow him to --
11 THE COURT: Okay.
12 MR. BATEMAN: -- use it.
13 THE CLERK: Is it marked?
14 THE COURT: It's just marked for purposes of identification at
15 this point.
16 MR. BLANDINO: I can continue to testify while we're waiting
17 for that.
18 THE COURT: Just a minute.
19 MR. BLANDINO: Okay. Just trying to be accommodating.
20 THE COURT: Okay. Again, I told you you're not going to
21 stop and read these exhibits.
22 MR. BLANDINO: No. Oh, no. Okay.
23 THE COURT: You need to --
24 MR. BLANDINO: Yeah, yeah. Okay.
25 THE COURT: -- be prepared to testify.

1 MR. BLANDINO: I'm sorry. This is the April 25th, 2019 --

2 MR. DICKERSON: Okay. And I'm going to object to him
3 reading from the document.

4 THE COURT: The objection is sustained.

5 MR. BLANDINO: Okay. Well, I was there on the 25th of
6 2019 --

7 MR. DICKERSON: Okay. So, I would request --

8 THE COURT: And --

9 MR. DICKERSON: -- that his counsel remove it if his
10 recollection is refreshed, Your Honor.

11 THE COURT: Was -- was that the purpose? It was --

12 MR. BATEMAN: To --

13 THE COURT: -- because he didn't need -- he testified that
14 April 25th he was in there so --

15 MR. BLANDINO: Can we -- are we to publish this --

16 THE COURT: I'm not sure --

17 MR. BLANDINO: -- or no? I mean, what's the deal? I thought
18 this was entered as an exhibit.

19 MR. BATEMAN: Proposed exhibit.

20 MR. BLANDINO: Can't -- we can't publish this? Because I'll
21 just need another minute to refresh my --

22 THE COURT: You can't publish exhibits that have not been
23 admitted.

24 MR. BATEMAN: Take you time, as much time as you need
25 to --

1 MR. BLANDINO: Okay.

2 MR. BATEMAN: -- to remember.

3 THE COURT: I'm not sure he needed his recollection
4 refreshed. I'm not sure what this document is doing. I mean, he testified
5 that April 25th he was --

6 MR. BLANDINO: Okay. I was at --

7 MR. BATEMAN: But it -- why don't you explain to the
8 jurors --

9 MR. BLANDINO: Okay. I was --

10 MR. BATEMAN: What is the document that you're looking
11 at?

12 MR. BLANDINO: Yeah. It's a -- it's a deputy marshal's report.

13 MR. DICKERSON: I'm objecting to this too. This is not in
14 evidence. He can't testify as to what this alleged report says. It looks to
15 me like a Word document. I've never seen it before.

16 THE COURT: I mean, it's -- I mean, it's clearly hearsay.

17 MR. DICKERSON: Right.

18 MR. BLANDINO: Okay. I was there on 18 different locations
19 of the RJC that day. Once among them -- one among them was the
20 Courtroom 1C, which was about toward the end of the day. I was there
21 for several hours on that day, and that was just one stop. At no -- at no
22 time, did I know Mr. Federico was going to be on the bench that day or
23 Pro Temp Judge Federico was going to be on the bench that day.

24 I went to the cashier's office to conduct some business. I
25 was in several different courtrooms, and I went to different offices. A lot

1 of the people know me in this courthouse --

2 THE COURT: Okay.

3 MR. BLANDINO: -- so I would say hi to certain individuals.

4 THE COURT: And let's keep going.

5 MR. BLANDINO: Yeah. And so --

6 THE COURT: That's not relevant.

7 MR. BLANDINO: So anyway, I'm go into that courtroom, and
8 I see -- well, actually, before I get in, you can see through the crack that
9 he's on the bench. So I go in there. And as I've done many times before
10 to take notes whether he's on the bench or somebody else, I come to
11 that first row. As you'll note on the video, I've got the grey container
12 with me. I found that it always saves time if I dress and put the other
13 stuff in my pockets while I'm waiting or in line or sitting down so that's
14 why that grey bucket is there.

15 So I'm hoping to take some notes and see if there's any more
16 misbehavior on Mr. Federico's part because that's partly what I'm there
17 for is to see if he's doing any what I perceive as violations of the Code of
18 Judicial Conduct. And so it appears that he was still talking with
19 somebody. He looks up and he sees me. And you know, he says, Mr.
20 Blandino, and then that interchange happens which you all saw on the
21 video tape. And I said -- I said, are you addressing me. And he says so
22 on and so forth. And then says get out, you got ten seconds. There's
23 that magic ten seconds again. So he says, get out or I'm going to find
24 you in contempt. And at the very end, he says don't stop people.

25 Now, I got that JAVS as well as that transcript. I paid for that

1 transcript of that day and that interchange because in my mind as I
2 perceived it, he had no business whatsoever throwing me out of that
3 courtroom on that day. If he had just let me sit there and take my notes,
4 I'd have been there probably through the entire session that he did to
5 see if there was any more impatience or Code violations and that would
6 have been it.

7 So I was completely shocked by that. So I'm familiar with
8 the customer feedback form, that forms that they have which I referred
9 to earlier in my testimony. So I went right away and got customer
10 feedback forms plus the continuation pages, which you saw the evidence
11 of that I -- on a previous exhibit by the Prosecution that I attached that.
12 So I get the feedback form. I spent the 15, 20 minutes or whatever it was
13 filling that one out. And then I immediately went home and got on my
14 word processor to craft a letter that goes along with the feedback form
15 because that's always been my experience that whatever you do on a
16 situation where you're making a complaint or making a compliment, and
17 I did that on feedback forms time to time, is you do it as quick as you
18 can. And since I had the time, I drafted the thing on the Microsoft Word.
19 I don't know how long it took, but it -- you can see it was an extensive
20 letter or a long -- kind of a long letter.

21 So I drove over to the office to drop it off at his office. Now,
22 if he were a permanent judge, I would have dropped it off here at the
23 RJC in the drop boxes that they have. You see those around the
24 courthouse. But he isn't, so I have to go to the only place to go the
25 private -- the office. I mean, it would be -- since I knew he had an office,

1 it's better that than look up what his home address is and write a letter
2 and, you know, send it off in the mail. Plus, I wanted it to be seen -- have
3 him get that as soon as possible because, you know, I want to keep
4 coming into the courtroom and that kind of thing and take notes as I did
5 with Shannon Nordstrom and Elworth Winter and the other judges that
6 are on those benches as well as on the other benches.

7 So I'm just wanting to resolve this issue. That's my whole
8 intent is to resolve this issue. If he -- if he would just apologize. Say, you
9 know, after thinking later, I shouldn't have kicked you out, then that thing
10 is all done and over with. And then I can -- I'm free to do my complaint
11 in the prior thing. But see, the thing is when he kicked me out, now he
12 can apologize for that, and we can go on from there. But he can't -- that
13 incident blows away the possibility of resolving the first incident, the
14 multiple violations we saw at the trial as I was saying beforehand.

15 It's sort of like in my mind -- in my mind, it's like this. If
16 somebody hit you in the face and you say, hey, could you give me an
17 apology, and then they -- you say, no, I'm not giving an apology, and
18 then they hit you again, then they kind of -- they kind of blew the
19 opportunity to correct with an apology the first one. So that's why later
20 on in that proposed resolution when he asked me to email him all that,
21 unbeknownst to me that the detectives were there, that's why it was only
22 about that issue on the -- on kicking me out of court because the other
23 one had gone by the wayside. He had blown his chance to do that.

24 My religious beliefs and practices only require, you know, to
25 try to resolve it one time. You don't have to go multiple times. Even

1 though I can forgive a hundred times that doesn't mean that you don't
2 take action sometimes. I mean, you can forgive and forget certain
3 things, but then certain other things you forgive but then you take a
4 certain amount of action, you know. And so therein is my whole
5 thinking.

6 So I go there and drop off that note at his office and with the
7 feedback form. And I figured well, I just waited to see what would
8 happen at that point. So, you know, I know in prior testimony they had
9 said that --

10 MR. DICKERSON: I'm going to object, Judge.

11 THE COURT: Okay. Again --

12 MR. BLANDINO: Sorry.

13 THE COURT: -- you're not to, you know --

14 MR. BLANDINO: Right.

15 THE COURT: -- talk about other people's testimony.

16 MR. BLANDINO: I'm sorry. I apologize.

17 THE COURT: That's okay. Go ahead.

18 MR. BLANDINO: Okay. So in my mind, it's -- I dropped, I've
19 done my duty to try and get an apology on that second incident, and,
20 you know, I can go forward to try and file the complaint on the first thing
21 before the time limitations. To my recollection, the time limitation runs
22 out on making a complaint. But there was multiple my perceived
23 violations in the trial setting, you know. So I'm free to do that on that
24 one, and then I could still wait to do any settlement on the second issue
25 where he threw me out of court because I was representing to him and --

1 that I was an investigative journalist as well as investigating judicial
2 corruption and misconduct. So I was there in both capacities as well as
3 just my own natural curiosity to see what would happen. I'm really there
4 in three capacities in my mind.

5 So let's see. Trying to get the chronology straight here. So
6 then it was -- that was April 25th. I think I got the call -- was it the 29th,
7 28th or 29th, right? And the thing is you -- you saw the pictures of my
8 office there.

9 I -- is there any way we can pull those up on the screen?
10 Because I want to try and give them an idea of where I was exactly when
11 that call came through. And when that call came through -- I'll talk as he
12 gets it up there. That call came through -- I take an afternoon nap almost
13 every -- and he woke me out of a sound sleep. That's why I was shocked
14 at first because I was still a little bit groggy. Sometimes I get woke up
15 from an afternoon nap and I'm groggy, you know. And so, I know it's
16 been attributed that I was giddy, but I was surprised -- giddy -- well,
17 happy and surprised because I thought oh, maybe he's willing to
18 apologize, you know.

19 And so, I put him on speaker phone, and I go into the living
20 room. Now, Evelyn [phonetic] Pendergraft is my housemate there.
21 You've heard her name before. And so, she's 96. She's 96 right now;
22 but if we use the back date to the conception I was talking earlier, she's
23 actually 97. And I told her that she's going to make it to 100.

24 MR. BATEMAN: What --

25 MR. BLANDINO: I have that on good authority.

1 MR. BATEMAN: [indiscernible]?
2 MR. BLANDINO: Huh? What?
3 MR. BATEMAN: What [indiscernible] would you like?
4 MR. BLANDINO: Oh, you know, where they have the --
5 THE COURT: He wants the picture of his home office.
6 MR. BLANDINO: -- pictures of my room -- home office.
7 MR. BATEMAN: Home office?
8 MR. BLANDINO: Yeah. So in -- in -- in one of the letters that
9 was sent, I told -- I told someone that it was Federico, that I really only
10 have time to virtually eat, sleep, and do legal work, all this work that I'm
11 doing. And you saw that bedroom. I mean, it's a home office. I think
12 the picture reflects that my bed wasn't even made. I mean, the thing is
13 just wall to wall paperwork. I mean, almost literally.
14 THE COURT: Okay. So you have him on speaker phone, and
15 you go out to the living room.
16 MR. BLANDINO: Yeah, I go out to the living room so that
17 Evie can hear the conversation. And almost the first words out by my
18 recollection is what is it going to take to get you out of your hair. And
19 that exhibit that showed that is how I wrote it on the pad. I just went and
20 wrote it, and I showed it to Evie and she, of course, heard it. And she
21 saw that I wrote that.
22 MR. BATEMAN: Here's all the photos.
23 MR. BLANDINO: Yeah.
24 MR. BATEMAN: [Indiscernible] referred to exhibit --
25 MR. BLANDINO: Exhibit what?

1 MR. BATEMAN: When you talk about a photo, refer to the
2 exhibit number so the record is clear.

3 MR. BLANDINO: Oh. Okay. So Exhibit 28. Oh, okay. So this
4 is -- the one I'm talking about is Exhibit 10.

5 THE COURT: Okay. Do you want Mr. Bateman to publish it?

6 MR. BLANDINO: Yeah. Yes.

7 THE COURT: Okay.

8 MR. BLANDINO: I've got one of those cheapy office chairs
9 that you get at yard sales. And so I mean, it was expensive at one point,
10 but I always like to be as inexpensive as possible.

11 So when I get the call, I'm -- I take my naps usually leaning
12 back and my feet up on the desk and like this. I got kind of a headboard,
13 so I know it's not the comfortable place to take a nap, but during the day
14 I'm using that bed often times as a -- I had my papers all spread out. You
15 see how I have my papers like this. I mean, granted, I'm not a very --

16 THE COURT: Okay.

17 MR. BLANDINO: -- organized person but --

18 THE COURT: All right. Come on, let's get to the point.

19 MR. BLANDINO: Anyway, so with Evie and the telephone
20 call goes on, and I know I repeated it a couple times. I said, look, if there
21 is no -- if you're not willing to apologize, there's no sense in us even
22 moving forward. I'll just go ahead and make my complaint to the
23 Commission on Judicial Discipline. And so we talk, and he -- I mean, I
24 know that it's different -- he says that --

25 THE COURT: Again, they heard his testimony.

1 MR. BLANDINO: Okay. But he says, what do you want -- do
2 you want me to do something with the contempt.

3 THE COURT: Okay, Mr. Blandino, remember you can say he
4 made his statements and then you said what.

5 MR. BLANDINO: Yeah. He said, do you want me to do
6 something with the contempt. And I said clearly I said no, if I wanted
7 you to do something with the contempt, that would be either obstruction
8 of justice or meddling with a thing because I can't influence -- and I don't
9 know -- similar words, but I can't influence what you did already. You
10 know, I can't change that action. That would be wrong if I ask you to do
11 it or if you ask me to do it. I said, you need to get an attorney. I mean, at
12 that point in time, I believe he's being sincere with wanting to resolve
13 things. I have no idea those detectives are in the background.
14 Absolutely no idea. And to this day, I believe that God caused me to not
15 realize that because it looked like a darn sting operation the way the
16 conversation progressed.

17 He was saying these different things like -- see, that's the
18 thing, it's two-and-a-half years. But I repeat over and over again that I
19 just want, you know, I want an apology. But I wanted to meet with him
20 and just look at him in the eyes because talking to a faceless voice over
21 the phone, even though I know the face, you know, you want to -- want
22 to judge the sincerity of a person, you know. And that's what I wanted to
23 do. Just sit down with him. I didn't have anything planned at all. I
24 didn't have anything with the April 8th visit. That's why I had to borrow
25 a piece of paper.

1 Granted the second note that I dropped off was typed up
2 because I felt I made the customer feedback form. I'll go straight to my
3 house, type something up, and then take it down there to the -- to the
4 office and do it on that same day. I mean, just so he knows that I'm not
5 just -- the sincerity of my position, you know, on that. And that, you
6 know, I just want to resolve this thing because I know ultimately I can
7 make a complaint to the Commission on Judicial Discipline. And I've
8 read the different things on the commission and how it works.

9 They don't want you to do this.

10 MR. DICKERSON: Objection, Your Honor.

11 THE COURT: Sustained.

12 MR. BLANDINO: Well, they advise --

13 THE COURT: Okay. The --

14 MR. BLANDINO: I'm sorry.

15 THE COURT: The objection was sustained so move on,
16 please.

17 MR. BLANDINO: Can I talk as to my perception? My --

18 THE COURT: No. The objection was sustained. You need to
19 move on.

20 MR. BLANDINO: I thought I am moving on.

21 THE COURT: Okay.

22 MR. BLANDINO: My perception is that the commission is
23 concerned --

24 THE COURT: Actually, no, you're not moving on.

25 MR. BLANDINO: Oh.

1 THE COURT: You're just trying to change the terminology.
2 So the objection was sustained. Move on.

3 MR. BLANDINO: Okay. Well, I have to try and resolve that
4 with him, so I do my best in setting it off and putting it there at his office.
5 I get this call. And when he says -- and I did not exchange emails. He
6 already had my letters of emails. He was insistent on hey -- and I may
7 have said, you know, well, I'm going to have to think about it. But when
8 he did not say -- when he never said screw you -- I'm sorry, excuse my
9 language -- go fly a kite, I'm not going to -- I'm not going to give you any
10 apology or anything. And so I told him specifically that if you're not
11 willing to apologize, there's no sense of me even wasting my time.

12 And so, when he gave me that email, and that was at the
13 very last, and that note that I saw where it says get you out of your hair,
14 and I wrote that -- I wrote that email he gave me carefully on there, so I'd
15 have the email to write, I believed, I really believed, that he had agreed
16 to that, impliedly agreed that he is willing to at least consider
17 apologizing. Because if I believe that he wasn't not -- it was not sincere
18 and later we find out it's just he's acting with a government sting
19 operation, that he's not sincere, I wouldn't have done anything after that.

20 And -- and in fact, in truth, that -- if it weren't for my religious
21 beliefs, I would be -- I would just tell them to go take a hike. But when
22 somebody says can we settle this, you know, I feel obligated to come
23 back with something. And since I knew all the -- I had read all the
24 decisions from beginning to date of the Commission on Judicial
25 Discipline, the different -- the different things they imposed on

1 somebody that I had violated the Code. I knew all those. I had -- in
2 doing that thing, I said well, I -- what I have to do is find a similar type
3 document that, you know, has these kind of settlement things. And so I
4 found one. It was approved for Nevada.

5 MR. DICKERSON: Objection.

6 THE COURT: Sustained. Just tell us -- just tell the jury what
7 you did as a result --

8 MR. BLANDINO: Okay.

9 THE COURT: -- of that phone call.

10 MR. BLANDINO: I pulled up on the internet a settlement
11 agreement that was about property or something. I -- to this day, I can't
12 find exactly what I pulled up. But all through my life in dealing with the
13 courts and traffic matters or whatever, I have done what a lot of other
14 attorneys do that I have in my experience I found out, you do cut, copy,
15 and paste. You know, you're not re-inventing the wheel. If you got -- if
16 you're asking for something from the court --

17 THE COURT: Okay. So you got on the internet, and you got
18 like a sample --

19 MR. BLANDINO: Yeah, a sample.

20 THE COURT: -- settlement agreement?

21 MR. BLANDINO: Yeah.

22 THE COURT: And then you did cut and paste?

23 MR. BLANDINO: Cut, copy, and paste. Yeah.

24 THE COURT: Okay. Thank you.

25 MR. BLANDINO: And so it had that -- that's why it has that

1 1.1, 1.2, and that format in it. And then I looked to different things like it
2 was called in the Court here survivability clause because I thought well,
3 what happens if he dies, and so I'm just anticipating that. In no way did I
4 intend that to be any kind of death threat or implied that I was hoping
5 he'd die or anything. Far from it.

6 I mean, my, you know, I hope that I could put my arm around
7 the guy some day and call him brother. That's my religious beliefs and
8 practices that anybody no matter, you know, what road they traveled
9 their entire life, that's what that reference was to in that letter that I sent.
10 The man in the last ten seconds of his life, you know, right next --
11 crucified right next to the Savior --

12 THE COURT: Okay.

13 MR. BLANDINO: Yeah?

14 THE COURT: Mr. Blandino --

15 MR. BLANDINO: Yeah?

16 THE COURT: -- keep --

17 MR. BLANDINO: Anyway, so, you know, I don't have any
18 animus or anything toward people. I always hope that they can find
19 another path if they're heading on the wrong one.

20 And so, I'm drafting that thing. And all -- at all times, I'm
21 referring back to these other -- these Commission on Judicial Discipline.
22 Mostly, they do these stipulations where --

23 MR. DICKERSON: Objection.

24 THE COURT: Sustained.

25 MR. BLANDINO: All right.

1 THE COURT: Just tell the jury what you did.

2 MR. BLANDINO: Yeah.

3 THE COURT: So you drafted the settlement agreement?

4 MR. BLANDINO: Yeah, I drafted -- when I drafted those --

5 THE COURT: Okay.

6 MR. BLANDINO: -- settlements, I was referring to this.

7 THE COURT: Okay.

8 MR. BLANDINO: And all my experience on that and reading
9 those decisions and seeing what others had done before me in the same
10 situation, whether it had been violations of the Code --

11 MR. DICKERSON: Objection.

12 THE COURT: The objection is sustained.

13 So you did it and then what?

14 MR. BLANDINO: Did what?

15 THE COURT: You drafted the settlement agreement. And
16 then what?

17 MR. BLANDINO: Well, no, I'm still in the process. I'm sorry.
18 That process of drafting that agreement took me over two days to do.
19 Now, granted, I -- in between -- I mean, I go, I do it, and then I'd come
20 back to it. You know, fix dinner or something.

21 THE COURT: Okay. That is not relevant.

22 MR. BLANDINO: Okay. So anyway it --

23 THE COURT: Please keep going.

24 MR. BLANDINO: -- it took over two days on and off of going
25 to it. And I felt like under a time pressure because I had told him over

1 the phone I could get back to him in a couple of days. And whenever I
2 tell somebody --

3 THE COURT: Okay.

4 MR. BLANDINO: -- a deadline --

5 THE COURT: That's not relevant.

6 MR. BLANDINO: -- I feel like I have to hold to that.

7 THE COURT: That's not relevant.

8 MR. BLANDINO: Okay. Anyway, so I'm drafting this thing
9 up; and with all that in mind of resolving a legal dispute because in my
10 mind, if we can't come to anything -- kind of resolution, I have to file the
11 complaint. I mean, the object was to resolve the situation. And if we
12 met -- if we met in person -- my feeling was if we met in person and he
13 apologized, that would have been the end of it. That would have been
14 the end of it. All I wanted was an apology, basically. But he asked me to
15 do this thing.

16 In looking at all these different decisions and everything, I
17 thought well, maybe it would be -- maybe it would be good for him to
18 take a judicial college course. Or in the alternative, he could pay -- my
19 understanding from my research preparing that --

20 MR. DICKERSON: Objection.

21 THE COURT: The objection is sustained.

22 MR. BLANDINO: My perception was that the judicial college
23 course costs something like 1,500 bucks. And so I thought well, 500
24 bucks to the law library if he didn't have the time or whatever and travel,
25 that that might be an alternative. So he does 1500 -- I mean, he does the

1 judicial college or, you know, 500 bucks, the apology, which I had
2 perceived in passing that complaints to the Commission of Judicial
3 Discipline have -- they've ordered that. They've ordered apologies to the
4 persons affected.

5 MR. DICKERSON: Objection.

6 THE COURT: The objection is sustained.

7 MR. BLANDINO: Can I ask for some clarification?

8 THE COURT: You can -- no, you can keep testifying.

9 MR. BLANDINO: Well, if he objects and I don't know on what
10 basis it's sustained --

11 THE COURT: I sustained the objection. It's not relevant.

12 MR. BLANDINO: Oh, relevance.

13 THE COURT: So go ahead.

14 MR. BLANDINO: Is there any way I can know what the
15 objection is on?

16 THE COURT: Mr. Blandino --

17 MR. BLANDINO: Okay.

18 THE COURT: -- please keep going.

19 MR. BLANDINO: All right. So anyway, that's -- that's what I
20 did in crafting this -- this settlement and release I think it was entitled.

21 Anyway, so I got all that in mind, a fairness aspect. Oh, I had
22 got the 25 bucks for the -- for the JAVS, yeah, which actually stands for
23 Jefferson Audio Visual System. Anyway, I got that \$25 from Evelyn.
24 And so, I felt incumbent on that to be able to reimburse her for that
25 money. Now the transcript that I ordered of that same hearing, which I

1 actually do have still, I paid for that with my own. I think it was more
2 than actually the JAVS was.

3 So in no way was I trying to make any kind of monetary gain
4 or anything. And if you saw -- I mean, the -- what is this, Exhibit 12? I
5 mean, there's a ton of paper there.

6 MR. BATEMAN: Do you want me to --

7 MR. BLANDINO: I mean, this paper took me so much time to
8 -- I mean, there's legal decisions, all kinds of stuff in there.

9 MR. BATEMAN: Do you want it published?

10 MR. BLANDINO: Oh, yes, so they could see that. Yeah, they
11 should see that.

12 MR. BATEMAN: This is not Exhibit 12.

13 MR. BLANDINO: Oh, oh, then let me look at that wall, which
14 one it -- which wall it is. So there's Marwitz there. So if you're coming in
15 the bedroom, this would be off to the left, the bedroom/office. I mean, I
16 got those shelving systems because my bedroom was a total mess
17 before I got that. And I got these plastic containers to put all these -- this
18 paperwork in.

19 THE COURT: Again, this is not relevant.

20 MR. BLANDINO: Okay. But in any event, this is a ton of
21 paperwork. Let's see, that's the same thing basically from a different
22 view. Well, you've seen this paper. It's just -- it's just that I'm using -- I
23 was using this as a -- as a bedroom and office, but it was more office
24 than bedroom. So where was I?

25 Oh, so on the transcript that I had ordered -- I mean, I -- and

1 then the complaint that I subsequently did file on Federico, I mean, that
2 thing is about this thick. So there was no way that I was looking to gain
3 anything for myself. I mean, this is tremendous amounts of time, effort,
4 energy, and paper and toner on the broke down printer that I have. I got
5 a little HP1020. It's about 20 years old.

6 THE COURT: Okay. Again, that's not relevant.

7 MR. BLANDINO: Okay. So let's see, I just want to look at this
8 exhibit if there was something else to point to here. Oh, oh, yeah. This.
9 Oh, this is Exhibit 26. This was a file folder that they had pulled up and
10 taken a picture of. And see that particular folder is judge screw ups. So
11 it was just my shorthand way of being able to look at a file and see that --
12 and I think Federico was in there -- that document all the different places
13 where they violated the Code. And in some cases, violated the Code and
14 violated clear law, which actually also is a violation of the Code, is that
15 they failed to uphold clear law.

16 THE COURT: Okay. Again, this is not relevant.

17 MR. BLANDINO: Okay. So --

18 THE COURT: So you were talking about the agreement you
19 prepared.

20 MR. BLANDINO: Yeah, yeah, yeah. So the agreement -- the
21 agreement, and then I got it done in the two days, I believe it was. And
22 then so I emailed it to the email address that Federico gave me -- or
23 Judge Federico -- Temporary Judge Federico gave me. So I emailed it to
24 his office.

25 And then, you know, I rushed that thing to get it out to him.

1 Probably I should have taken more time and done it because, you know,
2 it's funny, you're looking at judge screw up. I made a screw up because
3 I --

4 THE COURT: Okay. Mr. Blandino, not relevant.

5 MR. BLANDINO: I forgot that when I emailed that thing, I
6 forgot to give him the exhibits so that's why I had to -- I had to -- is that
7 the right time frame? I had to re-email with the exhibits. I think that was
8 that part of that. I'm pretty sure.

9 Hey, Ben, is there any way I can refresh my recollection on --
10 as to the date on that? What was the date I mailed that -- emailed that?

11 Anyway, do you want me to continue --

12 THE COURT: Please.

13 MR. BLANDINO: -- so we speed this along? Okay.

14 THE COURT: Please.

15 MR. BLANDINO: So anyway, you know, that I emailed
16 something, and then I said, oh, shoot, I forgot to attach the exhibits. I'm
17 thinking it's that one.

18 MR. BATEMAN: It's five.

19 MR. BLANDINO: Oh, yeah, yeah. Yeah. Okay.

20 MR. BATEMAN: Are you going --

21 MR. BLANDINO: So this is --

22 MR. BATEMAN: Are you going to want these photos?

23 MR. BLANDINO: Yeah. Yeah, yeah. Thank you.

24 Okay. So State's Exhibit 5 -- yeah, Michael attaches the
25 proposed draft of settlement agreement. "If acceptable, you can sign,

1 and I can get to your office the same day or next day to sign the same
2 original. Let me know expeditiously." So that was sent on May 2nd.
3 But, you know, I screwed up because I forgot to put those exhibits on.
4 And so that's why -- what time was this? 8:20 p.m. So I realized and I
5 was still thinking about everything I had done at that point.

6 So on May 3rd at 3:27 p.m., which is the next day, is -- so it's
7 about 20 hours later, I just emailed -- rather than just email the exhibits, I
8 don't know what's going on in his office, I just emailed the whole thing
9 all over again. So I did the settlement agreement and the exhibits.

10 Now, where I screwed up is why it's funny that exhibit was
11 up there, Kim's screw up, was that I forgot to include the provision in this
12 thing that, you know, I meant to have it said that we send this to the
13 Commission on Judicial Discipline. If you agree and I agree, we sign off
14 on it. And that if they wish to adopt any -- or any -- all or any or part of
15 this, they could do it in a published decision. And I just flat, you know,
16 forgot to do that.

17 And the other thing I forgot all along the way as -- but see,
18 I'm through with this, Ben.

19 Oh, the first one was Exhibit 5, the May 2 email, and then the
20 other one was Exhibit 6, the follow-up one.

21 What's the one where we -- the one where I sent it to the
22 partners. That exhibit.

23 MR. BATEMAN: [Indiscernible]

24 MR. BLANDINO: Okay. I'll talk while he's looking for that.

25 Anyway, what I realized is, shoot, he's got -- I've seen his

1 website where it said he's a shareholder so there's a partnership thing
2 going on. And so, in my mind, I thought I screwed up. I should have
3 sent that from the beginning to the partners because, you know, sitting
4 here, looking at this and talking to everybody, you know, sometimes I get
5 tunnel vision. I see what's right, and I don't maybe look to the left or the
6 right and somehow --

7 THE COURT: Okay. So then you sent something to the
8 partners?

9 MR. BLANDINO: No, no, no. I'm saying that had I thought
10 about it more clearly, I would have sent this thing to the partners
11 originally --

12 THE COURT: Okay.

13 MR. BLANDINO: -- because they would have a right to know.
14 And it's my thinking is like if in this regard and, you know, the way my
15 mind thinks -- oh, this is Exhibit 8. Did I say that? Okay. Exhibit 8 is the
16 one where the partners is -- and this is the way I looked at it in thinking
17 about it later is that if I had a daughter and she was married to a --
18 another man --

19 THE COURT: Again, this is not relevant.

20 MR. BLANDINO: Well, it goes to state of mind, Judge.

21 THE COURT: It's not relevant.

22 MR. BLANDINO: All right. Well, I just thought that my screw
23 up was -- it wasn't fair to not send to the partners originally. That's what
24 I should have done. I could see -- I could perceive how people could see
25 that oh, I'm trying to embarrass him or something like that. And nothing

1 could be further from the truth because if they're all partners, then they
2 got a right to know what's going on and why. And so, that -- there was
3 never any intent to, you know, to try and embarrass him or anything as a
4 means of forcing him into settling or resolving the issues and -- and at
5 any point on this -- at any point along this line.

6 I mean, to hear -- to hear Mr. Federico talk about how his
7 wife was afraid, he was afraid for his wife, his kids and all that kind of
8 thing it was just completely -- I don't even know how that could be
9 figured. If he would have said at any point buzz off, make your complaint
10 to the Commission on Judicial Discipline, you know, stop coming to my
11 office at any point along the continuum, if he had said anything like that,
12 I'm gone, you know.

13 Because this isn't the first letter that I made. I made many
14 letters like -- I mean, many letters where I said hey, you violated the
15 Code. Is there any way we can resolve this? State and federal judges.
16 So I've done this before. And everybody just basically ignored me.
17 That's one of the reasons I was shocked when he called me. I mean, no
18 one has ever called me before. I mean, now I understand why. I mean,
19 he wants to put me in prison as I find out by setting up a sting
20 operation --

21 MR. DICKERSON: Objection --

22 MR. BLANDINO: -- with the police.

23 MR. DICKERSON: -- Your Honor.

24 THE COURT: The objection is sustained.

25 MR. DICKERSON: I ask to strike --

1 MR. BLANDINO: Well --

2 MR. DICKERSON: -- and for the jury not to consider it.

3 THE COURT: And the motion to strike is granted.

4 MR. BLANDINO: My point is this, at any point along the line
5 if he says stop, then I stop, you know. I've had experiences where I've
6 served legal documents on attorneys' offices, and they'd say don't come
7 here anymore. You're -- you're trespass on the property. From now on,
8 if you want to serve anyone in this office --

9 THE COURT: Okay. And again, that's not relevant.

10 MR. BLANDINO: Okay. So anyway, that was the situation.
11 This -- now, this was the May 16th. That's right. So this is the May 16th,
12 and then I'm arrested five days later at the door on this. But he filed for a
13 TPO in the justice court against me. On May 16th, he filled in an
14 application. Can I -- with the justice court, he filed a TPO against me, an
15 application. I don't find this out until later.

16 Can this be introduced as evidence?

17 THE COURT: What? I mean --

18 MR. BLANDINO: His application for the TPO. Is it relevant?

19 THE COURT: Is it marked?

20 MR. BATEMAN: It is not.

21 THE COURT: Okay. So then no. It's not marked. Keep
22 going.

23 MR. BATEMAN: Is it in here?

24 MR. BLANDINO: Yeah, it's in there.

25 Okay. So he files an application for a TPO, and he tries to get

1 -- that's temporary protective order. He files for a temporary protective
2 order seeking to stop me from coming to his office or even the
3 courtroom. And there was -- oh, office, home, or anywhere within
4 whatever the 100 yards or 100 feet or whatever it was. So he didn't get it
5 where the --

6 MR. DICKERSON: Objection, Your Honor. This -- he's going
7 to get into testimony here about statements made by other people.

8 THE COURT: Right. Yeah, I mean, I didn't -- I don't -- I didn't
9 understand that that's what you were going to do, but you already know
10 you can't testify about other people's statements.

11 MR. BLANDINO: Well, I had to defend the TPO. I was in
12 court on the 21st. I was in custody at the time. And the TPO date was -- I
13 don't know what date that TPO was. The hearing -- let's see. Let me see
14 if I can recollect this. Oh. Wait a minute. I was arrested -- what did I
15 say?

16 THE COURT: Okay. I'm not sure of the exact date.

17 MR. BLANDINO: Yeah.

18 THE COURT: Is that important? So --

19 MR. BLANDINO: Yeah, okay. Well, anyway, I'm in jail, and
20 I'm defending against that in justice court. And the judge says -- we
21 make our -- he does his testimony; I do my testimony and the judge --

22 MR. DICKERSON: Objection to what the judge says, Your
23 Honor.

24 MR. BLANDINO: Okay. Well, anyway, we're given -- we're
25 given 30 days to stay away from each other. And if we stay away from

1 each other, they're going to -- the TPO is going to be denied. Okay? And
2 then by that time, I was out of custody on the 30-day return date, so I
3 was out of custody off of the arrest.

4 Now, they've testified to the arrest, right? That I was
5 arrested.

6 THE COURT: Okay. You are --

7 MR. BATEMAN: So you're asking me?

8 THE COURT: -- testifying.

9 MR. BLANDINO: Yeah.

10 THE COURT: You're not permitted to ask other people
11 questions.

12 MR. BLANDINO: Okay. Well, anyway, so the judge asks --

13 THE COURT: Okay. Again, you can't testify --

14 MR. BLANDINO: I cannot ask -- answer that.

15 THE COURT: -- about what --

16 MR. BLANDINO: Okay. All right.

17 THE COURT: -- other people said.

18 MR. BLANDINO: Yeah. Okay.

19 Well, I defend against the TPO, and the Marshal backs me up
20 with what I say.

21 MR. DICKERSON: Objection. How is any of this relevant,
22 Your Honor?

23 THE COURT: All right. The objection is sustained.

24 MR. BLANDINO: Yeah. Well, in any event, if this -- rather
25 than going through this sting operation with the police where he admits

1 to being a government agent, if he had just gone for a TPO or said just
2 stay away, none of this even happens. None of this happens because
3 I'm going to just going to make my complaint. And see, my
4 understanding, my perception is with extortion or bribery, the object is --

5 MR. DICKERSON: Objection, Your Honor.

6 THE COURT: Sustained.

7 MR. BLANDINO: My objective was to correct misbehavior on
8 the part of a judge. The -- to protect the public from bad judges. And
9 that's what we -- that's what we -- that's what we do when we make
10 public complaints. Judges sometime make complaints; inmates give
11 complaints and that's to correct the thing. You're not necessarily trying
12 to punish the judge. You want to correct the behavior so we, as the
13 public, have confidence in -- that there's good people on the -- on the --
14 on the judiciary, on the bench. That was my main intent. I had -- and the
15 reason why -- you might think it's, kind, of crazy. I had a family court
16 case.

17 MR. DICKERSON: Objection.

18 THE COURT: The objection is sustained.

19 MR. BLANDINO: I had bad experiences with other judges, on
20 multiple occasions in multiple type of venues. And if I had had a judge
21 that was behaving properly, then the outcome might've been totally
22 different. I believe it would've been totally different. In my family court
23 case -- my son --

24 THE COURT: The objection --

25 MR. BLANDINO: -- is there --

1 THE COURT: -- was sustained.

2 MR. BLANDINO: Oh, okay.

3 THE COURT: Your family court case is not relevant.

4 MR. BLANDINO: All right. Okay. In any event, I was driven
5 to do this as a public service, to try and -- wasn't getting any pay. I was,
6 like I said, unpaid, I was volunteer, I was doing this. And in my
7 statements where I do that, I believed that saying volunteer unpaid
8 meant unofficial. Now I do put that in there. I put, unpaid volunteer, and
9 then in brackets. Which means unofficial, so there can't be any doubt
10 about what my intent is. My intent is to show that I'm doing this on an
11 ongoing basis. It's just not one at a time.

12 And, I mean, I've got a deliberate plan to try and help the
13 Nevada Commission on Judicial Discipline, in that role. I think it's a
14 valuable role. I've written letters to them. Said, is there's anything I can
15 go -- to help to go to the legislature to see that you get money? My
16 investigation showed they get about a million dollars a year --

17 THE COURT: Okay.

18 MR. BLANDINO: -- only.

19 THE COURT: That is not relevant.

20 MR. BLANDINO: Okay. And in any event, you know, I
21 would've happily done it for no pay, working as an official with them, but
22 I'm unofficial. And so I offered my help in whatever way I could, because
23 I think they do very, very important work. It wasn't established, in my
24 research, until 1977, the Commission.

25 THE COURT: Okay.

1 MR. DICKERSON: Objection --

2 THE COURT: It is --

3 MR. DICKERSON: -- Your Honor.

4 THE COURT: This is --

5 MR. BLANDINO: Yeah.

6 THE COURT: -- not relevant.

7 MR. BLANDINO: Okay.

8 THE COURT: So if you would like to testify about something
9 specific as to this case.

10 MR. BLANDINO: Okay. So, that is what, you know, I did.

11 The -- see, these -- not relevant stuff already -- always throws me,
12 because now I have to think of where I went next. Okay. So I made the
13 -- I made this last thing, and then that's my last communication. I'm
14 arrested after that. The TPO, and then these charges, start in the justice
15 court with a criminal complaint. I was served a -- well, I served in the jail
16 with, by Peter Marwitz and Kenneth Mead, a notice of intent to indict. In
17 the justice court, I was charged only with the --

18 MR. DICKERSON: Objection, Your Honor.

19 THE COURT: All right. The objection is sustained.

20 MR. BLANDINO: Okay. But, anyway, they sent me a notice
21 of intent to indict, and that I could choose to testify, if I wished, at the
22 grand jury. So I --

23 MR. DICKERSON: How is any of this relevant, Your Honor?

24 THE COURT: The -- it -- the objection is sustained. This is --
25 this is not relevant.

1 MR. BLANDINO: Okay. Even if I mailed a notice that I
2 wanted to testify at the grand jury?

3 THE COURT: This is not relevant.

4 MR. BLANDINO: Not relevant.

5 MR. DICKERSON: Move to strike that, Your Honor.

6 THE COURT: It -- the motion is granted.

7 MR. BLANDINO: Okay. So anyway, you know, that's where I
8 am. I've -- still, to this day, I'm still representing and I'm investigating.
9 I've made the same type of letters, now, to other judges that have just
10 abused the --

11 THE COURT: Okay. Is there anything --

12 MR. BLANDINO: -- the code.

13 THE COURT: -- else relevant to this specific case that we're
14 here on?

15 MR. BLANDINO: Yes, I believe so. I -- the -- from now -- from
16 that point on, when I saw that was -- clarity on that, I put that I'm
17 volunteer, unpaid, which means, unofficial. So there cannot be any
18 doubt about it. I can understand how some people might think, oh, well,
19 you're trying to claim you're official. But that was never my intent. It
20 was never my intent to extort anyone. This was not any intent,
21 whatsoever, to extort. And if there was any extortion, as a matter of the
22 letter of the law, that was a mistake --

23 MR. DICKERSON: Objection --

24 MR. BLANDINO: -- on my part.

25 MR. DICKERSON: -- to the letter --

1 THE COURT: Sustained.

2 MR. DICKERSON: -- of the law, and anything like that --

3 MR. BLANDINO: Yeah.

4 MR. DICKERSON: -- [indiscernible] --

5 THE COURT: The objection is sustained.

6 MR. DICKERSON: -- advises anything about the law.

7 MR. BLANDINO: But, anyway, I did not intend to extort. I

8 wanted to resolve a legal dispute. Everything that I had studied, on this

9 regard, I made complaints against a federal judge and asked --

10 THE COURT: Okay.

11 MR. BLANDINO: -- to settle up.

12 THE COURT: Again, not --

13 MR. BLANDINO: Yeah.

14 THE COURT: -- relevant.

15 MR. BLANDINO: But everything I had studied on this

16 particular issue, was that I still retained a right, and was not illegal to try

17 and resolve a complaint before I made the complaint specifically to the

18 Commission --

19 THE COURT: Okay.

20 MR. BLANDINO: -- to the Judicial on --

21 THE COURT: That --

22 MR. DICKERSON: Objection.

23 MR. BLANDINO: -- discipline.

24 THE COURT: That will be stricken --

25 MR. DICKERSON: Yeah.

1 THE COURT: -- from the record.

2 MR. DICKERSON: A mistake of law is not a defense.

3 THE COURT: Right. So that'll be stricken from the record.

4 Anything else?

5 MR. BLANDINO: Well, I just want to -- you know, I'm looking
6 here straight at this jury and I'm telling you that I did not have any intent
7 to do any crime. I did have not -- no intent to extort Mr. Federico. When
8 he -- when he told me that I told him, an apology. And he said, well,
9 send me something. It was always about the idea that he could look at it
10 and say, well, go jump in a lake, or, well, what have I just said? I
11 apologize. Is that enough? And I would've said, well, yeah, if it's
12 sincere. Look me eye to eye and say, you know, I apologize. Maybe I
13 was a little impatient. I shouldn't have done this. And I didn't know this,
14 or whatever it might. Because, you know, forgiveness is part of my DNA,
15 as it were, that, you know, we have to be willing to forgive and --
16 although, I really, to this day, in seeing him testify, I think he should
17 find --

18 MR. DICKERSON: Objection.

19 MR. BLANDINO: -- different work.

20 THE COURT: The objection is sustained.

21 MR. BLANDINO: Yeah. Anyway, so, I mean, you've seen
22 what I've -- that I'm -- I believe, reciprocity. I'm ready to apologize when I
23 make a mistake or an error. And I believe it's not improper to ask the
24 same of someone else. And so I -- just following what my religious
25 beliefs and practices are. Do unto others as you'd have them do unto

1 you. Love your neighbor as yourself. And so that was all it, is if -- and --
2 and again, if at any time he had said, you know, buzz off, make your
3 complaint, or whatever, that would've been done with. And; truthfully,
4 he's the only one that ever came back. And everyone else has just, you
5 know, pretty much ignored me. And then I filed my complaint. And in a
6 couple cases, they issued letters of caution to two judges. That's what I
7 reference in that letter. Judge Bare got a letter of caution, and Judge --

8 THE COURT: Again, this is not --

9 MR. BLANDINO: -- Herndon --

10 THE COURT: This is not relevant.

11 THE COURT: -- got a letter of caution. So I really believed, to
12 this point, that Paul Deyhle, and the Commission on Judicial Discipline,
13 doesn't want to have something with my name on it --

14 MR. DICKERSON: Objection.

15 MR. BLANDINO: -- as successful.

16 MR. DICKERSON: Relevance.

17 THE COURT: Sustained. All right. And now you're starting
18 to repeat yourself.

19 MR. BLANDINO: Yeah.

20 THE COURT: So the State of Nevada may question
21 Mr. Blandino.

22 MR. DICKERSON: Thank you, Your Honor. Can we take a
23 brief recess?

24 THE COURT: Sure.

25 MR. DICKERSON: Thank you.

1 THE COURT: All right. During this recess, you're
2 admonished not to discuss or communicate with anyone, including your
3 fellow jurors, in any way, regarding the case or its merits, either by
4 voice, phone, email, texts, internet, or other means of communication, or
5 social media, or read, watch, or listen to any news or media accounts, or
6 commentary about the case, do any research, such as consulting
7 dictionaries, the internet, reference materials, make any investigation,
8 test a theory of the case, recreate any aspect of the case, or in any other
9 way investigate or learn about the case on your own, or form or express
10 any opinion regarding the case, until it's finally submitted to you.

11 We'll be in recess for about -- is ten minutes good?

12 MR. DICKERSON: That should be fine, Your Honor.

13 THE COURT: Okay. For ten minutes.

14 MR. DICKERSON: Thank you.

15 THE MARSHAL: Thank you. All rise for the exiting jury,
16 please. Jurors.

17 [Jury out at 2:49 p.m.]

18 [Recess taken from 2:49 p.m. to 3:01 p.m.]

19 [Outside the presence of the jury]

20 THE MARSHAL: Please come to order.

21 THE COURT: Are you ready?

22 MR. DICKERSON: Yes. If we could just make a brief record?

23 THE DEFENDANT: You bet.

24 MR. DICKERSON: I want to confirm that Defense counsel
25 had nothing further that they wanted to ask the Defendant before we get

1 going.

2 THE COURT: Mr. Bateman?

3 MR. BATEMAN: Your Honor, no.

4 THE COURT: No? Okay.

5 MR. BATEMAN: At this point, it looks like, you know, Mr.

6 Blandino said --

7 THE COURT: Okay. Mr. --

8 MR. BATEMAN: -- his piece.

9 THE COURT: -- Dickerson -- okay.

10 MR. DICKERSON: Okay.

11 THE COURT: Thank you. Mr. Dickerson?

12 MR. DICKERSON: Yeah. And then from there, Defendant has
13 discussed a lot. Still going with the defense of entrapment, clearly. And
14 so he has now opened up to specific character evidence. There's a
15 couple things that he brought up that I think the door is opened up to,
16 without a hearing on those subjects. That would include, specifically,
17 Shannon Nordstrom, and his efforts to contact her and do the same
18 things with her.

19 He also mentioned, several times, letters to other judges. I
20 think one in particular that comes to mind, especially given the fact that
21 he was talking about other events in this case, come up with Telia
22 Williams, who was sitting as a Pro Tem judge in this case in justice court.
23 He dropped off a similar letter to her, at her office, in November of 2019.
24 In addition to that, I think that he's also opened the door to the stay away
25 order that was ordered in the justice court, since he wanted to talk about

1 the parameters of what occurred within the TPO hearing and it,
2 ultimately, only going on for 30 days.

3 I believe that he's also, through his actions -- or through his
4 testimony, opened the door on the fact that he has been deemed a
5 vexatious litigant by the Eighth Judicial District Court, as well as that he's
6 previously filed appeals, out of the justice court, and has also been
7 banned from other courtrooms.

8 THE COURT: You want to go into, he -- that he's been
9 deemed a vexatious litigant? What does that have to do with this?

10 MR. DICKERSON: I think it has to do with when he's
11 discussing his intent, and his intent when he deals with the courts.
12 Specifically the vexatious litigant order, which we have a certified copy
13 of, indicates that Mr. Blandino's filings are repetitive and appear to be
14 filed merely for the purpose of harassment. So we have the court's
15 findings, previously, that Defendant is filing things and doing things
16 within the court, for the purpose of harassment. It goes outside the -- the
17 scope of what he's -- or outside of his proffered intent, which is just to
18 help the Commission on Judicial Discipline.

19 And then he knew, at the time, that he was banned -- he
20 knew, at the time when he was kicked out of Mr. Federico's courtroom
21 on that day, he'd already banned from other courtrooms. So this wasn't
22 something that was new to him, that he didn't -- didn't know could
23 happen. And that happened, specifically, in Judge Bare's court, where
24 he was also found in contempt. The Nevada Supreme Court denied the
25 repetition.

1 MR. BLANDINO: But they said I wasn't properly found in
2 contempt on the petition for rehearing. That's the basis on which you
3 got a letter for caution -- letter of caution.

4 MR. DICKERSON: I don't know where you stand on any of
5 that, Your Honor.

6 THE COURT: Well, I mean --

7 MR. DICKERSON: And where Defense counsel stands.

8 THE COURT: -- I don't know -- I don't know what the facts
9 are, relevant to Shannon Nordstrom, or Telia Williams, or what you
10 would go into. I mean, he obviously testified, on direct, that he's sent
11 these letters many times to different judges. So, I mean, I don't know
12 what the facts would be.

13 MR. DICKERSON: Yeah.

14 THE COURT: So can you make an offer of proof?

15 MR. DICKERSON: Yeah, so the offer of proof that we have
16 for Telia Williams, would be that, as follows, on November 25th, 2019,
17 Mr. Blandino called and left a message for Ms. Williams, at her office. As
18 then, in addition to that -- that same day, prior to calling and leaving the
19 message -- he dropped off two sets of paperwork to the receptionist
20 there, at her private law office, after she sat as a judge in the justice court
21 case related to this.

22 And I'll tell you what those are. The letter is Urgent Service
23 of Process to Telia Williams, on November 25th, 2019. He says that, to
24 Telia Williams, in her known capacity as Pro Tem judge, licensed
25 attorney, master in case A-19-797388B, and a female human being, from

1 Kim Blandino parens, in quotes, Kim, end quotes, end parens, in all Kim
2 Blandino's capacity, that being, in parentheses, believer in the Creator of
3 all things, and his only born son, Counsel for Kim Blandino in all legal
4 matters. as attorney for Kim Blandino, investigative journalist and
5 investigator of judicial misconduct and corruption, to which capacity Kim
6 has volunteered for and receives no pay or remuneration for, and who
7 tries to settle matters with offending judges to avoid having to file
8 complaints with the Nevada Commission on Judicial Discipline. Parens,
9 quotes, NCJD, end quotes, end parens.

10 Parens, this capacity, anyone has the power to do, under
11 Nevada Constitution and the NCJD has objected to my verbiage
12 describing the same. And the State has, in fact, charged Kim for
13 impersonating a public officer, which, charge is totally false. Kim
14 welcomes any suggestions as to shortened verbiage that describe what
15 Kim is doing, that adequately and specifically describes the same,
16 period, end parens, a male human being.

17 RE: Refusal to mail -- refusal of mail, which contains
18 important legal information. And that Telia must recuse from case 19-
19 797388B, the important legal mail that was refused on or about
20 September 4th, 2019, by Telia Williams.

21 THE COURT: Okay. Can you, like, just give me a summary
22 instead of reading? I mean --

23 MR. DICKERSON: Yeah.

24 THE COURT: Sorry.

25 MR. DICKERSON: Yeah.

1 THE COURT: I mean, it's just --

2 MR. DICKERSON: So, essentially, what he tells her is that he
3 needs her to recuse off a case that he believes that she is hearing, this
4 Apache Mills Tailings case. That, ultimately, is coupled with him saying,
5 Williams must now contact Kim to resolve these wrongs, without Kim
6 have -- having to go to the Commission on Judicial Discipline.

7 THE COURT: Okay. So the same --

8 MR. DICKERSON: Same thing.

9 THE COURT: -- type of thing?

10 MR. DICKERSON: Yeah.

11 THE COURT: And she's a Pro Tem, as well?

12 MR. DICKERSON: She is. She was, at least, at that time.

13 THE COURT: Okay. And so her private law office?

14 MR. DICKERSON: At her private law office.

15 THE COURT: Okay.

16 MR. BLANDINO: She didn't have any chambers here. And
17 she substituted --

18 MR. BATEMAN: Wait. Stop.

19 MR. BLANDINO: -- in for [indiscernible].

20 MR. BATEMAN: Stop.

21 THE COURT: Okay.

22 MR. BATEMAN: Stop.

23 MR. BLANDINO: Yeah.

24 THE COURT: And Shannon Nordstrom?

25 MR. DICKERSON: Yeah, Shannon Nordstrom would testify

1 that she's been contacted -- well, that --

2 THE COURT: What do you mean, "She would testify"?

3 MR. DICKERSON: So she would testify, in rebuttal, in this
4 case.

5 THE COURT: Oh, okay.

6 MR. DICKERSON: Yeah, that Mr. Blandino has had a history
7 of sitting in her courtroom, watching her, apparently, sending writings of
8 some sort to the court or to her. But that, on April 25th, 2019, Mr.
9 Blandino called her and left a voicemail -- which we have a copy of and
10 has been provided to Defense counsel -- indicating that she needed to --
11 to resolve the issues with [indiscernible]. He was reaching out to her
12 because he just had something going on with Mr. Federico. And so he
13 gave Mr. Federico a last opportunity to resolve things, so he wanted to
14 give her one, too, and make her aware of it. And then he sends her the
15 April 25th letter that he provided to Mr. Federico.

16 THE COURT: So what does she have to do with it?

17 MR. DICKERSON: Well, she --

18 THE COURT: I don't understand what she has to resolve with
19 him.

20 MR. DICKERSON: Yeah, I guess, whatever he had in his
21 mind that she did wrong.

22 THE COURT: Oh.

23 MR. DICKERSON: Yeah.

24 THE COURT: Okay.

25 MR. DICKERSON: Yeah.

1 MR. BLANDINO: Violations of the code.

2 MR. BATEMAN: Stop it.

3 MR. DICKERSON: So the Defendant has specified, on the
4 record, violations of the code.

5 THE COURT: Okay. All right. So you want to go into those
6 two things, and then the stay away order?

7 MR. DICKERSON: Yeah. I believe the stay away order has
8 become relevant, based upon Mr. Blandino insisting on testifying to the
9 events in the temporary protection order case --

10 THE COURT: Uh-huh.

11 MR. DICKERSON: -- that the temporary protection order was
12 extended for 30 days. And then, if at the completion of 30 days, they
13 stayed away from each other, then it wouldn't be extended. I think that
14 it's become relevant that there's been an ongoing stay away order that
15 said, as the pendency of this particular case, Mr. Blandino cannot contact
16 or go near Mr. Federico.

17 MR. BLANDINO: I'm sorry. I didn't quite catch that. Can I
18 have that repeated?

19 THE COURT: There's a stay away order, pursuant to his bail
20 conditions. So I know Mr. Blandino's aware of it. All right. And then the
21 vexatious litigant order is relevant, because --

22 MR. DICKERSON: That the court has found that his prior
23 filings were intended for -- to -- for harassment and not out of some
24 innate intent or desire to further the public good, as he testified was his
25 overall intent.

1 THE COURT: Okay. Are those all the issues you want to go
2 into on cross? I just want to make sure, before I ask --

3 MR. DICKERSON: We --

4 THE COURT: -- Mr. Bateman to respond.

5 MR. DICKERSON: We had the one, as well. And it -- and it
6 does -- it is related in this way. So both the -- the issue of the vexatious
7 litigant order, which related to the case that he filed the complaint on
8 Judge Herndon, where he was ultimately deemed a vexatious litigant.
9 And then the appeal into -- from another city case, into the district court,
10 in about 2014, where he was ultimately banned from the courtroom,
11 because he was representing other people. That was with Judge Bare,
12 and he's testified to that, that -- filing complaints on Judge Bare and
13 Judge Herndon. That's it. That's the totality of what I'd like to get into.

14 THE COURT: Okay. Mr. Bateman?

15 Mr. Blandino, you've got to let him respond to the Court.

16 MR. BATEMAN: Judge, I would say that he has not opened
17 up the door on --

18 THE COURT: Well, I mean, his character is clearly --

19 MR. BATEMAN: -- on these --

20 THE COURT: I mean, you agree --

21 MR. BATEMAN: Either --

22 THE COURT: -- when you put forth entrapment, his character
23 is clearly at issue?

24 MR. BATEMAN: I do. I understand that.

25 THE COURT: Okay.

1 MR. BATEMAN: The one thing I think that -- the vexatious
2 litigant, I think is different. I think anything regarding that would
3 mischaracterize his testimony that he files complaints with the
4 Commission, to make things a better -- I don't have my notes from what
5 he said. But whatever he said, to make the world a better place.

6 THE COURT: The public good.

7 MR. BATEMAN: So those -- along those lines, not
8 necessarily civil filings. And I think that would confuse the issues. And I
9 think anything related to a filing that's not in regards to complaining with
10 the -- you know, sending a complaint to the Commission. We've heard
11 from Mr. Deyhle, he has the right. Anyone has the right to file. And so I
12 think, as far as the vexatious litigant, it's -- it real -- it's prejudicial value, I
13 think, outweighs its probative value. And then I think it would confuse
14 jurors, because that vexatious litigant isn't related -- that designation as a
15 vexatious litigant is not related to his filings with the Commission, which
16 is specifically at issue here as it pertains to Mr. Federico.

17 Now -- so I understand his character is at issue. And I know I
18 was given these letters. I didn't bring, you know, 50 bankers boxes. But
19 I think if these letters relate to anything -- to anything other than a
20 complaint with the Commission, I think it risks confusion -- confusing the
21 jurors as to what his stated intent was, what she said, in regards to
22 complaints with the Commission, is to make things -- is to make things
23 better.

24 THE COURT: Well, would anything --

25 MR. BATEMAN: So --

1 THE COURT: -- related to Sharon Nordstrom or Telia
2 Williams --those were complaints relevant to him appearing in front of
3 them, correct?

4 MR. BATEMAN: Correct.

5 THE COURT: Okay.

6 MR. BATEMAN: So I mean, you know, at -- yes. And he
7 certainly helped Mr. Dickerson make his point, by not keeping his mouth
8 shut, so. But I do think the -- there's a difference to be drawn on the
9 vexatious litigant point, and it will be confusing to the jurors, and unfair
10 to Mr. Blandino.

11 THE COURT: Okay. Anything else, Mr. Dickerson?

12 MR. DICKERSON: No, Your Honor. We said all that.

13 THE COURT: Okay. I will allow you to go into these issues,
14 with the exception of the vexatious litigant issue. Although it may be
15 probative, I think any probative value would just be outweighed by unfair
16 prejudice. So you can go into the issues regarding -- I mean, I'm
17 assuming Shannon Nordstrom and Telia Williams are -- they're both Pro
18 Tems?

19 MR. DICKERSON: That's correct.

20 THE COURT: Okay.

21 MR. DICKERSON: Well, yeah, it would be a Pro Tem position
22 for Shannon Nordstrom. She's an appointed magistrate.

23 MR. BATEMAN: She was --

24 THE COURT: Okay. So she -- oh, the hear --

25 MR. BATEMAN: She was a traffic --

1 THE COURT: The hearing master?

2 MR. BATEMAN: I think her official title -- I know she does
3 appear in the municipal court. But I think it's hearing commissioner, or
4 traffic --

5 THE COURT: Okay.

6 MR. BATEMAN: -- commissioner, I believe, was her title, at
7 the time. I believe she's been appointed now in Department 6 in
8 municipal --

9 THE COURT: Okay.

10 MR. BATEMAN: -- court, to fill in for Hastings.

11 THE COURT: Okay. Anything else before we bring them in?

12 MR. DICKERSON: And so as part -- as the -- was your ruling
13 the same on the prior City of Las Vegas appeal that was filed and then
14 ultimately him being found in contempt and being banned from
15 courtroom?

16 THE COURT: It -- he -- in the City of Las Vegas, from muni
17 court?

18 MR. DICKERSON: So once he appealed up to district court.

19 THE COURT: Okay. On the traffic matter in front of
20 Mr. Federico?

21 MR. DICKERSON: No, this was --

22 THE COURT: Okay.

23 MR. DICKERSON: -- a separate matter coming out of the
24 City.

25 THE COURT: Okay.

1 MR. DICKERSON: I have a certified order of contempt and
2 recusal here.

3 MR. BATEMAN: Yeah, what is this from?

4 THE COURT: And that happened in the City of Las Vegas?

5 MR. DICKERSON: So it happened in the Eighth Judicial
6 District Court.

7 THE COURT: Okay.

8 MR. DICKERSON: But the case that he appealed was out of
9 the City of Las Vegas.

10 THE COURT: Oh, okay. And then it came here?

11 MR. DICKERSON: Yes.

12 THE COURT: And so -- during his appeal, hearing?

13 MR. DICKERSON: During his appeal hearing.

14 THE COURT: Okay.

15 MR. DICKERSON: Yes, he was found in contempt. And
16 Judge Bare recused.

17 THE COURT: Okay.

18 MR. DICKERSON: [Indiscernible]

19 MR. BATEMAN: What's the -- I'm sorry, so this --

20 MR. DICKERSON: Actually, this should be in --

21 MR. BATEMAN: I didn't catch all of that.

22 MR. DICKERSON: This should be your copy of that for the
23 Court to review.

24 MR. BATEMAN: Okay.

25 MR. DICKERSON: Let me just double-check. Sorry. Yeah.

1 May I approach, Your Honor?

2 THE COURT: You may. Thank you.

3 MR. BLANDINO: You don't have that petition for rehearing,
4 Mike? Because they said it was not properly found in contempt. They
5 just let the 25-foot thing stand, that's all. But they said it was not
6 properly found.

7 MR. DICKERSON: They denied your writ.

8 MR. BLANDINO: That doesn't mean that that negates what
9 they found that they -- it wasn't properly found in contempt. Can I get
10 my phone from up there, Judge? I had left it on the stand thing.

11 THE COURT: Sure.

12 THE MARSHAL: I'll get it, Your Honor. Is this it, Mr.
13 Blandino?

14 MR. BLANDINO: Yeah, that's it. Thank you. Thank you.

15 THE MARSHAL: You're welcome.

16 THE COURT: Okay. So Judge Bare said, you can't come in
17 this courtroom. And then he recused on Mr. Blandino's appeal. And you
18 want to go into this, because --

19 MR. DICKERSON: I want to go into this, essentially, to show
20 that, you know, he's previously filed appeals in the City of Las Vegas
21 cases before, and that he -- he knew the process. He knew the -- he knew
22 the recourse. And, there, I mean, it was dismissed as well. But in
23 addition to that, he'd also been banned from the courtroom before. He'd
24 also been kicked out of the courtroom before and held in contempt
25 before. So he -- these were not uncharted waters for him.

1 THE COURT: Okay. Mr. Blandino? Remember?
2 MR. BATEMAN: Your Honor --
3 THE COURT: -- let him speak.
4 MR. BATEMAN: -- I'm struggling to --
5 THE COURT: Because I've got --
6 MR. BATEMAN: -- see the --
7 THE COURT: -- to be able to communicate with Mr.
8 Bateman.
9 MR. BATEMAN: -- the relevance.
10 THE COURT: But you're in his ear, talking.
11 MR. BATEMAN: It's been -- we'd -- we have it already on the
12 record here that he appealed this case, that it was denied. I don't know --
13 I mean, that -- if they're offering that -- this to indicate he knows the
14 proper procedure to appeal, that's already been --
15 THE COURT: Yeah. I'm not --
16 MR. BATEMAN: -- established.
17 THE COURT: -- going to allow them to go into this issue --
18 MR. DICKERSON: Okay.
19 MR. BATEMAN: Okay.
20 THE COURT: -- with Judge Bare.
21 MR. BATEMAN: Thank you.
22 MR. DICKERSON: Thank you, Your Honor.
23 THE COURT: Is there anything else?
24 MR. DICKERSON: No, that's it. Thank you very much.
25 THE COURT: Okay. You got it. Can we bring them in? So,

1 Mr. Blandino, you can come back up on the witness stand. Thank you.
2 And you can bring the panel in.

3 MR. DICKERSON: Before they come back in. There's one
4 other thing, Your Honor.

5 THE COURT: Okay.

6 MR. DICKERSON: As part of reciprocal discovery, Mr.
7 Blandino provided me a copy of the Commission on Judicial Discipline
8 complaint that he filed against Mr. Federico. He filed that in August
9 2019. I obtained this from Defendant and his counsel. And what I will be
10 getting into here, just so the Court's aware, is that throughout this
11 complaint they filed, after this case existed, Mr. Blandino repeatedly and
12 specifically asked the Commission for Judicial Discipline for immunity,
13 over and over and over again. He asked --

14 THE COURT: Oh, for immunity in this case?

15 MR. DICKERSON: In this case.

16 THE COURT: Well, they obviously can't do that.

17 MR. DICKERSON: They have the -- they have legal authority
18 to do that, under --

19 THE COURT: To --

20 MR. DICKERSON: -- the law.

21 THE COURT: To grant immunity --

22 MR. DICKERSON: Yeah, to grant --

23 THE COURT: -- in this specific case?

24 MR. DICKERSON: Yeah.

25 THE COURT: Okay.

1 MR. DICKERSON: It -- that's my read of it, actually.

2 THE COURT: Okay.

3 MR. DICKERSON: So I'll get into the date, and I'll get into
4 him asking for an interview.

5 MR. BLANDINO: What is being implied here --

6 THE COURT: Okay.

7 MR. BLANDINO: -- or inferred?

8 THE COURT: Okay. We can bring them in. You can bring
9 them in.

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

11 [Jury in at 3:26 p.m.]

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

13 THE COURT: Does the State stipulate to the presence of the
14 jury panel?

15 MR. DICKERSON: We do, Your Honor.

16 THE COURT: And the Defense?

17 MR. BATEMAN: Yes, we do.

18 THE COURT: Okay. Thank you. Mr. Dickerson, you may
19 begin your cross-examination.

20 MR. DICKERSON: Thank you very much.

21 CROSS-EXAMINATION

22 BY MR. DICKERSON:

23 Q Mr. Blandino, you're not an investigator for the Commission
24 on Judicial Discipline?

25 A I'm an unofficial investigator, yes.

1 Q So are you telling this jury that you are an investigator for
2 the Commission on Judicial Discipline?

3 A Unofficially, yes.

4 Q No, you're not, sir, right? You've sat --

5 A No --

6 Q -- here --

7 A -- that's not true.

8 Q -- and heard the -- you heard the testimony of Paul Deyhle,
9 the same as I did, right? That you are not, and you never have been an
10 investigator for the Commission on Judicial Discipline, correct?

11 A He wasn't --

12 Q Correct?

13 A He wasn't specific.

14 Q It's a yes or no question, sir.

15 A What -- repeat the question?

16 Q The question is, you are not, and you never have been an
17 investigator for the Commission on Judicial Discipline?

18 A I disagree. I'm an unofficial one.

19 Q You are absolutely not, and that's bottom line. Are you
20 going to agree with me on that?

21 A No, I don't agree with you. I disagree 100 percent.

22 Q Okay. You're also not an attorney, right?

23 A I'm an attorney in fact, for myself, when I appear for myself.
24 And I'm an attorney in fact, for Evelyn Pendergraft, both by regular
25 attorney and power of attorney, and for her durable healthcare power of

1 attorney. I'm attorney in fact, which is different than an attorney at law.
2 But in terms of, I can represent her, I can sign for her.

3 Q That's good.

4 A I can sign medic for -- medical --

5 Q So you can --

6 A -- so on and so forth.

7 Q So you can't admit to this jury that you're not an attorney,
8 right? You can't admit to them that you're not an attorney?

9 Q I'm an attorney in fact, for myself, when I represent myself.

10 Q Okay. But you're not an attorney, correct?

11 A I'm not a licensed lawyer.

12 Q Okay. And you're not an investigator for the Commission on
13 Judicial Discipline --

14 A Unofficially --

15 Q -- correct?

16 A -- I am, yes. Sorry, disagree.

17 Q So you can't admit to this jury that you're not an attorney?

18 A I'm not going to admit to something that's not true. I'm
19 sworn to tell -- not sworn. I promised I would tell the truth, the whole
20 truth, and nothing but the truth. And you're trying to bury me with half-
21 truths.

22 Q Okay. So, in fact, the Commission on Judicial Discipline has,
23 in fact, sent you a letter, a cease and desist letter, that said, stop calling
24 yourself an investigator for the Commission on Judicial Discipline?

25 A And which I cured --

1 Q Is that a yes --
2 A -- with a response.
3 Q Yes or no, sir.
4 A Did they send that letter; is that what you're asking?
5 Q Yes.
6 A Yes, they sent that.
7 Q Okay.
8 A And I received it from jail.
9 Q You've never received any training from the Commission on
10 Judicial Discipline, correct?
11 A Not official training. Unofficial training.
12 Q You have never been to any sort of work function for the
13 Commission on Judicial Discipline?
14 A Define work function?
15 Q Where they train their employees.
16 A In what venue are you talking?
17 Q It's a no, right?
18 A Well, I just want to know. I want clarification. It seems like a
19 ambiguous question you're answering --
20 Q Okay
21 A -- asking.
22 Q All right. So you admit to doing everything in this case,
23 right?
24 A "Admit to doing everything," what does that mean?
25 Q Well --

1 MR. BATEMAN: Your Honor, I'm going to object. He --

2 THE COURT: All right. The objection's sustained.

3 BY MR. DICKERSON:

4 Q Well, I guess, then, we'll just go through each one, right? So
5 you admit to, on April 8th, 2019, going to Mr. Federico's private law
6 office at 9950 --

7 A I'm sorry, no --

8 Q -- West Cheyenne?

9 A -- I don't agree.

10 Q Please let me --

11 A Public --

12 Q -- finish my question, sir.

13 A It's a public law office.

14 Q Please let me finish --

15 A Open to the public.

16 Q Please let me finish my question --

17 A Yeah.

18 Q -- before you answer, okay?

19 A Okay.

20 Q So you admit to going to Mr. Federico's private law office, on
21 April 8th, 2019?

22 A I didn't go into his particular office; I went into the reception
23 area. I never made it past the reception area.

24 Q Okay. So that's a yes?

25 A No, it's not, here. It's a bad question. I went to the reception

1 area of those offices. And even as he testified, he never came out from
2 that little hideaway thing he had, whatever he called it.

3 Q Okay. You were there for a while, correct?

4 A Writing that note, yes.

5 Q And, in fact, you did write the note?

6 A Sure. That's not denied.

7 Q Okay. Like I said --

8 A In my sloppy handwriting --

9 Q -- I'm just confirming that --

10 A -- I wrote that note.

11 Q I'm confirming that you're admitting to everything.

12 A No, I'm not admitting to everything. I mean, now, see, you're
13 -- you're restructuring what you asked. I'm --

14 Q Okay. I'm showing you here --

15 A You said you were going to one by one.

16 Q -- State's Exhibit 3 --

17 A Okay.

18 Q -- right? Is that the note you wrote?

19 A No --

20 Q Is that a --

21 A -- it's a --

22 Q -- copy?

23 A -- copy of the note that I wrote, to be specific.

24 Q Okay.

25 A And I think it was green paper, is the original. Is that green

1 on the screen that you're showing?

2 Q It's not, sir.

3 A I think it was green

4 Q Okay.

5 A Yeah --

6 Q So is this --

7 A -- that's a copy of the note.

8 Q Is this a copy of the note that you wrote on --

9 A Yes.

10 Q -- April 8th, 2019?

11 A Right.

12 Q It is?

13 A Yeah, it's -- it looks like a true and correct copy.

14 Q Okay.

15 A Yeah.

16 Q And at the top, you identify yourself, Kim Blandino, right?

17 A Right.

18 Q You identify your email address, kim43792@earthlink.net --

19 A Yes.

20 Q -- correct?

21 A Uh-huh.

22 Q Again, you've got to let me finish my question before you

23 answer, sir, okay?

24 A Oh, I thought you were through. Sorry.

25 Q Okay.

1 A I apologize.

2 Q And you identify your phone number, 702-219-5357?

3 A No, that's a 6.

4 Q 5657. That's right.

5 A Yeah, it's my sloppy handwriting.

6 Q You wrote that?

7 A Yep.

8 Q And you wrote the rest of this note, correct?

9 A Yeah, I don't see any alterations at all.

10 Q Okay. You addressed it to Michael Federico, Pro Tem judge,

11 alternate judge --

12 A Yeah.

13 Q -- City of Las Vegas?

14 A Yeah. See, he's got a title, alternate --

15 Q It's a yes --

16 A -- judge.

17 Q -- or no, sir.

18 A Yeah. Yeah. That's what I wrote, yeah.

19 Q Okay. In addition to that, you began off -- you begin this note

20 off, "I am ready to begin filing my complaint against you," right?

21 A Right. Right, right.

22 Q Okay. Right down here, you indicate, "I'm going to give you

23 an opportunity to negotiate settlement;" is that right? You wrote that?

24 A Yeah.

25 Q "Please let me know within the next ten days," correct?

1 A Yeah.

2 Q And then you tell about your past two complaints to the
3 Commission on Judicial Discipline, right?

4 A Right.

5 Q And you signed that. Is that your signature right there?

6 A Yes.

7 Q And your phone number?

8 A Well, it's a --

9 Q It's --

10 A -- copy of my signature, to be specific.

11 Q What is there, on the paper, is your signature, right?

12 A Yeah --

13 Q Okay.

14 A -- that's a copy of my signature, yeah.

15 Q It's a copy of the paper that had your signature on it?

16 A Yeah, I mean, what I'm looking at is a copy of my signature,
17 right. Yeah.

18 Q Yeah, so it's your signature.

19 A Yeah.

20 Q Yeah. And then your phone number --

21 A Right.

22 Q -- 702-219-5657?

23 A Yeah.

24 Q There's also the -- that sticky note, right, on the second page
25 of that? Is that a copy of that --

1 A Yeah, I asked her --
2 Q -- sticky note?
3 A -- for a sticky note, and I put that on there.
4 Q And you said you got the JAVS?
5 A Yeah. She didn't know how to spell that, what that was,
6 Jefferson Audio Visual Systems.
7 Q Okay. And so you admit to that?
8 A Yes.
9 Q Okay. And then you admit to, on April 25th, 2019, going to
10 Mr. Federico's courtroom?
11 A No.
12 Q You just testified to that.
13 A It's not Mr. Federico's courtroom. He's only temporarily
14 there.
15 Q Okay. So --
16 A I looked through the window and I saw that he was --
17 Q I'm going to stop --
18 A -- on the bench.
19 Q -- you right there.
20 A Yeah.
21 Q I'll do the questioning.
22 A Okay.
23 Q You're no longer testifying --
24 A All right.
25 Q -- in the narrative, okay?

1 A Okay. I just want to be accurate --

2 Q Hey, me, too.

3 A -- and so the readers, they're clear.

4 Q That's good.

5 A Yeah.

6 Q Thank you.

7 A Yeah.

8 Q This is the way it's going to go.

9 A Right.

10 Q Now you're going to get questions.

11 A Well, if --

12 THE COURT: Mr. Blandino --

13 MR. DICKERSON: Stop.

14 MR. BLANDINO: Okay.

15 MR. DICKERSON: Stop.

16 MR. BLANDINO: I'm sorry.

17 THE COURT: Wait for the question.

18 BY MR. DICKERSON:

19 Q Okay. And so Michael Federico was sitting as a Pro Tem

20 judge, on April 25th, 2019, right?

21 A Well, actually alternate judge. I found out later, alternate

22 judge --

23 Q Okay.

24 A -- is the title there.

25 Q Okay. So you'd agree with me, yes?

1 A Agree with you what?

2 Q Yes, Michael Federico was sitting as an alternate or Pro Tem
3 judge that day, correct?

4 A In courtroom IC on 20 --

5 Q Yeah, on --

6 A -- yes.

7 Q -- April 25th.

8 A Well, actually --

9 Q It's, April 25th, 2019, yes?

10 A Yeah, I think it was that morning. I don't think he did the
11 afternoon session.

12 Q Okay. And you go to that courtroom where he was sitting as
13 a judge, right?

14 A Uh-huh.

15 THE COURT: Is that a yes?

16 BY MR. DICKERSON:

17 Q Is that a yes?

18 A Yes. Oh, I'm sorry.

19 Q You can see, before you enter the courtroom, that he's, in
20 fact, sitting there as a judge, right?

21 A Oh, yeah, yeah. I saw, before I got up to the front, yeah.

22 Q Okay. You go into the courtroom, and you sit down, right?
23 Is that a yes?

24 A Yes. I'm sorry. I'm sorry.

25 Q Okay. And you said that you'd been, like, doing all kinds of

1 stuff throughout the courthouse?

2 A Right. I was -- several, several locations -- more than several.

3 Q And so when you come to the courthouse that day, you're
4 just going all over the place?

5 A I had -- I believe I had business to do on one or two locations
6 -- the cashier, specifically. I mean, if you want me to refresh my
7 recollection, I could look at that document again. But -- and then I would
8 -- when I go to the courthouse, some things like that, I kind of let, kind of,
9 God lead me as to where to go, what courtroom. And I just -- the
10 marshal's, kind of, perplexed; where you going next, Mr. Blandino, he
11 asked. It was John Gurka [phonetic], on that day -- real nice guy.
12 Anyway, so I [sic] said, where you going next? And I said, well -- and
13 then I would move here or there, depending on how the Spirit moved
14 me.

15 Q Okay. And so this day, it led you to Mr. Federico's
16 courtroom, right?

17 A Right.

18 Q And --

19 A I was surprised to see him there.

20 Q -- did you come through the security check gate when you
21 came in?

22 A You mean, where the scanners are and everything?

23 Q Yeah.

24 A Oh, yeah, yeah.

25 Q Okay. And when you go through there, do you have to take

1 your belt off, like everybody else?

2 A When I'm wearing a belt, yeah.

3 Q Okay. Do you have to take your shoes off, like everybody
4 else?

5 A Yeah. Then, you'd have to take shoes off. But now, you
6 don't. So --

7 Q Okay.

8 A They have modified that, subsequently.

9 Q Okay. And, in fact, you wear shoes that tie, generally, right?

10 A Generally? I'm trying to think about that. You mean, as
11 opposed to, like, Velcro or something --

12 Q Yeah.

13 A -- like that?

14 Q Yeah.

15 A Yeah, mostly they tie. But sometimes I can slip off my tied
16 shoes and then slip them on like they're slip-ons.

17 Q Okay.

18 A Yeah.

19 Q But you usually tie them?

20 A Yeah.

21 Q Okay.

22 A I think that's fair.

23 Q And when you walk into Mr. Federico's courtroom that day,
24 you have this grey tray in your hand; what is that?

25 A Uh-huh. I thought I explained that. What oftentimes I do,

1 because it takes quite a bit of time to put the wallet, belt, and all that
2 stuff, I found that I'm usually waiting in line somewhere along the way,
3 or in waiting, or on the elevator, I can dress while I'm there. It's kind of a
4 time-management thing, so, you know. And I, kind of, make a joke to
5 different people when I see -- you know, it's kind of time management.
6 And then as soon as I can find my way back, you know, if -- in my travels,
7 I'll drop the container off. Sometimes, I don't drop it off until I go out the
8 exit and I go, like, under the rope and I put it on the table, so it saves
9 somebody the effort of --

10 Q So it's fair to say --

11 A Yeah.

12 Q -- that that grey bin came from security checkpoint?

13 A Yeah. Sometimes, I bring my own.

14 Q Oh, you bring your own security checkpoint bin to the --

15 A Yeah, a grey bin.

16 Q -- courthouse?

17 A Yeah, I'd done that a couple times.

18 Q Okay. But not this day?

19 A No. Not to my recollection, no.

20 Q Okay. The one that you had there that day --

21 A Yeah.

22 Q -- was, in fact, yours? I'm going to publish, for the jury,
23 State's Exhibit 31.

24 [Whereupon, a video recording, State's Exhibit 31 was played in
25 open court at 3:39 p.m., not transcribed.]

1 BY MR. DICKERSON:

2 Q This appears to be April 25th, 2019?

3 A Right.

4 Q Okay.

5 [Video paused at 3:39 p.m.]

6 BY MR. DICKERSON:

7 Q

8 Pausing it right there. One second in. Your shoes are still untied
9 from the security checkpoint; isn't that right?

10 A Are they? I don't know if I didn't tie them or they got -- you
11 know, sometimes those laces come loose.

12 Q Oh, okay. We'll just play it.

13 [Video resumed at 3:40 p.m.]

14 MR. BLANDINO: It looks like just the one shoe laces are
15 loose, right?

16 BY MR. DICKERSON:

17 Q Oh, yeah, both of them?

18 A No, I'm saying, it looks like just one shoe the laces are loose.

19 [Video ended at 3:40 p.m.]

20 BY MR. DICKERSON:

21 Q Okay. Well, the jury can watch that and judge that for
22 themselves.

23 A Okay.

24 Q And then, you admit to being kicked out of that courtroom,
25 correct?

1 A Well, I think best evidence, as you say, it shows that that's
2 what happens.

3 Q I didn't ask what the video showed. I asked; you admit to
4 that, right? You admit to being kicked out of that courtroom, right?

5 A Are you asking me to determine whether this is an altered
6 video or not?

7 THE COURT: No, he's not.

8 BY MR. DICKERSON:

9 Q I'm asking you; you admit to being kicked out of the
10 courtroom, sir, correct?

11 A Well, not literally kicked. He -- no one took a shoe and kicked
12 me out. But they said -- he said, get out in ten seconds. or you'll be
13 found in contempt.

14 Q And he said it's because you came to his private law office,
15 right?

16 A That's what he said on the video, right.

17 Q That's --

18 A Because you came to --

19 Q No, no.

20 A -- my private law office.

21 Q That's what he said in real life, when you were there, right?

22 A He --

23 Q He told you, get out of my courtroom, because you came to
24 my private law office, right?

25 A No, I don't think so.

1 Q It's a yes or no question, sir.

2 A No, he didn't say it that way.

3 Q Okay.

4 A What he said was, because you came to my private office,
5 you can't be here today, I think. That's pretty close.

6 Q Okay.

7 A A little better. I mean, it's --

8 Q And so, then, you tell --

9 A -- nuanced.

10 Q -- him, you're out of order?

11 A Well, I think I said, first, I think that's not true. And then I
12 said, later, that's out of -- yeah, I think you're out of order.

13 Q Okay.

14 A Yeah.

15 Q But, in fact, it is true, you did go to his private law office, on
16 April 8th, 2019?

17 A No, I --

18 Q You've already --

19 A Well, what --

20 Q -- admitted to it, right?

21 A No, what I was saying is, I don't think that's true, that you can
22 kick me out, is what I was trying to get across.

23 Q Okay. Because it is for sure true that you went to his private
24 law office, on April 8th, 2019?

25 A No, I have that transcript, if you'd like me to show it.

1 Q It's a yes or no, sir.

2 A What's -- what was the question again?

3 Q You did go to his private law office, on April 8th, 2019?

4 A No, I went to a public office, and I went to the reception area.

5 I don't know why you want to --

6 Q Okay.

7 A -- keep mischaracterizing that. I've being very clear on that

8 issue.

9 Q Okay. And then --

10 A His office --

11 Q -- so you would -- hey.

12 A -- is at the [indiscernible] back [indiscernible].

13 Q There's no question pending.

14 A Yeah.

15 Q And so you admit to all of that, the events of April 25th, 2019

16 at the courthouse, right?

17 A Yeah, that, and he said -- and he said, don't stalk --

18 Q Okay.

19 A -- people.

20 Q It's a yes?

21 A Yeah.

22 Q And he said, don't stalk people?

23 A Right.

24 Q And that was what you heard that day?

25 A Right.

1 Q Okay. And so you then admit, to this jury, you go home,
2 right?

3 A No.

4 Q At some point in time that day, you go home?

5 A No, but right from there, I go to make a customer feedback
6 form. I testified to that.

7 Q Okay.

8 A Are you testing my memory?

9 Q After your customer feedback form --

10 A Yeah?

11 Q -- you go home?

12 A Right.

13 Q And then you get on your computer?

14 A Well, yeah, I started typing on it.

15 Q And you start typing the letter of April 25th, 2019; is --

16 A Right.

17 Q -- that right?

18 A And then, in the afternoon, you go back to Mr. Federico's
19 private law office at 9950 West Cheyenne?

20 A Yeah, I don't want to wait for the mail. I wanted to get it right
21 there.

22 Q That's a yes?

23 A Yes.

24 Q You go up there with this letter that you typed and attached
25 the customer feedback form?

1 A Right.

2 Q And in addition to that, you've also included two letters from
3 the Commission on Judicial Discipline?

4 A Right.

5 Q That you say are from previous complaints you filed?

6 A Yeah, against Judges Bare and Herndon.

7 Q Okay. Because you want to make sure that Mr. Federico
8 knows that you're serious, right?

9 A No, I don't think that's what I demonstrated. I wanted to
10 show him that I wasn't filing frivolous complaints.

11 Q Okay. So --

12 A So I think it's different --

13 Q So --

14 A -- between saying serious --

15 Q -- it wasn't enough --

16 A -- and frivolous.

17 Q -- when you wrote in your note, my past two resulted -- my
18 past two complaints to the Commission on Judicial Discipline resulted in
19 letters of caution. You wanted to make sure that he saw the letters that
20 you got back from the Commission on Judicial Discipline, right?

21 A Well, anybody can make an allegation --

22 Q It's a yes or no.

23 A Yeah -- the -- are you -- now, repeat the --

24 Q You wanted to --

25 A -- question then?

1 Q -- make sure Mr. Federico saw the letters that you got from
2 the Commission on Judicial Discipline, right?

3 A Well, I think that's why I included them, sure.

4 Q Okay. And so you go up there and you drop off the letter of
5 April 25, 2019, right?

6 A Uh-huh.

7 Q And that's what I have on the screen here, a copy of that,
8 State's Exhibit 4. Is that the letter?

9 A Yeah, that's a copy of it.

10 Q Okay. Let me go ahead and just zoom in a bit here so you can
11 see it a little bit better. There at the top, you put the date, right?

12 A Right.

13 Q April 25th, 2019; is that correct?

14 A Right.

15 Q And then you address it to Michael Federico, in his capacity
16 as a judge Pro Tempore, correct?

17 A Right. And I -- that was another screw up. I should've put
18 alternate judge --

19 Q So --

20 A -- because if he was a judge Pro Tempore, that would be
21 when he sits on the justice court --

22 Q Okay.

23 A -- so -- or justice Pro Tempore. But he's -- alternate judge is
24 his title in the City.

25 Q In his capacity as a judge, right?

1 A Yeah. Yeah, yeah.

2 Q Okay. And then from there you say that it's from you --

3 A Right.

4 Q -- is that right?

5 A Right.

6 Q And then you title it. You title this letter, Desire Not to Have
7 to File Formal Complaint with Nevada Commission on Judicial
8 Discipline?

9 A Right.

10 Q And you abbreviate the Nevada Commission on Judicial
11 Discipline, NCJD?

12 A Yeah, I always do it in that form because it's easier than
13 writing Commission.

14 Q Right. So throughout your letters that you've provided, and
15 that are in evidence in this case, every time you said NCJD, it's the
16 Nevada Commission on Judicial Discipline, right?

17 A Uh-huh.

18 THE COURT: Is that a yes?

19 MR. BLANDINO: Oh, I'm sorry. Yes.

20 THE COURT: Thank you.

21 MR. BLANDINO: Sorry, Judge.

22 BY MR. DICKERSON:

23 Q And then, here, on the second paragraph here, you indicate
24 that you are an unpaid volunteer investigator for the Nevada
25 Commission on Judicial Discipline?

1 A Yeah, to investigate judicial misconduct and corruption, yes.

2 Q But you're, in fact, not an investigator for the Commission on
3 Judicial Discipline?

4 A No, I'm an unofficial investigator. That's not true. I -- why do
5 you keep repeating that? I mean, that's been asked and answered, I
6 think. I'm unofficial.

7 THE COURT: Okay. Well I'll determine that.

8 MR. DICKERSON: Okay.

9 MR. BLANDINO: Oh, I'm sorry.

10 THE COURT: So you need to answer --

11 MR. BLANDINO: Yeah.

12 THE COURT: -- the question.

13 MR. BLANDINO: No, I -- that's not -- that -- I -- it is true that I
14 do that, but I do it unofficially. Which, now, is what I say, you know,
15 more clearly, in brackets I put, which means, unofficial. So it -- it's
16 absolutely clear then, that I'm not an official, nor trying to pretend to be
17 an official officer, agent, or employee of them. That's what I thought
18 unpaid, and volunteer would mean to a average person, I mean, of
19 average understanding.

20 Q I mean --

21 A I mean, I'm an unpaid volunteer firefighter, too. I fought
22 some fires and put them out. I'm an unpaid volunteer --

23 Q Are you an --

24 A -- neighborhood watch --

25 Q -- unpaid volunteer detective for --

1 A Yes.

2 Q -- the Las Vegas Metropolitan Police Department?

3 A No.

4 Q Okay.

5 A No, I work with them, though, on occasion.

6 Q Okay.

7 A I provide them information.

8 Q Yeah. Listen.

9 A I did, just the other day. I made a 311 call.

10 Q You made sure to tell them that you were there, in that

11 capacity, as a unpaid volunteer investigator for the Nevada Commission

12 on Judicial Discipline, correct?

13 A Right, to investigate judicial misconduct and corruption,

14 yeah.

15 Q Sure.

16 A Yeah.

17 Q And, in fact --

18 A But also an investigative reporter, which I've got proof of.

19 Q And, in fact, you could've just said that you're an unpaid

20 volunteer investigator to investigate judicial misconduct and corruption,

21 right?

22 A Well, I -- yeah.

23 Q It wouldn't be the same --

24 A I -- you say I could've --

25 Q -- right?

1 A It -- your question is, I could've said that?

2 Q Yeah.

3 A Well, I could've said a lot of things or written --

4 Q But you didn't --

5 A -- a lot of things, yeah.

6 Q -- right? You said that you're an investigator for the

7 Commission on Judicial Discipline, right?

8 A Well, if --

9 Q It's a yes or no, sir.

10 A Yeah, I did.

11 Q Okay

12 A I did put that there.

13 Q Then you admit to coming to his law office to see if he could

14 -- you could meet him man to man, and see if you could resolve the

15 complaint without having to use the scarce judicial resources of Nevada

16 Commission on Judicial Discipline resources, right?

17 A I think I said, publicly listed offices there, it looks like to me.

18 Q Is that a yes, then?

19 A To see if I can meet you man to man, yeah. Publicly listed

20 offices, yes.

21 Q Indicating that you wanted to do it without having to use the

22 Commission on Judicial Discipline resources, correct?

23 A Right, which indicates that I'm not really an official of them.

24 Q Oh, yeah?

25 A Yeah.

1 Q So you go on here. So to avoid having the Nevada
2 Commission on Judicial Discipline subject this complaint to their
3 protocols, I once again reach out to you to resolve this matter between
4 you and I, or your attorney, if you wish any intermediary; is that right?

5 A Yep. Yes. Which, their protocols, not our protocols. If it was
6 -- I was official, it would've meant, our protocols. So, clearly, that --
7 they're separate from me, in terms of officially, you know, because I'm
8 unofficial.

9 Q You go on. I believe you should seriously consider
10 resigning, right?

11 A Yes. Uh-huh. Because I don't think he has the temperament.

12 Q We should meet and see if these matters can be settled for
13 all concerned and for a multitude of reasons, as cited, in part, above --

14 A Right.

15 Q -- right?

16 A Yeah, because --

17 Q So --

18 A -- because you can't -- you can't do something in a letter
19 when you can meet face to face and do thing -- that was -- is -- what was
20 important, is a meeting. So you can have a meeting of the minds, you
21 know? You know, paper -- I'm old school.

22 Q Okay.

23 A I -- you know --

24 Q There's no --

25 A -- paper is --

1 Q -- question pending, sir.

2 A Yeah. Okay. Sorry.

3 Q And so do you remember when you testified, during your
4 initial direct testimony, and you said, they just told me never to come
5 back. That would've been it, right? I would've just filed my complaint
6 and been gone?

7 A Right.

8 Q And you admit that, on April 25th, 2019, in the morning, Mr.
9 Federico, sitting as a Pro Tem judge, kicked you out of his courtroom
10 because you came to his private law office, and told you not to stalk
11 people, correct?

12 A No, I don't agree.

13 Q Okay.

14 A That's a compound question. I can't answer that with a yes
15 or no.

16 Q Okay. So you don't agree, is your answer?

17 A No, it's a compound question. I can't answer it as asked.

18 Q Well, you already answered it. And then --

19 A Public law --

20 Q So you would --

21 A -- offices.

22 Q -- admit -- you admit to the events of April 25th, 2019; is that
23 right?

24 A Admit to --

25 MR. BATEMAN: I'm sorry, what was the --

1 THE COURT: All right.

2 MR. BATEMAN: So --

3 THE COURT: I mean, is --

4 MR. BATEMAN: What --

5 THE COURT: -- this seems to be asked and answered several
6 times.

7 MR. BLANDINO: It does, to me --

8 MR. BATEMAN: Oh --

9 MR. BLANDINO: -- too, as well.

10 THE COURT: Mr. --

11 MR. BLANDINO: I agree.

12 THE COURT: -- Blandino.

13 BY MR. DICKERSON:

14 Q Okay. We'll go back to that then. We'll go back to State's
15 Exhibit 4. Here is this the customer feedback form that you attached to
16 your April 25th letter?

17 A It's a copy of it, it looks like.

18 Q Here, on the customer feedback form, you said your business
19 in court, investigative journalist and investigating judicial misconduct,
20 right?

21 A Right.

22 Q You didn't write that I am a volunteer investigator for --

23 A Well, you can see there's not a lot of --

24 Q Hey.

25 A -- space there.

1 Q Hey. No question yet, sir.

2 A Oh, I'm sorry.

3 Q You did not write that I am a volunteer investigator for the
4 Nevada Commission on Judicial Discipline in this document that you
5 gave to the court, did you?

6 A No, I didn't.

7 Q Okay. And you go on to discuss the events, in a series of
8 pages, of April 25th, 2019 that occurred in the courtroom; is that right?

9 A Let me get you to scroll up and flip through a thing. I think it
10 was eight pages, or something like that. Was -- how many pages was it?
11 You said several. Two, three -- I didn't number these, did I? Four. I'm
12 not seeing -- oh, there it is. There's the numeral, numeral five. Was it
13 eight? Several, to me, always seems like it's five. I don't know why. Six,
14 seven, eight. Yeah, eight pages. Is there another one? And then the
15 exhibits. Yeah, I was right, in my memory. That's pretty good. Not bad
16 for an old --

17 Q Okay.

18 A -- an old guy.

19 Q And then we go to the back pages.

20 A Right. The exhibits.

21 Q And we look to the -- the last exhibit, these two letters that
22 you attach --

23 A Uh-huh.

24 Q -- from the Commission on Judicial Discipline, right?

25 A Yes.

1 Q The ones that you previously referenced in your note of April
2 8th, 2019, right?

3 A Right. Right. That's true. That's the ones I was referencing.

4 Q Okay. You just wanted Mr. Federico to see this, right? Is --
5 it's yes or no.

6 A I'm sorry. Repeat that question.

7 Q You just wanted Mr. Federico to see this, right?

8 A Yeah, it -- I wanted him to see it. I had -- I'd put the notation
9 up there, Herndon complaint, and then Bare complaint on the other.

10 Q So we'll get to that.

11 A Yeah.

12 Q So you write Herndon complaint on this?

13 A Right.

14 Q And then on the next one, you write Bare complaint --

15 A Right.

16 Q -- is that right? Because the Commission on Judicial
17 Discipline didn't tell you that here, this first one, was a complaint that
18 you filed on Judge Herndon, right?

19 A Yeah, they just go by the case numbers there. So I have to
20 look at the original letter I put the complaint on. They said, here's your
21 number. And then when they referred to it there, they have the RE case
22 number, then you know which one that refers to. But I don't know if they
23 did that for that confidential real -- so that if somebody got a copy of that
24 letter, they can't tell. I'm guessing that's why.

25 Q In fact, it is --

1 A Yeah.

2 A -- confidential --

3 A Yeah.

4 Q -- right?

5 A As --

6 Q Both --

7 A As far as they're concerned.

8 Q They --

9 A -- yeah.

10 Q Both of these --

11 A Yeah.

12 Q -- are confidential, right?

13 A As far as they're concerned. I can -- I can publish it wherever

14 I want.

15 Q Okay. Nothing in this letter says that they issued a letter of

16 caution to Judge Herndon?

17 A You have to know how to read the language there.

18 Q Oh, it's a specific code that you got -- you've got to dissect?

19 A Yeah.

20 Q Okay. But you'd agree with you --

21 A My training -- my training allows me to know that.

22 Q But you've got no training from the Commission on

23 Judicial --

24 A No, that's --

25 Q -- Discipline?

1 A -- my unofficial training, see?

2 Q Oh, like your --

3 A Like, Jedi stuff.

4 Q Okay. Got it. You'd agree with me, though, nowhere on this

5 letter does it say, we issued a letter of caution --

6 A No --

7 Q -- to --

8 A -- not in those words. But if you'll --

9 THE COURT: Okay.

10 MR. BLANDINO: -- look at this language --

11 THE COURT: You're --

12 MR. BLANDINO: I'm sorry.

13 THE COURT: -- interrupting the district attorney.

14 MR. BLANDINO: I'm sorry.

15 BY MR. DICKERSON:

16 Q Nothing on this letter says that there was a letter of caution

17 issued to Judge Herndon, correct?

18 A Yes.

19 A No, it's inferred.

20 Q But nothing in here says that, right?

21 A Not specifically.

22 Q Okay.

23 A You have to read the code.

24 Q Okay. Same here with the one you titled Bare Complaint --

25 A Right.

1 Q -- nothing in here says --

2 A And you'll notice, it's the same verbiage.

3 Q Yeah. So nothing in here says that they issued a letter of
4 caution to Judge Bare, right?

5 A Not specifically. You --

6 Q Okay.

7 A -- it is inferred.

8 Q And, in fact, the Commission on Judicial Discipline has never
9 told you that they've issued letters of caution on either of those?

10 A No, not specifically.

11 Q Just that they were --

12 A But the reports --

13 A -- dismissed?

14 A -- the reports show that it does.

15 Q Just that both of them were dismissed, right?

16 A Yeah.

17 Q Okay.

18 A And -- well -- I'm sorry. Go ahead. I -- there's not a question
19 pending. I won't step on your toes again.

20 Q Okay. And so then we get to April 29th, 2019. You get a call
21 from Mr. Federico, on the same phone number that you've listed on all
22 these documents --

23 A Right.

24 Q -- right?

25 A Right.

1 Q You say -- you testified that you had just woken up from
2 taking a nap with your feet up on your desk, right?

3 A Uh-huh.

4 Q Your daily --

5 A Well, I didn't --

6 Q -- nap and --

7 A -- tell him that. I said I was shocked and --

8 Q But that's what --

9 A -- I was still groggy.

10 Q -- you told this jury, right?

11 A Yeah, yeah. I was still a little groggy. But I don't think I said
12 that to him directly, that I --

13 Q Okay.

14 A -- got up from a nap. I'm not sure. I could have.

15 Q Okay. No worries. But you told this jury that, right?

16 A Oh, yeah, because that's the truth.

17 Q And that's your usual nap that you do every day; is that what
18 you're saying?

19 A Mostly.

20 Q Okay.

21 A Unless I'm doing physical work. If it's just office work, yeah, I
22 need that nap. But physical work, I'll blow right past it.

23 Q Okay. And you told this jury that when you got the call -- and
24 I wrote it down -- I was happy and surprised?

25 A I thought I said shocked and surprised. Is it happy, or --

1 Q Yeah, happy and surprised.

2 Q It's happy and surprised? Okay.

3 Q Is that -- that's what you were?

4 A Yeah, I had -- actually had the idea that he --

5 Q That's --

6 A Yeah.

7 Q That's the question, sir.

8 A Yeah. Okay. I'm sorry

9 Q Okay

10 A Yeah.

11 Q And you say that the -- what you remember him saying is

12 what you wrote down on that piece of paper that was found in the search

13 warrant; what is it going to take to get you out of my head?

14 A Right.

15 Q You were happy and surprised, you indicated to this jury,

16 because you've done this before, and no one's ever contacted you?

17 A Let me recollect that. I'm --

18 Q That's what you testified to, right?

19 A Yeah. No, I'm just saying that, yeah, to my recollection, no

20 one has ever responded. Oh, you know what?

21 Q That's what you testified to --

22 A No, I'm just thinking --

23 Q -- on direct, right?

24 A Yeah, the -- the other responses, I had some city marshals

25 come to my house, but it was not to those letters.

1 Q Oh.

2 A And Marwitz had been to my house before -- or I mean, the
3 house on 441 North 16th, yeah.

4 Q Okay.

5 A I mean, where I was staying.

6 Q So the last response -- or one -- the only other response that
7 you got to this type of a letter was having city marshals come to your
8 house?

9 A It wasn't a letter of that type, though. I just want it to be clear
10 -- in my recollection.

11 Q Okay.

12 A I'd written a letter to Judge Roger, of some sort, but it wasn't
13 about this, not to my recollection. So I'm kind of, like, 99 percent sure,
14 maybe, that wasn't about this, but it was something else.

15 Q Okay. So you have an extended conversation with Mr.
16 Federico?

17 A Right.

18 Q You don't really remember what was said?

19 A Oh, no, I remember certain things specifically.

20 Q You testified, on direct, it's been two and a half years, I don't
21 really remember, right?

22 A I don't remember detail for detail, but certain specific things
23 about him asking, do want me to do something about the contempt? I
24 remember that specifically.

25 Q Yeah.

1 A And I told him that that was -- would be illegal, possibly
2 obstruction of justice, he needs to see his attorney.

3 Q But you didn't want that, right?

4 A Huh?

5 Q You didn't want that?

6 A Well, I didn't want him to do it either, because it's --

7 Q It's --

8 A -- illegal.

9 Q Okay. And when --

10 A I mean, if he had said --

11 Q When asked what you would want, you said, well, at the
12 very least, I'd want an apology in a public form?

13 A Yeah, but I really wanted to sit down and meet with him.
14 That was the main thing that I wanted to do.

15 Q You really wanted to meet with him in person?

16 A Not because I had any attraction, as he made it sound --

17 Q But you --

18 A -- on the stand.

19 Q But you then --

20 A Yeah.

21 Q You then said, let me think about what I want, and I'll get
22 back to you, right?

23 A Well, he was pressing me.

24 Q It's a yes or no; let me think about --

25 A After --

1 Q -- what I want, and I'll get back to you.

2 A Yeah, after he pressed me. It was -- he had to press me, and
3 right toward the end of the call.

4 Q Okay.

5 A You know? I don't want to waste my time if he's --

6 Q It's okay. There's no question pending, sir.

7 A Yeah. Sorry.

8 Q And so you agree to send him an email with what you want,
9 right?

10 A He told me what his email address was, and then -- after
11 pressing me --

12 Q Because you needed time --

13 A Said, okay.

14 Q -- to think about it, right? That's what you said, right?

15 A Yeah, I'm basing that on the fact that he didn't reject, out of
16 hand, the possibility of apologizing to me for what he had done,
17 throwing me out of the courtroom.

18 Q But you certainly --

19 A I was sure hoping he --

20 Q -- didn't say --

21 A Uh-huh.

22 Q -- all I want is an apology?

23 A What?

24 Q You certainly didn't say, all I want is apology? That's not
25 what you said?

1 A No, I was more -- I was --
2 Q You said, I'll get back to you, right?
3 A Yeah, but I was more --
4 Q Is that -- it's a yes or no.
5 A Okay. What, that --
6 Q You said, let me think about it, and I'll get back to you?
7 A Yeah, yeah, after him --
8 Q Okay.
9 A -- pressing me --
10 Q And so --
11 A -- yes.
12 Q -- you get his email address?
13 A He gives me his email address. He wants to give it to me.
14 Q Okay.
15 A As later, I found out, so that --
16 Q Well, that -- hey.
17 A -- he could get a -- yeah.
18 Q And then you think about it? That's a yes?
19 A Oh, yes. I'm sorry.
20 Q And so you think about it, and you think about it, and then
21 you take two days drafting up your demand of what you want, right?
22 A No, it wasn't a demand.
23 Q You take two days drafting up what you want, right?
24 A It's not a demand, though. I disagree with that
25 characterization.

1 Q We can just go straight to it then.

2 A I mean, if he -- if he just said, go jump in a lake --

3 Q Hey.

4 A -- I'd file my complaint.

5 Q There's no question pending, sir.

6 A Okay.

7 Q Okay. So State's Exhibit 5 --

8 A Okay.

9 Q -- okay? This is an email, May 2nd, 2019, at 8:20 p.m., right?

10 A Right.

11 Q Okay. And this was from you to Michael Federico?

12 A Right.

13 Q And you did the subject, Draft of Settlement Agreement,

14 right?

15 A Uh-huh.

16 THE COURT: Is that a yes?

17 MR. BLANDINO: Oh, I'm sorry. Yes. I'm sorry.

18 BY MR. DICKERSON:

19 Q And then you had the body of your email, and you attached

20 the proposed settlement agreement, as you called it, right?

21 A Right, proposed, yeah.

22 Q Yeah. This is the document that contained what you wanted

23 from Mr. Federico, right?

24 A I don't think I could say yes to that.

25 Q Okay. Well --

1 A But -- because you used the --
2 Q -- you drafted it.
3 A Because you --
4 Q Hey. Hey. Hey.
5 A I'm sorry.
6 Q You drafted it, right?
7 A Yeah, I did draft it.
8 Q Okay. And, in here, when we look at this document, you
9 identify yourself, Kim Blandino; is that correct?
10 A Yeah. Yes.
11 Q And one of the things you identify yourself as is a volunteer
12 unpaid investigator for the Commission on Judicial Discipline?
13 A Right, and investigative journalist.
14 Q Okay. You identify yourself as complainant --
15 A Uh-huh.
16 Q -- right?
17 A Yeah.
18 Q And so every time --
19 A Yes.
20 Q -- in this document that it says complainant, it's referring to
21 you, Mr. Blandino?
22 A Uh-huh.
23 Q That's a yes?
24 A Oh, yes. Yes, yes. Yeah, that's the language that was on the
25 original I started out with --

1 Q Okay.

2 A -- complainant.

3 Q You identify Michael Federico, as respondent?

4 A Right.

5 Q You identified Michael Federico as alternate judge, for
6 Department 20, Courtroom 1C, Las Vegas Municipal Court at the
7 Regional Justice Center, RJC, on April 25th, 2019, for the morning
8 sessions?

9 A Right. In other words, that's when the event happened, a
10 morning session.

11 Q And --

12 A See, I don't know if he was in the afternoon session or not.

13 Q You discuss a few things right here at the top.

14 A Uh-huh.

15 Q You discuss, namely, under 1.1, that you're offering to settle
16 various issues without having to involve the Nevada Commission on
17 Judicial Discipline, right? Do you need me to zoom in there?

18 A Yeah, sure didn't word that as specific as I should have. I
19 should've have said in --

20 Q That --

21 A -- all the --

22 Q Hey.

23 A -- with the --

24 Q That's what you --

25 A -- complaint.

1 Q -- said, right?

2 A Yeah, the -- well, that -- no, that's what I wrote.

3 Q That's what you wrote?

4 A Yeah.

5 Q Okay. Then you talk about, in 1.2, previously going to Mr.

6 Federico's private law office --

7 A No --

8 Q -- weeks --

9 A -- I don't --

10 Q -- ago?

11 A No, private is not in there.

12 Q Okay. You go -- discuss --

13 A Well, how --

14 Q -- going to --

15 A -- did you read private out of that? I'm curious.

16 Q You discuss going to Mr. Federico's office; is that right?

17 A Yes.

18 Q Weeks ago?

19 A Right.

20 Q In hopes of catching Federico at said office, correct?

21 A Yes.

22 Q To speak face to face and man to man?

23 A Right.

24 Q About resolving issues from 2018 of complaint, by Kim,

25 against Federico?

1 A Right. True. I mean, yes.

2 Q Okay. So on April 8th, 2019, you went to Mr. Federico's law
3 office to address your issues that you had with him from the trial in
4 August of 2018?

5 A Wait a minute. I'm sorry. You're going to have to repeat that
6 one. I got something in my eye, and it distracted me.

7 Q Take your time.

8 A What's -- repeat the question again.

9 Q So on April 8th, 2018, you went to Mr. Federico's office
10 specifically to discuss the issues that you had with him from the August
11 2018 traffic trial --

12 A You're talking --

13 Q -- that [indiscernible]?

14 A -- about the first appearance --

15 Q Yeah.

16 A -- at his public offices? Yeah. True. Yes.

17 Q Do you remember when you were testifying, on direct, and
18 you talked about this event, and you talked about the April 25th letter
19 that you dropped off at the office, right?

20 A The April 28th?

21 Q 25th. You remember that, right? You just -- it just happened
22 about two hours ago. And during that time --

23 A I'm just -- I'm -- just want to get my dates clear. So the first
24 time I was there was April 25th, or April 8th? I was -- for -- there the first
25 time, the -- April 8th, right?

1 Q So April 25th, you were there for the second time after court,
2 right?

3 A Yeah. Oh, yes. Yes, yes. Yeah. I don't know why my brain
4 glitched out --

5 Q And so --

6 A -- for a second.

7 Q -- do you remember testifying, on direct, in my mind, I had
8 done my duty to resolve the first incident. So now it was about the
9 second incident? Do you remember testifying to that?

10 A I don't think I said it in those words.

11 Q Okay.

12 A It was something similar to that, but not quite those words.

13 Q Okay. So here you are, in your recitals, going on, talking
14 about your attempt to resolve the August incident, in this document that
15 you've been titled Settlement Agreement and Release, right? And you
16 go on, Kim wrote an impromptu note to Mr. Federico to, hopefully,
17 resolve issues without having to file with the Nevada Commission on
18 Judicial Discipline, correct?

19 A Yes.

20 Q And then you attached a copy of that note?

21 A Uh-huh.

22 Q And then you went on. And we look to the second -- the --
23 what is marked as page 2, under Agreement. And then we look to 2.1,
24 the section that you labeled as 2.1. You see all that, right?

25 A Right. Yes.

1 Q You tell Mr. Federico that you need him to pay you \$25,
2 correct?

3 A Yeah. Later on I say for reimbursement, but not there. Okay.

4 A Yes.

5 Q So you tell Mr. Federico he needs to pay you \$25, right?

6 A For the repayment of the cost of the JAVS, yeah.

7 Q Okay.

8 A Yes.

9 Q You tell Mr. Federico that he needs to apologize, in writing,
10 prior to May 30th, 2019, and apologize to you --

11 A Uh-huh.

12 Q -- right?

13 A Yes.

14 Q And that's specifically for ordering you out of the courtroom,
15 on April 25th, within ten seconds, under threat of being in contempt and
16 put in jail, and acknowledge that you have a right to observe court
17 proceedings in the future, right?

18 A Yeah. Unless proceedings are specifically sealed or closed to
19 the public, yes.

20 Q Okay. So you tell him, Mr. Federico, that you need a written
21 apology and for him to acknowledge, in that apology, that you have a
22 right to view all court proceedings --

23 A Right.

24 Q -- correct?

25 A Right.

1 Q Okay.

2 A It's what he led me to believe, on the phone, he was willing
3 to do.

4 Q Okay. And then you also tell Mr. Federico that he needs to
5 complete, at his own expense, this Ethics, Fairness, and Security in your
6 Courtroom and Community class, in person, in Reno, October 21st to
7 24th, 2019?

8 A Yes, or in the alternative, pay \$500 to Clark County Law
9 Library and give a copy of the receipt to complainant, prior to October
10 31st, 2019.

11 Q Okay. And we go to the third page, as it's marked, and we
12 look to 3.1. It says "Release". In there, it indicates that you hereby
13 release and forever discharge Mr. Federico from all claims or complaints
14 related to any and all occurrences, on April 25th, 2019, between you and
15 Mr. Federico, including any complaints to the Nevada Commission on
16 Judicial Discipline, right?

17 A Yes. I guess you're indicating, I should've said that date and
18 only that date? It probably would've been more specific that way, I
19 guess.

20 Q And at the bottom here, 3.3, you say you agree that you have
21 not and shall not bring any other action, claim, suit, or proceeding
22 against anyone, including Mr. Federico, in any capacity, either
23 individually, or in his official capacity, for any -- activities on or after April
24 25th, 2019, including any complaints to the Nevada Commission on
25 Judicial Discipline; is that right?

1 A Yes, that's the language.

2 Q And you tell him that you'll withdraw that customer feedback
3 form that you have submitted to the City?

4 A Yeah, I don't know what that would do. They'd -- could
5 throw those in the trash for all I know. I very rarely get a response to
6 those.

7 Q And then you told the ladies and gentlemen of this jury that,
8 well, you did a cut, copy, and paste job, as you put it, right?

9 A Oh yes. Uh-huh. From a -- in a preexisting form. I could
10 never find the original back again.

11 Q Fair to say, there was no cut, copy, and paste form for how or
12 what you should ask for from Judge Pro Temp Federico, right? All that
13 language was not in there?

14 A I'm sorry, I don't understand the question.

15 Q There was no form that said Michael Federico, as
16 respondent, correct?

17 A Oh, you're saying, could I find something on the web that
18 has his name already on it?

19 Q Right.

20 A No, no, yeah. Well, yeah.

21 Q Or that admitted to all the events of April, 2019?

22 A No, that's why this is a template. This is done from a
23 template.

24 Q But you added all that, right?

25 A Well --

1 MR. BATEMAN: I'm sorry --
2 MR. BLANDINO: -- like I said --
3 MR. BATEMAN: That's --
4 MR. BLANDINO: -- cut, copy --
5 MR. BATEMAN: That --
6 MR. BLANDINO: -- and paste.
7 MR. BATEMAN: Judge, I'm -- he needs to clarify that
8 question. You added all that. It's a --
9 MR. DICKERSON: I mean, it's pretty clear --
10 THE COURT: Mr. Dickerson?
11 MR. DICKERSON: -- what we're talking about. We're talking
12 about --
13 THE COURT: Do you understand the question?
14 MR. BLANDINO: Well, he's --
15 THE COURT: Go ahead.
16 MR. BLANDINO: -- interposed an objection. Why don't you
17 repeat the question? Maybe I missed something.
18 BY MR. DICKERSON:
19 Q You added all the stuff about Michael Federico in here?
20 A Oh, no, no, no, no, no. It wouldn't be added, it would be cut,
21 copy, and paste.
22 Q Okay.
23 A So if you add --
24 Q But you wrote it, right?
25 A I wrote what?

1 Q You wrote all the things that we've just read?

2 A Well, I had an existing format, and I cut in -- I cut out certain
3 names, and then put in other names --

4 Q In fact, you --

5 A -- and then copied --

6 Q -- you admitted --

7 A -- copied other things --

8 Q -- to this jury that it took you two days to write this, right?

9 A Right.

10 Q Okay. And that you told Mr. Federico, on April 29th, 2019,
11 that you had to think about what you wanted, right?

12 A No, I objected to the question as asked. It's not about what I
13 want, it's what about fair and just, and in conc -- concert with what I saw
14 in other Commission on Judicial --

15 Q Okay. So --

16 A -- Discipline settlements.

17 Q -- you --

18 A So it's not about --

19 Q You thought about it --

20 A -- what I want.

21 Q You thought about it --

22 THE COURT: Just a minute. You don't get to object to --

23 MR. BLANDINO: Yeah.

24 THE COURT: -- Mr. Dickerson's --

25 MR. BLANDINO: Oh, I'm sorry.

1 THE COURT: -- question.

2 MR. BLANDINO: Okay. I'm sorry.

3 THE COURT: Okay?

4 BY MR. DICKERSON:

5 Q You thought about it --

6 THE COURT: When he asks a question, you need to answer
7 it.

8 MR. BLANDINO: Yeah. Yes.

9 BY MR. DICKERSON:

10 Q And so after the call, you thought about it?

11 A I had to, he --

12 Q Okay.

13 A -- was asking me for -- to do something. I thought he was --

14 Q Because you had to --

15 A -- acting --

16 Q You had to take time to think about what --

17 A I thought he was acting --

18 Q -- you wanted?

19 A -- acting in good faith. No, no, not about what I wanted. See,
20 that's what you keep mischaracterizing.

21 Q Okay.

22 A It's not about what I want. You know, my life is not about
23 what I want, it's what God wants me to do, you see? And with this kind
24 of thing, it depends on what's fair and just and proper and right. That's
25 why it's not about what I want. The --

1 Q Okay.

2 A -- the scriptures say --

3 Q So --

4 A -- my Lord is my shepherd; I shall not want. And I take that

5 literally.

6 Q Okay. So then you told this jury that you actually went, and

7 you just searched for what you call the survivability clause, right?

8 A Right. That --

9 Q Because --

10 A -- death thing here.

11 Q So that's a yes, right?

12 A Yes. Uh-huh.

13 Q Because you started thinking, like, well, what if Mr. Federico

14 dies, right?

15 A Yeah. I mean, yes.

16 Q His \$25 has to go somewhere, right?

17 A Yes, if it was in the middle --

18 Q Is that a yes?

19 A -- of something. Yes. Uh-huh.

20 Q This \$500 to the Clark County Library [sic] has to go

21 somewhere, right?

22 A No, it goes to the Law Library. And if he dies --

23 Q Well, it goes --

24 A -- then I could do it there.

25 Q -- to you, right? It goes to you, and then you'll --

1 A And then I --

2 Q -- say --

3 A -- distribute it to the Clark County Law Library, in total --

4 Q And --

5 A -- probably with some additional monies from me.

6 Q And in addition to that, you discuss here, specifically, his
7 debt, but you don't discuss your debt?

8 A Yeah, on reflection, I guess that wouldn't have been a bad
9 idea. Should I die, the 25 bucks would go to Evie, directly. Because if I
10 died, then --

11 Q Okay.

12 A -- how's she going --

13 Q No question --

14 A -- to get the money?

15 Q -- pending, sir. Thank you.

16 A Oh, I'm sorry. Yeah.

17 Q The settling parties, that means you and Mr. Federico, right?

18 A True.

19 Q Acknowledge --

20 A Yes.

21 Q -- that this agreement represents a good faith settlement of
22 issues of April 25th, 2019. That this agreement is intended to bar any
23 complaint against Mr. Federico, by you, with the Nevada Commission on
24 Judicial Discipline, or any court, or agency, or reviewing entity,
25 whatsoever, with respect to the issues of April 25th, 2019, right?

1 A Yes.

2 Q And so then you included your name and his name, right?

3 A Uh-huh. Yes.

4 Q And you testified to the jury, on direct, that you just forgot to
5 add in the portion where that was going to be sent to the Nevada
6 Commission on Judicial Discipline, right?

7 A I screwed up. I didn't put that in there.

8 Q So you forgot to add the part where you're going to send this
9 whole thing to the Nevada Commission on Judicial Discipline, when
10 you're agreeing not to send anything to the Nevada Commission on
11 Judicial Discipline?

12 A No, no, I didn't say that I wasn't going send anything to the
13 Nevada Commission on Judicial Discipline.

14 Q Okay.

15 A I said I wasn't going to file a formal complaint. That's what
16 I've been consistent on.

17 Q All right.

18 A You know, if we can resolve things, I don't have to do the
19 formal complaint. That doesn't mean that they can't publish a decision.

20 Q You're just really not sure how it works?

21 A Not sure how what works? I'm sorry, how --

22 Q Trying to --

23 A -- what works?

24 Q -- get things from a sitting judge or a Pro Tem judge that you
25 want works.

1 A I don't understand that question.

2 Q So your position is that Mr. Federico pays you \$25?

3 A To reimburse Evie.

4 Q Hey. Pays you \$25. He gives you an apology, in writing,
5 where he acknowledges that you can watch all these court proceedings,
6 as well as goes and attends a class in Reno, or pays \$500 to the Clark
7 County Law Library. In exchange for that, you're not going to file any
8 complaints with the Nevada Commission on Judicial Discipline, right?

9 A In exchange for? I don't know if I could -- let's see.

10 Q Think about it.

11 A Wait a minute, what did you -- repeat that question again?

12 Repeat the question --

13 Q You heard --

14 A -- again?

15 Q -- the question, sir.

16 A No, I'm sorry. I do need it repeated. I'm sorry. I want to
17 make sure I am totally accurate and totally truthful in this answer. So
18 repeat that question again, because I think you're trying to trick me into
19 admitting to --

20 THE COURT: Mr. Blandino --

21 MR. BLANDINO: -- something that's not true. I'm sorry,
22 Judge, but if he doesn't want to repeat the question, I really --

23 Q Listen. You ready?

24 A Are you going to --

25 Q Look in here --

1 A -- repeat the question?

2 Q -- State's Exhibit 5.

3 A Yeah.

4 Q All right? In consideration; you used that term, right?

5 A Okay.

6 Q Okay.

7 A That's the one that was in the original I started with.

8 Q Yeah. You will accept \$25 for the JAVS --

9 A Right.

10 Q -- correct?

11 A And he gets the --

12 Q Hey.

13 A -- JAVS.

14 Q Hey. It's a yes or no. Right --

15 A Yes.

16 Q -- in consideration, you'll accept \$25?

17 A Yes, and he --

18 Q Okay. Hey.

19 A -- gets the JAVS.

20 Q Hey. And then, in addition to that, Mr. Federico will

21 apologize to you, in writing, prior to April 30th, 2019, and will

22 acknowledge --

23 A No, no, May 30th.

24 Q I'm sorry. Good. Thank you for correcting me. He --

25 A I'm happy to do so.

1 Q He will apologize, in writing, prior to May 30th, 2019 --

2 A Uh-huh.

3 Q -- and that he will acknowledge, there, that you have the right
4 to observe the court proceedings in the future, correct?

5 A Right.

6 Q And further, in consideration --

7 A True. I mean, yes.

8 Q -- Mr. Federico will complete this class --

9 A Uh-huh.

10 Q -- in person, in Reno --

11 A Uh-huh.

12 Q -- on those dates, or pay \$500 to the Clark County Law
13 Library and give you a receipt --

14 A Right.

15 Q -- prior to October 31st, 2019, correct?

16 A Right. Yes.

17 Q Okay. And, as in consideration for the promises made
18 herein, you will not file any complaints, including any complaints to the
19 Nevada Commission on Judicial Discipline, against --

20 A But you're skipping there.

21 Q -- Michael Federico?

22 A You see, any and all occurrences, on April 25th, 2019.

23 Q So the question, sir, was Mr. Federico gives you \$25. He
24 gives you a written apology, acknowledging that you can watch all the
25 court proceedings you want, in the future, and --

1 A Not true. I mean, don't mischaracterize.

2 Q -- and he completes the class or pays \$500 to the Clark
3 County Law Library And in exchange for that, you won't file any
4 complaints with the Nevada Commission on Judicial Discipline?

5 A No, that's not true. I will not file any complaints about
6 anything April 25th, 2019, because he had -- he had thrown away his
7 opportunity to resolve anything on the initial thing at the trial. And
8 maybe that's what I should have been clear on, that I still intended to file
9 a complaint, because he had slapped me in the face the second time, as I
10 referred to the jury, when I -- on my direct testimony.

11 Q Okay.

12 A So that there was --

13 Q So stop you there.

14 A -- no quid pro quo, Mr. Prosecutor.

15 Q Let me stop you right there. So you admit that that is true,
16 then, that you just were going to limit what complaints you were going
17 to file? You were just not going to file the complaints for April 25th,
18 2019?

19 A That's what the agreement says.

20 Q Okay. So he gives you \$25. He gives you a written apology,
21 acknowledging that you can watch future court proceedings. He goes
22 and takes the class in Reno, and he pays \$500 to the Clark County Law
23 Library. In exchange with that, you won't file any complaints with the
24 Nevada Commission on Judicial Discipline, for any of the events of April
25 25, 2019, fair?

1 A Only for that --

2 Q Okay.

3 A -- yes.

4 Q All right. And so a couple days go by after that, and you
5 have not heard from Mr. Federico -- well, I guess it's -- I should clarify,
6 just the next day, just so that we're there. Here's State's Exhibit 6. Just
7 the next day, May 3rd, 2019, you do the follow-up email to Mr. Federico;
8 is that right?

9 A Oh, yeah, this is the follow-up, where I said I forgot to -- I
10 forgot to put the exhibits attached.

11 Q Okay.

12 A That's how tough -- hard I was working, that I --

13 Q And that --

14 A -- blew that.

15 Q -- was at, 3:27 p.m.?

16 A Right.

17 Q And you had the attachment, right?

18 A Right, right.

19 Q And then we flip the page.

20 A Right.

21 Q And this is the same Settlement Agreement and Release, as
22 you titled it?

23 A Right, with the exhibits now --

24 Q Okay.

25 A -- this time.

1 Q You haven't added any language about you still sending this
2 to the Nevada Commission on Judicial Discipline?

3 A No, I don't believe I did. I think I just attached the thing -- the
4 exhibits, and put it in a PDF and sent it --

5 Q Okay.

6 A -- yes.

7 Q And then you attached the exhibits, including the April 25th,
8 2019 letter that you dropped off at Mr. Federico's office?

9 A Right.

10 Q Including your customer feedback form?

11 A Right. Yes. Yeah, that's exactly what I intended to send
12 the --

13 Q Okay.

14 A -- first time and --

15 Q The --

16 A -- screwed up.

17 Q The original attachments of the --

18 A Yeah

19 Q -- April 25th letter, right?

20 A Yeah.

21 Q And then --

22 A Yes.

23 Q -- the copy of the note that you left on April 8th --

24 A Right.

25 Q -- right?

1 A Yes, so he has everything in one package so he --

2 Q Okay.

3 A -- can see it.

4 Q Okay. And so, this April 8th letter that you attached as an
5 attachment to it, April 8th, 2019. So you were ready to begin filing your
6 complaints against Mr. Federico, right? You said it right there. It's the
7 first line. I am ready to begin filing my complaints.

8 A Well, yeah --

9 Q -- against you.

10 A -- to begin filing it. Which, I --

11 Q That's --

12 A -- should've said --

13 Q -- a yes? It's a yes or no --

14 A Yes, I --

15 Q -- question.

16 A -- should've said --

17 Q Okay. And so I'll --

18 A -- begin --

19 Q -- I'll stop you there.

20 A -- writing it.

21 Q And April 8th, 2019, the events of April 25th, 2019 had not
22 occurred yet, right? It's a yes or no. It's an easy question.

23 A You're saying the April 8th, the April -- offense of April 25th
24 hadn't occurred yet? Yeah, I don't have a DeLorean with a flux capacitor,
25 so I'd have to answer yes.

1 Q So the complaints that you were ready to file, were about the
2 August 2018 events, correct?

3 MR. BATEMAN: Your Honor, I'm going to object to the
4 characterization of complaints. I believe it says complaint, in that -- may
5 I see the --

6 THE COURT: So your objection --

7 MR. BATEMAN: -- August eight -- I believe --

8 THE COURT: -- is to the plural form?

9 MR. BATEMAN: Yes, he's saying complaints, and I believe
10 that letter just says complaint.

11 MR. DICKERSON: Okay.

12 THE COURT: Mr. Dickerson?

13 MR. DICKERSON: Yeah, I'll accept that.

14 THE COURT: Thank you.

15 BY MR. DICKERSON:

16 Q So the complaint that you were going to file, was for the
17 August 2018 events at the traffic trial?

18 A You mean, the one I'm referencing in the -- in the April 8th
19 letter?

20 Q Yeah.

21 A Yeah, yeah, because the other event hadn't happened yet --

22 Q And you attached --

23 A -- right.

24 Q -- that letter as an exhibit to the demand?

25 A No, no. That's not a demand. It's a settlement ag --

1 agreement that he's asked for -- or I thought he was asking for.

2 Q Okay.

3 A But he -- turns out he wasn't.

4 Q Okay. So a couple days go by, and you have not heard from
5 Mr. Federico, right?

6 A You're talking about after this May 3rd follow-up?

7 Q Yeah.

8 A Was it five days, are you saying?

9 Q I said a couple.

10 A I thought I'd sent the next thing on the -- May 8th.

11 Q Well, you started working on your next letter, right?

12 A I don't recall.

13 Q You started working on your next letter as a follow-up to the
14 demand?

15 A Well, again, that was -- there was no demand. It was a
16 proposed settlement.

17 Q And while you were working on that letter, you got an email,
18 on May 9th, 2019, from Mr. Federico?

19 A Oh, the global agreement request?

20 Q Yeah.

21 A Oh, yeah, yeah. Oh, yeah. Yeah, that's -- that's true. Yeah.
22 Yeah --

23 Q Yeah, you got --

24 A -- that's true.

25 Q -- that while you were working on the letter?

1 A Right. Yeah.

2 Q And --

3 A It took a while to write, too.

4 Q Like, two days or so, you said?

5 A No, no, no. When I -- when I was -- in that one, I recall, I was
6 saying, you know, I'd begun writing. When I got his email, I said, I
7 already begun writing this letter. That's why, I think, I didn't update the
8 date of that letter. So the date I actually sent it out, it was actually the
9 date from before. Which I do sometimes in my legal work --

10 Q Yeah.

11 A -- you know?

12 Q You'd been working on it for a couple days.?

13 A You forget to change the date on the bottom, and then you
14 got to cross it out, or whatever. Sometimes, you forget, and you send it
15 in the wrong date.

16 Q Yeah, so the letter that you attached to your response to Mr.
17 Federico, on May 9th, 2019, you've been working on for about two days?

18 A I don't know how long I've been working on that one.

19 Q Some time? You said it took a while, right?

20 A Yeah.

21 Q Okay.

22 A I mean, you know, I bounce in and out of it sometimes. You
23 got to -- you get phone calls. You'd get this, you get that --

24 Q Okay.

25 A -- so.

1 Q So here we have State's Exhibit 7. Here's the May 9th, 2019,
2 at 9:20 a.m., email from Mr. Federico to you; is that it?

3 A Okay. Yes.

4 Q This is where it's, like, hey, please provide a global
5 agreement that would cover anything in the past that you believe
6 negative against me, so that I can see it, right?

7 A True. Yeah.

8 Q Your current proposed agreement does not resolve
9 everything you seem to be complaining about, right?

10 A Yes.

11 Q And you'd agree to that, as well, that it didn't seem to include
12 everything, right?

13 A I'm sorry. Yes. it appears as though --

14 Q Okay. So then we'll go from here.

15 A -- he's wanting something.

16 Q So now it's May 9th, 2019, at 9:20 a.m.?

17 A Right. Yes.

18 Q One hour and 28 minutes later, you respond to Mr. Federico;
19 is that right?

20 A Oh, yes. Uh-huh.

21 Q You write, Michael, here is a letter I was just about to send
22 you before I read your email. I think it covers some of your concerns,
23 right?

24 A Yes.

25 Q I must be leaving very shortly. Yet, so I am not spinning my

1 wheels, I do need to know if a written apology, and the judicial college
2 law course, law library donation, is a, quote, bridge too far, unquote, for
3 you, as it stands?

4 A Yeah, that's a British term from World War II.

5 Q I -- is that -- that's what it says?

6 A I'm sorry. Yes.

7 Q Okay. I now have the JAVS and I'm ordering a transcript.

8 What I'm asking for is consistent with remedial action the Nevada
9 Commission on Judicial Discipline has effectuated over decades?

10 A True. Yes.

11 Q I am willing to be flexible and reasonable, yet if the things I
12 propose are a nonstarter for you, I do not want to move forward down a
13 dead end, right?

14 A Exactly. So if he says no, jump in a lake, I'd file my
15 complaint. Case closed.

16 Q Right, if he doesn't give you what you want, you file your
17 complaint with the Nevada Commission on Judicial Discipline?

18 A No, not what I want. Again, I'd object to that
19 characterization. That's not true.

20 Q You were the one --

21 THE COURT: Okay. Again, you don't get to object --

22 MR. BLANDINO: Okay.

23 THE COURT: -- to the --

24 MR. BLANDINO: Well, then I'm --

25 THE COURT: -- question.

1 MR. BLANDINO: -- going to have to answer no, then. No.

2 BY MR. DICKERSON:

3 Q So just to be clear --

4 A I'm sorry. I apologize. I got a little bit heated there. Let me
5 reiterate. No. I'm sorry.

6 Q No what?

7 A It's not what I wanted, no.

8 Q What do you mean, no, it's not what you wanted?

9 A It's not about what I wanted.

10 Q You're the one who wrote that demand.

11 A I didn't write a demand, no.

12 Q You wrote what you titled Settlement Agreement and
13 Release. You --

14 A How is an agreement a demand?

15 Q You wrote that, right?

16 A That's not a demand, no.

17 Q You wrote that, right?

18 A I wrote the set -- proposed settlement agreement, yes.

19 Q Okay. And if he didn't want to agree to it, then you'll just file
20 your complaint?

21 A Yes.

22 Q Okay. So then you attached the letter, May 8th, 2019; is that
23 right? That's what the date is at the top of the letter?

24 A Oh, yes. Uh-huh.

25 Q Though, you emailed this on May 9th, 2019?

1 A Right. I was -- I told him I had started working on it. And
2 that's, kind of, the evidence that I did, because I had the date, and I forgot
3 to change it --

4 Q Yeah, because you --

5 A -- or I didn't --

6 Q -- were going to send a --

7 A -- change it.

8 Q You were going to send him this letter before he ever
9 emailed you on May 9th, 2019, right?

10 A I'd intended to mail it on May 8th. But if I couldn't mail it,
11 and I didn't get that intervening email, probably would've changed the
12 date maybe -- mail it on May 9th. That oftentimes happens with me, I
13 start something, I have to change the date.

14 Q No worries.

15 A Yeah.

16 Q You already had it completed, though? You were good to
17 go, right?

18 A No --

19 Q So --

20 A I don't know if it was completed. It was mostly completed,
21 probably. I may have put a few things on it.

22 Q Okay.

23 A Yeah.

24 Q And then you title it, to Michael Federico, in his capacity as a
25 judge Pro Tempore --

1 A Yeah.

2 Q -- right?

3 A Yes. Yes.

4 Q From, Kim Blandino?

5 A Right. Yes.

6 Q Regarding follow-up to proposed settlement offer, sent May
7 2nd and 3rd --

8 A Yes.

9 Q -- May 2 and 3 --

10 A Yes.

11 Q -- I should say?

12 A Proposed settlement offer -- no demand -- yes.

13 Q And then here at the top of this -- and I'll zoom in so it's a
14 little bit more clear. I have not received any word back from you
15 regarding the proposed settlement offer. That's what you wrote?

16 A Yes.

17 Q I spent a great deal of -- very valuable time preparing that
18 document. That's what you wrote?

19 A Yes.

20 Q I will need an answer or for you to otherwise respond to this
21 proposed settlement, on or before May 23, 2019. That's what you wrote?

22 A Yes.

23 Q You acknowledge, then, you appreciate the phone call that
24 he gave you?

25 MR. BLANDINO: Judge, I'm having trouble understanding

1 something here. I mean --

2 MR. DICKERSON: Oh --

3 MR. BLANDINO: It's not -- maybe I can't --

4 MR. DICKERSON: What --

5 MR. BLANDINO: -- understand this process.

6 MR. DICKERSON: What's going on --

7 THE COURT: Okay.

8 MR. DICKERSON: -- right now?

9 THE COURT: What --

10 THE COURT: He can read that letter, but I can't on my direct

11 testimony?

12 THE COURT: Mr. Blandino --

13 MR. BLANDINO: And you cut me short?

14 THE COURT: You get to answer the --

15 MR. BLANDINO: That doesn't --

16 THE COURT: -- questions --

17 MR. BLANDINO: -- seem fair to me, Judge.

18 THE COURT: Okay. You get to answer the questions

19 presented to you.

20 MR. BLANDINO: But you're letting him read all this stuff.

21 THE COURT: Mr. Blandino --

22 MR. DICKERSON: Hey.

23 MR. BLANDINO: And I just tried to read mine and I'm --

24 THE COURT: Mr. Blandino --

25 MR. BLANDINO: -- I don't think I'm being treated equally

1 here.

2 THE COURT: Come on. Okay. Mr. --

3 MR. BLANDINO: I object.

4 THE COURT: -- Dickerson, you --

5 MR. BLANDINO: -- to this.

6 THE COURT: You object to what?

7 MR. BLANDINO: The fact that you don't --

8 THE COURT: You don't get to --

9 MR. BLANDINO: -- seem to be following --

10 THE COURT: -- object.

11 MR. BLANDINO: -- the judicial code in treating parties

12 equally.

13 THE COURT: Okay. All right.

14 MR. BLANDINO: That's my perception.

15 THE COURT: You -- that's fine. You can have it. Mr.

16 Dickerson, you can repeat your question.

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

18 BY MR. DICKERSON:

19 Q You told Mr. Federico, I do appreciate your phone call to me
20 to at least reach out to settle matters. And I sincerely hope that we can
21 settle things?

22 A Yes, that's true. That's the way I felt. I thought he was being
23 sincere. So that's consistent, what I have said all along.

24 Q Then you write, please know that I'm doing this more for the
25 people that follow me, right?

1 A Yes.

2 Q You wrote that?

3 A Yes. Oh, yeah, yeah, yeah. Can you understand that?

4 Q And then you write, I extended a good faith offer for
5 something very serious; is that right?

6 A Yes.

7 Q And then you write, in fact, you can be criminally prosecuted
8 for a misdemeanor violation of federal civil rights, under 18 USC, section
9 242, for your actions on April 25th, 2019?

10 A And I believe that's true.

11 Q You wrote that, right?

12 A Yeah, I believe that's true. I've seen it for -- prosecutions for
13 something even less serious than that, by judges. It's a violation of civil
14 rights -- criminal violation. The -- Detective Mead testified --

15 Q Hey.

16 A -- that he --

17 Q There --

18 A -- investigates --

19 Q There's no question --

20 A -- those all the time.

21 Q -- pending, sir. Thank you very much.

22 A All right.

23 Q And then we get to the next page. I have told you that if we
24 cannot settle this matter, I will file a complaint with the Nevada
25 Commission on Judicial Discipline?

1 A Yes.

2 Q You wrote that?

3 A Yes.

4 Q You say, this must be done to protect other people in the
5 future?

6 A Yes.

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

11 A Yes, it doesn't mean I said I was going to file one. I just said,
12 I believe it would be proper to --

13 THE COURT: Okay.

14 MR. BLANDINO: -- to do so.

15 THE COURT: Please just answer the --

16 MR. BLANDINO: Yes.

17 THE COURT: -- the question.

18 MR. BLANDINO: Yes.

19 BY MR. DICKERSON:

20 Q Granted, this would only be a misdemeanor. However, it
21 may help others that will come after me should you not agree to the
22 apology and settlement. You wrote that?

23 A Yes.

24 Q Since it is possible you could become a decent judge
25 someday?

1 A Yes.

2 Q You wrote that?

3 A Yes.

4 Q If we cannot come to a settlement, I believe it will be proper
5 to go to the FBI with a criminal complaint against you for stopping me
6 from observing you on the bench on April 25th, 2019. So if you could
7 come to an agreement, then you wouldn't have believed that it would've
8 been proper to go to the FBI?

9 A That sure is some awkward and not-very-precise language
10 on my part.

11 Q That's what you said, right?

12 A No, that's what I wrote. But I think that's --

13 Q That's what you wrote? Okay.

14 A Yeah. That --

15 A So then we go on to the next one.

16 A That wasn't very well-thought-out.

17 Q So, additionally, I have come to realize that since you work in
18 a partnership titled Olson Cannon Gormley Angulo & Stoberski, which
19 you abbreviated OCGA&S, right?

20 A Yes.

21 Q That I should give some notice to these individuals of the
22 matters involved, prior to filing with the Nevada Commission on Judicial
23 Discipline or the FBI. You wrote that?

24 A Yes.

25 Q The calculus for this is simple. Putting myself in the place of

1 any one of these partners, and everything else being equal, I would want
2 to know that a person who worked with the firm, and had a prominent
3 web page, was not bringing any disrepute, in any way, to the firm or its
4 name. You wrote that?

5 A Yes.

6 Q Olson Cannon Gormley Angulo & Stoberski has been in
7 existence since 1960. It would not be fair or Christian of me not to
8 inform the firm of the issues at hand if we cannot resolve them. You
9 wrote that?

10 A Yes.

11 Q I have no idea what agreements there are between you and
12 Olson Cannon Gormley & Angulo & Stoberski. I, therefore, have no idea
13 if your agreements require you to disclose any of what we have
14 discussed, so far, or not. Because the issues involved could affect how
15 Olson Cannon Gormley Angulo & Stoberski might be perceived by the
16 public, I believe I must give Olson Cannon Gormley Angulo & Stoberski a
17 right to review, prior to taking this matter forward. You wrote that?

18 A Yes.

19 Q And you wrote that you recognized that it could bring
20 disrepute, these things, and perceived that way by the public, correct?

21 A I'm sorry, I lost it. Where did I say that -- or write that?

22 Q Right here. So you acknowledge that all these things, the
23 Nevada Commission on Judicial Discipline --

24 A Oh, you went backwards then?

25 Q -- and FBI complaints that you're talking about --

1 A Oh, okay.

2 Q -- could bring disrepute. You wrote it right there, right?

3 A Okay.

4 Q Is that a yes?

5 A Wait a minute. Let me see. I wouldn't want --

6 Q You wrote that --

7 A Wait a minute.

8 Q -- disrepute.

9 A I'm just trying to read the language here [reads to self].

10 Yeah.

11 Q Okay

12 A What it's showing there is -- I don't know what you said just a

13 minute ago, if you transposed a word. It sounded funny.

14 Q Yeah, that's what you wrote, though, right?

15 A Okay. What I'm reading right here, that's what I wrote.

16 Q Okay. And that you recognized how these things could be

17 perceived by the public, right?

18 A Yes.

19 Q And then, so you say that, to be fair and Christian, you need

20 to notify his firm?

21 A Yes, which I should have done earlier. And I stated that on

22 my direct testimony.

23 Q Then you go on. Therefore, consistent with my beliefs, I will

24 send a copy of all the relevant documents to Olson Cannon Gormley

25 Angulo & Stoberski, right? You wrote that?

1 A Yes.

2 Q Unless I hear from you by Monday, May 15th, 2019. You --

3 A Yes.

4 Q -- wrote that?

5 A Yes.

6 Q Okay. And then you write -- you go on, I can state with
7 certainty that if I were any one of these partners, and Federico did what
8 was done on April 25th, 2019, to any human being, I would be very
9 displeased with such action?

10 A Yes, I wrote that.

11 Q I would want remedial action as soon as it was possible, and
12 if it was possible, right?

13 A Yes.

14 Q I would not want anyone associated with a firm that had my
15 good name on it, associated with a member of the Bar that excluded a
16 member of the public from an open courtroom, let alone an investigator
17 and journalist from a public courtroom, because said person came to a
18 private law office in a good faith attempt to settle differences, and a
19 complaint, some days earlier?

20 A Yes, and that's true. That's --

21 Q You wrote that?

22 A -- what I believed. That's what I believed. I believed that
23 then and I believe that now. I just believe --

24 Q So --

25 A -- that's flat unjust.

1 Q Yeah, you believe that if you were a partner in that law firm,
2 you wouldn't want Michael Federico associated with the firm, if you
3 knew what you knew, right?

4 A No, I wouldn't want a guy doing that to anybody --

5 Q Yeah. And so --

6 A -- under any circumstances.

7 Q So you figured --

8 A I mean, anyone that --

9 Q -- as soon as the partners found out, they're going to be
10 pretty upset, right?

11 A No --

12 Q Okay. So then you --

13 A -- not necessarily.

14 Q So then you go on. I am sorry I have to cut this letter short. I
15 have worked on this letter now over the course of two days.

16 A Okay. Yes.

17 Q And then you sign it and dated it?

18 A I have to get the -- wait a minute. I have to get to the
19 courthouse immediately, I think I wrote there.

20 Q Yeah.

21 A Yeah

22 Q You've got to get to the courthouse immediately, right? You
23 wrote that?

24 A Yeah, and then, can I read that last line? Please excuse any
25 and all spelling, grammar, and other errors. I virtually have no time but

1 to do -- eat, sleep, and do legal work. Which --

2 Q Eat --

3 A -- is true.

4 Q -- sleep, and do legal work, right?

5 A You sleep and do legal work, right?

6 A Virtually no time, but to do that.

7 Q You're not a lawyer?

8 A No.

9 Q You don't work for a law firm?

10 A No.

11 Q But that's what you did, eat, sleep, and do legal work?

12 A Yeah, I've had my own cases going. And I consider the
13 Commission on Judicial thing as legal work, because they're part of the
14 judiciary branch or the branch of the --

15 Q You do realize --

16 A -- judiciary.

17 Q -- that you don't work for the Nevada Commission on
18 Judicial Discipline, right?

19 A Not on an official capacity, but unofficially, yes.

20 Q Okay.

21 A And they've asked me for investigative stuff in the past.

22 Q You realize that you also do not unofficially work for them
23 either?

24 A No. Unofficially, yes, I do.

25 Q No.

1 A I'd be better, probably, to say "with them" rather than "for
2 them." And I've used "with" as well as "for", and "with" is probably
3 better, because, like, he was working with the police --

4 Q Okay. So --

5 A -- to help her get these --

6 Q -- I'll stop you right there.

7 A -- charges.

8 Q That's --

9 A Yeah.

10 Q -- nonresponsive.

11 A Yeah.

12 Q Now, you send that letter over?

13 A I emailed it, yes.

14 Q And then -- and you wanted to --

15 MR. BLANDINO: Are we taking a bathroom break here soon?

16 THE COURT: Do you need a break?

17 MR. BLANDINO: Yeah, I've been drinking quite a bit of
18 water. It goes in and goes out.

19 MR. DICKERSON: How full is that water? Do you need a new
20 one?

21 MR. BLANDINO: Oh, well, no, the water's okay. I'm just --

22 MR. DICKERSON: Okay.

23 MR. BLANDINO: -- saying, I need to use the bathroom.

24 THE COURT: Okay. Can I just have the attorneys approach
25 for a moment?

1 MR. BLANDINO: Oh, it's 4:45.
2 THE COURT: Uh-huh.
3 MR. BLANDINO: I didn't realize it was that late.
4 THE COURT: Yeah.
5 MR. BLANDINO: I need to get home and take a break, if it's
6 okay.
7 [Sidebar begins at 4:45 p.m.]
8 MR. DICKERSON: Yes --
9 THE COURT: I was just going to have --
10 MR. DICKERSON: -- we'll have more.
11 THE COURT: I was just going to conclude for the day.
12 MR. DICKERSON: Yeah.
13 THE COURT: I think there's more. So what --
14 MR. DICKERSON: Yeah.
15 THE COURT: I mean, I have my criminal calendar at 11:00.
16 What's you-all's schedule?
17 MR. BATEMAN: Let me get my phone. I have --
18 THE COURT: I just want to know when to tell the jury to
19 come back.
20 MR. BATEMAN: I should probably get everything done by. I
21 don't know, just say 9:30, just to be safe. I have to go to muni court --
22 MS. MARLAND: And you have no other [indiscernible]?
23 MR. BATEMAN: -- at 8:30.
24 MR. DICKERSON: I think they --
25 THE COURT: Yeah.

1 MR. BATEMAN: -- can get in and out soon, but.
2 MS. MARLAND: [Indiscernible].
3 MR. BATEMAN: It's just a --
4 THE COURT: [Indiscernible] take a --
5 MR. BATEMAN: -- simple status check.
6 MS. MARLAND: -- 11 and 12?
7 MR. BATEMAN: But --
8 THE COURT: Uh-huh.
9 MR. BATEMAN: -- if we could --
10 MR. DICKERSON: Yeah.
11 MR. BATEMAN: Yeah. Sorry. What was that?
12 MR. DICKERSON: I just have some stuff in the morning. But
13 whenever you need me here, I can make sure to be here.
14 MS. MARLAND: Likewise.
15 MR. BATEMAN: Yeah, I can do that.
16 THE COURT: Can you guys be here at 9:00?
17 MR. DICKERSON: I can be here at 9:00.
18 MR. BATEMAN: Yeah.
19 THE COURT: Okay. And then we'll have to take that break to
20 do my criminal stuff.
21 MS. MARLAND: Do we want to try to settle instructions
22 tonight, or is it too --
23 MR. DICKERSON: I've got to go pick up my daughter.
24 MS. MARLAND: Okay.
25 MR. BATEMAN: Yeah.

1 MS. MARLAND: That's --

2 MR. BATEMAN: I've got to --

3 MS. MARLAND: Okay.

4 THE COURT: Okay.

5 MR. BATEMAN: Okay.

6 THE COURT: All right. Thank you.

7 [Sidebar ends at 4:47 p.m.]

8 THE COURT: If you want to step down and go to the
9 restroom, you can --

10 MR. BLANDINO: Oh, Thank you.

11 THE COURT: -- Mr. Blandino.

12 MR. BLANDINO: All right. Am I coming back then?

13 THE COURT: Sure. You can come back.

14 MR. BLANDINO: Okay. Thank you.

15 THE COURT: We are going to conclude for the day. During
16 this recess, you're admonished not to discuss or communicate with
17 anyone, including your fellow jurors, in any way, regarding the case or
18 its merits, either by voice, phone, email, texts, internet, or other means
19 of communication, or social media, or read, watch, or listen to any news
20 or media accounts, or commentary about the case, or do any research,
21 such as consulting dictionaries, using the internet, or using reference
22 materials, make any investigation, test a theory of the case, recreate any
23 aspect of the case, or in any other way, investigate or learn about the
24 case on your own, or form or express any opinion regarding the case,
25 until it's finally submitted to you.

1 And we'll be in recess until tomorrow morning at 9:00 a.m.

2 Thank you very much. And have a good night.

3 THE MARSHAL: Thank you. All rise for the exiting jury,
4 please. Jurors.

5 [Jurors out at 4:48 p.m.]

6 [Outside the presence of the jury]

7 THE MARSHAL: Thank you, Judge. Please come to order.
8 Court is now back in session.

9 THE COURT: Okay. The hearing's taking place outside the
10 presence of the jury panel. I forgot, Juror Number -- it's Juror Number
11 5? Juror Number 5 indicated, during voir dire, that she had that eye
12 appointment tomorrow, and so she would not be able to be here at all
13 tomorrow. So I would like to just excuse Juror Number 5, and then we
14 would seat the first alternate. Otherwise, we have to take tomorrow off.
15 Any objection from the State?

16 MR. DICKERSON: No objection.

17 THE COURT: Okay. Any objection from the Defense?

18 MR. BATEMAN: That's fine.

19 THE COURT: Okay. And so you can excuse Juror Number fi
20 -- I figured we'd be done. But you can excuse Juror Number 5.

21 MR. BLANDINO: I certainly hope I'm not done.

22 MR. BATEMAN: What?

23 THE COURT: Done with what?

24 MR. BLANDINO: Or even overdone.

25 THE COURT: Okay.

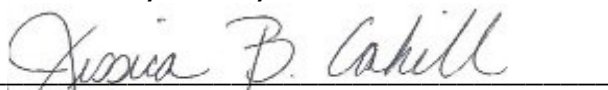
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MR. BATEMAN: All right.

MR. BLANDINO: You know what I'm saying, Judge?

[Proceedings adjourned at 4:51 p.m.]

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio-visual recording of the proceeding in the above entitled case to the best of my ability.

A handwritten signature in cursive script, reading "Jessica B. Cahill", written in dark ink over a horizontal line.

Maukele Transcribers, LLC

Jessica B. Cahill, Transcriber, CER/CET-708

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing **APPELANT'S APPENDIX IX** 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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