

Case No. 20-10DC-0552
Dept. No. 1

FILED

2021 JUN 11 PM 12:37

SUE SEVON
COURT CLERK

Electronically Filed
Jun 16 2021 10:03 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF CHURCHILL

* * *

THE STATE OF NEVADA,

Plaintiff,

vs.

NOTICE OF APPEAL

CASEY ALAN JOHNS,

Respondent.

The Defendant, CASEY ALAN JOHNS, by and through DAVID K. NEIDERT, Attorney
at Law, does here by appeal his conviction in this case to the Nevada Supreme Court.

Respectfully submitted this 11th day of June, 2021.

/s/ David K. Neidert
DAVID K. NEIDERT
Attorney at Law

1 **AFFIRMATION OF MAILING AND DECLARATION PURSUANT TO NRS 239B.030**

2 The undersign affirms that on today's date the foregoing was served by email on the
3 Churchill County District Attorney at pbaker@churchillda.org.
4

5 The undersigned further affirms that the foregoing document does not contain the Social
6 Security number of any person.

7 Dated this 11th day of June, 2021.

8 /s/ David K. Neidert

9 DAVID K. NEIDERT

10 Attorney at Law
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Case No. 20-10DC-0552
Dept. No. 1

FILED

2021 JUN 11 PM 12:32

SUE SEVON
COURT CLERK

BY J. Benning DEPUTY

IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF CHURCHILL

* * *

THE STATE OF NEVADA,

Plaintiff,

vs.

CASE APPEAL STATEMENT

CASEY ALAN JOHNS,

Respondent.

1. Name of appellant filing this case appeal statement: **Casey Alan Johns**

2. Identify the judge issuing the decision, judgment, or order appealed from: **The**

Honorable Thomas Stockard

3. Identify each appellant and the name and address of counsel for each appellant:

Casey Alan Johns is the only Appellant. The name and address of counsel for appellant is:

**David K. Neidert
316 California Ave. #420
Reno, NV 89509**

4. Identify each respondent and the name and address of appellate counsel, if known,
for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as
much and provide the name and address of that respondent's trial counsel): **The State of Nevada**

1 is the Respondent. The State of Nevada is represented by the Churchill County District
2 Attorney, whose address is:

3
4 Arthur E. Mallory
Churchill County District Attorney
5 Priscilla L. Baker
Deputy District Attorney
6 165 N. Ada Street
7 Fallon, NV 89406

8 5. Indicate whether any attorney identified above in response to question 3 or 4 is not
9 licensed to practice law in Nevada and, if so, whether the district court granted that attorney
10 permission to appear under SCR 42 (attach a copy of any district court order granting such
11 permission): **All attorneys are licensed to practice law in the State of Nevada.**

12
13 6. Indicate whether appellant was represented by appointed or retained counsel in the
14 district court: **Counsel for the Appellant was appointed in the District Court.**

15 7. Indicate whether appellant is represented by appointed or retained counsel on appeal:
16 **Counsel for the Appellant is represented by appointed counsel on appeal.**

17
18 8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the
19 date of entry of the district court order granting such leave: **Not applicable since this is a**
20 **criminal case and the Defendant was appointed counsel for all stages of these proceedings.**

21 9. Indicate the date the proceedings commenced in the district court (e.g., date
22 complaint, indictment, information, or petition was filed): **The Criminal Information was filed**
23 **on May 26, 2020.**

24
25 10. Provide a brief description of the nature of the action and result in the district court,
26 including the type of judgment or order being appealed and the relief granted by the district
27 court: **Following a jury trial, Mr. Johns was convicted of 1) Burglary with Possession of aF**
28

1 Firearm or Deadly Weapon, a violation of NRS 205.060(4); 2) Batteru with a Deadly
2 Weapon Causing Substantial Bodily Harm, a violation of NRS 200.481(2)(E)(2); 3) Battery
3 by a Prisoner in Lawful Custody, a violation of NRS 200.481(2)(F); 4) Home Invasion with
4 Possession of a Firearm or Deadly Weapon, a violation of NRS 205.067(4); and Obtaining
5 or Possessing Credit Card or Debit Card, or Identifying Description of Credit ard, Credit
6 Account or Debit Card without Consent, a violation of NRS 205.690(1). Mr. Johns received
7 substantial, consecutive prison sentences for his various criminal convictions.
8

9
10 11. Indicate whether the case has previously been the subject of an appeal to or original
11 writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number
12 of the prior proceeding: N/A

13 12. Indicate whether this appeal involves child custody or visitation: N/A

14 13. If this is a civil case, indicate whether this appeal involves the possibility of
15 settlement: N/A
16

17 Dated this 12th day of June, 2021.

18 /s/ David K. Neidert
19 DAVID K. NEIDERT
20 Counsel for Casey Alan Johns
21 Nevada Bar No. 4342
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1 **AFFIRMATION OF MAILING AND DECLARATION PURSUANT TO NRS 239B.030**

2 The undersign affirms that on today's date the foregoing was served by email on the
3 Churchill County District Attorney at pbaker@churchillda.org.
4

5 The undersigned further affirms that the foregoing document does not contain the Social
6 Security number of any person.

7 Dated this 11th day of June, 2021.

8
9 /s/ David K. Neidert
10 DAVID K. NEIDERT
11 Attorney at Law
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Churchill Case Summary

State of Nevada, Plaintiff, vs. Casey Alan Johns, Defendant.

Court: 20-10DC-0552

Agency: 10th Judicial District Court -
Department 1

Law: F20-02540

CaselD: 20-552

Type: Felony

Received Date: 5/27/2020

Status: Trial - Jury (JOC)

Status Date: 5/18/2021

Age: 380 days Active Age: 356 days

Charges

1. 205.060(4) - Burglary With Possession Of A Firearm Or Deadly Weapon Occurred: 4/16/2020 Ended: 4/16/2020

Felony Category B 4/16/2020 12:00:00 PM

Attribute

Crimes Against Property

Location: At or near 60 South Allen Road #135 Fallon, Churchill County, Nevada

[Johns, Casey Alan Defendant](#)

Plea: Not Guilty Plea Date: 6/30/2020 Disposition: Verdict - Guilty Dispo Date: 5/13/2021

Sentence: 5/13/2021 Incarcerated from 24 months to 60 months Nevada State Prison

Charge Agency: Fallon Police Department (F20-02540)

Bail Amount: 2500.00

2. 200.481(2)(E)(2) - Battery With A Deadly Weapon Causing Substantial Bodily Harm To Victim Occurred: 4/16/2020 Ended: 4/16/2020

Felony Category B 4/16/2020 12:00:00 PM

Attribute

Crimes Against Persons

Location: At or near 60 South Allen Road #135 Fallon, Churchill County, Nevada

[Johns, Casey Alan Defendant](#)

Plea: Not Guilty Plea Date: 6/30/2020 Disposition: Verdict - Guilty Dispo Date: 5/13/2021

Sentence: 5/13/2021 Incarcerated from 72 months to 180 months Nevada State Prison

Notes: Consecutive to Count 1

Charge Agency: Fallon Police Department (F20-02540)

Bail Amount: 50000.00

3. 200.481(2)(F) - Battery By A Prisoner In Lawful Custody Or Confinement Occurred: 4/16/2020 Ended: 4/16/2020

Felony Category B 4/16/2020 12:00:00 PM

Attribute

Crimes Against Persons

Location: At or near 60 South Allen Road Fallon, Churchill County, Nevada

[Johns, Casey Alan Defendant](#)

Plea: Not Guilty Plea Date: 6/30/2020 Disposition: Verdict - Guilty Dispo Date: 5/13/2021

Sentence: 5/13/2021 Incarcerated from 12 months to 32 months Nevada State Prison

Notes: Consecutive to Count 1, 2

Charge Agency: Fallon Police Department (F20-02540)

Bail Amount: 20000.00

4. 205.067(4) - Home Invasion With Possession Of Firearm Or Deadly Weapon Occurred: 4/16/2020 Ended: 4/16/2020

Felony Category B 0 4/16/2020 12:00:00 PM

Attribute

Crimes Against Property

Location: At or near 60 South Allen Road #132 Fallon, Churchill County, Nevada

[Johns, Casey Alan Defendant](#)

Plea: Not Guilty Plea Date: 6/30/2020 Disposition: Verdict - Guilty Dispo Date: 5/13/2021

Sentence: 5/13/2021 Incarcerated from 32 months to 96 months Nevada State Prison

Notes: Consecutive to Count 1, 2, 3

Charge Agency: Fallon Police Department (F20-02540)

Bail Amount: 2500.00

Churchill Case Summary

[5. 205.690\(1\) ~ Obtaining Or Possessing Credit Card Or Debit Card, Or Identifying Description Of Credit Card, Credit Account Or Debit Card Without Consent Occurred: 4/10/2020 Ended: 4/16/2020](#)

Felony Category D 4/16/2020 12:00:00 PM

Attribute

Crimes Against Property

Location: At or near 260 West Center Street Apt #16 Fallon, Churchill County, Nevada

[Johns, Casey Alan Defendant](#)

Plea: Not Guilty Plea Date: 6/30/2020 Disposition: Verdict - Guilty Dispo Date: 5/13/2021

Sentence: 5/13/2021 Incarcerated from 12 months to 32 months Nevada State Prison

Notes: Consecutive to Count 1, 2, 3, 4 - All Counts consecutive to case #20-0186

Charge Agency: Fallon Police Department (F20-02540)

Bail Amount: 5000.00

[22.010 ~ Civil Contempt of Court](#)

Attribute

Juror Sanctions

[Johns, Casey Alan Defendant](#)

[Harmon, Michael Eugene Juror](#)

[Medina, Irma Juror](#)

[Plants, Sandra Kay Juror](#)

[Tipp, Zachary Ryan Juror](#)

Case Docket

Docket Summary

5/27/2020 11:55:00 AM | Justice Court Proceedings | Filed

Notes: Justice Court Proceedings

5/27/2020 11:56:00 AM | Information | Filed

Notes: Information

5/27/2020 3:03:00 PM | Order | Filed

Notes: Setting Memo

5/28/2020 10:24:00 AM | Filed Document | Filed

Notes: Stipulation for Order Authorizing the Release of Evidence and Negative Inference Jury Instruction

6/1/2020 9:20:00 AM | Order | Filed

Notes: Order Authorizing the Release of Evidence and Negative Inference Jury Instructions

6/1/2020 3:21:00 PM | Notice of Entry of Order | Filed

Notes: Notice of Entry of Order

6/17/2020 2:11:00 PM | Transcript of Proceedings | Filed

Notes: Transcript of Proceedings - Preliminary Hearing 5-22-20 ***Scanned in Filing Cabinet***

7/2/2020 9:55:00 AM | Order | Filed

Notes: Pre-Trial Order

7/16/2020 3:40:00 PM | Filed Document | Filed

Notes: Motion to Produce Defendant

7/17/2020 9:07:00 AM | Order | Filed

Notes: Order to Produce

7/30/2020 3:13:00 PM | Filed Document | Filed

Notes: Motion to Produce Defendant

7/30/2020 3:13:00 PM | Motion | Filed

Notes: Motion in Limine

7/30/2020 3:13:00 PM | Motion | Filed

Notes: Motion in Limine to Admit Defendant's Prior Bad Acts

7/31/2020 9:41:00 AM | Order | Filed

Notes: Order to Produce

8/3/2020 10:13:00 AM | Notice of Entry of Order | Filed

Notes: Notice of Entry of Order

8/18/2020 10:13:00 AM | Filed Document | Filed

Notes: Notice of Witnesses Prosecution Intends to Call in Its Case in Chief

8/18/2020 10:14:00 AM | Filed Document | Filed

Notes: 21 Day Notice of Expert Witnesses Prosecution Intends to Call in Its Case in Chief

8/18/2020 3:56:00 PM | Opposition to Motion | Filed

Notes: Opposition to Motion in Limine Regarding Prior Bad Acts

8/18/2020 3:56:00 PM | Opposition to Motion | Filed

Notes: Response to Motion in Limine Regarding Defense

Churchill Case Summary

8/20/2020 10:15:00 AM | Filed Document | Filed
Notes: Motion to Endorse Names of Witnesses on Information

8/20/2020 10:16:00 AM | Reply | Filed
Notes: Reply in Support of Motion in Limine to Admit Defendant's Prior Bad Acts

8/20/2020 10:16:00 AM | Reply | Filed
Notes: Reply in Support of Motion in Limine

8/20/2020 10:16:00 AM | Filed Document | Filed
Notes: Amended 21 Day Notice of Expert Witnesses Prosecution Intends to Call in Its Case in Chief

8/20/2020 10:16:00 AM | Filed Document | Filed
Notes: Amended Notice of Witnesses Prosecution Intends to Call in its Case in Chief

8/20/2020 2:09:00 PM | Order | Filed
Notes: Order to Endorse Names on Information

8/21/2020 10:15:00 AM | Notice of Entry of Order | Filed
Notes: Notice of Entry of Order

9/15/2020 4:24:00 PM | Order | Filed
Notes: Order Regarding Motion in Limine

9/15/2020 4:24:00 PM | Order | Filed
Notes: Order Denying State's Motion in Limine to Admit Defendant's Prior Bad Acts

9/16/2020 3:13:00 PM | Notice of Entry of Order | Filed
Notes: Notice of Entry of Order

9/16/2020 3:14:00 PM | Notice of Entry of Order | Filed
Notes: Notice of Entry of Order

9/18/2020 3:14:00 PM | Filed Document | Filed
Notes: 2nd Motion to Endorse Names of Witnesses on Information

9/21/2020 8:36:00 AM | Order | Filed
Notes: Order to Endorse Names on Information

9/21/2020 10:16:00 AM | Filed Document | Filed
Notes: 2nd Amended Notice of Witnesses Prosecution Intends to Call in its Case in Chief

9/21/2020 10:16:00 AM | Filed Document | Filed
Notes: 2nd Amended 21 Day Notice of Expert Witnesses Prosecution Intends to Call in its Case in Chiefs

9/21/2020 3:06:00 PM | Notice of Entry of Order | Filed
Notes: Notice of Entry of Order

9/24/2020 3:08:00 PM | Filed Document | Filed
Notes: 3rd Motion to Endorse Names of Witnesses on Information

9/25/2020 8:15:00 AM | Order | Filed
Notes: 3rd Order to Endorse Names on Information

9/28/2020 10:16:00 AM | Notice of Entry of Order | Filed
Notes: Notice of Entry of Order

12/17/2020 3:54:00 PM | Filed Document | Filed
SEALED
Notes: Motion for Nunc Pro Tunc Appointment of Investigator and for Payment of Fees and Costs (Filed Under Seal)

12/17/2020 4:11:00 PM | Order | Filed
SEALED
Notes: Order Appointing Investigator and Authorizing Payment of Fees and Costs

1/7/2021 3:38:00 PM | Motion | Filed
Notes: Motion to Produce Defendant

1/7/2021 4:02:00 PM | Order | Filed
Notes: Order to Produce

1/11/2021 10:11:00 AM | Notice of Entry of Order | Filed
Notes: Notice of Entry of Order

3/3/2021 3:39:00 PM | Order | Filed
Notes: Order Vacating April 19, 2021 Trial Date and Setting a New Trial Date

3/23/2021 3:13:00 PM | Filed Document | Filed
Notes: 3rd Amended 21 Day Notice of Expert Witnesses Prosecution Intends to Call in its Case in Chief

3/23/2021 3:14:00 PM | Filed Document | Filed
Notes: 4th Amended Motion to Endorse Names of Witnesses on Information

3/29/2021 11:41:00 AM | Order | Filed
Notes: Order to Endorse Names on Information

3/31/2021 10:28:00 AM | Notice of Entry of Order | Filed
Notes: Notice of Entry of Order (Order to Endorse Names on Information)

4/16/2021 10:04:00 AM | Order | Filed
Notes: Order Calling Jury

4/16/2021 4:31:00 PM | Motion - Criminal | Filed
Notes: Motion for Transport Defendant to Churchill County Jail as Soon as Possible

4/19/2021 12:37:00 PM | Order | Filed
Notes: Setting Memo

4/19/2021 3:09:00 PM | Non-Opposition to Motion | Filed

Churchill Case Summary

Notes: Response to Motion for Transport Defendant to Churchill County Jail as Soon as Possible
4/20/2021 4:05:00 PM | Order | Filed
Notes: Order for Transport
5/3/2021 4:32:00 PM | Filed Document | Filed
Notes: List of Witnesses
5/5/2021 8:27:00 AM | Information | Filed
Notes: First Amended Information
5/5/2021 9:51:00 AM | Motion - Criminal | Filed
Notes: Motion for State to Provide Criminal History Information
5/5/2021 10:44:00 AM | Filed Document | Filed
Notes: Non-Opposition to Motion for State to Provide Criminal History Information
5/5/2021 11:46:00 AM | Request for Submission | Filed
Notes: Request for Submission (Motion Criminal History)
5/6/2021 8:55:00 AM | Motion - Criminal | Filed
Notes: Motion to Exclude Defense Witnesses
5/6/2021 8:56:00 AM | Ex-Parte Motion | Filed
Notes: Ex Parte Motion to Shorten Time to Respond to Motion to Exclude Defense Witnesses
5/6/2021 9:17:00 AM | Order | Filed
Notes: Order Granting Ex Parte Motion to Shorten Time to Respond to Exclude Defense Witnesses
5/7/2021 3:12:00 PM | Notice of Entry of Order | Filed
Notes: Notice of Entry of Order
5/10/2021 5:24:00 PM | Filed Document | Filed
Notes: Trial Statement
5/13/2021 11:15:00 AM | Filed Document | Filed
Notes: Instructions to the Jury
5/13/2021 1:53:00 PM | Verdict | Filed
Notes: Verdict - Count 1 - Guilty
5/13/2021 1:53:00 PM | Verdict | Filed
Notes: Verdict - Count 2 - Guilty
5/13/2021 1:53:00 PM | Verdict | Filed
Notes: Verdict - Count 3 - Guilty
5/13/2021 1:53:00 PM | Verdict | Filed
Notes: Verdict - Count 4 - Guilty
5/13/2021 1:53:00 PM | Verdict | Filed
Notes: Verdict - Count 5 - Guilty
5/13/2021 4:01:00 PM | Setting Memo | Filed
Notes: Setting Memo (Sentencing)
5/14/2021 9:56:00 AM | Order | Filed
Notes: Order Excusing Jury
5/14/2021 9:57:00 AM | Order | Filed
Notes: Order to Show Cause (Racheal Blakney) - Not Served
5/14/2021 9:57:00 AM | Order | Filed
Notes: Order to Show Cause (Drew Dahl) **QUASHED PER CA as of 06/09/21 - Over 74 Years of Age**
5/14/2021 9:57:00 AM | Order | Filed
Notes: Order to Show Cause (Michael Harmon) - Served
5/14/2021 9:57:00 AM | Order | Filed
Notes: Order to Show Cause (Gerardo Hernandez) - Not Served
5/14/2021 9:57:00 AM | Order | Filed
Notes: Order to Show Cause (Irma Medina) - Served
5/14/2021 9:57:00 AM | Order | Filed
Notes: Order to Show Cause (Sandra Plants) - Served
5/14/2021 9:57:00 AM | Order | Filed
Notes: Order to Show Cause (Jeanine Robbins) **QUASHED PER CA as of 06/02/2021**
5/14/2021 9:57:00 AM | Order | Filed
Notes: Order to Show Cause (Zachary Tipp) - Served
5/18/2021 5:02:00 PM | Judgment of Conviction | Filed
Notes: Judgment of Conviction
5/19/2021 1:41:00 PM | Ex-Parte Motion | Filed
Notes: Ex Parte Motion for Payment of Investigator Fees and Costs
5/19/2021 2:09:00 PM | Order | Filed
Notes: Order for Payment of Investigator Fees and Costs
5/19/2021 3:11:00 PM | Filed Document | Filed
Notes: Declaration of Service
5/20/2021 3:13:00 PM | Filed Document | Filed
Notes: Return of Service
5/24/2021 3:30:00 PM | Filed Document | Filed
Notes: Sheriff's Return of Non-Service (Gerardo Hernandez)

Churchill Case Summary

5/27/2021 3:36:00 PM | Filed Document | Filed
Notes: Stipulation for Order Authorizing the Release of Knife, Admitted as Exhibit 29

5/27/2021 3:45:00 PM | Order | Filed
Notes: Order Authorizing the Release of Knife, Admitted as Exhibit 29

5/28/2021 3:27:00 PM | Notice of Entry of Order | Filed
Notes: Notice of Entry of Order

6/1/2021 3:17:00 PM | Filed Document | Filed
Notes: Sheriff's Return of Service (Michael Eugene Harmon - Served 5/31/21)

6/1/2021 3:17:00 PM | Filed Document | Filed
Notes: Sheriff's Return of Non-Service (Racheal Michelle Blakney)

6/3/2021 7:25:00 AM | Filed Document | Filed
Notes: Sheriff's Return of Service (Sandra Kay Plants - Served 5/31/21)

6/3/2021 7:25:00 AM | Filed Document | Filed
Notes: Sheriff's Return of Service (Irma Gonzalez Medina - Served 5/31/21)

6/3/2021 7:25:00 AM | Filed Document | Filed
Notes: Sheriff's Return of Service (Zachary Ryan Tipp - Served 5/31/21)

6/3/2021 3:31:00 PM | Filed Document | Filed
Notes: Sheriff's Return of Service (Jeanine Robbins 5-30-21)

6/9/2021 10:48:00 AM | Filed Document | Filed
Notes: Receipt of Exhibits (State's Exhibit 29 - Knife - to Fallon PD)

6/11/2021 12:31:00 PM | Notice of Appeal | Filed
Notes: Notice of Appeal

6/11/2021 12:32:00 PM | Filed Document | Filed
Notes: Case Appeal Statement

6/11/2021 12:32:00 PM | Filed Document | Filed
Notes: Transcript Request Form

Case No. 20-10DC-0552

Dept. No. 1

The undersigned hereby affirms that
this document does not contain the
social security number of any person.

FILED

2021 MAY 18 PM 5:02

SUE SEVON
COURT CLERK
BY *J. Benning* DEPUTY

IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF CHURCHILL

THE STATE OF NEVADA,

Plaintiff,

vs.

CASEY ALAN JOHNS,

Defendant.

JUDGMENT OF CONVICTION

On the 30th day of June, 2020, the above-named Defendant, CASEY ALAN JOHNS, Date of Birth: April 23, 1988, Place of Birth: Fallon, NV, entered a plea of Not Guilty to the crime(s) of : **COUNT 1, BURGLARY WITH POSSESSION OF A FIREARM OR DEADLY WEAPON, a Category B Felony, in violation of NRS 205.060(4), COUNT 2, BATTERY WITH A DEADLY WEAPON CAUSING SUBSTANTIAL BODILY HARM TO VICTIM, a Category B Felony, in violation of NRS 200.481(2)(E)(2), COUNT 3, BATTERY BY A PRISONER IN LAWFUL CUSTODY OR CONFINEMENT, a Category B Felony, in violation of NRS 200.481(2)(F), COUNT 4, HOME INVASION WITH POSSESSION OF FIREARM OR DEADLY WEAPON, a Category B Felony, in violation of NRS 205.067(4), and COUNT 5, OBTAINING OR POSSESSING CREDIT CARD OR DEBIT CARD, OR IDENTIFYING DESCRIPTION OF CREDIT CARD, CREDIT ACCOUNT OR DEBIT CARD WITHOUT CONSENT, a Category D Felony, in violation of NRS 205.690(1).**

The Jury Trial Commenced on May 10, 2021 and ended on May 13, 2021. That at the time of the Defendant's Jury Trial the Defendant was represented by an attorney, DAVID K.

1 NEIDERT ESQ., or the duly appointed representative; also present in Court were the Churchill
2 Court Clerk, or the duly appointed representative, the Sheriff of Churchill County, or the duly
3 appointed representative, the District Attorney of Churchill County, Nevada, or the duly
4 appointed representative, representing the State of Nevada; and the Operations Supervisor, or
5 the duly appointed representative, representing the Division of Parole and Probation.

6 The Jury found the Defendant guilty on Count One, Count Two, Count Three, Count
7 Four, and Count Five. The Court, thereafter, set the date of May 18, 2021, as the date for
8 imposing judgment and sentence and the Defendant having appeared at such time, represented
9 by counsel, and the Defendant having been given the opportunity to exercise the right of
10 allocution, and having shown no legal cause why judgment should not be pronounced at that
11 time.

12 This Court thereupon pronounced CASEY ALAN JOHNS guilty of: **COUNT 1,**
13 **BURGLARY WITH POSSESSION OF A FIREARM OR DEADLY WEAPON, a**
14 **Category B Felony, in violation of NRS 205.060(4), COUNT 2, BATTERY WITH A**
15 **DEADLY WEAPON CAUSING SUBSTANTIAL BODILY HARM TO VICTIM, a**
16 **Category B Felony, in violation of NRS 200.481(2)(E)(2), COUNT 3, BATTERY BY A**
17 **PRISONER IN LAWFUL CUSTODY OR CONFINEMENT, a Category B Felony, in**
18 **violation of NRS 200.481(2)(F), COUNT 4, HOME INVASION WITH POSSESSION OF**
19 **FIREARM OR DEADLY WEAPON, a Category B Felony, in violation of NRS**
20 **205.067(4), and COUNT 5, OBTAINING OR POSSESSING CREDIT CARD OR DEBIT**
21 **CARD, OR IDENTIFYING DESCRIPTION OF CREDIT CARD, CREDIT ACCOUNT**
22 **OR DEBIT CARD WITHOUT CONSENT, a Category D Felony, in violation of NRS**
23 **205.690(1).**

24 In accordance with the applicable statutes of the State of Nevada this Court sentenced
25 the Defendant to:

26 ON COUNT 1: imprisonment in the Nevada State Prison for a minimum term of 24
27 months, with a maximum term of 60 months, and a minimum parole eligibility of 24
28 months.

1 ON COUNT 2: imprisonment in the Nevada State Prison for a minimum term of 72
2 months, with a maximum term of 180 months, and a minimum parole eligibility of 72
3 months to run consecutive to Count 1.

4 ON COUNT 3: imprisonment in the Nevada State Prison for a minimum term of 12
5 months, with a maximum term of 32 months, and a minimum parole eligibility of 12
6 months to run consecutive to Count 1 and Count 2.

7 ON COUNT 4: imprisonment in the Nevada State Prison for a minimum term of 32
8 months, with a maximum term of 96 months, and a minimum parole eligibility of 32
9 months to run consecutive to Count 1, Count 2, and Count 3.

10 ON COUNT 5: imprisonment in the Nevada State Prison for a minimum term of 12
11 months, with a maximum term of 32 months, and a minimum parole eligibility of 12
12 months to run consecutive to Count 1, Count 2, Count 3, and Count 4.

13 Count 1 through Count 5 will run consecutive to District Court Case Number 20-10DC-
14 0186.

15 In addition, said Defendant shall pay:

- 16 1. Restitution in the amount of One Thousand Dollars (\$1,000.00) to Mike Malone
17 paid through Nevada Division of Parole & Probation.
- 18 2. Restitution in the amount of One Thousand Eight Hundred Ninety-four Dollars
19 (\$1,894.00) to Budget Inn paid through Nevada Division of Parole & Probation.
- 20 3. Restitution in the amount of One Hundred Forty-nine Dollars And Twenty-one
21 Cents (\$149.21) to Brandi West-Castillo paid through Nevada Division of Parole &
22 Probation.
- 23 4. An Administrative Assessment Fee in the amount of Twenty-five Dollars (\$25.00)
24 to Tenth Judicial District Court.
- 25 5. A Genetic Marker Analysis Fee in the amount of Three Dollars (\$3.00) to Tenth
26 Judicial District Court.

27 Pursuant to NRS 176.0913, Defendant must submit a biological specimen to determine
28 genetic markers and/or secretor status.

1 Pursuant to NRS 176.035, the Court hereby aggregates the sentence imposed in this
2 case. Therefore, the aggregate sentence is determined to be a minimum term of 152 months to a
3 maximum term of 400 months.

4 Therefore, the Clerk of the above-entitled Court is hereby directed to enter the
5 Judgment of Conviction as a part of the record in the above-entitled matter.

6 DATED: This 18th day of May, 2021.

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11 Thomas L. Stockard
12 District Court Judge
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**TENTH JUDICIAL DISTRICT COURT
MINUTES**

STATE OF NEVADA, PLAINTIFF, VS. CASEY ALAN JOHNS, DEFENDANT.

20-10DC-0552

Judge: Thomas L. Stockard

Law Clerk: Wright Noel

Clerk: Shellie L. Hooten

Date of Hearing:	<u>June 30, 2020 - Arraignment</u>
Present:	Priscilla L. Baker Esq., for the State – by Telephone Casey Alan Johns, Defendant David K. Neidert Esq., for the Defendant Lisa Brannon, P&P – by Telephone
Not Present:	
Sworn and Provided Testimony:	
Exhibits:	

For more details, please see attached JAVS Report.

Minute Summary

Defendant's counsel received a copy of the Information and waived formal reading. Defendant entered a NOT GUILTY plea to the Information. Defendant did not waive his right to a speedy trial. The Court explained that due to Covid 19, the earliest Trial date would be October 5, 2020.

COURT ORDERED: The Court set the matter for a 4.5 day Jury Trial commencing on **October 5, 2020 at 9:00 a.m.**



Prosecution: District Attorney
 Defendant: Casey Alan Johns
 Defense: David K. Neidert Esq.
 Judge: Thomas L. Stockard
 Clerk: Shellie Hooten
 Bailiff: Wright Noel

Date:	Type:	Location:	Department:
6/30/2020	Arraignment	Courtroom 1	
Event Time	Log Event		
10:40:34 AM	Session Started		
10:40:48 AM	Session Note Entry Note: JAVS, courtclerk	Priscilla Baker, Lisa Brannon, Brenda Ingram by telephone; David Neider for Defendant.	
10:41:43 AM	Session Note Entry Note: JAVS, courtclerk	Defendant stated it was his T&C name. Reads and writes English and has talked with his attorney some. Mr. Neidert...we have met at that time.	
10:43:07 AM	Session Note Entry Note: JAVS, courtclerk	Mr. Neidert waived formal reading. Will enter a not guilty and invoke his right to speedy trial.	
10:43:55 AM	Session Note Entry Note: JAVS, courtclerk	Court went over counts. Mr. Neidert, based on a not guilty plea did not go over the penalties.	
10:45:21 AM	Session Note Entry Note: JAVS, courtclerk	Court went over the penalties. Defendant understood and had no questions. Defendant plead not guilty to all counts.	
10:48:12 AM	Session Note Entry Note: JAVS, courtclerk	Court...how long for trial? Ms. Baker...about 5 days. Court...4.5 days? Mr. Neidert concurred.	
10:48:40 AM	Session Note Entry Note: JAVS, courtclerk	Court...will set this for a 4.5 day Jury Trial. Still in Covid 19 restrictions, but Court is working on making jury trials possible. So when we proceed to trial, what we plan on doing we will seat some people, this will take longer, essentially 25 people at a time. We can't socially distance in a jury box. May be sitting in the gallery. Planning on getting Plexy glass on the witness stand. Everyone will wear masks. Jury room is quite small, may have them deliberate in courtroom 2. Have at least 2 alternates. Temperatures will be checked. Going to do the best we can.	
10:52:59 AM	Session Note Entry Note: JAVS, courtclerk	Mr. Neidert...no objection to the procedures.	
10:53:24 AM	Session Note Entry Note: JAVS, courtclerk	Ms. Baker...just ask that Defendant could remove the mask for identification purposes. Court...yea, we will put a procedure in place for that.	
10:54:20 AM	Session Note Entry Note: JAVS, courtclerk	Defendant...discovery? Mr. Neidert...will make sure he gets that.	

10:54:44 AM	Session Note Entry Note: JAVS, courtclerk	Court...on right to a speedy trial. In every court in the land right now, that has been interrupted. Defendant...have discussed it. Mr. Neidert...have discussed it and he wants to invoke his right to a speedy trial.
10:56:25 AM	Session Note Entry Note: JAVS, courtclerk	Court...we have a number of things we have Oct 5-9 and Oct 19-23; Mr. Neidert...prefer Oct 5-9, 2020;
10:57:39 AM	Session Note Entry Note: JAVS, courtclerk	Court...outside the 60 days but will that be helpful? Mr. Neidert...certainly does. Will be filing Motion for his investigator.
10:59:06 AM	Session Note Entry Note: JAVS, courtclerk	Defendant on sentencing last week. Nuckols stated he will not stay here. Mr. Neidert...could they wait a week to allow him to get his stuff.
10:59:34 AM	Session Note Entry Note: JAVS, courtclerk	Court...ok you'll stay here for another week, till the 10th. Then off to prison. Prison is on complete lockdown. If that impedes your ability, let the court know.
11:00:53 AM	Session Note Entry Note: JAVS, courtclerk	Court...so set for jury trial.
11:01:04 AM	Session Note Entry Note: JAVS, courtclerk	Mr. Nediert...might set a pre trial hearing date so that he can be brought back here. Court...will set a pretrial date and that he be transported here.
11:01:46 AM	Session Note Entry Note: JAVS, courtclerk	Ms. Baker...State will prepare an formal motion for that.
11:02:10 AM	Session Ended	

**TENTH JUDICIAL DISTRICT COURT
MINUTES**

STATE OF NEVADA, PLAINTIFF, VS. CASEY ALAN JOHNS, DEFENDANT.

20-10DC-0552

Judge: Thomas L. Stockard
Law Clerk: Wright Noel
Clerk: Shellie L. Hooten

Date of Hearing:	<u>September 8, 2020 - Pre-Trial Evidentiary Criminal</u>
Present:	Priscilla L. Baker Esq., for the State Casey Alan Johns, Defendant David K. Neidert Esq., for the Defendant
Not Present:	
Sworn and Provided Testimony:	Alonso William Lofthouse, Deputy Rudy Maynez, Deputy
Exhibits:	

For more details, please see attached JAVS Report.

Minute Summary: The Court heard testimony on the Motions filed by the State. Motion in Limine and Motion in Limine Re: Prior Bad Acts. There was direct examination by Ms. Baker and cross examination by Mr. Neidert. The Court spoke to counsel and the Defendant regard having a trial during this time of Covid-19. He gave the options of having a bench trial, settlement conference or continue out the jury trial. Court gave counsel time to speak with his client.

Back on the record, Mr. Neidert stated that his client wanted to have his jury trial.

COURT ORDERED: The Court denied the Motions but stated that the State could renew their Motions at a later date. The Court also vacated the October 5th trial date and moved the Jury Trial to **April 19-23, 2021 at 9:00 a.m.**



Prosecution: District Attorney

Defendant: Casey Alan Johns

Defense: David K. Neidert Esq.

Judge: Thomas L. Stockard

Clerk: Shellie Hooten

Bailiff: Wright Noel

Date:	Type:	Location:	Department:
9/8/2020	Criminal Bench Trial	Courtroom 1	
Event Time	Log Event		
11:43:06 AM	Session Started		
11:43:27 AM	Session Note Entry Note: JAVS, courtclerk	Priscilla Baker present; David Neidert and Defendant present in Court.	
11:44:15 AM	Session Note Entry Note: JAVS, courtclerk	Court...State's first motion on cross examination on witnesses. Court...we will follow the law. Ms. Baker...yes just asking for the Court to follow the law, but if Mr. Neidert wanted to address anything we do that now.	
11:45:41 AM	Session Note Entry Note: JAVS, courtclerk	Mr. Neidert...understand on impeachment purposes, not anticipating that. Ask that we do that when the Jury does even know they are meeting.	
11:46:41 AM	Session Note Entry Note: JAVS, courtclerk	Court...prior bad acts. Court...clothing sizes for Defendant. Mr. Neidert...will make sure he gets clothing.	
11:47:06 AM	Session Note Entry Note: JAVS, courtclerk	Court...ok so bad acts? Court...the kick in the ER? Ms. Baker...if the defense tries to argue it was a mistake, because Mr. Johns was in that position and kicked while in custody. Court...going to deny the motion but will allow you to renew it.	
11:48:38 AM	Session Note Entry Note: JAVS, courtclerk	Court...then with the spitting? Once again, think my preference would be, Mr. Neidert are you going to refer to it. Mr. Neidert...wasn't going too. Ms. Baker...the defendant waas listening to the officers following directions, a mask and spit hood was put on him thats when the battery occurred. They want to give the jury the whole story. Court...are there convictions related to those? Ms. Baker...no. Court...if thats the case, then not going to let it in.	
11:51:30 AM	Session Note Entry Note: JAVS, courtclerk	Mr. Neidert...the officer didn't necessarily feel the kick. Court...wh	
11:53:06 AM	Session Note Entry Note: JAVS, courtclerk	ALONSO WILLIAM LOFTHOUSE, IV Sworn and testified that he is employed for 18 years with Churchill County Sheriffs office. testified that he was working when called to this call. Observed the Defendant's slightly irrational behavior. Described the Defendant for the record. Testified that Mr. Johns was going to be taken into custody. When they attempted to place him in the vehicle, sounded like someone spitting and he noticed spit on his uniform.	

11:56:41 AM	Session Note Entry Note: JAVS, courtclerk	Mr. Neidert...cross examination. Deputy Lofthouse testified...he was acting in a not normal behavior. The spit hood was not placed on him at that time. Testified that he did not write the original report. Mr. Neidert shows Deputy Lofthouse the report Deputy Lewellen. Deputy Lofthouse testified that Mr. Johns was yelling, get off me prior to being contacted. Doing push ups in the dirt. Testified he heard/saw Mr. Johns spit on him.
12:01:55 PM	Session Note Entry Note: JAVS, courtclerk	RUDY MAYNEZ sworn. Testified his name and employed by Churchill County Sheriff's office for almost 12 years. August 7, 2016 he was working and dispatched to a call on Tarzyn Rd. Observed intoxicated male subject on side of the road in a kneeling position. It was Casey Johns. Described the Defendant for the record. It was an ambulance page for intoxicated subject. Initial contact he was grinding his teeth, asked his name, gave responses dad mom, eventually looked at him, he told him they were there to help him. Asked him what happened because he had cuts. He replied Fuck you bitch.
12:05:43 PM	Session Note Entry Note: JAVS, courtclerk	Testified that he tried to stand, he tried to hold him up. Defendant swatted at his arm, he took him down and put him into custody. Testified that in the hospital Johns spit on him. He saw him spit and saw it landed on his right arm. Also on the nurse on her forehead.
12:07:06 PM	Session Note Entry Note: JAVS, courtclerk	Mr. Neidert...was he intoxicated. Testified that he had the signs of being intoxicated.
12:07:35 PM	Session Note Entry Note: JAVS, courtclerk	Ms. Baker...also called Cpl. Ron Wenger arrested in this case. Court...find that the spitting incidents were proven by clear and convincing evidence.
12:08:17 PM	Session Note Entry Note: JAVS, courtclerk	Court...think the harder question is, if issue comes up as to why its there. my preference would be to severe this count and do a separate trial. Would be very hard.
12:09:22 PM	Session Note Entry Note: JAVS, courtclerk	Mr. Neidert...not sure frankly, think they are getting it confused...
12:10:10 PM	Session Note Entry Note: JAVS, courtclerk	Court...going to deny the motions to admit those counts, but will allow you to bring it up again.
12:10:43 PM	Session Note Entry Note: JAVS, courtclerk	Court...don't think there any other outstanding motions. The Court has not been able to conduct a trial yet. Wanted to put off the decision to see what Covid and sister counties are doing. There have been 115, 2 deaths...in all candor, the amount of cases have increased. Deeply concerned safety reasons. Lyon County has done a jury trial.
12:13:31 PM	Session Note Entry Note: JAVS, courtclerk	Court continued on the number of trials that need to be heard. The Court is trying to balance your right to speedy trial and having the trial in a safe way.

12:14:44 PM	Session Note Entry Note: JAVS, courtclerk	Court...I can refer this to settlement conference. Dont want to send if you dont want to go. He has a absolute right to trial. Could have a bench trial. If you have any alternatives. We've installd plexy glass, moved tables. etc. Dont know if you want to take a feew minutes to talk to Mr. Johns. Inclined to vacate the October date.	
12:17:18 PM	Session Ended		
Date:	Type:	Location:	Department:
9/8/2020	Criminal Bench Trial	Courtroom 1	
Event Time	Log Event		
12:22:45 PM	Session Started		
12:22:55 PM	Session Note Entry Note: JAVS, courtclerk	Back on the record.	
12:23:11 PM	Session Note Entry Note: JAVS, courtclerk	Mr. Neidert...certainly understand, spoke with NDOC, because he took this trip he will be in quaranteen for 14 days. Rather not have settlement or bench trial. If there are other hearings, ask that he can appear by phone or Zoom so he doesn't have to go through this	
12:25:21 PM	Session Note Entry Note: JAVS, courtclerk	Court...vacated the Trial on Oct 5, 2020 and get it reset. Once we can start having trials, we will start. Saw that you filed a Post Conviction in the other case. Court..but is we do have an evidentiary hearing you probably will have to be here.	
12:26:58 PM	Session Note Entry Note: JAVS, courtclerk	Defendant...submitted 2 prior to that. They just disappeared. Wanted copied of that.	
12:27:23 PM	Session Note Entry Note: JAVS, courtclerk	Court...April 19-23, 2021 will set this case. Ok with Counsel	
12:27:50 PM	Session Ended		
Date:	Type:	Location:	Department:
9/8/2020	Criminal Bench Trial	Courtroom 1	
Event Time	Log Event		
12:27:57 PM	Session Started		
12:28:02 PM	Session Note Entry Note: JAVS, courtclerk	Defendant wants the glossy photos in this case, the ones I have... Court...you can get with your attorney on that.	
12:28:12 PM	Session Ended		

**TENTH JUDICIAL DISTRICT COURT
MINUTES**

STATE OF NEVADA, PLAINTIFF, VS. CASEY ALAN JOHNS, DEFENDANT.

20-10DC-0552

Judge: Thomas L. Stockard
Law Clerk: Brandon McCain
Clerk: Shellie L. Hooten

Date of Hearing:	<u>April 20, 2021 - Status Hearing</u>
Present:	In Person: Priscilla L. Baker Esq., for the State Zoom: David K. Neidert Esq., for the Defendant
Not Present:	Casey Alan Johns, Defendant
Sworn and Provided Testimony:	
Admitted Exhibits:	

For more details, please see attached JAVS Report.

Minute Summary: The Court stated it set this hearing based on Mr. Neidert's Motion to Transport Defendant to the Churchill County Jail as Soon as Possible. The Court inquired if Mr. Neidert felt there was any reason they could not have this Status Hearing without the Defendant being present. Mr. Neidert stated he did not see any reason. Mr. Neidert stated his reason for wanting the Defendant transported by April 30th. He stated that he has a preliminary hearing in Fallon on a different case that day and could meet with Mr. Johns as well. He further stated that the last week before the trial he has an obligation meeting with witnesses. Due to Covid he is not able to visit the Defendant in prison. He also has to provide clothing for the Defendant for the Trial. Ms. Baker stated that she felt the Defendant being here the week before should be sufficient time for Mr. Neidert to confer with his client. She further stated that it is a burden on the jail. Sgt. Nuckols stated that they have worked with NDOC before and believe they can make it work. The Court stated that if found guilty they already have a PSI in another recent case, so they could set sentencing for May 18, 2021. Mr. Neidert stated he did not have that PSI. Ms. Baker stated she would make sure to notify the victims of the sentencing date. After discussion on procedures of the trial due to Covid, the Court ordered the following.

COURT ORDERED: The Court ordered that Mr. Neidert prepare the Order to Produce Defendant for April 29, 2021 and remain at the Churchill County Jail until May 18, 2021. The Court further ordered that if NDOC

**TENTH JUDICIAL DISTRICT COURT
MINUTES**

could not transport the Defendant for some reason, then the Sheriff's Office is ordered to pick up the Defendant and transport him, according to NRS 209.274. Mr. Neidert was instructed to prepare the Order to Produce and email it to Ms. Baker and the Court this afternoon. The Court further ordered that all court staff, attorney's and the Defendant will wear disposable masks during the trial so that the Defendant was not being singled out if he had to take off his mask for identification by a witness.



Prosecution: Priscilla L. Baker Esq.

Defendant: Casey Alan Johns

Defense: David K. Neidert Esq.

Judge: Thomas L. Stockard

Clerk: Katelin OKeefe

Bailiff: Brandon McCain

Date:	Type:	Location:	Department:
4/20/2021	Status Hearing	Courtroom 1	
Event Time	Log Event		
11:06:08 AM	Session Started		
11:06:22 AM	Session Note Entry		
	Note: JAVS, courtclerk	Priscilla Baker appearing in Court; David Neidert appearing by Zoom	
11:06:50 AM	Session Note Entry		
	Note: JAVS, courtclerk	Court...received a Motion to Transport Mr. Johns to CCJ as soon as possible. Because this is set for jury trial in May. Court set this yesterday.	
11:07:30 AM	Session Note Entry		
	Note: JAVS, courtclerk	Court...Mr. Johns is not able to be here, any reason we can't here this without him? Mr. Neidert...don't see any reason.	
11:07:58 AM	Session Note Entry		
	Note: JAVS, courtclerk	Mr. Neidert...have received State's response to his Motion. Mr. Neidert...put an earlier date because he was going to be in Fallon then, no longer have an office in Fallon. Also have an obligation to speak with witnesses the week before trial. Would be happy to go to the prison, but can't due to Covid. Giving me short time to meet with him and witnesses and have to get him clothing. That's my concern.	
11:10:05 AM	Session Note Entry		
	Note: JAVS, courtclerk	Court...so as I understand it, think its a challenge for all attorneys, the NDOC is not letting in Attorney's due to Covid precautions. When was the last time you contacted Warm Springs. Mr. Neidert...did a while ago, and can do that again.	
11:11:03 AM	Session Note Entry		
	Note: JAVS, courtclerk	Court...Know Judge Hardesty was going to talk with NDOC. If your client was here on the 30th would you have enough time? Mr. Neidert...that was my thought, in Fallon on another case. This is not a tough case. He may want to raise a defense that he won't address for him.	
11:12:28 AM	Session Note Entry		
	Note: JAVS, courtclerk	Court...what time is your prelim hearing? Mr. Neidert believe it starts at 9:00 am.	
11:12:45 AM	Session Note Entry		
	Note: JAVS, courtclerk	Ms. Baker...Stated filed its response, although don't object for the defendant to be here early, but it needs to be reasonable. Puts a burden on the jail.	
11:13:30 AM	Session Note Entry		
	Note: JAVS, courtclerk	Sgt. Jesse Nuckols stepped up to mic. Court...if the court would order that he be brought here on April 30th through the trial, we have a PSI if a conviction. There would be a victim notification issue, but suggest we have sentencing on May 18 and just have him stay until then.	

11:14:54 AM	Session Note Entry Note: JAVS, courtclerk	Ms. Baker...State would have no objection setting it on that following L&M. They will notify the victims
11:15:26 AM	Session Note Entry Note: JAVS, courtclerk	Mr. Neidert...don't have the PSI. Clerk will mail that out today.
11:16:16 AM	Session Note Entry Note: JAVS, courtclerk	Court...so May 18th will be the sentencing date if necessary.
11:16:36 AM	Session Note Entry Note: JAVS, courtclerk	Court...would we be able to have him here by April 30th? Mr. Nuckols...if we do an Order to produce, the prison brings them...Court...7 business days would be 29th. Court...maybe transport here on the 29th so that he is here.
11:18:42 AM	Session Note Entry Note: JAVS, courtclerk	Court...here is what I am inclin Order he be transported to CCJ from April 29th 2021 until May 18th 2021 there is the possibility that May 18th date could be sooner. Order that be done by the Dept of prisons if not poss, then CCJ transport. 200.274 is the statute give me that authorization.
11:20:23 AM	Session Note Entry Note: JAVS, courtclerk	Mr. Neidert...will have the Order prepared by this afternoon. Court...then will you get with NDOC and coordinate. Sgt. Nuckols...yes, we've worked with them before. He is a difficult defendant, but we will work with them.
11:21:32 AM	Session Note Entry Note: JAVS, courtclerk	Bailliff 209.274 is the statute
11:21:46 AM	Session Note Entry Note: JAVS, courtclerk	Court...did run the address from jail to Warm Springs and it is 61 miles. Court..Mr. Neidert if you will prepare the order and get it to the Court and Ms. Baker. Court...will get that signed today.
11:22:45 AM	Session Note Entry Note: JAVS, courtclerk	Court...is there any other things for the trial, you're getting him clothes. Mr. Neidert...yes, i am taking care of his clothes. May ask the 7 day for witnesses, if there are more witnesses. Court...we will address that when it comes.
11:23:47 AM	Session Note Entry Note: JAVS, courtclerk	Mr. Neidert...not a whole lot of Motions in this case, if Mr. Johns testifies...don't expect the State to do anything, but not know the defendant is in custody.
11:25:19 AM	Session Note Entry Note: JAVS, courtclerk	Ms. Baker...time for motions have past so would have to talk about addressing any other motions.
11:25:49 AM	Session Note Entry Note: JAVS, courtclerk	Court...spoke to attorneys doing jury selection at the Convention Center. Explained where people will be seated and where discussions will have to take place. Public access will be by streaming it live.
11:27:39 AM	Session Note Entry Note: JAVS, courtclerk	Mr. Neidert...typically have someone taking notes for him, normally sit in the back. Phone may vibrate.
11:28:30 AM	Session Note Entry Note: JAVS, courtclerk	Ms. Baker...if by Zoom, are we going to know who is on. Court...order that you instruct your witnesses not to watch the livestream.

11:29:10 AM	Session Note Entry Note: JAVS, courtclerk	Mr. Neidert...will the witnesses be masked or not? Court...the witness box is enclosed and mic, so they can remove their mask after taking the oath.
11:29:46 AM	Session Note Entry Note: JAVS, courtclerk	Court...is ID a question in this case? Baker...yes. Court..then so how do we want to do that? Baker...believe the majority will be able to identify with mask on, if we need to remove the mask, social distance, and then put it back on.
11:30:51 AM	Session Note Entry Note: JAVS, courtclerk	Mr. Neidert...that would be the way to do it, as long as he is not being singled out.
11:31:08 AM	Session Note Entry Note: JAVS, courtclerk	Court...if anyone is to remove their mask, then everyone in the courtroom will remove their mask. Court...if you have an issue with that, you can bring it up at the time of trial again.
11:31:53 AM	Session Note Entry Note: JAVS, courtclerk	Mr. Neidert...will masks be neutral? Court...we will provide a paper mask for your client.
11:32:29 AM	Session Note Entry Note: JAVS, courtclerk	Baker...if he's more comfortable, we can all wear disposable masks. Mr. Neidert...would prefer that. Court..ok then all court personnel will have a disposable mask and counsel and defendant. Mr. Neidert...also...heard my client is not the easiest prisoner...is the state intend to making any requests that Mr. Johns be immobilized during trial? Ms. Baker...no, the State does not intend that, but depends on his behavior during the trial. Discussion...there will be 2 deputies on either side of the courtroom. Counsel will call their own witnesses in.
11:35:35 AM	Session Note Entry Note: JAVS, courtclerk	Mr. Neidert...don't think the trial will last a whole 5 days. Court...Monday will be full day, Tuesday half day, then Wed Thurs and Friday full days.
11:36:22 AM	Session Note Entry Note: JAVS, courtclerk	Court...just so you know, next week we start our first Jury trial, if you want to observe you can, there will be live streaming.
11:37:35 AM	Session Ended	

**TENTH JUDICIAL DISTRICT COURT
MINUTES**

STATE OF NEVADA, PLAINTIFF, VS. CASEY ALAN JOHNS, DEFENDANT.

20-10DC-0552

Judge: Thomas L. Stockard
Law Clerk: Brandon McCain
Clerk: Julie Benninghove

Date of Hearing:	<u>May 4, 2021 - Status Hearing</u>
Present:	Zoom: Priscilla L. Baker Esq., for the State David K. Neidert Esq., for the Defendant
Not Present:	Casey Alan Johns, Defendant
Sworn and Provided Testimony:	
Admitted Exhibits:	Court's Exhibit – #1 – Letter from Capitol Reporters

For more details, please see attached JAVS Report.

Minute Summary: The Court was in receipt of a letter from Capitol Reporter regarding being available for the upcoming trial next week. The Court read the letter in which a court reporter would be available for Monday and Tuesday of the trial but not for the remaining week. The Court informed Counsel that recording would be done thru JAVS system. Mr. Neidert nor Ms. Baker had objection as to the situation and going forward.

Ms. Baker notified the Court that they would be filing an Amended Information. She had already discussed this with Mr. Neidert, Mr. Neidert confirmed and had no objection.

The Court requested the Amended Information be to the Court by tomorrow morning for filing and the Clerk of the Court would send out the redacted version to both counsel for review and approval.



Prosecution: Priscilla L. Baker Esq.

Defendant: Casey Alan Johns

Defense: David K. Neidert Esq.

Judge: Thomas L. Stockard

Clerk: Katelin OKeefe

Bailiff: Brandon McCain

Date:	Type:	Location:	Department:
5/4/2021	Other	Courtroom 1	

Event Time	Log Event	
4:14:08 PM	Session Started	
4:14:16 PM	Session Note Entry	
	Note: JAVS, courtclerk	Zoom: David Neidert and Priscilla Baker
4:14:41 PM	Session Note Entry	
	Note: JAVS, courtclerk	Court - The Court received a letter from Capital Reporters May 03, 2021. Marks the letter as an Exhibit. Reads Letter to parties.
4:18:52 PM	Session Note Entry	
	Note: JAVS, courtclerk	Court - Last evening Court administrator reached out to multiple other companies. Have had Captial Reports set since the Trial was booked, and was just notified yesterday.
4:20:25 PM	Session Note Entry	
	Note: JAVS, courtclerk	Court - Informs Parties how the recording will go. Monday both Reporter and JAVS, Tuesday Both. Wednesday - Friday JAVS unless reporter available.
4:21:54 PM	Session Note Entry	
	Note: JAVS, courtclerk	Court - Neidert do you have any questions? Neidert - Don't see it as a major problem. If you want me to talk to Johns I can.
4:23:26 PM	Session Note Entry	
	Note: JAVS, courtclerk	Court - Wanted you aware.
4:23:40 PM	Session Note Entry	
	Note: JAVS, courtclerk	Baker - The State has no Objection.
4:23:54 PM	Session Note Entry	
	Note: JAVS, courtclerk	Court - Clerk will email letter from Capital. Marked as Court Exhibit 1 for indentification. We did contract with Capital March 03, 2021. More than 60 Days prior,
4:24:25 PM	Session Note Entry	
	Note: JAVS, courtclerk	Baker - If I can add one more issue. The State is wanting to amend the information. No major corrections. Neidert - Not going to object.
4:25:56 PM	Session Note Entry	
	Note: JAVS, courtclerk	Court - Grants leave to Amend. Baker - Can file first thing in the morning.
4:26:23 PM	Session Note Entry	
	Note: JAVS, courtclerk	Court - Informs party new ruling on reading Information.
4:26:39 PM	Session Note Entry	
	Note: JAVS, courtclerk	Court - Court Adminstrator will prepare redacted information and parties need to respond by close of business Thursday with yes or no.
4:27:22 PM	Session Ended	

**TENTH JUDICIAL DISTRICT COURT
MINUTES**

STATE OF NEVADA, PLAINTIFF, VS. CASEY ALAN JOHNS, DEFENDANT.

20-10DC-0552

Judge: Thomas L. Stockard
Law Clerk: Brandon McCain
Clerk: Julie Benninghove
Reporter: Christy Joyce – Day 1 and Day 2 Only

Date of Hearing:	<u>May 10, 2021 - Criminal Jury Trial</u>
Present:	In Person: Priscilla L. Baker Esq., for the State – Lead Counsel Jeffrey H. Weed Esq., for the State – 2 nd Chair David K. Neidert Esq., for the Defendant Casey Alan Johns, Defendant
Not Present:	
Sworn and Provided Testimony:	<u>Day 1 – State Witnesses</u> Ami Vajkpa Marcia Gower Deanna Kay Douglas Mike Malone <u>Day 2 – State Witnesses</u> Andrew Coley M.D. Jennifer Hsueh Darby Steinmetz Brandie West-Castillo Kevin Grimes <u>Day 3 – State Witnesses</u> Brent Akin M.D. Kevin Grimes John Frandsen
Admitted Exhibits:	#1 - State - Mike Malone with arm up #2 - State - Mike Malone's hand #3 - State - Mike Malone's hand (open wound) #4 - State - Mike Malone's hand with stitches #5 - State - Mike Malone's hand close up

TENTH JUDICIAL DISTRICT COURT MINUTES

	<ul style="list-style-type: none">#6 - State - Casey Johns hand with blood#7 - State - Bottom of shoe - Casey Johns#8 - State - Officer Kevin Grimes full body#9 - State - Officer Kevin Grimes bottom half of leg (left)#10 - State - Money and credit cards - left side#11 - State - Money and credit cards - right side#12 - State - Black Toyota 4 Runner#13 - State - Budget Inn hotel open door #135#14 - State - Budget Inn walkway#15 - State - Closed knife#16 - State - Budget Inn threshold of room #135#17 - State - Budget Inn inside of room #135#18 - State - Budget Inn inside wall of room #135#19 - State - Budget Inn room #132 door#20 - State - Budget Inn outside walkway near room #132#21 - State - Shoe Print - Door #132#22 - State - Budget Inn door of room #132#23 - State - Casey Johns#24 - State - Still from Grimes body cam of room #135#25 - State - Banner Community Hospital Medical Records#26 - State - St. Mary's Hospital Medical Records#27 - State - Northern NV Medical Records#28 - State - Officer Grimes body cam#29 - State - Knife#30 - State - Surveillance video from Budget Inn#31 - State - Enlarged Map of Budget Inn and surrounding area#32 - Defense - Still shot from video footage#33 - Defense - Still shot from video footage#34 - Defense - Picture of knife - Deanna Douglas#35 - Defense - Picture of hotel room (photo)#36 - Defense - Picture of hotel room (photo)
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For more details, please see attached JAVS Report.

Jury Trial Day 1:

9:05 am

- Roll Call of the Potential Jury
- Judge Introduction to the Potential Jurors
- Clerk sworn in Potential Jurors
- Clerk read Information and card
- Clerk called Juror for seating
- Voir Dire

The Court Minutes as stated above are a summary of the proceeding and are not a verbatim record. The hearing held on the above date was recorded on the Court's recording system.

TENTH JUDICIAL DISTRICT COURT MINUTES

Mr. Neidert questions the Jury
Mr. Neidert and Ms. Baker pass Jury for Cause
Court thanks all other prospective Jurors and excuses them

Court recesses for Peremptory Challenges

All parties return and the Clerk reads the Impaneled Jury – Jury is seated and sworn in.
Court excuses all other Potential Jurors

1:33 pm

Trial begins. All parties are present. Counsel stipulates to the correct seating of the Jury
Ms. Baker makes opening statement
Mr. Neidert makes opening statement

1:53 pm

State puts on its Case in Chief
Witnesses are called and questioned by both Counsel
Exhibits are offered by both Counsel and admitted by the Court
Court recesses and admonishes Jury at 2:32 pm, 3:24 pm

4:40 pm

Court recesses for the day. Court admonishes the Jury.

Day 2 – May 12, 2021

1:30 pm

Trial resumes. All parties are present. Counsel stipulates to the correct seating of the Jury.
State continues with their Case in Chief
Witnesses are called and questioned by both Counsel
Exhibits are offered by both Counsel and admitted by the Court
Court recesses and admonishes Jury at 2:57 pm, 4:04 pm

4:50 pm

Court recesses for the day. Court admonishes the Jury.

Day 3 – May 13, 2021

8:39 am

Trial resumes – meeting outside the presence of the Jury.
Court addresses questions from the Jury.

9:03 am

Back on the record. All parties are present. Counsel stipulates to the correct seating of the Jury.
State continues with their Case in Chief
Witnesses are called and questioned by both Counsel
Exhibits are offered by both Counsel and admitted by the Court

TENTH JUDICIAL DISTRICT COURT MINUTES

Court recesses and admonishes Jury at 9:54 am, 11:32 am

11:55 am

Court breaks for lunch. Court admonishes the Jury.

1:25 pm

Back on the record. All parties are present. Meeting outside the presence of the Jury.
Court addresses questions from the Jury.

1:37 pm

Back on the record. All parties are present. Counsel stipulates to the correct seating of the Jury.
State continues with their Case in Chief
Witnesses are called and questioned by both Counsel
Exhibits are offered by both Counsel and admitted by the Court

2:05 pm

STATE RESTS ITS CASE IN CHIEF

2:07 pm

Back on the record. All parties are present. Meeting outside the presence of the Jury.
Discussion is had regarding State's Motion.
Court canvasses Mr. Johns as to his constitutional rights to testify on his own behalf
Discussion is also had about settling Jury Instructions and adjourning Court for the day

2:18 pm

Back on the record. All parties are present. Counsel stipulates to the correct seating of the Jury.

2:18: 58 pm

DEFENSE RESTS

2:20 pm

Court releases the Jury for the day. Court admonishes the Jury.
Court and Counsel settle Jury Instructions

4:50 pm

Back on the record. All parties are present. Meeting outside the presence of the Jury.
Counsel has received a copy of the Jury Instructions
Mr. Neidert and Ms. Baker stipulate to the Jury Instructions
Verdict forms has been distributed. Both Counsel are in receipt and have no objections.

4:53 pm

Court recesses for the day.

Day 4 – May 13, 2021

9:22 am

Back on the record. All parties are present. Counsel stipulates to the correct seating of the Jury.

TENTH JUDICIAL DISTRICT COURT MINUTES

Court reads Jury Instructions - #1 through #48

Counsel stipulate to the correct reading of the Jury Instructions

10:10 am

Ms. Baker provides State's closing arguments

10:39 am

Mr. Neidert provides Defense closing arguments

10:56 am

Ms. Baker provides State's concluding arguments

11:09 am

Court excuses the Alternate Jurors. Court admonishes Alternate Jurors.

11:12 am

Court in recess for the call of the Jury

1:32 pm

Back on the record. All parties are present. Meeting outside the presence of the Jury.

Nothing from either counsel

1:33 pm

Jury is brought in. Counsel stipulates to the correct seating of the Jury.

1:37 pm

Clerk reads the Verdict forms – 5 Counts – Guilty on all 5 Counts.

1:45 pm

Jury is excused

1:46 pm

Court set Sentencing for May 18, 2021 at 1:00 pm. The Defendant was remanded into custody.

Court is adjourned

20-10DC-0552 State of Nevada v. Casey Alan Johns

State of Nevada: Priscilla Baker Esq., Jeff Weed Esq.

Defense: David Neidert Esq.

Court Reporter: Christy Joyce

May 10, 2021 – Day 1

9:05 am Roll Call
 Judge Introduction to the Potential Jurors
 Clerk swears in Potential Jurors (#1)
 Clerk read Information and Card (#3)
 Clerk called Jurors for seating

9:28 am Judge begins questioning of Potential Jurors

10:01 am Break taken – Court admonishes Jury

10:14 am Back on the record. Judge continues questioning.

10:46 am Neidert begins questioning the Jury

11:02 am Neidert passes the Jury for cause. Baker thanks Jury and passes Jury for cause.

11:05 am Break taken – Court admonishes Jury

11:07 am Back on the record – All prospective jurors are excused. Room is cleared except for Counsel, all Court Staff and Gail Reed-Ellis (juror). Juror addresses the Court as to medical. Court excused Juror.

11:09 am Break taken.

11:15 am Back on the record. Counsel stipulate to the correct seating of the prospective jurors.

11:22 am Neidert questions new juror – passes for cause. Baker passes new juror for cause.

11:24 am Court speaks to prospective Jurors, thanks them and excuses Jurors.

11:27 am Court admonishes jurors and excuses them for peremptory challenges.

11:41 am Back on the record – All Counsel are present for peremptory challenges.

11:54 am Court announces Impaneled Jury – Counsel agree to the proper seating

11:55 am Back on the record

11:56 am Clerk seats the Jury.

12:00 pm Court excuses remaining Jury and instructs the seated Jury.

12:04 pm Impaneled Jury sworn in.

12:06 pm Rule of exclusion invoked for witnesses – Both Counsel agree.

12:07 pm Court admonishes Jury. In Recess until 1:35 pm at the Courthouse.

1:33 pm Meeting outside the presence of the Jury
 Priscilla puts the matter on the record

Neidert has no objection to the matter
Neidert speaks to muting and accessing the trial by audio for the public
Priscilla – Exhibit #25, #26, #27 have been stipulated to – Neidert agrees
and stipulates to the admission. Court: Admits #25, #26, #27. Court advises the
parties about the blue masks and identification of the parties.

1:38 pm Court in Recess to bring in the Jury
1:42 pm All parties are present. Counsel stipulates to the correct seating of the Jury.
1:43 pm Ms. Baker makes opening statement.
1:49 pm Mr. Neidert makes opening statement.
1:53 pm State puts on its Case in Chief
Calls first witness: Ami Vajkpa – SWORN IN. Ms. Baker begins
questioning the witness. Full first name is: Amiven. Manager at Budget Inn. Addresses
Exh #30 – DVD. Video: 34014. Neidert all clips are the same location and has no
objection. Different camera video: 33422. Exh #30 offered; no objection; Court admits
Exh #30. Baker continues questioning as to room #132.
2:06 pm Neidert cross examines the witness. Objection as to time system on the
video, asked and answered. Overruled. Neidert continues. Marks Exh #32 and #33; still
photos of video. Shows Exhibits to the witness and questions as to photos. Neidert
moves to admit Exh #32, #33. No objection. Court admits Exh #32 and #33.
2:15 pm Baker redirects the witness. Brings back Exh #30 and plays. Brings back
Exh #32 and #33.
2:22 pm Witness is excused.
2:23 pm State calls Marcia Gower – SWORN IN.
Baker questions the witness. Addresses Exh #31 (map – building #2).
2:27 pm Neidert cross examines the witness.
2:30 pm Baker redirects the witness.
2:31 pm Witness is excused.
2:32 pm Court in recess. Court admonishes the Jury.

2:44 pm Back on the Record. All Parties are present. Counsel stipulates to the
correct seating of the Jury.
2:45 pm State calls Deanna Kay Douglas – SWORN IN. Goes by “Dee”.
Baker questions the witness. Staying in room 135. Identifies the Defendant
as the perpetrator of her room. Behavior was erratic. Had a knife to protect herself but
didn’t use the knife on anyone. Explains the occurrence. Has never seen the witness
before this day.
2:58 pm Neidert cross examines the witness.

Exh #34 marked – picture of Ms. Douglas knife. Offers Exh #34, no objection, Court admits Exh #34. Exh #35 and #36 photos of hotel room. Neidert questions the witness as to the Exhibits.

3:13 pm Baker redirects the witness.

3:17 pm Neidert recross the witness. Shows the witness her written statement of the day. Witness agree it is her statement and her signature. Neidert reads from the statement.

3:22 pm Baker provides follow up questioning. Speaks about when she was writing her statement, everything was true.

3:23 pm Witness excused.

3:24 pm Court in recess. Court admonishes the Jury.

3:39 pm Back on the record. All parties present. Counsel stipulates to the correct seating of the Jury.

3:39 pm Neidert offers Exh #35 and #36 from previous testimony; no objection; Court admits Exh #35 and #36.

3:40 pm State calls Mike Malone – SWORN IN.

Baker questions the witness. Shows Exh #12, picture of vehicle. Baker offers Exh #12; no objection; Court admits Exh #12. Baker continues questioning. Malone to identify the Defendant, all parties remove their masks, Malone identifies the Defendant. Baker continues questioning. Shows Exh #35, photo of the hotel room. Speaks about holding off the Defendant with his hands, palms out, arms extended. Explains the occurrence. Speaks about the cutting of the hand. Baker shows Exh #24 to the witness. Offers Exh #24; no objection; Court admits Exh #24. Shows Exh #17 to the witness. Offers Exh #17; no objection; Court admits Exh #17. Baker continues questioning the witness. Addresses medical assistance with Banner and transported to Reno (St. Mary's). Baker takes Exh #1 - #5. Shows Exh #1. Offers Exh #1; no objection; Court admits Exh #1. Shows Exh #2. Offers Exh #2; no objection; Court admits Exh #2. Shows Exh #3. Offers Exh #3. Neidert voir dire to Exh #3. Photo taken by the nurse. No objection; Court admits Exh #3. Shows Exh #4. Offers Exh #4; no objection; Court admits Exh #4. Shows Exh #5. Offers Exh #5; no objection; Court admits Exh #5. Baker continues questioning regarding the witnesses hand and feeling. Addressed doctor visits and surgery.

4:21 pm Neidert cross examines the witness. Shows Exh #35. Questions about going into the hotel room, passing by, how he got into the room. Asks about Dee's knife. Questions about medical assistance with Banner and St. Mary's.

4:35 pm Baker redirects the witness.

4:36 pm Witness excused but subject to recall.

4:37 pm Court recesses for the day. Return on Tuesday at 1:30 pm. Court admonishes the Jury. Court excuses the Jury.

4:40 pm Back on the record. Parties meeting outside the presence of the Jury. Court addresses Bench bar meeting held today.

Parties discuss leaving everything. Everything will have to be taken today. Nothing further.

20-10DC-0552 State of Nevada v. Casey Alan Johns

State of Nevada: Priscilla Baker Esq., Jeff Weed Esq.

Defense: David Neidert Esq.

Court Reporter: Christy Joyce

May 11, 2021 Day 2

1:30 pm Court Resumes for Day 2

Back on the record, all parties are present, outside the presence of the Jury. Neidert speaks to the Court about part 1 of the issue that happened earlier; regarding photos that were admitted yesterday and how that needs to be reviewed.

Court addresses Mr. Neidert's concern.

Johns speaks to the Court. Court speaks to Mr. Neidert. Johns is not listening, is pissed off right now.

Court speaks again to Mr. Johns and Mr. Neidert about seeing evidence. Clerk will make copies.

Neidert speaks again to the Court about part 2 of the issue that happened earlier. Johns doesn't feel he has representation here. He has invoked his rights. Court spoke to Mr. Johns. Johns speaks about a flash drive that the State had. Court speaks to Mr. Johns about dealing with the flash drive in an appeal after the proceedings.

Copy of the Exhibits #32 and #33 are made for Mr. Johns.

Baker addresses the Court as to the pictures that Mr. Johns is questioning.

Court addresses Mr. Johns as to his conduct.

1:44 pm Court in recess to retrieve the Jury.

1:48 pm Back on the record. All parties are present. Counsel stipulates to the correct seating of the Jury.

Baker calls Doctor Andrew Coley – SWORN IN. Works at St. Mary's ER Department. Provides education, background and duties of his employment. Addresses the injuries of Mr. Malone. Speaks about the care and the referrals that were made as to the injury. Baker brings Exh #2 and #3 to the Witness. Baker questions the witness about the Exhibits.

2:05 pm Neidert cross examines the witness.

Addresses the Exhibits that were just reviewed. Questions about how patients are screened at the ER. Confirms the care and the referral that were made.

2:09 pm Baker redirects the witness.

Dr. Coley remembers the injury, substantial hand injury.

2:10 pm Neidert recross examines the witness.
 Dr. Coley speaks about refreshing his memory for today's hearing.

2:11 pm Witness is excused.

2:12 pm State calls Jennifer Hsueh. SWORN IN. Works for Washoe County Forensic Division, Criminalist. Provides education and experience of her employment. Was asked to review evidence by Officer John Fransen. Explains the process of how exhibits come to her. Item #1 knife and item #2 knife, plus 2 reference samples for comparison. Baker gets Exh #15 and Exh #34 to review with the witness. Witness ID's Exh as probable to Item #1 and item #2. Baker continues to question as to the testing of the knives.

2:25 pm Neidert cross examines the witness.
 Confirms the items that were reviewed.

2:28 pm State redirects the witness.
 Speaks to the microscope that is used on the items. Items are given a lab number and provides those case numbers.

2:32 pm Neidert recross examines the witness.

2:33 pm Witness is excused – subject to recall.

2:34 pm State calls Darby Steinmetz. SWORN IN. Washoe County Forensic Division, Criminalist II. Provides education and training of her employment. Speaks about how evidence is handled and taking custody of the evidence. Crime lab number and item numbers are given. Speaks about the samples that she received and identifies the Item numbers. 3 samples from item #1, 2 samples from item #2. Shows the report that was provided in discovery, witness has reviewed the report. Provides the case numbers for the crime lab and police department. Explains about the process that is done with each inspection. Identifies the samples in each item and how the matches were done. Explains how evidence is then restored.

2:53 pm Neidert cross examines the witness.
 Witness explains how testing is done and how residual testing is done. Was not asked to do any residual testing on the items.

2:56 pm Witness is excused – subject to recall.

2:57 pm Court will take a 15 minute recess. Court admonishes the Jury.

3:14 pm Back on the record. All parties are present; meeting outside the presence of the Jury.
 Court speaks about getting a note from Juror #2, identifying witness Jennifer Hsueh. Court had that marked as Court's Exhibit #1.
 Baker stated that the Witness also recognized "Phillip".
 Neidert expresses his concern but understands the miss.
 Court will allow Mr. Neidert to speak with his client off the record.

3:22 pm Back on the record. All parties are present; meeting outside the presence of the Jury. Court set the record. Neidert has discussed with Mr. Johns, Mr. Johns has no concern about moving forward. Mr. Johns agrees. Court recalls what the witness testified to. Baker confirms. Neidert agrees. Mr. Johns is ok with Juror #2 staying on. Counsel is ready to proceed.

3:25 pm Court in recess to retrieve the Jury.

3:27 pm Back on the record. All parties are present. Counsel stipulates to the correct seating of the Jury.

State calls Brandie West-Castillo. SWORN IN. Works as manager assistant for McDonalds. Speaks about having a conversation with Officer Fransen. Speaks about not having ID, lost her wallet. Officer had her wallet. Speaks about the contents of the wallet. Didn't report wallet stolen, monitored her cards, no use. Speaks about paying attention to people, tattoos. Didn't give permission to anyone to take her wallet or its belongings. Shows Exh #10 and #11 and witness identifies the information. Cash shows \$165, should have been \$315.

3:37 pm Neidert cross examines the witness.

Witness stated only thing missing was the cash. Speaks about the last time she had her wallet and when she realized it was missing.

3:43 pm Baker redirects the witness.

Speaks about when she had previously misplaced her wallet, son used to play with it. Was hopeful she would find her wallet.

3:44 pm Witness excused – subject to recall.

3:44 pm State calls Kevin Grimes. SWORN IN. Employed as a Police Officer in Alaska. Speaks about his job duties in Alaska. In April 2020 was employed with Fallon Police Department. Speaks about what he observed at the hotel. Grimes identifies Mr. Johns. Grimes continues testimony. Shows Exh #24 to the witness. Sgt. Fransen assisted with the investigation. Grimes made the arrest of Mr. Johns. Describes the behavior of Mr. Johns. Speaks about masking Mr. Johns along with a spit hood, policy due to Covid. Had reviewed video surveillance of the hotel and explains. Shows Exh #30, DVD.

4:04 pm Court takes a brief recess. Court admonishes the Jury.

4:15 pm Back on the record. All parties are present. Counsel stipulates to the correct seating of the Jury.

Kevin Grimes still on the witness stand. Baker continues questioning Grimes. Shows Exh #30, DVD (34206). Grimes identifies the video as what he has seen before, knife being held. Clean walkway. Plays (34417). Grimes identifies more

blood the on walkway. Shows the knife in Mr. Johns' hand. Baker continues questioning and goes back to how the arrest happened; speaks about controlling the witness. Shows Exh #8 and #9 – Questioning and testimony. Offers Exh #8, no objection, Court admits Exh #8. Offers Exh #9, no objection, Court admits Exh #9. Shows Exh #6 – Questioning and testimony. Offers Exh #6. Neidert voir dire to the Exh #6. No objection, Court admits Exh #6. Shows Exh #7 – Questioning and testimony. Offers Exh #7, no objection, Court admits Exh #7. Shows Exh #28 (DVD Body Cam) – Questioning and testimony. Offer Exh #28. Neidert voir dire. No objection, Court admits Exh #28. Plays the bod cam video (21 minutes in, played approx. 2 mintues). Grimes continues, took Mr. Johns to the hospital. Found West-Castillo's wallet on Mr. Johns person. Objection. Sustained. Objection. Court will allow. Cash easier to spend vs. credit cards. Shows Exh #10 and #11 – Questioning and testimony. Offers Exh #10 and #11. No objection. Court admits Exh #10 and #11.

4:49 pm Court speaks to Counsel about recessing for the evening, Counsel agree.

4:50 pm Court recesses for the day. Court admonishes the Jury.



Plaintiff: State of Nevada

Prosecution: Priscilla L. Baker Esq.

Defendant: Casey Alan Johns

Defense: David K. Neidert Esq.

Judge: Thomas L. Stockard

Clerk: Julie Benninghove

Bailiff: Brandon McCain

Date:	Type:	Location:	Department:
5/12/2021	Criminal Jury Trial	Courtroom 1	
Event Time	Log Event		
8:39:32 AM	Session Started		
8:39:45 AM	Session Note Entry Note: JAVS, courtclerk	DAY 3. Back on the record. All parties are present. Meeting outside the presence of the Jury.	
8:40:27 AM	Session Note Entry Note: JAVS, courtclerk	Court.... received questions from Juror, had it marked as Court's Exhibit #2. Parties are in receipt of a copy of that Exh.	
8:40:42 AM	Session Note Entry Note: JAVS, courtclerk	Baker..... addresses the questions that were asked on Court's Exh #2. Court.... what does Counsel want from the Court, inclined to do nothing. Baker.... addresses the Court, feels the answers will be addressed thru testimony.	
8:42:05 AM	Session Note Entry Note: JAVS, courtclerk	Neidert..... addresses the Court's concern. Agrees with the Court that nothing needs to be addressed.	
8:43:38 AM	Session Note Entry Note: JAVS, courtclerk	Court speaks to Counsel as to the questions asked on the Exh.	
8:43:56 AM	Session Note Entry Note: JAVS, courtclerk	Johns..... wants the questions to be asked. Talks about the witness, Mr. Malone, states he was under the influence when he testified. Wants Mr. Malone to be tested. Neidert... has discussed this with Mr. Johns. Would not have asked the Court for a drug test.	
8:45:29 AM	Session Note Entry Note: JAVS, courtclerk	Court..... address the Counsel as to the recording and being heard for the record.	
8:46:23 AM	Session Note Entry Note: JAVS, courtclerk	Neidert..... at the conclusion of yesterday's testimony, Defense was to cross examine Mr. Grimes. Parties agree to hear from the Doctor and then have cross examination of witness, Kevin Grimes. Court agrees.	
8:47:31 AM	Session Note Entry Note: JAVS, courtclerk	Court addresses the power outage over night, concern about power outage during the day and how things will be handled. No objections from Counsel on the way things will be handled.	
8:49:06 AM	Session Note Entry Note: JAVS, courtclerk	Court will canvass Mr. Johns when the state rests their Case in Chief. Johns.... I'm not going to testify. Court.... will still canvass. Court will recess to retrieve the Jury.	

8:49:39 AM	Session Ended		
Date:	Type:	Location:	Department:
5/12/2021	Criminal Jury Trial	Courtroom 1	
Event Time	Log Event		
9:03:51 AM	Session Started		
9:03:53 AM	Session Note Entry Note: JAVS, courtclerk	Back on the record. All parties are present. Counsel stipulates to the correct seating of the Jury.	
9:04:36 AM	Session Note Entry Note: JAVS, courtclerk	Court.... will be calling a witness out of Order due to a medical witness, who needs to return to work. Counsel agrees.	
9:05:11 AM	Session Note Entry Note: JAVS, courtclerk	State calls Doctor Brent Akin. SWORN IN. Doctor for Banner for 2 1/2 years, Chief Medical Officer. Provides medical education and background. Has provided testimony before and states those cases. Baker asks for Doctor Akin to be an Expert Witness, no objection. Court so orders. Shows Exh #25, #26, #27. Parties have stipulated and have been admitted previously. Akin reviews Exhibits. Baker questions Akin as to the Exhibits and the event at Banner Churchill Hospital. Akin testifies as to injury on the hand. Shows Exh #2. Akin discusses the cut.	
9:18:48 AM	Camera Lock Judge Activated		
9:25:55 AM	Session Note Entry Note: JAVS, courtclerk	Neidert cross examines the witness. Addresses the transfer of the patient to St. Mary's to deal with the wound. Nothing further.	
9:28:26 AM	Session Note Entry Note: JAVS, courtclerk	No redirect from Ms. Baker.	
9:28:38 AM	Session Note Entry Note: JAVS, courtclerk	Witness is excused.	
9:28:52 AM	Session Note Entry Note: JAVS, courtclerk	Kevin Grimes returns to the stand for cross examination. Court.... witness is still under oath. Neidert questions the witness. Grimes.... not the first officer on the scene, officer Groom was the first. Explains how they arrived. Speaks about how Mr. Johns appeared when he arrived. Seemed to be under the influence. Officer Groom stayed with Mr. Johns. Grimes went into the room, a dog was in the room. Was approximately 15 minutes before the formal arrest was made. Mr. Johns was handcuffed and detained much earlier than the arrest. Spit hood is required due to covid. Mask was required prior to covid when someone was arrested. Baker requests side bar.	
9:37:01 AM	Session Paused		
9:37:54 AM	Session Resumed		
9:37:58 AM	Session Note Entry Note: JAVS, courtclerk	Neidert proceeds with his questioning. Grimes.... became combative when began to take Johns under arrest. Speaks about having to take Johns to the ground and how the procedure was done. 4 officers involved: Grimes, Groom, Shine, Ugalde. Speaks about being marked with the imprint of the shoe on his pants. No injuries or missed work. There was contact, wrestling, unknown when kicked. Continued with Johns to the hospital. Per his PC sheet, asked for a Mental Health hold. Didn't ask for a drug test at the hospital. Nothing further.	

9:45:52 AM	Session Note Entry Note: JAVS, courtclerk	Baker redirects the witness. Explains why he didn't ask for a drug test. Johns was responsive at the hospital, answered medical staff. Neidert..... objection. Sustained. Baker continues. Grimes stated that they all reviewed themselves (officers) for any injury, blood, body fluids. Nothing further.
9:49:41 AM	Session Note Entry Note: JAVS, courtclerk	Neidert recross the witness. Grimes addresses the use of drugs and how the division handles. Nothing requested regarding testing. Nothing further.
9:51:46 AM	Session Note Entry Note: JAVS, courtclerk	Baker redirects the witness. Grimes addresses Court Services and other crimes. Wasn't looking to stack charges.
9:52:45 AM	Session Note Entry Note: JAVS, courtclerk	Neidert recross the witness. Grimes the Police Department does the initial charges and then forwarded to the DA's office. Doesn't always charge if looking at other crimes.
9:54:15 AM	Session Note Entry Note: JAVS, courtclerk	Baker redirects the witness.
9:54:35 AM	Session Note Entry Note: JAVS, courtclerk	Witness excused - subject to recall.
9:54:54 AM	Session Note Entry Note: JAVS, courtclerk	Court will take a recess. Court admonishes the Jury.
9:55:58 AM	Session Ended	

Date:	Type:	Location:	Department:
5/12/2021	Criminal Jury Trial	Courtroom 1	

Event Time	Log Event	
10:11:54 AM	Session Started	
10:11:58 AM	Camera Lock Judge Activated	
10:12:02 AM	Session Note Entry Note: JAVS, courtclerk	Back on the record. All Parties are present. Counsel stipulates to correct seating of the Jury.
10:12:30 AM	Session Note Entry Note: JAVS, courtclerk	State calls John Frandsen. SWORN IN. Employed with Fallon Police Department, Sgt for the Detective Division. Provides training and education. Speaks about how he was involved in the incident, didn't have body cam. Explains what he observed when he reached the scene. Has had prior law enforcement contacts. Frandsen identifies Mr. Johns. Baker continues questioning. Frandsen speaks about what he observed at the hotel and the surrounding area. Baker takes Exh #12 - #20. Exh #12 - Question and testimony. Exh #13 - Question and testimony. Offers Exh #13, no objection, Court admits Exh #13. Exh #14 - Question and testimony. Offers Exh #14, no objection, Court admits Exh #14. Exh #15 - Question and testimony. Offers Exh #15. Neidert voir dire on Exh. No objection. Court admits Exh #15. Describes the process about collecting evidence. Speaks about when knife was removed from evidence to have it processed by Washoe. Exh #29 - Knife and package of chain of evidence .State requests that Frandsen open the package. Neidert no objection to the opening. Frandsen opens and removes the content. Questions and testimony. Offers Exh #29. Neidert voir dire for the Exh. No objection. Court admits Exh #29. Evidence is packaged and returned to the clerk.

10:40:42 AM Session Note Entry
Note: JAVS, courtclerk

Baker continues questioning. Shows Exh #16 - Question and testimony. Offers Exh #16. No objection. Court admits Exh #16. Shows Exh #17 - Question and testimony. Previously admitted. Shows Exh #34 - Question and testimony. Previously admitted. Shows Exh #18 - Question and testimony. Offers Exh #18. No objection. Court admits Exh #18. Shows Exh #19 - Question and testimony. Offers Exh #19. No Objection. Court admits Exh #19. Show Exh #20 - Question and testimony. Offers Exh #20. No objection. Court admits Exh #20. Shows Exh #21 - Question and testimony. Offers Exh #21. No Objection. Court admits Exh #21. Shows Exh #7 and Exh #21 (previously admitted) - Question and testimony. Shows Exh #22 - Question and testimony. Offers Exh #22. No objection. Court admits Exh #22. Shows Exh #30 (DVD) - previously admitted. Question and testimony as to multiple video clips - break in to Room #132, walking from room. Shows Exh #23 - Question and testimony, still photo from the DVD. Offers Exh #23. No objection. Court admits Exh #23. Question and testimony of additional video clip from Exh #30. Shows video 4 from Exh #30. Shows additional video clip from DVD. Shows additional video clip from DVD. Shows final video clip from DVD.

11:32:43 AM Session Note Entry
Note: JAVS, courtclerk

Court takes brief recess - Court admonishes the Jury.

11:33:44 AM Session Ended

Date: **Type:** **Location:** **Department:**

5/12/2021 Criminal Jury Trial Courtroom 1

Event Time **Log Event**

11:47:14 AM Session Started

11:47:16 AM Camera Lock Judge Activated

11:47:20 AM Session Note Entry
Note: JAVS, courtclerk

Back on the record. All Parties are present. Meeting outside the presence of the Jury.

11:47:50 AM Session Note Entry
Note: JAVS, courtclerk

Baker addresses the Court. Wanted to ask about Mr. Johns right hand, pinky finger. Neidert will enter into a stipulation. Court confirms what Counsel would like to state for the record. Neidert... makes a suggestion as to when the notification should be made. Baker will state the stipulation for the record. Johns.... is fine, happened previously.

11:51:35 AM Session Note Entry
Note: JAVS, courtclerk

Court questions about breaking for lunch and time of cross examination. Court will canvass Mr. Johns after the State rests. Court.... will bring the Jury back in and begin cross. Discussion is had by the Parties. Parties agree to break for lunch now and then come back for cross of the witness.

11:53:56 AM Session Note Entry
Note: JAVS, courtclerk

Court has the Jury brought back in.

11:55:05 AM Session Note Entry
Note: JAVS, courtclerk

Back on the record. All Parties are present. Counsel stipulates to the correct seating of the Jury.

11:55:35 AM Session Note Entry
Note: JAVS, courtclerk

Court speaks to the Jury about breaking for lunch, back at 1:30 pm. Court admonishes the Jury.

11:56:32 AM Session Ended

Date:	Type:	Location:	Department:
5/12/2021	Criminal Jury Trial	Courtroom 1	
Event Time	Log Event		
1:25:34 PM	Session Started		
1:25:37 PM	Camera Lock Judge Activated		
1:25:38 PM	Session Note Entry Note: JAVS, courtclerk	Back on the record. All Parties are present. Meeting outside the presence of the Jury.	
1:26:09 PM	Session Note Entry Note: JAVS, courtclerk	Court.... Bailiff received a note from Juror #4, Court reads the note. Marked as Court's Exhibit #3. Court set the record as to the note. Counsel agree. Court.... is inclined to let the Jury know about having all evidence at the end of the trial. Baker.... parties have discussed the evidence and the viewing of the knife. Discusses the video options. Neidert.... agrees with the Court. Court discusses what he will advise the Jury as to the evidence.	
1:29:24 PM	Session Note Entry Note: JAVS, courtclerk	Neidert.... asks about the procedural process going forward. Speaking about the time we have for today. Officer Frandsen will be the State's last witness. Will see if the Defendant will testify. Feels we should come back for final arguments tomorrow. Court discusses with Counsel. Do instructions prior to closing arguments - parties agree. Neidert.... speaks about rushing the Jury. Court.... unless we finish quickly, will canvass Mr. Johns. May need to deal with Pre-Trial Motions. Court addresses. Baker agrees and submits to the Court. Johns would like the Jury to have the time to review. Court.... that will be the tentative plan. Neidert.... addresses the time again. Court... will not firmly commit to the time. Nothing further.	
1:35:55 PM	Session Ended		

Date:	Type:	Location:	Department:
5/12/2021	Criminal Jury Trial	Courtroom 1	
Event Time	Log Event		
1:37:30 PM	Session Started		
1:37:34 PM	Session Note Entry Note: JAVS, courtclerk	Back on the record. All Parties are present. Counsel stipulates to the correct seating of the Jury.	
1:38:04 PM	Session Note Entry Note: JAVS, courtclerk	Court addresses the Jury as to Court's Exhibit #3.	

1:39:28 PM	Session Note Entry Note: JAVS, courtclerk	Trial continues, Mr. Frandsen is on the stand. Neidert begins cross examination. Shows Exh #31. Arial photo of the Budget Inn. Question and testimony. Offers Exh #31. No objection. Court admits Exh #31. All Exhibits have been admitted. Neidert continues questioning of witness. Officer Groom, Shine and Grimes were on site when he arrived. Mr. Johns was handcuffed and sitting on the ground at that time, didn't seem combative. Was not verbally abusive toward the officers. Victim was not in the room when Frandsen entered the room. Speaks about the dog that was in the bathroom, surprised him. Took all photos except the ones from the hospital. Didn't create the still photos either. Didn't take the follow up photos of the victims hand. Fallon Police Dept was the investigative division. Started crime scene as questioning began but stayed on scene to complete investigation. Speaks about the blood on the scene. Didn't test the bedspread. Speaks about D. Douglas's knife at the scene. Shows Exh #7, shoe. Shoe that was worn by Mr. Johns, on his person at the hospital. No other questions.
1:59:55 PM	Session Note Entry Note: JAVS, courtclerk	Baker redirects the witness. Frandsen.... speaks about processing the room, wasn't looking for dog, gets a general overview of space first. Speaks about how he collected evidence from Mr. Johns, including blood samples. Speaks about not taking the bedspread as evidence.
2:04:29 PM	Session Note Entry Note: JAVS, courtclerk	Nothing further from Mr. Neidert.
2:04:32 PM	Session Note Entry Note: JAVS, courtclerk	Witness is excused - subject to recall.
2:04:52 PM	Session Note Entry Note: JAVS, courtclerk	Baker..... the parties have entered into a stipulated agreement as to Mr. Johns right hand. The pinky finger was injured prior to this incident. Neidert.... that is the stipulation and agrees. Court will accept the stipulation by Counsel.
2:05:34 PM	Session Note Entry Note: JAVS, courtclerk	Baker.... STATE RESTS.
2:05:45 PM	Session Note Entry Note: JAVS, courtclerk	Court will take a brief recess. Court admonishes the Jury.
2:07:18 PM	Session Note Entry Note: JAVS, courtclerk	Jury is dismissed.
2:07:24 PM	Session Note Entry Note: JAVS, courtclerk	Back on the record. All Parties are present. Meeting outside the presence of the Jury.
2:07:56 PM	Session Note Entry Note: JAVS, courtclerk	Court..... discusses the Bench Conference that was held this morning. State filed a Motion for Petrocelli Hearing. Baker.... State wanted to put everyone on notice if questioning went further. Neidert.... speaks about the spithood and didn't go further into that as to not go into prior bad acts. Court clarifies.

2:10:34 PM	Session Note Entry Note: JAVS, courtclerk	Court..... speaks to Mr. Johns as to his constitutional rights - canvasses Mr. Johns. Johns questions about the wallet, would like to testify on that but nothing else. Would testify to the wallet but nothing else. Court continues to canvass Mr. Johns as to his past criminal history. Johns..... I don't want to testify. Understands. "I choose not to testify". Neidert.... has discussed with Mr. Johns as to him testifying.	
2:15:11 PM	Session Note Entry Note: JAVS, courtclerk	Court will give the parties 10 minutes to discuss.	
2:15:35 PM	Session Note Entry Note: JAVS, courtclerk	Neidert.... would like to settle Jury Instructions today and have closing arguments and deliberation tomorrow. Johns agrees. Baker agrees.	
2:16:52 PM	Session Note Entry Note: JAVS, courtclerk	Neidert.... doesn't need the time. Johns agrees.	
2:17:09 PM	Session Note Entry Note: JAVS, courtclerk	Court.... bring the Jury back in.	
2:18:16 PM	Session Note Entry Note: JAVS, courtclerk	Back on the record. All Parties are present. Counsel stipulates to the correct seating of the Jury.	
2:18:58 PM	Session Note Entry Note: JAVS, courtclerk	Neidert.... DEFENSE RESTS.	
2:19:11 PM	Session Note Entry Note: JAVS, courtclerk	Court advises the Jury as to the proceedings of the Trial.	
2:20:37 PM	Session Note Entry Note: JAVS, courtclerk	Court releases the Jury for the day. Court admonishes the Jury.	
2:21:43 PM	Session Ended		
Date:	Type:	Location:	Department:
5/12/2021	Criminal Jury Trial	Courtroom 1	
Event Time	Log Event		
4:49:59 PM	Session Started		
4:50:02 PM	Session Note Entry Note: JAVS, courtclerk	Back on the record. All Parties are present. Meeting outside the presence of the Jury.	
4:50:22 PM	Session Note Entry Note: JAVS, courtclerk	Settling Jury Instructions. Provided copies of the Instructions. Baker and Neidert are in receipt. Instructions #1 - #48. Baker.... no objection. Neidert.... no objection. Baker.... no offer of additional instructions. Neidert.... no offer of additional instructions.	
4:52:02 PM	Session Note Entry Note: JAVS, courtclerk	Baker and Neidert stipulate to the Jury Instructions.	
4:52:20 PM	Session Note Entry Note: JAVS, courtclerk	Proposed Verdict Forms have been distributed. Baker and Neidert are in receipt and have no objections.	
4:53:11 PM	Session Note Entry Note: JAVS, courtclerk	Neidert asks about a copy of Instructions for Mr. Johns. Clerk will have ready in the morning.	
4:53:37 PM	Session Note Entry Note: JAVS, courtclerk	Court in recess until tomorrow morning at 9:00 am.	
4:53:42 PM	Session Ended		



Plaintiff: State of Nevada

Prosecution: Priscilla L. Baker Esq.

Defendant: Casey Alan Johns

Defense: David K. Neidert Esq.

Judge: Thomas L. Stockard

Clerk: Julie Benninghove

Bailiff: Brandon McCain

Date:	Type:	Location:	Department:
5/13/2021	Criminal Jury Trial	Courtroom 1	

Event Time	Log Event	
9:22:45 AM	Session Started	
9:22:49 AM	Session Note Entry Note: JAVS, courtclerk	DAY 4 Back on the record. All parties are present. Counsel stipulates to the correct seating of the Jury.
9:23:12 AM	Session Note Entry Note: JAVS, courtclerk	Court advises the Jury of the Instructions that will be read to them.
9:24:15 AM	Session Note Entry Note: JAVS, courtclerk	Court reads Jury Instructions to the Jury. Instructions #1 - #48.
9:26:59 AM	Camera Lock Judge Activated	
10:09:35 AM	Session Note Entry Note: JAVS, courtclerk	Court concludes the reading of Instructions.
10:09:52 AM	Session Note Entry Note: JAVS, courtclerk	Counsel stipulates to the correct reading of the Instructions.
10:10:21 AM	Session Note Entry Note: JAVS, courtclerk	Baker provides State's Closing Arguments.
10:39:33 AM	Session Note Entry Note: JAVS, courtclerk	Neidert provides Defense Closing Arguments.
10:56:13 AM	Session Note Entry Note: JAVS, courtclerk	Baker provides State's Concluding Arguments.
11:09:25 AM	Session Note Entry Note: JAVS, courtclerk	Court excuses the Alternate Jurors. No objection from Counsel to excuse Alternate Jurors. Court admonishes Alternate Jurors.
11:11:20 AM	Session Note Entry Note: JAVS, courtclerk	Court advises the Jurors of what they may take with them to the room for deliberation.
11:12:24 AM	Session Note Entry Note: JAVS, courtclerk	Court is in recess for the Call of the Jury.
11:12:32 AM	Session Ended	

Date:	Type:	Location:	Department:
5/13/2021	Criminal Jury Trial	Courtroom 1	

Event Time	Log Event	
1:32:10 PM	Session Started	
1:32:12 PM	Session Note Entry Note: JAVS, courtclerk	Back on the record. All parties present. Outside the presence of the Jury.
1:32:44 PM	Session Note Entry Note: JAVS, courtclerk	Nothing by Counsel, ready for the Jury.

1:33:00 PM	Session Note Entry Note: JAVS, courtclerk	Jury is being brought in.
1:34:29 PM	Session Note Entry Note: JAVS, courtclerk	Counsel stipulates to the correct seating of the Jury.
1:35:06 PM	Session Note Entry Note: JAVS, courtclerk	Verdicts have been reached. Johnny Billett is Foreperson for Jury.
1:37:51 PM	Session Note Entry Note: JAVS, courtclerk	Clerk reads the Verdict forms - 5 Counts.
1:43:02 PM	Session Note Entry Note: JAVS, courtclerk	Verdicts recorded into the record.
1:43:12 PM	Session Note Entry Note: JAVS, courtclerk	Court thanks the Jury and excuses the Jury.
1:45:08 PM	Session Note Entry Note: JAVS, courtclerk	Excused Jury. Presence of all other Parties still in the courtroom.
1:45:27 PM	Session Note Entry Note: JAVS, courtclerk	PSI has been received by Mr. Neidert. Ms. Baker also has PSI and can notify victims for Sentencing.
1:46:05 PM	Session Note Entry Note: JAVS, courtclerk	Sentencing is set for May 18, 2021 at 1:00pm Remanded to the custody of CCSO.
1:46:43 PM	Session Ended	

**TENTH JUDICIAL DISTRICT COURT
MINUTES**

STATE OF NEVADA, PLAINTIFF, VS. CASEY ALAN JOHNS, DEFENDANT.

20-10DC-0552

Judge: Thomas L. Stockard
Law Clerk: Brandon McCain
Clerk: Julie Benninghove

Date of Hearing:	<u>May 18, 2021 - Sentencing</u>
Present:	In Person: Priscilla L. Baker Esq., for the State Casey Alan Johns, Defendant David K. Neidert Esq., for the Defendant Zoom: Lisa Brannon, P&P Brenda Ingram, Court Services
Not Present:	
Sworn and Provided Testimony:	
Admitted Exhibits:	

For more details, please see attached JAVS Report.

Minute Summary:

COURT ORDERED: Judgment entered. COUNT 1: 24 to 60 months; COUNT 2: 72 to 180 months, to run consecutive count 1; COUNT 3: 12 to 32 months to run consecutive to count 1 and 2; COUNT 4: 32 to 96 months to run consecutive to count 1, 2, and 3; COUNT 5: 12 to 32 months to run consecutive to count 1, 2, 3, and 4. The Court aggregated the sentence to 152 months to 400 months. Counts 1, 2, 3, 4, and 5 will run consecutive to case #20-10DC-0186. The Court imposed the following fines/fees: \$5.00 Administrative Assessment - County; \$3.00 Administrative Assessment - Genetic Marker; and \$20.00 Administrative Assessment - State. The Court further assessed: \$3,043.21 Restitution - \$1000 to Mike Malone; \$1894 to Budget Inn; and \$149.12 to Brandie West-Castillo.



Prosecution: Priscilla L. Baker Esq.

Defendant: Casey Alan Johns

Defense: David K. Neidert Esq.

Judge: Thomas L. Stockard

Clerk: Julie Benninghove

Bailiff: Brandon McCain

Date:	Type:	Location:	Department:
5/18/2021	Sentencing	Courtroom 1	
Event Time	Log Event		
1:03:49 PM	Session Started		
1:05:29 PM	Session Note Entry Note: JAVS, courtclerk	In Person: David Neidert, Priscilla Baker, Casey Johns (IC) Zoom: Lisa Brannon, Brenda Ingram	
1:06:14 PM	Session Note Entry Note: JAVS, courtclerk	Court set the record. Jury Trial last week - Defendant found Guilty Verdicts on all 5 counts. Court reviews the potential sentencing range of the all charges. Counsel agree.	
1:09:55 PM	Session Note Entry Note: JAVS, courtclerk	PSI was presented from other case dated 06/08/20 from case #20-0186. Here for Sentencing. Counsel is ready to proceed. No corrections by Counsel as to the PSI.	
1:11:11 PM	Session Note Entry Note: JAVS, courtclerk	Baker provides Aggravation to the Court. All CTS was given in a previous case. Johns.... expires in Sept 2022. Up for parole on case in March. Def was OR'd on April 13th and then crimes were committed on April 16th. Mr. Malone rest estimates \$1000; rest to Budget Inn for the door: \$1894; rest for Brandie West-Castillo: \$149.21; rest for officer vehicle: \$1123.50. Asks for the maximum on all counts and to run consecutive.	
1:15:13 PM	Session Note Entry Note: JAVS, courtclerk	Neidert provides Mitigation. Doesn't feel restitution for the vehicle is appropriate, charge was not ever made. Feels Burg with home invasion should run concurrent. Speaks about the other crimes and the State recommendations are excessive. Submits to the Court.	
1:18:52 PM	Session Note Entry Note: JAVS, courtclerk	Johns.... asks for lienancy. Speaks about the fines, doesn't give a lot of love from his family. Doesn't feel his family should take care of them. Asks for fines to be paid when released. Again, asks for lienancy.	
1:20:22 PM	Session Note Entry Note: JAVS, courtclerk	Victim Impact Statement. Mike Malone. SWORN IN. Baker questions Mr. Malone. Malone.... was the victim in the matter and testified at the trial. Speaks to the Court about how this event has affected him. Just the little things that are quite difficult. Is right handed. Explains a situation where he drops glasses. Is employed as a Bartender. Employer has been understanding. Speaks about upcoming medical appointments, June 6th. Asking for rest, was just out of pocket to see the doctors, \$300 or \$400 a month for the last 13 months and will probably continue.	
1:26:41 PM	Session Note Entry Note: JAVS, courtclerk	Witness excused.	

1:27:08 PM	Session Note Entry Note: JAVS, courtclerk	Baker.... no other victim impact. Checks the lobby. No one on Zoom. No one in the lobby.
1:27:58 PM	Session Note Entry Note: JAVS, courtclerk	Court pronounced Guilty of all 5 counts. \$25, \$3. Waive PD fee. Count #1: 24 to 60 months, Count #2: 72 to 180 months, Count #3: 12 to 32 months, Count #4: 32 to 96 months, Count #5: 12 to 32 months. Count 2 consec to 1, count 3 consec to 1 and 2, count 4 consec to 1, 2, 3; and count 5 consec to 1, 2, 3, 4. Case 20-0552 consecutive to 20-0186. Remanded to CCSO. Rest: \$3043.21: Malone: \$1000, Budget Inn: \$1894, BWC: \$149.21.
1:36:46 PM	Session Note Entry Note: JAVS, courtclerk	Neidert.... Notice of Appeal will be filed. Will be able to file opening brief. Court.... file the Notice of Appeal and deal with it at that time. 176.035: need to aggregate sentence: 152 to 400 months.
1:38:31 PM	Session Note Entry Note: JAVS, courtclerk	Court will order the transcripts and Neidert to start the Appeal.
1:39:10 PM	Session Note Entry Note: JAVS, courtclerk	Johns..... asks for all the transcripts. Court... addresses Mr. Johns. Will provide to Mr. Neidert.
1:40:03 PM	Session Ended	

TENTH JUDICIAL DISTRICT COURT

State of Nevada
 vs. Casey Johns

CASE NO.: 20-10DC-0552
 TRIAL DATE: May 10, 2021

Exhibit

Label	Exhibit Description	ID	Stip	Offered	Objected	Admitted
1	Photo - Mike Malone with arm up	X		✓		✓
2	Photo - Mike Malone's hand	X		✓		✓
3	Photo - Mike Malone's hand (open wound)	X		✓		✓
4	Photo - Mike Malone's hand with stitches	X		✓		✓
5	Photo - Mike Malone's hand close up	X		✓		✓
6	Photo - Casey Johns hand with blood	X		✓		✓
7	Photo - Bottom of shoe - Casey Johns	X		✓		✓
8	Photo - Officer Kevin Grimes full body	X		✓		✓
9	Photo - Officer Kevin Grimes bottom half of leg (left)	X		✓		✓
10	Photo - Money and credit cards - left side	X		✓		✓
11	Photo - Money and credit cards - right side	X		✓		✓
12	Photo - Black Toyota 4Runner	X		✓		✓
13	Photo - Budget Inn Hotel open door #135	X		✓		✓
14	Photo - Budge Inn walkway	X		✓		✓

TENTH JUDICIAL DISTRICT COURT

State of Nevada
vs. Casey Johns

CASE NO.: 20-10DC-0552
TRIAL DATE: May 10, 2021

Exhibit

Label	Exhibit Description	ID	Stip	Offered	Objected	Admitted
15	Photo - Closed knife	X		✓		✓
16	Photo - Budget Inn Threshold of room 135	X		✓		✓
17	Photo - Budget Inn Inside of Room 135	X		✓		✓
18	Photo - Budget Inn Inside wall of Room 135	X		✓		✓
19	Photo - Budget Inn Room 132 Door	X		✓		✓
20	Photo - Budge Inn outside walkway near room 132	X		✓		✓
21	Photo - Shoe print - Door #32 132	X		✓		✓
22	Photo - Budget Inn Door of Room 132	X		✓		✓
23	Photo - Casey Johns	X		✓		✓
24	Photo - Still from Grimes Body Cam of Room 135	X		✓		✓
25	Banner Community Hospital Medical Records	X	X			✓
26	St. Mary's Hospital Medical Records	X	X			✓
27	Northern Nevada Medical Records	X	X			✓
28	CD - Officer Grimes Body Cam	X		✓		✓

TENTH JUDICIAL DISTRICT COURT

State of Nevada
vs. Casey Johns

CASE NO.: 20-10DC-0552
TRIAL DATE: May 10, 2021

Exhibit

Label	Exhibit Description	ID	Stip	Offered	Objected	Admitted
29	Knife	X		✓		✓
30	CD- Surveillance Video from Budget Inn	X		✓		✓
31	Enlarged Map of Budget Inn and Surrounding Area	X		✓		✓
32	PICTURE OF DEFENDENT - STILL shot from video footage	X		✓		✓
33	PICTURE OF DEFENDENT - STILL shot from video footage	X		✓		✓
34	PICTURE OF KNIFE - DEANNA DOUGLAS'S	X		✓		✓
35	PICTURE OF HOTEL ROOM (PHOTO)	X		✓		✓
36	PICTURE OF HOTEL ROOM (PHOTO)	X		✓		✓

1 CASE NO. 20-10DC-0552
2 DEPT. I
3
4

5 **IN THE TENTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
6
7 **IN AND FOR THE COUNTY OF CHURCHILL**

8 CASEY ALAN JOHNS,
9 Appellant,

10 vs.

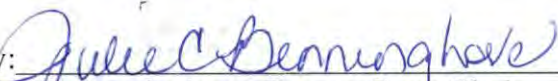
11 STATE OF NEVADA,
12 Respondent.
13
14 _____)

15 C E R T I F I C A T E

16 I, SUE SEVON, Clerk of the Court for the Tenth Judicial District Court of the State of
17 Nevada, in and for the County of Churchill, do hereby certify that the following documents are
18 copies of the original documents on file with the District Court and which are contained in the
19 Appeal.

20 DATED: This 11th day of June, 2021.
21

22 SUE SEVON, Clerk of the Court

23
24 By: 
25 Julie Benninghove, Deputy Court Clerk
26
27
28

TRANSMISSION OF DOCUMENTS UPON FILING OF A NOTICE OF APPEAL

DOCUMENT TITLE

ENCLOSED

NOTICE OF APPEAL

YES

NO

CASE APPEAL STATEMENT

YES

NO

DISTRICT COURT DOCKET ENTRIES

YES

NO

JUDGMENT (S) or ORDER (S) APPEALED FROM

YES

NO

NOTICE OF ENTRY OF JUDGMENT (S) or
ORDER(S) APPEALED FROM

YES

NO

CERTIFICATION OF ORDER DIRECTING
ENTRY OF JUDGMENT PURSUANT TO
NRCp 54(b)

YES

NO

DISTRICT COURT MINUTES

YES

NO

EXHIBIT LIST

YES

NO

CERTIFICATE OF ORIGINAL DOCUMENTS

YES

NO

FEES

NOTICE OF APPEAL FILING FEE - \$24.00

YES

NO

APPEAL BOND - \$500.00

YES

NO

SUPREME COURT FILING FEE - \$250.00

YES

NO