

No. 83864

IN THE NEVADA SUPREME COURT

Electronically Filed
May 18 2022 07:35 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

Jermiah Dewight Thornburg,

Appellant,

v.

State of Nevada,

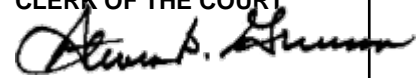
Respondent.

Direct Appeal from a Judgment of Conviction
Eighth Judicial District Court
Honorable Jerry Weise, District Court Judge
District Court Case No. C-20-348507-1

Appellant's Appendix Volume 1 of 1

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I.A. 05/28/2020
8:00 AM
SPD

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

JERMAH DEWIGHT THORNBURG,
#1999678

Defendant.

CASE NO: **C-20-348507-1**

DEPT NO: **XXX**

I N F O R M A T I O N

STATE OF NEVADA)
COUNTY OF CLARK) ss.

STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That **JERMAH DEWIGHT THORNBURG**, as Defendant above named, has committed the crime of **ATTEMPT SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Category B Felony - NRS 200.364, 200.366, 193.330 - NOC 50123)** in the manner following:

That on or between October 2, 2012 and October 1, 2015, at and within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada, Defendant did then and there, willfully, unlawfully and feloniously sexually assault and subject J.J., a child under fourteen years of age, to sexual penetration, to wit:

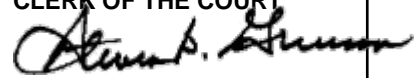
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1 by inserting a cigar case and/or an unknown object into the genital opening of J.J., against the
2 will of J.J., or under conditions in which Defendant knew, or should have known, that J.J. was
3 mentally or physically incapable of resisting or understanding the nature of Defendant's
4 conduct.

5 STEVEN B. WOLFSON
6 Clark County District Attorney
Nevada Bar #001565

7
8 BY /s/ Tyler Smith
9 TYLER SMITH
Chief Deputy District Attorney
Nevada Bar #011870

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27 DA#19F04131X/hjc/SVU
28 LVMPD EV#170713001300
(TK02)



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(702) 671-2500
Attorney for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,
Plaintiff,

-vs-

JERIMIAH DEWIGHT THORNBURG,
#1999678

Defendant.

CASE NO: C-20-348507-1

DEPT NO: XXX

**A M E N D E D
I N F O R M A T I O N**

STATE OF NEVADA)
COUNTY OF CLARK) ss.

STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That **JERIMIAH DEWIGHT THORNBURG**, as Defendant above named, has committed the crime of **LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category A Felony - NRS 201.230 - NOC 50975), SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Category A Felony - NRS 200.364, 200.366 - NOC 50105), OPEN OR GROSS LEWDNESS IN THE PRESENCE OF A CHILD OR VULNERABLE PERSON (Category D Felony - NRS 201.210 - NOC 58745) and LEWDNESS WITH A CHILD UNDER THE AGE OF 16 (Category B Felony - NRS 201.230 - NOC 58747)** in the manner following:

//

//

1 COUNT 1 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

2 Defendant did, on or between October 2, 2012 and October 1, 2013, willfully, lewdly,
3 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part
4 or member thereof, of a child, to wit: J.J., a child under the age of fourteen years, by touching
5 and/or rubbing and/or fondling the genital area of J.J., with the intent of arousing, appealing
6 to, or gratifying the lust, passions, or sexual desires of defendant, or J.J.

7 COUNT 2 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

8 Defendant did, on or between October 2, 2012 and October 1, 2014, willfully, lewdly,
9 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part
10 or member thereof, of a child, to wit: J.J., a child under the age of fourteen years, by touching
11 and/or rubbing and/or fondling the genital area of J.J., with the intent of arousing, appealing
12 to, or gratifying the lust, passions, or sexual desires of defendant, or J.J.

13 COUNT 3 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

14 Defendant did, on or between October 2, 2012 and October 1, 2014, willfully, lewdly,
15 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part
16 or member thereof, of a child, to wit: J.J., a child under the age of fourteen years, by Defendant
17 rubbing his genital area against J.J.'s genital area, with the intent of arousing, appealing to, or
18 gratifying the lust, passions, or sexual desires of defendant, or J.J.

19 COUNT 4 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

20 Defendant did, on or between October 2, 2013 and October 1, 2014, then and there
21 willfully, unlawfully, and feloniously sexually assault and subject J.J., a child under fourteen
22 years of age, to sexual penetration, to wit: by inserting a cigar case and/or an unknown object
23 into the genital opening of J.J., against his or her will, or under conditions in which Defendant
24 knew, or should have known, that J.J. was mentally or physically incapable of resisting or
25 understanding the nature of Defendant's conduct.

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1 COUNT 5 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

2 Defendant did, on or between October 2, 2013 and October 1, 2014, then and there
3 willfully, unlawfully, and feloniously sexually assault and subject J.J., a child under fourteen
4 years of age, to sexual penetration, to wit: by inserting a cigar case and/or an unknown object
5 into the genital opening of J.J., against his or her will, or under conditions in which Defendant
6 knew, or should have known, that J.J. was mentally or physically incapable of resisting or
7 understanding the nature of Defendant's conduct.

8 COUNT 6 - OPEN OR GROSS LEWDNESS IN THE PRESENCE OF A CHILD OR
9 VULNERABLE PERSON

10 Defendant did, on or between October 2, 2014 and October 1, 2015, willfully,
11 unlawfully and feloniously commit an act of open or gross lewdness in the presence of a child
12 under the age of 18 years, or a vulnerable person as defined in paragraph (a) of subsection 7
13 of NRS 200.5092, to wit: J.J., by Defendant masturbating his penis while sitting next to J.J.
14 and holding and/or touching J.J.'s hand.

15 COUNT 7 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

16 Defendant did, on or between October 2, 2014 and October 1, 2015, willfully, lewdly,
17 unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part
18 or member thereof, of a child, to wit: J.J, a child under the age of 16 years, by Defendant
19 masturbating his penis while sitting next to J.J. and holding and/or touching J.J.'s hand, with
20 the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the
21 Defendant, or J.J.

22 STEVEN B. WOLFSON
23 Clark County District Attorney
Nevada Bar #001565

24
25 BY /s/ Tyler Smith
26 TYLER SMITH
Chief Deputy District Attorney
Nevada Bar #011870

Names of witnesses known to the District Attorney's Office at the time of filing this
Information are as follows:

AMAYA, KAITLIN; CPS/DFS/SNCAC

C.J.; c/o CCDA-SVU/VWAC

CALDERON-LOPEZ; LVMPD#08547

COR or Designee; CCDC

COR or Designee; CPS/DFS/SNCAC

COR or Designee; LVMPD COMMUNICATIONS

COR or Designee; LVMPD RECORDS

J.J.; c/o CCDA-SVU/VWAC

LAWSON, CHRISTINA; 3996 ROYAL SCOTS AVE, LVN 89141

MELTON, JATAVIS; 1307 MARTIN L. KING ROAD, NATCHEZ, MS 39120

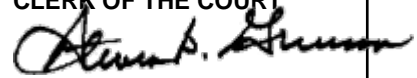
MURILLO-BALBIN, CHANYETTA; 3505 JORDAN LANE, NLV 89032

REYNARD, JULIE; 4028 BENEVOLENT DR, NLV 89032

ROGERS, GENESIS; 5880 BOULDER FALLS ST #1053, HND 89011

THORNBURG, LORENA; 5327 BOTANICAL AVE, LVN 89110

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LVMPD EV#170713001300
(TK02)



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Attorney for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,
Plaintiff,

-vs-

**JEREMIAH DEWIGHT
THORNBURG,
#1999678**

Defendant.

CASE NO: C-20-348507-1

DEPT NO: XXX

**SECOND AMENDED
INFORMATION**

STATE OF NEVADA)
COUNTY OF CLARK) ss.

STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That **JERMIAH DEWIGHT THORNBURG**, as Defendant above named, has committed the crime of **LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category A Felony - NRS 201.230 - NOC 50975), SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Category A Felony - NRS 200.364, 200.366 - NOC 50105), OPEN OR GROSS LEWDNESS IN THE PRESENCE OF A CHILD OR VULNERABLE PERSON (Category D Felony - NRS 201.210 - NOC 58745) and LEWDNESS WITH A CHILD UNDER THE AGE OF 16 (Category B Felony - NRS 201.230 - NOC 58747)** in the manner following:

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2 Defendant did, on or between October 2, 2012 and October 1, 2013, willfully, lewdly,
3 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part
4 or member thereof, of a child, to wit: J.J., a child under the age of fourteen years, by touching
5 and/or rubbing and/or fondling the genital area of J.J., with the intent of arousing, appealing
6 to, or gratifying the lust, passions, or sexual desires of defendant, or J.J.

7 COUNT 2 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

8 Defendant did, on or between October 2, 2012 and October 1, 2014, willfully, lewdly,
9 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part
10 or member thereof, of a child, to wit: J.J., a child under the age of fourteen years, by touching
11 and/or rubbing and/or fondling the genital area of J.J., with the intent of arousing, appealing
12 to, or gratifying the lust, passions, or sexual desires of defendant, or J.J.

13 COUNT 3 - LEWDNESS WITH A CHILD UNDER THE AGE OF 14

14 Defendant did, on or between October 2, 2012 and October 1, 2014, willfully, lewdly,
15 unlawfully, and feloniously commit a lewd or lascivious act upon or with the body, or any part
16 or member thereof, of a child, to wit: J.J., a child under the age of fourteen years, by Defendant
17 rubbing his genital area against J.J.'s genital area, with the intent of arousing, appealing to, or
18 gratifying the lust, passions, or sexual desires of defendant, or J.J.

19 COUNT 4 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

20 Defendant did, on or between October 2, 2013 and October 1, 2014, then and there
21 willfully, unlawfully, and feloniously sexually assault and subject J.J., a child under fourteen
22 years of age, to sexual penetration, to wit: by inserting a cigar case and/or an unknown object
23 into the genital opening of J.J., against his or her will, or under conditions in which Defendant
24 knew, or should have known, that J.J. was mentally or physically incapable of resisting or
25 understanding the nature of Defendant's conduct.

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1 COUNT 5 - SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE

2 Defendant did, on or between October 2, 2013 and October 1, 2014, then and there
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4 years of age, to sexual penetration, to wit: by inserting a cigar case and/or an unknown object
5 into the genital opening of J.J., against his or her will, or under conditions in which Defendant
6 knew, or should have known, that J.J. was mentally or physically incapable of resisting or
7 understanding the nature of Defendant's conduct.

8 COUNT 6 - OPEN OR GROSS LEWDNESS IN THE PRESENCE OF A CHILD OR
9 VULNERABLE PERSON

10 Defendant did, on or between October 2, 2014 and October 1, 2015, willfully,
11 unlawfully and feloniously commit an act of open or gross lewdness in the presence of a child
12 under the age of 18 years, or a vulnerable person as defined in paragraph (a) of subsection 7
13 of NRS 200.5092, to wit: J.J., by Defendant masturbating his penis while sitting next to J.J.
14 and holding and/or touching J.J.'s hand.

15 COUNT 7 - LEWDNESS WITH A CHILD UNDER THE AGE OF 16

16 Defendant did, on or between October 2, 2014 and October 1, 2015, willfully, lewdly,
17 unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part
18 or member thereof, of a child, to wit: J.J, a child under the age of 16 years, by Defendant
19 masturbating his penis while sitting next to J.J. and holding and/or touching J.J.'s hand, with
20 the intent of arousing, appealing to, or gratifying the lust, passions, or sexual desires of the
21 Defendant, or J.J.

22 STEVEN B. WOLFSON
23 Clark County District Attorney
Nevada Bar #001565

24
25 BY /s/ Tyler Smith
TYLER SMITH
26 Chief Deputy District Attorney
Nevada Bar #011870
27
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Names of witnesses known to the District Attorney's Office at the time of filing this
Information are as follows:

AMAYA, KAITLIN; CPS/DFS/SNCAC

C.J.; c/o CCDA-SVU/VWAC

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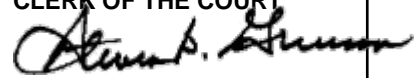
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Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-VS-

**JEREMIAH DEWIGHT
THORNBURG,
#1999678**

Defendant.

CASE NO: **C-20-348507-1**

DEPT NO: **XXX**

**THIRD AMENDED
INFORMATION**

STATE OF NEVADA }
COUNTY OF CLARK } ss.

STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That **JEREMIAH DEWIGHT THORNBURG**, as Defendant above named, has committed the crime of **LEWDNESS WITH A CHILD UNDER THE AGE OF 14 (Category A Felony - NRS 201.230 - NOC 50975)** in the manner following:

Defendant did, on or between October 2, 2012 and October 1, 2013, willfully, lewdly, unlawfully and feloniously commit a lewd or lascivious act upon or with the body, or any part or member thereof, of a child, to wit:

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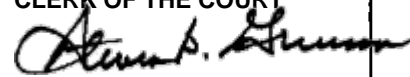
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1 J.J., a child under the age of fourteen years, by using his hand(s) and/or finger(s) and/or genital
2 area and/or a cigar case and/or an unknown object to touch and/or rub and/or fondle the genital
3 area of J.J., with the intent of arousing, appealing to, or gratifying the lust, passions, or sexual
4 desires of Defendant, or J.J.

5 STEVEN B. WOLFSON
6 Clark County District Attorney
Nevada Bar #001565

7
8 BY /s/ Tyler Smith
9 TYLER SMITH
Chief Deputy District Attorney
Nevada Bar #011870

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Attorney for Plaintiff

**DISTRICT COURT
CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,
Plaintiff,

-vs-

JEREMIAH DEWIGHT THORNBURG,
#1999678
Defendant.

CASE NO: C-20-348507-1

DEPT NO: XXX

**FOURTH AMENDED
INFORMATION**

STATE OF NEVADA }
COUNTY OF CLARK } ss.

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Defendant did then and there willfully, unlawfully, and attempt to feloniously attempt to sexually assault and subject J.J., a child under fourteen years of age, to sexual penetration, to wit: sexual penetration, to wit: by inserting a cigar case and/or an unknown object into the genital opening of J.J., against his or her will, or under conditions in which Defendant knew,

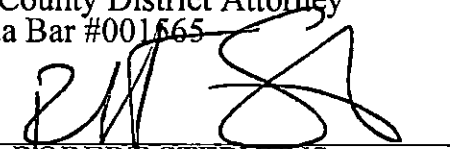
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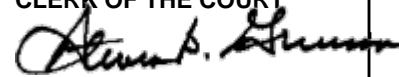
1 or should have known, that J.J. was mentally or physically incapable of resisting or
2 understanding the nature of Defendant's conduct.

3 STEVEN B. WOLFSON
4 Clark County District Attorney
5 Nevada Bar #001665

6 BY


7 ROBERT STEPHENS
8 Chief Deputy District Attorney
9 Nevada Bar #011286

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DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

JEREMIAH DEWIGHT THORNBURG,
#1999678

Defendant.

CASE NO: **C-20-348507-1**

DEPT NO: **XXX**

FIFTH AMENDED
INFORMATION

STATE OF NEVADA }
COUNTY OF CLARK } ss.

STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That **JERMIAH DEWIGHT THORNBURG**, as Defendant above named, has committed the crime of **ATTEMPT SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Category B Felony - NRS 200.364, 200.366, 193.330 - NOC 50123)** in the manner following:

Defendant did on or between October 2, 2012 and October 1, 2013, then and there willfully, unlawfully, and attempt to feloniously attempt to sexually assault and subject J.J., a child under fourteen years of age, to sexual penetration, to wit: sexual penetration, to wit: by inserting a cigar case and/or an unknown object into the genital opening of J.J., against his or her will, or under conditions in which Defendant knew, or should have known, that J.J. was

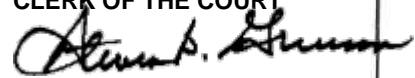
1 mentally or physically incapable of resisting or understanding the nature of Defendant's
2 conduct.

3 STEVEN B. WOLFSON
4 Clark County District Attorney
5 Nevada Bar #001565

6 BY


7 ROBERT STEPHENS
8 Chief Deputy District Attorney
9 Nevada Bar #011286

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(TK02)



1 **GPA**
2 **STEVEN B. WOLFSON**
3 **Clark County District Attorney**
4 **Nevada Bar #001565**
5 **ROBERT STEPHENS**
6 **Chief Deputy District Attorney**
7 **Nevada Bar #011286**
8 **200 Lewis Avenue**
9 **Las Vegas, NV 89155-2212**
10 **(702) 671-2500**
11 **Attorney for Plaintiff**

7 **DISTRICT COURT**
8 **CLARK COUNTY, NEVADA**

9 **THE STATE OF NEVADA,**
10 **Plaintiff,**

11 **-vs-**

12 **JERMAH DEWIGHT THORNBURG,**
13 **#1999678**

14 **Defendant.**

CASE NO: C-20-348507-1

DEPT NO: XXX

15 **GUILTY PLEA AGREEMENT**

16 I hereby agree to plead guilty to: **ATTEMPT SEXUAL ASSAULT WITH A**
17 **MINOR UNDER FOURTEEN YEARS OF AGE (Category B Felony - NRS 200.364,**
18 **200.366, 193.330 - NOC 50123)** as more fully alleged in the charging document attached
19 hereto as Exhibit "1".

20 My decision to plead guilty is based upon the plea agreement in this case which is as
21 follows:

22 Both parties stipulate to my serving a minimum term of eight (8) years to a maximum
23 term of twenty (20) years in the Nevada Department of Corrections. The State will not oppose
24 concurrent sentencing with my Federal case. Additionally, the State will dismiss Case No.
25 18F02416X. Further, both parties stipulate to credit for time served beginning April 15, 2020.

26 //

27 //

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1 I agree to the forfeiture of any and all electronic storage devices, computers, and/or
2 related equipment and/or weapons or any interest in any electronic storage devices, computers
3 and/or related equipment and/or weapons seized and/or impounded in connection with the
4 instant case and/or any other case negotiated in whole or in part in conjunction with this plea
5 agreement.

6 I understand and agree that, if I fail to interview with the Department of Parole and
7 Probation (P&P), fail to appear at any subsequent hearings in this case, or an independent
8 magistrate, by affidavit review, confirms probable cause against me for new criminal charges
9 including reckless driving or DUI, but excluding minor traffic violations, the State will have
10 the unqualified right to argue for any legal sentence and term of confinement allowable for the
11 crime(s) to which I am pleading guilty, including the use of any prior convictions I may have
12 to increase my sentence as an habitual criminal to five (5) to twenty (20) years, Life without
13 the possibility of parole, Life with the possibility of parole after ten (10) years, or a definite
14 twenty-five (25) year term with the possibility of parole after ten (10) years.

15 Otherwise I am entitled to receive the benefits of these negotiations as stated in this
16 plea agreement.

17 CONSEQUENCES OF THE PLEA

18 I understand that by pleading guilty I admit the facts which support all the elements of
19 the offense(s) to which I now plead as set forth in Exhibit "1".

20 I understand that as a consequence of my plea of guilty the Court must sentence me to
21 imprisonment in the Nevada Department of Corrections for a minimum term of not less than
22 TWO (2) years and a maximum term of not more than TWENTY (20) years. The minimum
23 term of imprisonment may not exceed forty percent (40%) of the maximum term of
24 imprisonment. I understand that the law requires me to pay an Administrative Assessment Fee.

25 I understand that, if appropriate, I will be ordered to make restitution to the victim of
26 the offense(s) to which I am pleading guilty and to the victim of any related offense which is
27 being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to
28 reimburse the State of Nevada for any expenses related to my extradition, if any.

1 I understand that I am not eligible for probation for the offense to which I am pleading
2 guilty.

3 I understand that, before I am eligible for parole a panel consisting of the Administrator
4 of the Mental Health and Developmental Services of the Department of Human Resources or
5 his designee; the Director of the Department of Corrections or his designee; and a psychologist
6 licensed to practice in this state or a psychiatrist licensed to practice medicine in this state
7 certifies that I was under observation while confined in an institution of the department of
8 corrections and that I do not represent a high risk to reoffend based upon a currently accepted
9 standard of assessment.

10 I understand that, pursuant to NRS 176.0931, the Court must include as part of my
11 sentence, in addition to any other penalties provided by law, a special sentence of lifetime
12 supervision commencing after any period of probation or any term of imprisonment and period
13 of release upon parole.

14 I understand that the Court will include as part of my sentence, in addition to any other
15 penalties provided by law, pursuant to NRS 179D.441 to 179D.550, inclusive, I must register
16 as a sex offender within forty-eight (48) hours of release from custody onto probation or parole.

17 I understand that I must submit to blood and/or saliva tests under the direction of P&P
18 to determine genetic markers and/or secretor status.

19 I understand that if more than one sentence of imprisonment is imposed and I am
20 eligible to serve the sentences concurrently, the sentencing judge has the discretion to order
21 the sentences served concurrently or consecutively.

22 I understand that information regarding charges not filed, dismissed charges, or charges
23 to be dismissed pursuant to this agreement may be considered by the judge at sentencing.

24 I have not been promised or guaranteed any particular sentence by anyone. I know that
25 my sentence is to be determined by the Court within the limits prescribed by statute.

26 I understand that if my attorney or the State of Nevada or both recommend any specific
27 punishment to the Court, the Court is not obligated to accept the recommendation.

28 I understand that if the State of Nevada has agreed to recommend or stipulate a

1 particular sentence or has agreed not to present argument regarding the sentence, or agreed not
2 to oppose a particular sentence, such agreement is contingent upon my appearance in court on
3 the initial sentencing date (and any subsequent dates if the sentencing is continued). I
4 understand that if I fail to appear for the scheduled sentencing date or I commit a new criminal
5 offense prior to sentencing the State of Nevada would regain the full right to argue for any
6 lawful sentence.

7 I understand if the offense(s) to which I am pleading guilty to was committed while I
8 was incarcerated on another charge or while I was on probation or parole that I am not eligible
9 for credit for time served toward the instant offense(s).

10 I understand that if I am not a United States citizen, any criminal conviction will likely
11 result in serious negative immigration consequences including but not limited to:

- 12 1. The removal from the United States through deportation;
- 13 2. An inability to reenter the United States;
- 14 3. The inability to gain United States citizenship or legal residency;
- 15 4. An inability to renew and/or retain any legal residency status; and/or
- 16 5. An indeterminate term of confinement, with the United States Federal
17 Government based on my conviction and immigration status.

18 Regardless of what I have been told by any attorney, no one can promise me that this
19 conviction will not result in negative immigration consequences and/or impact my ability to
20 become a United States citizen and/or a legal resident.

21 I understand that P&P will prepare a report for the sentencing judge prior to sentencing.
22 This report will include matters relevant to the issue of sentencing, including my criminal
23 history. This report may contain hearsay information regarding my background and criminal
24 history. My attorney and I will each have the opportunity to comment on the information
25 contained in the report at the time of sentencing. Unless the District Attorney has specifically
26 agreed otherwise, then the District Attorney may also comment on this report.

27 WAIVER OF RIGHTS

28 By entering my plea of guilty, I understand that I am waiving and forever giving up the

1 following rights and privileges:

- 2 1. The constitutional privilege against self-incrimination, including the right
3 to refuse to testify at trial, in which event the prosecution would not be
4 allowed to comment to the jury about my refusal to testify.
- 5 2. The constitutional right to a speedy and public trial by an impartial jury,
6 free of excessive pretrial publicity prejudicial to the defense, at which
7 trial I would be entitled to the assistance of an attorney, either appointed
8 or retained. At trial the State would bear the burden of proving beyond
9 a reasonable doubt each element of the offense(s) charged.
- 10 3. The constitutional right to confront and cross-examine any witnesses who
11 would testify against me.
- 12 4. The constitutional right to subpoena witnesses to testify on my behalf.
- 13 5. The constitutional right to testify in my own defense.
- 14 6. The right to appeal the conviction with the assistance of an attorney,
15 either appointed or retained, unless specifically reserved in writing and
16 agreed upon as provided in NRS 174.035(3). I understand this means I
17 am unconditionally waiving my right to a direct appeal of this conviction,
18 including any challenge based upon reasonable constitutional,
19 jurisdictional or other grounds that challenge the legality of the
20 proceedings as stated in NRS 177.015(4). However, I remain free to
21 challenge my conviction through other post-conviction remedies
22 including a habeas corpus petition pursuant to NRS Chapter 34.

23 VOLUNTARINESS OF PLEA

24 I have discussed the elements of all of the original charge(s) against me with my
25 attorney and I understand the nature of the charge(s) against me.

26 I understand that the State would have to prove each element of the charge(s) against
27 me at trial.

28 I have discussed with my attorney any possible defenses, defense strategies and
circumstances which might be in my favor.

All of the foregoing elements, consequences, rights, and waiver of rights have been
thoroughly explained to me by my attorney.

I believe that pleading guilty and accepting this plea bargain is in my best interest, and
that a trial would be contrary to my best interest.

I am signing this agreement voluntarily, after consultation with my attorney, and I am
not acting under duress or coercion or by virtue of any promises of leniency, except for those

1 set forth in this agreement.

2 I am not now under the influence of any intoxicating liquor, a controlled substance or
3 other drug which would in any manner impair my ability to comprehend or understand this
4 agreement or the proceedings surrounding my entry of this plea.

5 My attorney has answered all my questions regarding this guilty plea agreement and its
6 consequences to my satisfaction and I am satisfied with the services provided by my attorney.

7 DATED this 05 day of August, 2021.

8
9
10 
JERMIAH DEWIGHT THORNBURG
Defendant

11 AGREED TO BY:

12 
13 ROBERT STEPHENS
14 Chief Deputy District Attorney
Nevada Bar #011286

1 CERTIFICATE OF COUNSEL:

2 I, the undersigned, as the attorney for the Defendant named herein and as an officer of
3 the court hereby certify that:

- 4 1. I have fully explained to the Defendant the allegations contained in the
5 charge(s) to which guilty pleas are being entered.
6 2. I have advised the Defendant of the penalties for each charge and the
7 restitution that the Defendant may be ordered to pay.
8 3. I have inquired of Defendant facts concerning Defendant's immigration
9 status and explained to Defendant that if Defendant is not a United States
10 citizen any criminal conviction will most likely result in serious negative
11 immigration consequences including but not limited to:
12 a. The removal from the United States through deportation;
13 b. An inability to reenter the United States;
14 c. The inability to gain United States citizenship or legal residency;
15 d. An inability to renew and/or retain any legal residency status;
16 and/or
17 e. An indeterminate term of confinement, by with United States
18 Federal Government based on the conviction and immigration
19 status.

20 Moreover, I have explained that regardless of what Defendant may have
21 been told by any attorney, no one can promise Defendant that this
22 conviction will not result in negative immigration consequences and/or
23 impact Defendant's ability to become a United States citizen and/or legal
24 resident.

- 25 4. All pleas of guilty offered by the Defendant pursuant to this agreement
26 are consistent with the facts known to me and are made with my advice
27 to the Defendant.
28 5. To the best of my knowledge and belief, the Defendant:
a. Is competent and understands the charges and the consequences of
pleading guilty as provided in this agreement,
b. Executed this agreement and will enter all guilty pleas pursuant
hereto voluntarily, and
c. Was not under the influence of intoxicating liquor, a controlled
substance or other drug at the time I consulted with the Defendant
as certified in paragraphs 1 and 2 above.

Dated: This 5th day of August, 2021.

SPECIAL PUBLIC DEFENDER

mlb/SVU

1 **AINF**
2 **STEVEN B. WOLFSON**
3 **Clark County District Attorney**
4 **Nevada Bar #001565**
5 **ROBERT STEPHENS**
6 **Chief Deputy District Attorney**
7 **Nevada Bar #011286**
8 **200 Lewis Avenue**
9 **Las Vegas, Nevada 89155-2212**
10 **(702) 671-2500**
11 **Attorney for Plaintiff**

7 **DISTRICT COURT**
8 **CLARK COUNTY, NEVADA**

10 **THE STATE OF NEVADA,**
11 **Plaintiff,**
12 **-vs-**

13 **JEREMIAH DEWIGHT THORNBURG,**
14 **#1999678**
15 **Defendant.**

CASE NO: C-20-348507-1
DEPT NO: XXX

FIFTH AMENDED
INFORMATION

16 **STATE OF NEVADA** }
17 **COUNTY OF CLARK** } **ss.**

18 **STEVEN B. WOLFSON**, District Attorney within and for the County of Clark, State
19 of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

20 That **JERMIAH DEWIGHT THORNBURG**, as Defendant above named, has
21 committed the crime of **ATTEMPT SEXUAL ASSAULT WITH A MINOR UNDER**
22 **FOURTEEN YEARS OF AGE (Category B Felony - NRS 200.364, 200.366, 193.330 -**
23 **NOC 50123)** in the manner following:

24 Defendant did on or between October 2, 2012 and October 1, 2013, then and there
25 willfully, unlawfully, and attempt to feloniously attempt to sexually assault and subject J.J., a
26 child under fourteen years of age, to sexual penetration, to wit: sexual penetration, to wit: by
27 inserting a cigar case and/or an unknown object into the genital opening of J.J., against his or
28 her will, or under conditions in which Defendant knew, or should have known, that J.J. was

1 mentally or physically incapable of resisting or understanding the nature of Defendant's
2 conduct.

3 STEVEN B. WOLFSON
4 Clark County District Attorney
5 Nevada Bar #001565

6 BY


7 ROBERT STEPHENS
8 Chief Deputy District Attorney
9 Nevada Bar #011286

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27 DA#19F04131X/mlb/SVU
28 LVMPD EV#170713001300
(TK02)

DISTRICT COURT
CLARK COUNTY, NEVADA

Defendant.

DEPT. XXX

RECORDER'S TRANSCRIPT OF ENTRY OF PLEA

QUINTIN M. DOLLENTE, JR.,
Special Public Defender

Case Number: C-20-348507-1

1 Las Vegas, Nevada; Tuesday, August 10th, 2021

2 [Hearing commenced at 8:31 a.m.]

3
4 MS. KOLLINS: Good morning, Your Honor. Stacy Kollins on behalf
5 of the State. I understand the SPD should be on his way.

6 THE COURT: Okay. We'll trail it for a few minutes.

7 MS. KOLLINS: Thank you.

8
9 [Proceeding trailed until 9:33 a.m.]

10
11 THE COURT: All right. Mr. Thornburg is present, in custody. This
12 is on for entry of plea. I do have a GPA that's been filed.

13 MS. KOLLINS: Stacy Kollins on behalf of the State.

14 MR. DOLLENTE: Good morning, Your Honor. Quintin Dollente,
15 Deputy Special Public Defender here on behalf of Jeremiah Thornburg, he's
16 present and in custody.

17 THE COURT: Good morning. Looks like -- guilty plea agreement
18 shows that defendant will be pleading guilty to attempt sexual assault with a minor
19 under 14, category B; both parties stipulate to 8 to 20 years in the Nevada
20 Department of Corrections. The State will not oppose concurrent sentencing with
21 his federal case; State will dismiss 18F02416x and both parties stipulate to credit
22 beginning April 15th of 2020. Is that still the negotiation?

23 MR. DOLLENTE: Yes, Your Honor.

24 MS. KOLLINS: Yes, Your Honor.

25 THE COURT: Mr. Thornburg, can you give me your full legal name,

1 please.

2 THE DEFENDANT: Jeremiah Dewight Thornburg.

3 THE COURT: And how old are you, sir?

4 THE DEFENDANT: 41

5 THE COURT: How far did you go in school?

6 THE DEFENDANT: 12th grade.

7 THE COURT: You read, write, and understand English?

8 THE DEFENDANT: Yes.

9 THE COURT: You're charged with a crime of attempt sexual
10 assault with a minor under 14, with regard to that charge, how do you plea? Guilty
11 or not guilty?

12 THE DEFENDANT: Guilty.

13 THE COURT: Before I can accept your plea of guilty I have to be
14 convinced that your plea is freely and voluntarily made, are you making your plea
15 freely and voluntarily?

16 THE DEFENDANT: Yes.

17 THE COURT: Has anyone forced you or coerced you to accept that
18 plea?

19 THE DEFENDANT: No, I just want to know the stipulations or talk
20 to my lawyer, referring with my federal time. I heard her say something about
21 running -- opposed to running concurrent with my federal time; is that correct?

22 THE COURT: Yeah. The stipulation is that the State is not
23 opposed to his case running concurrent with your federal time.

24 THE DEFENDANT: Okay.

25 THE COURT: Okay?

1 THE DEFENDANT: Yes.

2 THE COURT: So has anybody forced you or coerced you to accept
3 this plea?

4 THE DEFENDANT: No.

5 THE COURT: Are you making the plea of guilty because, in fact,
6 you're guilty of this crime?

7 THE DEFENDANT: Yes.

8 THE COURT: In looking at the guilty plea agreement, it looks like
9 you signed this yourself on August 5; is that true?

10 THE DEFENDANT: Yes.

11 THE COURT: And before doing that, you had a chance to read the
12 guilty plea agreement and discuss it with your attorney?

13 THE DEFENDANT: Yes.

14 THE COURT: Your attorney answered any questions you had
15 about it?

16 THE DEFENDANT: Yes.

17 THE COURT: You need to make sure you answer me out loud so
18 we can record it, okay?

19 THE DEFENDANT: Yes.

20 THE COURT: You understand that by signing the guilty plea
21 agreement, you're agreeing that you read it and understood it first?

22 THE DEFENDANT: Yes.

23 THE COURT: Also, by signing it you're agreeing that you're giving
24 up important constitutional rights like the right to go to trial, confront your accusers,
25 and present evidence on your own behalf; you understand that?

1 THE DEFENDANT: Yes.

2 THE COURT: Are you currently under the influence of any alcohol,
3 medication, narcotics, or any substance that might affect your ability to understand
4 these documents or the process we're going through?

5 THE DEFENDANT: No.

6 THE COURT: Are you currently suffering from any emotional or
7 physical distress that's caused you to enter this plea?

8 THE DEFENDANT: No.

9 THE COURT: You need to understand that the potential range of
10 punishment for this charge is 2 to 20 years; you understand that?

11 THE DEFENDANT: Yes.

12 THE COURT: You understand that you're not eligible for probation
13 for this charge as well.

14 THE DEFENDANT: What do you mean I'm not eligible for
15 probation?

16 THE COURT: Well, there's a stipulated sentence but you just need
17 to understand that it's a non-probationable offense.

18 THE DEFENDANT: Okay.

19 THE COURT: You understand that?

20 THE DEFENDANT: Yes.

21 THE COURT: You also need to understand that before you're
22 eligible for parole, you have to have an evaluation by a psychiatrist who can tell --
23 can say that you're not a high risk to reoffend; you understand that?

24 THE DEFENDANT: Yes.

25 THE COURT: You also need to understand that pursuant to 176 --

1 NRS 176.0931, you're going to have a special condition of lifetime supervision
2 commencing anytime you're giving probation or parole; do you understand that?

3 THE DEFENDANT: Yes.

4 THE COURT: Also, you have to register as a sex offender within 48
5 hours of any release pursuant to the statute and you have other sex offender
6 conditions; you understand that?

7 THE DEFENDANT: Other sex offender conditions?

8 THE COURT: Pardon me?

9 THE DEFENDANT: I said other sex offender conditions?

10 THE COURT: There are a couple of statutes that give a whole
11 bunch of conditions that apply to sex offenders; those are all going to be applicable
12 to you when you -- if you get out on parole.

13 THE DEFENDANT: Yes.

14 THE COURT: You understand all that?

15 THE DEFENDANT: Yes.

16 THE COURT: All right. You understand that sentencing is strictly
17 up to the Court and nobody can promise you probation, leniency, or any special
18 treatment?

19 THE DEFENDANT: Yes.

20 THE COURT: Do you have any questions for anybody at this point?

21 THE DEFENDANT: Yes, Your Honor. I had a question I brought to
22 the attention of my lawyer. Going to incarceration or prison, lord's willing that they
23 [audio malfunction] my release, is it possible that I can be paroled to the state of
24 Mississippi and not Las Vegas?

25 THE COURT: Well, I don't know --

1 THE DEFENDANT: -- because --

2 THE COURT: I don't know that I can answer that question. You
3 can apply for an interstate compact. Whether you're on probation or parole, you
4 have to do that through the Division of Parole and Probation, and it generally takes
5 about 30 days, I believe, and if the state where you want to go accepts you, then
6 you'll be supervised by them but you'll actually be on parole in both states.

7 THE DEFENDANT: That's where I was incarcerated, in the state of
8 Mississippi. I got extradited from Mississippi to Atlanta Georgia Federal Prison;
9 now I'm here but I was living in Mississippi so I already been in the system
10 registered and all that through the state of Mississippi.

11 THE COURT: Okay. That's completely between the Division of
12 Parole and Probation and the Department of Corrections in the two states where
13 you're either at or where you want to go so you're going to have to work that out
14 with them and if -- you're not going to have to worry about it until you get to a point
15 where you're eligible for parole; you understand that, right?

16 THE DEFENDANT: Yes.

17 THE COURT: Any other questions?

18 THE DEFENDANT: No.

19 THE COURT: Has your attorney made any promises or guarantees
20 to you that are not contained in the guilty plea agreement?

21 THE DEFENDANT: No.

22 THE COURT: Based on all of the facts and circumstances, are you
23 satisfied with the services of your attorney?

24 THE DEFENDANT: Yes.

25 THE COURT: And are you a U.S. citizen?

1 THE DEFENDANT: Yes.

2 THE COURT: Let me go through the Information with you. It's a
3 Fifth Amended Information. I need to make sure that there's a factual basis for
4 your plea. This says that on or between October 2, 2012 and October 1, 2013, in
5 Clark County, Nevada, contrary to the laws of the State of Nevada, you did willfully,
6 unlawfully, attempt to feloniously attempt to sexually assault and subject J.J., a
7 child under fourteen years of age, to sexual penetration, to wit: by inserting a cigar
8 case and/or an unknown object into the genital opening of J.J., against his or her
9 will, or under conditions in which Defendant knew, or should have known, that J.J.
10 was mentally or physically incapable of resisting or understanding the nature of
11 Defendant's conduct; is that what you did, sir?

12 THE DEFENDANT: Yes.

13 THE COURT: All right. The Court hereby finds defendant's plea of
14 guilty is freely and voluntarily made; he appears to understand the nature of the
15 offense and the consequences of his plea. I'll therefore accept your plea of guilty.
16 Do we need to refer it for a PSI or do we have a PSI we can use since it's a
17 stipulated sentence?

18 MR. DOLLENTE: We don't have any current PSI but it is a
19 stipulated sentence.

20 THE COURT: We still need a PSI then in order to -- so he has
21 something when he becomes eligible for parole.

22 MR. DOLLENTE: Right.

23 THE COURT: So we'll refer this matter to the Division of Parole and
24 Probation for preparation of a PSI; we'll set you an in-custody sentencing date of --

25 THE CLERK: October 7th at 8:30 a.m.

1 MR. DOLLENTE: Thank, Your Honor.

2 THE COURT: Thank you. Thank you, Mr. Thornburg.

3 MR. DOLLENTE: Thank you, Ms. Kollins.

4 THE COURT: Thank you, Ms. Kollins.

5 MS. KOLLINS: Thank you.

6
7
8
9 [Proceeding concluded at 9:41 a.m.]

10
11
12 ATTEST: I do hereby certify that I have truly and correctly transcribed the
13 audio-visual recording of the proceeding in the above entitled case to the
14 best of my ability.

15
16 

17 _____
18 Vanessa Medina, Court Recorder/Transcriber

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,
vs.
JEREMIAH THORNBURG,
Defendant.

CASE NO. C-20-348507-1
DEPT. XXX

BEFORE THE HONORABLE JERRY A. WIESE, DISTRICT COURT JUDGE
THURSDAY, OCTOBER 21st, 2021

**RECORDER'S TRANSCRIPT OF
SENTENCING**

APPEARANCES:

For the Plaintiff:	ROBERT STEPHENS, ESQ., Chief Deputy District Attorney
--------------------	--

For the Defendant: QUINTIN M. DOLLENTE, JR.,
Special Public Defender

RECORDED BY: VANESSA MEDINA, COURT RECORDER

1 Las Vegas, Nevada; Thursday, October 21ST, 2021

2 [Hearing commenced at 9:33 a.m.]

3
4 THE MARSHALL: Jeremiah Thornburg, C348507.

5 THE COURT: We have Mr. Thornburg present, in custody. This is
6 on for sentencing today. Any reason we should not go forward, counsel?

7 MR. DOLLENTE: Good morning, Your Honor. Quintin Dollente,
8 Deputy Special Public Defender, no we don't, Your Honor.

9 MR. STEPHENS: Your Honor, is Jasmin on BlueJeans? I don't see
10 that name on there. She's our victim speaker. Jasmin January.

11 THE COURT: We do not see her either.

12 MR. STEPHENS: Let me check the hallway, Your Honor.
13 Your Honor, she doesn't appear to be present. She was very interested in
14 speaking at the last sentencing date when it got continued. Could we continue this
15 a week --

16 THE COURT: My understanding is the last time it was dispensed
17 that she was not going to appear because she sent a letter.

18 MR. DOLLENTE: That was my understanding as well.

19 MR. STEPHENS: Very well then. I do have the letter in here so
20 let's proceed forward then.

21 THE COURT: All right. Counsel, have you reviewed the PSI with
22 your client?

23 THE DEFENDANT: I have, Your Honor.

24 THE COURT: Are there any stockmeier issues?

25 THE DEFENDANT: We don't and we'll just point out some

1 clarifications.

2 THE COURT: All right. Mr. Thornburg, pursuant to the guilty plea
3 agreement, I hereby adjudicate you guilty of attempt sexual assault with a minor
4 under fourteen years of age it's a category B felony. Looks like the parties have
5 stipulated to an 8 to 20 year term. State will not oppose concurrent sentencing
6 with the federal case, State agreed to dismiss 18F02416x; both parties stipulated
7 to credit for time served beginning April 15th of 2020. That's still the negotiation?

8 MR. STEPHENS: Yes, Your Honor, we stand by that.

9 MR. DOLLENTE: That's correct, Your Honor.

10 THE COURT: Anything else the State wants to tell me?

11 MR. STEPHENS: Your Honor, I think credit for time served per my
12 calculation is 555 days now.

13 THE COURT: Okay.

14 MR. DOLLENTE: And that'd be correct, Your Honor.

15 THE COURT: Anything else you want to tell me?

16 MR. DOLLENTE: Yes, Your Honor. I know -- I did review the PSI
17 with my client, he did want the court to know that he does want you to follow the
18 plea agreement, obviously. But with regard to his -- the count of prison term, he
19 indicated as two -- I did explain to him that they're counting the amount of charges
20 so he did need two -- two separate times he went to prison and the two felonies are
21 for two cases so he wants the Court to know.

22 THE COURT: Okay.

23 MR. DOLLENTE: He wants the Court to know that he was never
24 expelled from school and that he was arrested in the state of Mississippi and not
25 Arkansas. The only thing that we would like to object to is the request for

1 extradition cost, this is one of those cases where it was -- or they employed an
2 interstate agreement on retainer, it wasn't a case where he left the State of Nevada
3 -- he was transported from Atlanta Federal Prison. I did check-up some statute
4 pursuant to NRS 179.225, you can investigate or inquire with regard to his ability to
5 pay. He's been in custody there at least since 2017, the PSI indicated that he is in
6 child support arrears in the amount of 10 to 15 thousand dollars and has to
7 continue to pay \$100 a month. He is indigent. Our office, the Special Public
8 Defender does represent him so with that regard we ask that you do not impose
9 the extradition cost.

10 THE COURT: So -- but -- didn't we still have to pay to get him here
11 from Atlanta?

12 MR. STEPHENS: Yes.

13 MR. DOLLENTE: We did.

14 THE COURT: Is there a statute that provides that we -- that the
15 State doesn't get their extradition cost back if he's doing time in Atlanta?

16 MR. DOLLENTE: Well I'm just looking -- if you're going to consider
17 his ability to pay and he doesn't have a job, he's currently incarcerated under --
18 pursuant to NRS 179.225, subsection 2, it says that the Court would conduct an
19 investigation of the financial status of the person to determine the ability to make
20 restitution. In conducting the investigation, the court shall determine if the person
21 is able to pay any existing obligations for child support, restitution to victims of
22 crimes or any administrative assessment required to be paid pursuant to several
23 statutes but specifically subsection [audio malfunction] 3, it indicates that the Court
24 should not order the person to make restitution if payment of the restitution will
25 prevent the person from paying any existence obligation described in subsection 2

1 and specifically in this case it would be his child support arrears.

2 THE COURT: Does the State have a position on that?

3 MR. STEPHENS: Your Honor, these are fees that he's incurred
4 and the statute doesn't directly say that the extradition fees should be waived or
5 that they can be waived, it just -- maybe puts it at your discretion at best, the
6 statute is unclear as to extradition cost, Your Honor. I would simply ask that it be
7 imposed.

8 THE COURT: Well, I guess the fact that he's 15 to 20 thousand
9 dollars in arrears on child support indicates that he wasn't paying that anyway so I
10 don't --

11 THE DEFENDANT: I --

12 THE COURT: -- I don't know --

13 THE DEFENDANT: I also --

14 MR. DOLLENTE: Hold on. Hold on.

15 THE DEFENDANT: Yes.

16 THE COURT: Go ahead, Mr. Thornburg.

17 THE DEFENDANT: Yes, I was -- I'm behind on arrears, Your
18 Honor, for the three years I've been in Atlanta but if you can see my history I was
19 paying \$100 a month when I was in -- living in Las Vegas, Nevada. Also, both of
20 my kids that I'm on child support for was living with me here in Las Vegas, Nevada
21 and going to school at Las Vegas High School, both were registered in school so
22 they were staying with me but I was paying my \$100 a month. So the rears came
23 in from doing time from my first incarceration in Nevada -- for the five years I've
24 been incarceration and then now getting out paying \$100 a month then
25 incarcerated again, now for these four years in Atlanta Federal Prison with that

1 said, that's how my arrears get so far in debt.

2 Here I am incarcerated now saying that I'm struggling now. I paid
3 \$5,000.00 to a lawyer, Judd Spencer, through my family's help, of course, and he
4 walked out on me. Now my family is trying to go through The Bar Association to
5 get that money. So we took another loss with \$5,000.00 through Judd Spencer
6 who got off my case. My family is in distraught and disbelief about this whole
7 situation. Now I'm here and you're saying \$5,000.00 for extradition when, again, I
8 can't afford this. So me going to -- been incarcerated -- I mean, pleading guilty
9 here to this case and going to prison, when I -- whenever they do allow for me to
10 come back to society, Lord's willing, I now will come to pay arrears on child support
11 and on top extradition, this is hard to [indiscernible] going back to prison because
12 there is no way I'm going to afford that. There's no way; on top of that, got to catch
13 up on arrears. So I know child support is going to be behind when I get out
14 anyway.

15 THE COURT: I understand. I mean, here's what I'm going to do,
16 I'm going to impose the extradition charges just because that's -- it's only fair that
17 the State gets paid back that. Now, in reality when you get out of prison, I would
18 rather have you pay the money towards the child support and I think that if you're
19 doing that nobody is going to put you back in prison for not paying the extradition
20 charges, okay? So you do what you can; you pay what you can when you get out.

21 THE DEFENDANT: What on extradition?

22 THE COURT: Yeah. So here's what I'm going to do, in addition to
23 the \$25.00 administrative assessment fee; there a \$150.00 DNA fee, it looks like
24 that was taken back in 2008 so that would not apply; there's an additional \$3.00
25 DNA fee and \$250.00 to the indigent defense fund. I'm going to follow the

1 negotiations; we'll sentence you to eight (8) to twenty (20) years in the Nevada
2 Department of Corrections with 555 days credit. I will impose the \$5,184.00 in
3 extradition charge. But like I said, when you get out you're going to have a big
4 amount of child support in arrears, just pay on that.

5 THE DEFENDANT: Okay. Your Honor, I have another question,
6 with the time and you said how many days credit for time served?

7 THE COURT: 555 days.

8 THE DEFENDANT: Okay. I have 560 for my total.

9 THE COURT: We're pretty close.

10 MR. STEPHENS: I'll agree to the 560 just to move this along.

11 THE COURT: 560 days credit.

12 MR. DOLLENTE: Thank you, Your Honor.

13 THE COURT: All right. Good luck, sir.

14
15
16 [Proceeding concluded at 9:42 a.m.]
17
18

19 ATTEST: I do hereby certify that I have truly and correctly transcribed the
20 audio-visual recording of the proceeding in the above entitled case to the
21 best of my ability.
22

23 

24 _____
25 Vanessa Medina, Court Recorder/Transcriber

1 JOCP
2
3

4 DISTRICT COURT
5 CLARK COUNTY, NEVADA

6 THE STATE OF NEVADA,
7

8 Plaintiff,

9 -vs-

10 JERMAH DEWIGHT THORNBURG
11 #1999678

12 Defendant.
13

CASE NO. C-20-348507-1

DEPT. NO. XXX

14 JUDGMENT OF CONVICTION
15 (PLEA OF GUILTY)
16

17
18 The Defendant previously appeared before the Court with counsel and entered a plea of
19 guilty to the crime of ATTEMPT SEXUAL ASSAULT WITH A MINOR UNDER
20 FOURTEEN YEARS OF AGE (Category B Felony) in violation of NRS 200.364, 200.366,
21 193.330; thereafter, on the 21st day of October, 2021, the Defendant was present in court for
22 sentencing with counsel QUININ M. DOLLENTE JR., Chief Deputy Special Public Defender,
23 and good cause appearing,
24

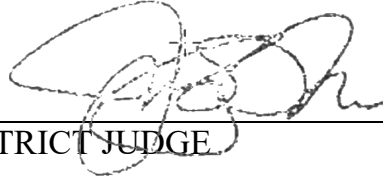
25 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense and, in addition to
26 the \$25.00 Administrative Assessment Fee, \$5,184.00 Extradition Cost, \$250.00 Indigent
27 Defense Civil Assessment Fee and \$3.00 DNA Collection Fee, the Defendant is sentenced as
28

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1 follows: a MAXIMUM of TWENTY (20) YEARS with a MINIMUM parole eligibility of
2 EIGHT (8) YEARS in the Nevada Department of Corrections (NDC); with FIVE HUNDRED
3 SIXTY (560) DAYS credit for time served. As the \$150.00 DNA Analysis Fee and Genetic
4 Testing have been previously imposed, the Fee and Testing in the current case are WAIVED.
5

6 DATED this _____ day of October, 2021.

Dated this 1st day of November, 2021

7
8 

9 DISTRICT JUDGE

LK

10 **15A 087 4F58 7D45**
11 **Jerry A. Wiese**
12 **District Court Judge**
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1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 State of Nevada

CASE NO: C-20-348507-1

7 vs

DEPT. NO. Department 30

8 Jeremiah Thornburg
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 11/1/2021

15 DA Motions

motions@clarkcountynyda.com

16 CCDA SVU

howard.conrad@clarkcountynyda.com

17 CCDA SVU

linda.mason@clarkcountynyda.com

18 Department Law Clerk

dept30lc@clarkcountnycourts.us

19 Spencer Judd

spencer@sjlaw.vegas

20 Daniel Martinez

daniel.martinez@clarkcountynv.gov

21 Quintin Dollente, Jr.

quintin.dollente@clarkcountynv.gov

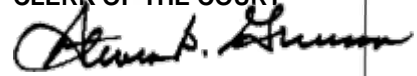
22 Shadonna Scurry

shadonna.scurry@clarkcountynv.gov

23 Office of the Special Public Defender

SpecialPDdocs@clarkcountynv.gov

24
25
26
27
28
000044



1 **MOT**

2 JoNELL THOMAS
3 Special Public Defender
4 NSB 4771
5 QUINTIN M. DOLLENTE, JR.
6 NSB 9879
7 330 S. Third Street Ste. 800
8 Las Vegas NV 89155
9 702-455-6265
10 Fax 455-6273
11 quintin.dollente@clarkcountynv.gov
12 Attorney for Jeremiah Dewight Thornburg

9 **DISTRICT COURT**
10 **CLARK COUNTY, NEVADA**

11 THE STATE OF NEVADA,
12 Plaintiff

13 vs.

14 Jeremiah Dewight Thornburg,
15 Defendant.

CASE NO.: C-20-348507-1
DEPT. NO. 30

HEARING DATE:
HEARING TIME:

17 **MOTION TO CLARIFY and/or AMEND JUDGMENT OF CONVICTION**

18 COMES NOW the Defendant, JEREMIAH DEWIGHT THORNBURG, by and
19 through his attorneys, JONELL THOMAS, Special Public Defender, and QUINTIN
20 M. DOLLENTE, JR., Chief Deputy Special Public Defender, and hereby requests
21 the above-entitled matter be placed on calendar for the purpose of correcting and/or
22 amending judgment of conviction.

23 This Motion is based upon the Memorandum of Points and Authorities
24 attached hereto and the papers and pleadings on file with this Court.

25 ///

26 ///

27 ///

28 ///

1 **NOTICE OF MOTION**

2 TO: THE STATE OF NEVADA, Plaintiff

3 TO: STEVEN WOLFSON, District Attorney, Attorney for Plaintiff

4 YOU AND EACH OF YOU WILL PLEASE TAKE NOTICE that the above
5 and foregoing Motion will be heard before the above-entitled Court on
6 _____, 2021, at _____ A.M.

7 **MEMORANDUM OF POINTS AND AUTHORITIES**

8 **STATEMENT OF RELEVANT FACTS**

9 On August 5, 2021, Jermiah Thornburg entered a guilty plea to Attempt
10 Sexual Assault with a Minor under Fourteen Years of Age. (See Exhibit "A" –
11 Guilty Plea Agreement). Both parties stipulate to a minimum term of eight (8)
12 years to a maximum term of twenty (20) years in the Nevada Department of
13 Corrections. The State would not oppose concurrent sentencing with Mr.
14 Thornburg's Federal case. Additionally, the State would dismiss Case No.
15 18F02416X. Further, both parties stipulate to credit for time served beginning
16 April 15, 2020.

17 On October 25, 2021, Mr. Thornburg was sentenced. This Court agreed to
18 follow the plea agreement. However, absent in the Judgment of Conviction filed
19 November 1, 2021, is that his prison sentence in this State case would be served
20 concurrently with his federal case. Emphasis added. (See Exhibit "B" – Judgment
21 of Conviction).

22 Mr. Thornburg herein respectfully requests that your Honor correct his
23 sentence and amend the Judgment of Conviction to reflect that his prison term in
24 this case be served concurrently with his federal case.

25 DATED this 15th day of November 2021.

26 */s/ Quintin M. Dollente, Jr.*

27 QUINTIN M. DOLLENTE, JR.
28 Attorney for JERMIAH THORNBURG

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CERTIFICATE OF SERVICE

I hereby certify that service of the MOTION TO CORRECT and/or AMEND JUDGMENT OF CONVICTION was made pursuant to EDCR 7.26 on the attorney for the named parties by means of electronic mail to the email address provided to the court’s electronic filing system for this case. Proof of Service is the date service is made by the court’s electronic filing system by email to the parties and contains a link to the file stamped document. Served on The State of Nevada via District Attorney’s Email: motions@clarkcountyda.com.

Dated: November 15, 2021.

/s/ Shadonna Scurry

Legal Secretary for
Special Public Defender

Exhibit “A”



1 **GPA**
2 **STEVEN B. WOLFSON**
3 **Clark County District Attorney**
4 **Nevada Bar #001565**
5 **ROBERT STEPHENS**
6 **Chief Deputy District Attorney**
7 **Nevada Bar #011286**
8 **200 Lewis Avenue**
9 **Las Vegas, NV 89155-2212**
10 **(702) 671-2500**
11 **Attorney for Plaintiff**

7 **DISTRICT COURT**
8 **CLARK COUNTY, NEVADA**

9 **THE STATE OF NEVADA,**
10 **Plaintiff,**

11 **-vs-**

12 **JERMAH DEWIGHT THORNBURG,**
13 **#1999678**

14 **Defendant.**

CASE NO: C-20-348507-1

DEPT NO: XXX

15 **GUILTY PLEA AGREEMENT**

16 I hereby agree to plead guilty to: **ATTEMPT SEXUAL ASSAULT WITH A**
17 **MINOR UNDER FOURTEEN YEARS OF AGE (Category B Felony - NRS 200.364,**
18 **200.366, 193.330 - NOC 50123)** as more fully alleged in the charging document attached
19 hereto as Exhibit "1".

20 My decision to plead guilty is based upon the plea agreement in this case which is as
21 follows:

22 Both parties stipulate to my serving a minimum term of eight (8) years to a maximum
23 term of twenty (20) years in the Nevada Department of Corrections. The State will not oppose
24 concurrent sentencing with my Federal case. Additionally, the State will dismiss Case No.
25 18F02416X. Further, both parties stipulate to credit for time served beginning April 15, 2020.

26 //

27 //

28 //

1 I agree to the forfeiture of any and all electronic storage devices, computers, and/or
2 related equipment and/or weapons or any interest in any electronic storage devices, computers
3 and/or related equipment and/or weapons seized and/or impounded in connection with the
4 instant case and/or any other case negotiated in whole or in part in conjunction with this plea
5 agreement.

6 I understand and agree that, if I fail to interview with the Department of Parole and
7 Probation (P&P), fail to appear at any subsequent hearings in this case, or an independent
8 magistrate, by affidavit review, confirms probable cause against me for new criminal charges
9 including reckless driving or DUI, but excluding minor traffic violations, the State will have
10 the unqualified right to argue for any legal sentence and term of confinement allowable for the
11 crime(s) to which I am pleading guilty, including the use of any prior convictions I may have
12 to increase my sentence as an habitual criminal to five (5) to twenty (20) years, Life without
13 the possibility of parole, Life with the possibility of parole after ten (10) years, or a definite
14 twenty-five (25) year term with the possibility of parole after ten (10) years.

15 Otherwise I am entitled to receive the benefits of these negotiations as stated in this
16 plea agreement.

17 CONSEQUENCES OF THE PLEA

18 I understand that by pleading guilty I admit the facts which support all the elements of
19 the offense(s) to which I now plead as set forth in Exhibit "1".

20 I understand that as a consequence of my plea of guilty the Court must sentence me to
21 imprisonment in the Nevada Department of Corrections for a minimum term of not less than
22 TWO (2) years and a maximum term of not more than TWENTY (20) years. The minimum
23 term of imprisonment may not exceed forty percent (40%) of the maximum term of
24 imprisonment. I understand that the law requires me to pay an Administrative Assessment Fee.

25 I understand that, if appropriate, I will be ordered to make restitution to the victim of
26 the offense(s) to which I am pleading guilty and to the victim of any related offense which is
27 being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to
28 reimburse the State of Nevada for any expenses related to my extradition, if any.

1 I understand that I am not eligible for probation for the offense to which I am pleading
2 guilty.

3 I understand that, before I am eligible for parole a panel consisting of the Administrator
4 of the Mental Health and Developmental Services of the Department of Human Resources or
5 his designee; the Director of the Department of Corrections or his designee; and a psychologist
6 licensed to practice in this state or a psychiatrist licensed to practice medicine in this state
7 certifies that I was under observation while confined in an institution of the department of
8 corrections and that I do not represent a high risk to reoffend based upon a currently accepted
9 standard of assessment.

10 I understand that, pursuant to NRS 176.0931, the Court must include as part of my
11 sentence, in addition to any other penalties provided by law, a special sentence of lifetime
12 supervision commencing after any period of probation or any term of imprisonment and period
13 of release upon parole.

14 I understand that the Court will include as part of my sentence, in addition to any other
15 penalties provided by law, pursuant to NRS 179D.441 to 179D.550, inclusive, I must register
16 as a sex offender within forty-eight (48) hours of release from custody onto probation or parole.

17 I understand that I must submit to blood and/or saliva tests under the direction of P&P
18 to determine genetic markers and/or secretor status.

19 I understand that if more than one sentence of imprisonment is imposed and I am
20 eligible to serve the sentences concurrently, the sentencing judge has the discretion to order
21 the sentences served concurrently or consecutively.

22 I understand that information regarding charges not filed, dismissed charges, or charges
23 to be dismissed pursuant to this agreement may be considered by the judge at sentencing.

24 I have not been promised or guaranteed any particular sentence by anyone. I know that
25 my sentence is to be determined by the Court within the limits prescribed by statute.

26 I understand that if my attorney or the State of Nevada or both recommend any specific
27 punishment to the Court, the Court is not obligated to accept the recommendation.

28 I understand that if the State of Nevada has agreed to recommend or stipulate a

1 particular sentence or has agreed not to present argument regarding the sentence, or agreed not
2 to oppose a particular sentence, such agreement is contingent upon my appearance in court on
3 the initial sentencing date (and any subsequent dates if the sentencing is continued). I
4 understand that if I fail to appear for the scheduled sentencing date or I commit a new criminal
5 offense prior to sentencing the State of Nevada would regain the full right to argue for any
6 lawful sentence.

7 I understand if the offense(s) to which I am pleading guilty to was committed while I
8 was incarcerated on another charge or while I was on probation or parole that I am not eligible
9 for credit for time served toward the instant offense(s).

10 I understand that if I am not a United States citizen, any criminal conviction will likely
11 result in serious negative immigration consequences including but not limited to:

- 12 1. The removal from the United States through deportation;
- 13 2. An inability to reenter the United States;
- 14 3. The inability to gain United States citizenship or legal residency;
- 15 4. An inability to renew and/or retain any legal residency status; and/or
- 16 5. An indeterminate term of confinement, with the United States Federal
17 Government based on my conviction and immigration status.

18 Regardless of what I have been told by any attorney, no one can promise me that this
19 conviction will not result in negative immigration consequences and/or impact my ability to
20 become a United States citizen and/or a legal resident.

21 I understand that P&P will prepare a report for the sentencing judge prior to sentencing.
22 This report will include matters relevant to the issue of sentencing, including my criminal
23 history. This report may contain hearsay information regarding my background and criminal
24 history. My attorney and I will each have the opportunity to comment on the information
25 contained in the report at the time of sentencing. Unless the District Attorney has specifically
26 agreed otherwise, then the District Attorney may also comment on this report.

27 WAIVER OF RIGHTS

28 By entering my plea of guilty, I understand that I am waiving and forever giving up the

1 following rights and privileges:

- 2 1. The constitutional privilege against self-incrimination, including the right
3 to refuse to testify at trial, in which event the prosecution would not be
4 allowed to comment to the jury about my refusal to testify.
- 5 2. The constitutional right to a speedy and public trial by an impartial jury,
6 free of excessive pretrial publicity prejudicial to the defense, at which
7 trial I would be entitled to the assistance of an attorney, either appointed
8 or retained. At trial the State would bear the burden of proving beyond
9 a reasonable doubt each element of the offense(s) charged.
- 10 3. The constitutional right to confront and cross-examine any witnesses who
11 would testify against me.
- 12 4. The constitutional right to subpoena witnesses to testify on my behalf.
- 13 5. The constitutional right to testify in my own defense.
- 14 6. The right to appeal the conviction with the assistance of an attorney,
15 either appointed or retained, unless specifically reserved in writing and
16 agreed upon as provided in NRS 174.035(3). I understand this means I
17 am unconditionally waiving my right to a direct appeal of this conviction,
18 including any challenge based upon reasonable constitutional,
19 jurisdictional or other grounds that challenge the legality of the
20 proceedings as stated in NRS 177.015(4). However, I remain free to
21 challenge my conviction through other post-conviction remedies
22 including a habeas corpus petition pursuant to NRS Chapter 34.

23 VOLUNTARINESS OF PLEA

24 I have discussed the elements of all of the original charge(s) against me with my
25 attorney and I understand the nature of the charge(s) against me.

26 I understand that the State would have to prove each element of the charge(s) against
27 me at trial.

28 I have discussed with my attorney any possible defenses, defense strategies and
circumstances which might be in my favor.

All of the foregoing elements, consequences, rights, and waiver of rights have been
thoroughly explained to me by my attorney.

I believe that pleading guilty and accepting this plea bargain is in my best interest, and
that a trial would be contrary to my best interest.

I am signing this agreement voluntarily, after consultation with my attorney, and I am
not acting under duress or coercion or by virtue of any promises of leniency, except for those

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set forth in this agreement.

I am not now under the influence of any intoxicating liquor, a controlled substance or other drug which would in any manner impair my ability to comprehend or understand this agreement or the proceedings surrounding my entry of this plea.

My attorney has answered all my questions regarding this guilty plea agreement and its consequences to my satisfaction and I am satisfied with the services provided by my attorney.

DATED this 05 day of August, 2021.


JERIMAH DEWIGHT THORNBURG
Defendant

AGREED TO BY:


ROBERT STEPHENS
Chief Deputy District Attorney
Nevada Bar #011286

1 **CERTIFICATE OF COUNSEL:**

2 I, the undersigned, as the attorney for the Defendant named herein and as an officer of
3 the court hereby certify that:

- 4 1. I have fully explained to the Defendant the allegations contained in the
5 charge(s) to which guilty pleas are being entered.
6 2. I have advised the Defendant of the penalties for each charge and the
7 restitution that the Defendant may be ordered to pay.
8 3. I have inquired of Defendant facts concerning Defendant's immigration
9 status and explained to Defendant that if Defendant is not a United States
10 citizen any criminal conviction will most likely result in serious negative
11 immigration consequences including but not limited to:
12 a. The removal from the United States through deportation;
13 b. An inability to reenter the United States;
14 c. The inability to gain United States citizenship or legal residency;
15 d. An inability to renew and/or retain any legal residency status;
16 and/or
17 e. An indeterminate term of confinement, by with United States
18 Federal Government based on the conviction and immigration
19 status.

16 Moreover, I have explained that regardless of what Defendant may have
17 been told by any attorney, no one can promise Defendant that this
18 conviction will not result in negative immigration consequences and/or
19 impact Defendant's ability to become a United States citizen and/or legal
20 resident.

- 19 4. All pleas of guilty offered by the Defendant pursuant to this agreement
20 are consistent with the facts known to me and are made with my advice
21 to the Defendant.
22 5. To the best of my knowledge and belief, the Defendant:
23 a. Is competent and understands the charges and the consequences of
24 pleading guilty as provided in this agreement,
25 b. Executed this agreement and will enter all guilty pleas pursuant
26 hereto voluntarily, and
27 c. Was not under the influence of intoxicating liquor, a controlled
28 substance or other drug at the time I consulted with the Defendant
as certified in paragraphs 1 and 2 above.

Dated: This 5th day of August, 2021.

mlb/SVU

SPECIAL PUBLIC DEFENDER

1 AINF
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 ROBERT STEPHENS
6 Chief Deputy District Attorney
7 Nevada Bar #011286
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

7 DISTRICT COURT
8 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,
11 Plaintiff,

12 -vs-

13 JEREMIAH DEWIGHT THORNBURG,
14 #1999678

15 Defendant.

CASE NO: C-20-348507-1

DEPT NO: XXX

FIFTH AMENDED
INFORMATION

16 STATE OF NEVADA }
17 COUNTY OF CLARK } ss.

18 STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State
19 of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

20 That JEREMIAH DEWIGHT THORNBURG, as Defendant above named, has
21 committed the crime of ATTEMPT SEXUAL ASSAULT WITH A MINOR UNDER
22 FOURTEEN YEARS OF AGE (Category B Felony - NRS 200.364, 200.366, 193.330 -
23 NOC 50123) in the manner following:

24 Defendant did on or between October 2, 2012 and October 1, 2013, then and there
25 willfully, unlawfully, and attempt to feloniously attempt to sexually assault and subject J.J., a
26 child under fourteen years of age, to sexual penetration, to wit: sexual penetration, to wit: by
27 inserting a cigar case and/or an unknown object into the genital opening of J.J., against his or
28 her will, or under conditions in which Defendant knew, or should have known, that J.J. was

1 mentally or physically incapable of resisting or understanding the nature of Defendant's
2 conduct.

3 STEVEN B. WOLFSON
4 Clark County District Attorney
5 Nevada Bar #001565

6 BY


7 ROBERT STEPHENS
8 Chief Deputy District Attorney
9 Nevada Bar #011286

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27 DA#19F04131X/mlb/SVU
28 LVMPD EV#170713001300
(TK02)

Exhibit “B”

Heather S. Linn
CLERK OF THE COURT

JOCP

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JERMAH DEWIGHT THORNBURG
#1999678

Defendant.

CASE NO. C-20-348507-1

DEPT. NO. XXX

JUDGMENT OF CONVICTION
(PLEA OF GUILTY)

The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crime of ATTEMPT SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (Category B Felony) in violation of NRS 200.364, 200.366, 193.330; thereafter, on the 21st day of October, 2021, the Defendant was present in court for sentencing with counsel QUININ M. DOLLENTE JR., Chief Deputy Special Public Defender, and good cause appearing,

THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense and, in addition to the \$25.00 Administrative Assessment Fee, \$5,184.00 Extradition Cost, \$250.00 Indigent Defense Civil Assessment Fee and \$3.00 DNA Collection Fee, the Defendant is sentenced as

1 follows: a MAXIMUM of TWENTY (20) YEARS with a MINIMUM parole eligibility of
2 EIGHT (8) YEARS in the Nevada Department of Corrections (NDC); with FIVE HUNDRED
3 SIXTY (560) DAYS credit for time served. As the \$150.00 DNA Analysis Fee and Genetic
4 Testing have been previously imposed, the Fee and Testing in the current case are WAIVED.
5

6 DATED this _____ day of October, 2021.

Dated this 1st day of November, 2021


DISTRICT JUDGE

LK

15A 087 4F58 7D45
Jerry A. Wiese
District Court Judge

1 CSERV

2 DISTRICT COURT
3 CLARK COUNTY, NEVADA
4

5
6 State of Nevada

CASE NO: C-20-348507-1

7 vs

DEPT. NO. Department 30

8 Jeremiah Thornburg
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 11/1/2021

15 DA Motions

motions@clarkcountyyda.com

16 CCDA SVU

howard.conrad@clarkcountyyda.com

17 CCDA SVU

linda.mason@clarkcountyyda.com

18 Department Law Clerk

dept30lc@clarkcountycourts.us

19 Spencer Judd

spencer@sjlaw.vegas

20 Daniel Martinez

daniel.martinez@clarkcountynv.gov

21 Quintin Dollente, Jr.

quintin.dollente@clarkcountynv.gov

22 Shadonna Scurry

shadonna.scurry@clarkcountynv.gov

23 Office of the Special Public Defender

SpecialPDdocs@clarkcountynv.gov

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Heather S. Linn
CLERK OF THE COURT

EXPT
JoNELL THOMAS
Special Public Defender
NSB 4771
QUINTIN M. DOLLENTE, JR.
NSB 9879
330 S. Third Street Ste. 800
Las Vegas NV 89155
702-455-6265
Fax 455-6273
quintin.dollente@clarkcountynv.gov
Attorney for Jermiah Dewight Thornburg

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff

CASE NO.: C-20-348507-1
DEPT. NO. 30

vs.

Jermiah Dewight Thornburg,
Defendant.

EX PARTE MOTION FOR ORDER SHORTENING TIME
ON MOTION TO CLARIFY and/or AMEND JUDGMENT OF CONVICTION

COMES NOW, Defendant, JERMIAH DEWIGHT THORNBURG (hereinafter "Mr. Thornburg"), by and through his attorneys, JONELL THOMAS, Special Public Defender, and QUINTIN M. DOLLENTE, JR., Chief Deputy Special Public Defender, and moves this Honorable Court for an order shortening time on the hearing on **November 30, 2021, at 8:30 am.**

Counsel for Defendant requests that the hearing be set for November 23, 2021.

This Motion is based upon the pleadings and papers on file in this action, Memorandum of Points and Authorities, the affidavits and exhibits

1 attached hereto and incorporated herein by reference, and any oral argument
2 given at the time of hearing.

3 Dated this 17th day of November 2021.

4 Respectfully submitted,
5
6

7 QUINTIN M. DOLLENTE, JR. #9379
8 Chief Deputy Special Public Defender
9 Attorney for Jeremiah Dewight Thornburg

10 **POINTS AND AUTHORITIES**

11 EDCR Rule 5.31 states as follows:

12 Ex parte motions to shorten time may not be granted except upon
13 an affidavit or certificate of counsel, or if unrepresented, the
14 party, describing the circumstances claimed to constitute good
15 cause and justify shortening of time. If a motion to shorten time
16 is granted, it must be served upon all parties promptly. An order
17 which shortens the notice of a hearing to less than 10 days may
18 not be served by mail. In no event may the notice of the hearing
19 of a motion be shortened to less than 1 full judicial day.

20 In support of Counsel's request for an Order Shortening Time, Counsel
21 has submitted his Affidavit establishing the request has been made in good
22 faith.

23 Dated this 17th day of November, 2021.

24 Respectfully submitted,
25
26

27 QUINTIN M. DOLLENTE, JR. #9379
28 Chief Deputy Special Public Defender
Attorney for Jeremiah Dewight Thornburg

1 AFFIDAVIT OF ATTORNEY QUINTIN M. DOLLENTE, JR., ESQ.

2 STATE OF NEVADA)
3) ss:
4 COUNTY OF CLARK)

5 QUINTIN M. DOLLENTE, JR., being first duly sworn, deposes and says:

- 6 1. That affiant is an attorney duly licensed to practice law in the State of
7 Nevada and is the Chief Deputy Special Public Defender assigned to
8 represent the Defendant, Jermiah Dewight Thornburg, in this matter.
- 9 2. That on November 17, 2021, Affiant spoke to Chief Deputy District
10 Attorney Robert Stephens who had no objection with setting this
11 motion on an order shortening time. Mr. Stephens appeared on this
12 case at Mr. Thornburg's sentencing on October 21, 2021.
- 13 3. Further, Mr. Stephens does not object to Mr. Thornburg's Motion to
14 Clarify and/or Amend Judgment of Conviction because it is consistent
15 with the Guilty Plea Agreement filed on August 5, 2021.
- 16 4. This affidavit is made in good faith and not for the purposes of delay.

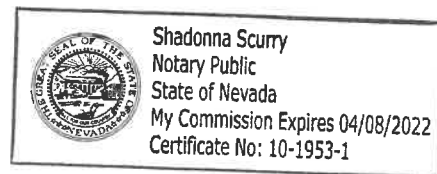
17 FURTHER AFFIANT SAYETH NAUGHT

18 Executed this 17th day of November 2021.

19
20 
21 QUINTIN M. DOLLENTE, JR.

22 SUBSCRIBED and SWORN to before me
23 this 17th day of November, 2021.

24 
25 NOTARY PUBLIC
26 In and for said County and State
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IT IS HEREBY ORDERED that the time for hearing on the Counsel's Motion to Clarify and/or Amend Judgment of Conviction, which has been set for **November 30, 2021, at 8:30 a.m.**, will be shortened, and the same will be heard on the 23rd day of November, 2021, at 8:30 a.m. in Department No. 30.


DISTRICT COURT JUDGE

14B 37D 90B8 2627
Jerry A. Wiese
District Court Judge

CERTIFICATE OF ELECTRONIC FILING

DISTRICT ATTORNEY'S OFFICE
Email: motions@clarkcountynvda.com

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000065

1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 State of Nevada

CASE NO: C-20-348507-1

7 vs

DEPT. NO. Department 30

8 Jeremiah Thornburg
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 11/19/2021

15 DA Motions

motions@clarkcountynyda.com

16 CCDA SVU

howard.conrad@clarkcountynyda.com

17 CCDA SVU

linda.mason@clarkcountynyda.com

18 Department Law Clerk

dept30lc@clarkcountnycourts.us

19 Spencer Judd

spencer@sjlaw.vegas

20 Shadonna Scurry

shadonna.scurry@clarkcountynv.gov

21 Office of the Special Public Defender

SpecialPDdocs@clarkcountynv.gov

22 Daniel Martinez

daniel.martinez@clarkcountynv.gov

23 Quintin Dollente, Jr.

quintin.dollente@clarkcountynv.gov

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DISTRICT COURT
CLARK COUNTY, NEVADA

CASE NO. C-20-348507-1
DEPT. XXX

BEFORE THE HONORABLE JERRY A. WIESE, DISTRICT COURT JUDGE
TUESDAY, NOVEMBER 23RD, 2021

**RECORDER'S TRANSCRIPT OF
MOTION TO CLARIFY**

APPEARANCES:

For the Plaintiff:

SARAH OVERLY, ESQ.,
Deputy District Attorney
[Appearing via BlueJeans]

RECORDED BY: VANESSA MEDINA, COURT RECORDER

1 Las Vegas, Nevada; Tuesday, November 23rd, 2021

2 [Hearing commenced at 9:01 a.m.]

3
4 THE COURT: Do we have somebody from the Special PD's office?

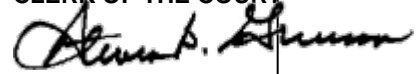
5 So looks like this was -- the only reason that this is on is because the JOC did not
6 contain language that this was to run concurrent with his federal case but it looked
7 like part of the GPA the State would not oppose concurrent with federal case. So
8 we just need to modify the JOC so that it runs concurrent with Defendant's federal
9 case. So I'm going to grant the motion without anybody being here. We'll do an
10 amended JOC on Thornburg. Okay.

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15 [Proceeding concluded at 9:03 a.m.]

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18
19 ATTEST: I do hereby certify that I have truly and correctly transcribed the
20 audio-visual recording of the proceeding in the above entitled case to the
21 best of my ability.

22
23 

24 _____
25 Vanessa Medina, Court Recorder/Transcriber



NOA
JoNell Thomas #4771
Clark County Special Public Defender
Melinda E. Simpkins, #7911
Chief Deputy Special Public Defender
Quintin M. Dollente, Jr., #9379
Chief Deputy Special Public Defender
330 S. 3rd St., Suite 800
Las Vegas, Nevada 89155
(702) 455-6265
(702) 455-6273 (fax)
Melinda.simpkins@clarkcountynv.gov
Quintin.dollente@clarkcountynv.gov
Attorneys for Thornburg

DISTRICT COURT
CLARK COUNTY

State of Nevada,

Plaintiff,

v.

Jermiah Dewight Thornburg,

Defendant.

Case No. C-20-348507-1

Dept. No. XXX

NOTICE OF APPEAL

000069

1 TO: THE STATE OF NEVADA, Plaintiff;

2 TO: CLARK COUNTY DISTRICT ATTORNEY, Attorney for Plaintiff;

3
4 and

5 TO: DEPARTMENT XXX OF THE EIGHTH JUDICIAL DISTRICT
6 COURT OF THE STATE OF NEVADA, IN AND FOR THE
7 COUNTY OF CLARK:

8 NOTICE is hereby given that Jermiah Dewight Thornburg hereby
9 appeals to the Nevada Supreme Court from the Judgment of Conviction
10 (Plea of Guilty) filed November 1, 2021.¹

11
12 Dated November 24, 2021.

13
14 Respectfully submitted,

15 JoNell Thomas
16 Clark County Special Public Defender

17
18 /s/ JONELL THOMAS
19 _____

20 Melinda E. Simpkins
21 Special Public Defender
22
23
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25 _____

26 ¹ On November 23, 2021, the Court granted Defendant's
27 unopposed Motion to Clarify and/or Amend Judgment of Conviction.
The Amended Judgment of Conviction has not been filed as of this date.

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District Attorney's Office
200 Lewis Ave., 3rd Floor
Las Vegas NV 89155

Jermiah Thornburg
c/o Special Public Defender Office
330 South Third Street, 8th Floor
Las Vegas NV 89101

Dated November 24, 2021.

/s/ KATHLEEN FITZGERALD

Kathleen Fitzgerald
An employee of the
Special Public Defender's office

1 AJOC
2
3

4 DISTRICT COURT
5 CLARK COUNTY, NEVADA

6 THE STATE OF NEVADA,
7

8 Plaintiff,

9 -vs-

10 JERMIAH DEWIGHT THORNBURG
11 #1999678

12 Defendant.
13

CASE NO. C-20-348507-1

DEPT. NO. XXX

14 AMENDED JUDGMENT OF CONVICTION
15 (PLEA OF GUILTY)
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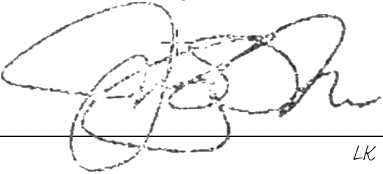
17 The Defendant previously appeared before the Court with counsel and entered a plea of
18 guilty to the crime of ATTEMPT SEXUAL ASSAULT WITH A MINOR UNDER
19 FOURTEEN YEARS OF AGE (Category B Felony) in violation of NRS 200.364, 200.366,
20 193.330; thereafter, on the 21st day of October, 2021, the Defendant was present in court for
21 sentencing with counsel QUININ M. DOLLENTE JR., Chief Deputy Special Public Defender,
22 and good cause appearing,
23
24

25 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense and, in addition to
26 the \$25.00 Administrative Assessment Fee, \$5,184.00 Extradition Cost, \$250.00 Indigent
27 Defense Civil Assessment Fee and \$3.00 DNA Collection Fee, the Defendant is sentenced as
28

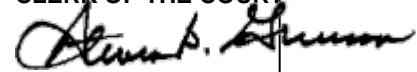
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1 follows: a MAXIMUM of TWENTY (20) YEARS with a MINIMUM parole eligibility of
2 EIGHT (8) YEARS in the Nevada Department of Corrections (NDC); **CONCURRENT with**
3 **Defendant's federal case**, with FIVE HUNDRED FIFTY-FIVE (555) DAYS credit for time
4 served. As the \$150.00 DNA Analysis Fee and Genetic Testing have been previously imposed,
5 the Fee and Testing in the current case are WAIVED.
6

7 Dated this 27th day of December, 2021

8 
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11 **5EB CA1 28D1 E428**
12 **Jerry A. Wiese**
13 **District Court Judge**
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Electronically Filed
Jan 05 2022 11:22 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

ANOASC
JoNell Thomas #4771
Clark County Special Public Defender
Melinda E. Simpkins, #7911
Chief Deputy Special Public Defender
Quintin M. Dollente, Jr., #9379
Chief Deputy Special Public Defender
330 S. 3rd St., Suite 800
Las Vegas, Nevada 89155
(702) 455-6265
(702) 455-6273 (fax)
Melinda.simpkins@clarkcountynv.gov
Quintin.dollente@clarkcountynv.gov
Attorneys for Thornburg

DISTRICT COURT
CLARK COUNTY

State of Nevada,

Plaintiff,

v.

Jermiah Dewight Thornburg,

Defendant.

Case No. C-20-348507-1

Dept. No. XXX

AMENDED NOTICE OF APPEAL

1 TO: THE STATE OF NEVADA, Plaintiff;

2 TO: CLARK COUNTY DISTRICT ATTORNEY, Attorney for Plaintiff;

3
4 and

5 TO: DEPARTMENT XXX OF THE EIGHTH JUDICIAL DISTRICT
6 COURT OF THE STATE OF NEVADA, IN AND FOR THE
7 COUNTY OF CLARK:

8 NOTICE is hereby given that Jermiah Dewight Thornburg hereby
9 appeals to the Nevada Supreme Court from the Amended Judgment of
10 Conviction (Plea of Guilty) filed December 27, 2021.¹

11
12 Dated December 27, 2021.

13
14 Respectfully submitted,

15 JoNell Thomas
16 Clark County Special Public Defender

17
18 /s/ MELINDA SIMPKINS

19 _____
20 Melinda E. Simpkins
21 Special Public Defender
22
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26 _____
27 ¹ This appeal has been docketed in the Nevada Supreme Court
under case number 83864.

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District Attorney's Office
200 Lewis Ave., 3rd Floor
Las Vegas NV 89155

Jermiah Dewight Thornburg, ID #20694-2332
USP Atlanta
U.S. Penitentiary
P.O. Box 150160
Atlanta GA 30315

Dated December 27, 2021.

/s/ KATHLEEN FITZGERALD

Kathleen Fitzgerald
An employee of the
Special Public Defender's office

Felony/Gross Misdemeanor

COURT MINUTES

May 28, 2020

C-20-348507-1 State of Nevada
 vs
 JERMAH THORNBURG

May 28, 2020 08:00 AM Initial Arraignment

HEARD BY: Jones, Tierra COURTROOM: RJC Courtroom 14B

COURT CLERK: Everett, Tia

RECORDER: Boyd, Victoria

REPORTER:

PARTIES PRESENT:

JERMAH DEWIGHT THORNBURG Defendant

John T. Jones, Jr. Attorney for Plaintiff

Quintin M. Dollente, Jr. Attorney for Defendant

State of Nevada Plaintiff

JOURNAL ENTRIES

Mr. Dollente requested the matter be continued one week to review the guilty plea agreement with Defendant. COURT SO ORDERED.

CUSTODY

CONTINUED TO: 6/04/2020 8:00 AM

Felony/Gross Misdemeanor**COURT MINUTES****June 04, 2020**

C-20-348507-1 State of Nevada
 vs
 JERMIAH THORNBURG

June 04, 2020 08:00 AM Arraignment Continued

HEARD BY: Jones, Tierra **COURTROOM:** RJC Lower Level Arraignment

COURT CLERK: Lord, Rem

RECORDER: Scott, Deloris

REPORTER:

PARTIES PRESENT:

JERMIAH DEWIGHT THORNBURG Defendant

Quintin M. Dollente, Jr. Attorney for Defendant

JOURNAL ENTRIES

Deputy District Attorney, Ron Evans, present on behalf of the State.

Mr. Dollenete requested the matter be continued to allow the Defendant additional time to review the Guilty Plea Agreement. COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 6/18/2020 8:00 AM (LLA)

Felony/Gross Misdemeanor

COURT MINUTES

June 18, 2020

C-20-348507-1 State of Nevada
 vs
 JERIMIAH THORNBURG

June 18, 2020 08:00 AM Arraignment Continued

HEARD BY: Jones, Tierra COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Brown, Kristen

RECORDER: Scott, Deloris

REPORTER:

PARTIES PRESENT:

JERIMIAH DEWIGHT THORNBURG Defendant

Quintin M. Dollente, Jr. Attorney for Defendant

Special Public Defender Attorney for Defendant

JOURNAL ENTRIES

Deputized Law Clerk, Skyler Sullivan appearing for the State.

Mr. Dollente stated the Deft. is not accepting the negotiations. COURT ORDERED, matter CONTINUED for an Amended Information to be filed.

CUSTODY

6/23/20 8:00 AM ARRAIGNMENT CONTINUED (LLA)

Felony/Gross Misdemeanor

COURT MINUTES

June 23, 2020

C-20-348507-1 State of Nevada
 vs
 JERMAIAH THORNBURG

June 23, 2020 08:00 AM Arraignment Continued

HEARD BY: Bell, Linda Marie COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Estala, Kimberly

RECORDER: Reiger, Gail

REPORTER:

PARTIES PRESENT:

JERMAIAH DEWIGHT THORNBURG Defendant

Quintin M. Dollente, Jr. Attorney for Defendant

Spencer M. Judd Attorney for Defendant

JOURNAL ENTRIES

Deputized Law Clerk, Brittini Griffith, present on behalf of the State.

Mr. Dollente advised Mr. Judd will be substituting in for the Special Public Defenders office and discovery will be forwarded. DEFT. THORNBURG ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. COURT ORDERED, matter SET for trial.

CUSTODY

11/17/20 8:30 AM CALENDAR CALL (DEPT 30)

11/23/20 10:00 AM JURY TRIAL (DEPT 30)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

August 26, 2020

C-20-348507-1 State of Nevada
vs
JERMIAH THORNBURG

August 26, 2020 3:00 AM Minute Order

HEARD BY: Wiese, Jerry A. **COURTROOM:** Chambers

COURT CLERK: Lauren Kidd

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- The above-referenced matter is scheduled for a hearing on 8/27/20 with regard to the State's Motion to Admit Evidence of Uncharged Acts. Pursuant to A.O. 20-01 and subsequent administrative orders, this matter is deemed 'non-essential,' and consequently, may be decided after a hearing, decided on the papers, or continued. This Court has determined that it would be appropriate to decide this matter on the papers, and consequently, this minute order issues.

Defendant Jeremiah Thornburg is charged with 3 counts of Lewdness with a Child Under the Age of 14 (F), 2 counts of Sexual Assault with a Minor Under 14 Years of Age (F), 1 count of Open or Gross Lewdness in the Presence of a Child or Vulnerable Person (F), and 1 count of Lewdness with a Child Under the Age of 16 (F). These charges stem from a Child Protective Services (CPS) report received on July 12, 2017 regarding victim J.J., who disclosed that she had been sexually abused by her brother, Defendant, on multiple occasions from 2012 through 2015, when J.J. was 12 through 14 years of age.

Now, the State seeks to admit evidence of prior incidents involving two other victims, M.C. and M.K.

Prior Incident Involving M.C.: On April 11, 2005, M.C., who was 15 years old at the time, reported to

PRINT DATE: 08/26/2020

Page 1 of 5

Minutes Date: August 26, 2020

000081

school officials that she had been sexually assaulted the previous day by an approximately 18-year-old male. She stated that she was walking home from work when 3 males grabbed and forced her into a home. Two of the males held her down, while a third sexually assaulted her. A sexual assault kit was performed, and subsequent DNA analysis determined that Defendant's DNA was found on the vaginal and cervical swabs taken from M.C.

Prior Incident Involving M.K.: On April 2, 2006, M.K. reported that she was assaulted by Defendant (whom she had known for approximately one year) in a park at gunpoint. Defendant was arrested and charged with Sexual Assault. He later pleaded guilty pursuant to a Guilty Plea Agreement. On April 3, 2008, Defendant was adjudicated guilty and sentenced to 4-10 years in the Nevada Department of Corrections.

The State seeks to admit the above-described incidents involving other victims pursuant to NRS 48.045(3) because they are relevant, proven by a preponderance of the evidence, and are not unfairly prejudicial.

The State argues that the evidence they seek to admit is admissible pursuant to NRS 48.045(3). NRS 48.045(3) states: "Nothing in this section shall be construed to prohibit the admission of evidence in a criminal prosecution for a sexual offense that a person committed another crime, wrong or act that constitutes a separate sexual offense. As used in this subsection, "sexual offense" has the meaning ascribed to it in NRS 179D.097."

In *Franks v. State*, 135 Nev. 1, 432 P.3d 752 (2019), the Nevada Supreme Court held that the plain language of NRS 48.045(3) permits the Court to admit evidence of separate sexual offenses for purposes of proving propensity. Prior to admission, the Court must determine that the evidence is (1) relevant to the crime charged; (2) the Court must make a preliminary finding that a jury could reasonably find that the occurrence of the prior bad act constituting a sexual offense is proven by a preponderance of the evidence; and (3) weighed to determine that its probative value is not substantially outweighed by unfair prejudice. *Id.*

The Court in *Franks* recognized the "significant probative value" and "inherent strength of prior sexual act evidence." *Id.* at 6. Due to the prejudicial nature of this type of evidence, the Court adopted the following non-exhaustive factors to consider: (1) the similarity of the prior acts to the acts charged; (2) the closeness in time of the prior acts to the acts charged; (3) the frequency of the prior acts; (4) the presence or lack of intervening circumstances; and (5) the necessity of the evidence beyond the testimonies already offered at trial. *Id.*

In *U.S. v. LeMay*, 260 F.3d 1018 (9th Cir., 2001) the 9th Circuit Court of Appeals stated, "the admission of prejudicial evidence, without more, cannot be unconstitutional. All evidence introduced against a criminal defendant might be said to be prejudicial if it tends to prove the prosecution's case. Moreover, evidence that a defendant has committed similar crimes in the past is routinely admitted

in criminal prosecutions under Rule 404(b) to prove preparation, identity, intent, motive, absence of mistake or accident, and for a variety of other purposes. FED. R. EVID. 404(b).. . . The introduction of such evidence can amount to a constitutional violation only if its prejudicial effect far outweighs its probative value." *Id.*, at 1026.

The LeMay Court set forth the following factors that the Court must consider in determining whether to admit evidence of a defendant's prior acts of sexual misconduct: (1) "the similarity of the prior acts to the acts charged," (2) the "closeness in time of the prior acts to the acts charged," (3) "the frequency of the prior acts," (4) the "presence or lack of intervening circumstances, and (5) the necessity of the evidence beyond the testimonies already offered at trial. *Id.* At 1027-1028.

The State argues that the evidence here is relevant. The prior acts are relevant to prove Defendant's character and that he acted in conformity with that character during the instant charged offenses. Both of the prior offenses pertain to Defendant forcibly sexually assaulting young women. Like in this case, these women were known to Defendant. The occurrence of these prior offenses clearly makes it more likely that Defendant committed the instant crime charged.

The State argues that the evidence is proven by a preponderance of the evidence. The Court does not have to hold an evidentiary hearing prior to the admission of the evidence the State seeks to admit in this case. The Court simply needs to find that a jury could reasonably find by a preponderance of the evidence that the prior sexual offenses occurred. The fact that Defendant's DNA was found on the vaginal and cervical swabs taken from M.C., along with her identification of Defendant, clearly constitutes a preponderance of the evidence regarding that sexual offense. Regarding the offense against M.K., Defendant has pled guilty to and been convicted of Attempt Sexual Assault.

The State argues that the evidence is not unfairly prejudicial because the prior acts are similar to those in the instant offense. All three instances involve forcible sexual assaults of young women known to Defendant. Although M.K. is approximately 10 years older than M.C. and the victim in this case, M.C. was 15 and the last instance regarding J.J. occurred when she was 14. The prior acts occurred approximately one year apart (in 2005 and 2006), and the instant charges occurred only six years later, starting in 2012, making all three instances very close in time. The prior acts are also not infrequent in that there are two separate victims separated by one year.

While there is a six-year gap between the acts committed against M.K. and J.J., it should be noted that Defendant was arrested in April 2006. He was later incarcerated in the Nevada Department of Corrections with parole eligibility occurring in 2012. Thus, there was an intervening circumstance. Around the time of Defendant's parole eligibility is approximately when J.J. recalls the first instance of sexual acts committed against her.

Finally, the State argues that as with many sexual offenses, the State's sole evidence in this case is the victim's testimony and disclosures to other people. J.J. did not disclose the abuse until 3 years after the last incident, so no physical evidence is available. Therefore, the evidence the State seeks to admit

is extremely necessary.

The Defendant failed to file an Opposition to this Motion, and consequently, pursuant to EDCR 2.20, the Court could simply grant it as unopposed. Because such a ruling would clearly affect how this matter proceeds in the future, the Court will address the Motion on the merits.

In considering the factors set forth in *Franks*, the Court makes the following findings:

- (1) Relevance to the crime charged: The prior acts here appear relevant simply because they are sexual assaults against women Defendant knew.
- (2) Proven by a preponderance of the evidence: The State has provided a JOC filed on 4/22/08, with regard to the 4/2/06 incident involving MK, establishing by a preponderance of the evidence that the event occurred. With regard to the 4/10/05 incident involving M.C., the State has provided voluntary statements, as well as a DNA report, and such evidence establishes by a preponderance of the evidence that the event occurred.
- (3) Probative value not substantially outweighed by unfair prejudice: In considering whether the probative value of the evidence outweighs the unfair prejudice, the Court considers the following factors:
 - (a) The similarity of the prior acts to the acts charged: There appears to be significant differences between the instant charges and the prior acts. J.J. is Defendant's sibling, whereas it does not appear that the other victims were related to Defendant. The instant charged acts occurred at least four times in a home environment between just Defendant and J.J., whereas the prior acts occurred (or at least started) outside – one happens in a park, and the other involves two other individuals who drag the victim into a house and hold her down as Defendant assaults her. Because of how different the prior acts are in comparison to each other and the instant charges, this factor weighs heavily against admitting the evidence.
 - (b) The closeness in time of the prior acts to the acts charged: The two prior acts occurred within a year of each other, but the acts against J.J. occurred 6 years later. However, Defendant was incarcerated during those 6 years, so this factor can be seen as neutral.
 - (c) The frequency of the prior acts: Although being incarcerated in the NDOC for 6 years quite likely accounts for the 6 year-period of no alleged offenses, the Court notes that the two prior incidents the State seeks to admit occurred only once per victim, whereas the incidents involving J.J. occurred about four times. Again this is a difference which weighs against admission.
 - (d) The presence or lack of intervening circumstances: Being incarcerated in the NDOC for the exact time period between the last act against M.K. and the first act against J.J. constitutes an intervening circumstance. This factor weighs in favor of admission.
 - (e) The necessity of the evidence beyond the testimonies already offered at trial: Because this case boils down to a he said, she said, evidence of prior bad acts is crucial for the State's case. This weighs in favor of admission.

The analysis of the similarity of the prior acts to the acts charged, causes this Court great concern. The allegations in the present case are very different from the prior incidents, with the exception of the fact that all of the events were sexual assaults against women with whom the Defendant had

some relationship. The analysis of the other relevant factors all weigh in favor of allowing the prior evidence to establish propensity pursuant to NRS 48.045(3). After considering all of the relevant factors, this Court concludes that the probative value of the prior incidents is not substantially outweighed by the prejudicial effect, and consequently, the prior incidents may be admitted at the time of Trial.

Consequently, and good cause appearing, IT IS HEREBY ORDERED that the State's Motion to Admit Evidence of Uncharged Acts is hereby GRANTED.

The Court requests that the State prepare an Order consistent with the foregoing, have it approved as to form and content by opposing counsel, and submit it to the Court for signature within 10 days.

Because this matter has been determined on the papers, there is no need for the attorneys or parties to appear on this case on 8/27/20.

CLERK'S NOTE: A copy of the above minute order was distributed to all parties 08-26-20./lk

C-20-348507-1 State of Nevada
 vs
 JERMAH THORNBURG

October 07, 2020 11:30 AM Central Trial Readiness Conference

HEARD BY: Togliatti, Jennifer COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Estala, Kimberly

RECORDER: Delgado-Murphy, Melissa

REPORTER:

PARTIES PRESENT:

JERMAH DEWIGHT THORNBURG Defendant

State of Nevada Plaintiff

Tyler D. Smith Attorney for Plaintiff

JOURNAL ENTRIES

Court noted Mr. Judd was not notified of this court date and ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 10/14/20 11:30 AM (LLA)

Felony/Gross Misdemeanor

COURT MINUTES

October 14, 2020

C-20-348507-1 State of Nevada
 vs
 JERMIAH THORNBURG

October 14, 2020 11:30 AM Central Trial Readiness Conference

HEARD BY: Togliatti, Jennifer COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Estala, Kimberly

RECORDER: Delgado-Murphy, Melissa

REPORTER:

PARTIES PRESENT:

JERMIAH DEWIGHT THORNBURG	Defendant
Spencer M. Judd	Attorney for Defendant
State of Nevada	Plaintiff
Tyler D. Smith	Attorney for Plaintiff

JOURNAL ENTRIES

Mr. Judd advised an offer has been extended and a settlement conference would be beneficial. Representations by State regarding current offer, case being an IAD case, as well as trial being set on a short week due to the holiday. COURT ORDERED, matter SET for settlement conference and calendar call and trial date RESCHEDULED due to the holiday.

CUSTODY

11/19/20 11:00 AM SETTLEMENT CONFERENCE (LLA)
11/24/20 8:30 AM CALENDAR CALL (DEPT 30)
11/25/20 2:00 PM CENTRAL CALENDAR CALL (LLA)
11/30/20 8:00 AM CENTRAL JURY TRIAL (LLA)

Felony/Gross Misdemeanor

COURT MINUTES

November 19, 2020

C-20-348507-1 State of Nevada
 vs
 JERMAH THORNBURG

November 19, 2020 11:00 AM Settlement Conference

HEARD BY: Bixler, James COURTROOM:

COURT CLERK: Estala, Kimberly

RECORDER:

REPORTER:

PARTIES PRESENT:

JOURNAL ENTRIES

Parties participated in a settlement conference with Judge Bixler where a settlement was not reached.

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 24, 2020

C-20-348507-1 State of Nevada
 vs
 JERMIAH THORNBURG

November 24, 2020 8:30 AM Calendar Call

HEARD BY: Wiese, Jerry A. **COURTROOM:** RJC Courtroom 14A

COURT CLERK: Lauren Kidd

RECORDER: Vanessa Medina

REPORTER:

PARTIES

PRESENT: Smith, Tyler D. Attorney for State
 State of Nevada Plaintiff
 THORNBURG, JERMIAH Defendant
 DEWIGHT

JOURNAL ENTRIES

- State and Defendant present via BlueJeans video conferencing. Mr. Judd not present.

State suggested it was possible that Mr. Judd did not remember this hearing because there was a trial readiness conference set for tomorrow. Court advised the Court would leave the trial dates on calendar so they could be reset by Judge Bell. Further, Court set a status check for after the central trial readiness. COURT ORDERED, matter SET for a Status Check.

IN CUSTODY

12/17/20 8:30 AM STATUS CHECK

C-20-348507-1 State of Nevada
 vs
 JERMIAH THORNBURG

November 25, 2020 02:00 PM Central Calendar Call

HEARD BY: Bell, Linda Marie **COURTROOM:** RJC Lower Level Arraignment

COURT CLERK: Estala, Kimberly

RECORDER: Esparza, Kerry

REPORTER:

PARTIES PRESENT:

Elizabeth A. Mercer

Attorney for Plaintiff

State of Nevada

Plaintiff

JOURNAL ENTRIES

Defendant not present.

Court noted due to current Covid-19 protocols trials are unable to proceed. COURT ORDERED, trial date VACATED and RESET.

CUSTODY

02/10/21 2:00 PM CENTRAL CALENDAR CALL (LLA)

02/16/21 9:00 AM JURY TRIAL (DEPT 30)

Felony/Gross Misdemeanor

COURT MINUTES

December 17, 2020

C-20-348507-1 State of Nevada
 vs
 JERMIAH THORNBURG

December 17, 2020 08:30 AM Status Check: Negotiations/ Trial Setting

HEARD BY: Wiese, Jerry A. COURTROOM: RJC Courtroom 14A

COURT CLERK: Hansen-McDowell, Kathryn

RECORDER: Medina, Vanessa

REPORTER:

PARTIES PRESENT:

JERMIAH DEWIGHT THORNBURG Defendant

Madilyn M. Cole Attorney for Plaintiff

State of Nevada Plaintiff

JOURNAL ENTRIES

Defense counsel not present. Statement by Deft. COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 12/22/20 8:30 AM

CLERK'S NOTE: An E-mail was sent to Mr. Judd informing him on the continuation date.
12/17/20km

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 22, 2020

C-20-348507-1 State of Nevada
 vs
 JERMIAH THORNBURG

December 22, 2020 8:30 AM Status Check

HEARD BY: Wiese, Jerry A. **COURTROOM:** RJC Courtroom 14A

COURT CLERK: Lauren Kidd

RECORDER: Vanessa Medina

REPORTER:

PARTIES

PRESENT: Judd, Spencer M. Attorney for Defendant
 State of Nevada Plaintiff
 Turner, Robert B. Attorney for State

JOURNAL ENTRIES

- All parties present via BlueJeans video conferencing. Defendant not present.

Mr. Judd advised he spoke with the Defendant and the matter was not negotiated. Upon Court's inquiry, Mr. Judd confirmed this was an IAD case the matter went to central trial readiness and the original trial date was vacated. Mr. Judd advised he was prepared to request a trial date that was not in the immediate future. State noted there was a trial date already set for February. Court advised the current February trial date would STAND.

IN CUSTODY

**DISTRICT COURT
CLARK COUNTY, NEVADA****Felony/Gross Misdemeanor****COURT MINUTES****February 09, 2021**

C-20-348507-1 State of Nevada
vs
JERIMIAH THORNBURG

February 09, 2021 8:30 AM Calendar Call

HEARD BY: Wiese, Jerry A. **COURTROOM:** RJC Courtroom 14A

COURT CLERK: Carina Bracamontez-Munguia/cbm

RECORDER: Vanessa Medina

PARTIES

PRESENT:	Judd, Spencer M.	Attorney for Defendant
	Smith, Tyler D.	Attorney for Plaintiff
	Stanton, David L.	Attorney for Plaintiff
	State of Nevada	Plaintiff
	Thornburg, Jerimiah Dewight	Defendant

JOURNAL ENTRIES

- Court noted Deft. is in custody and previously waived his rights to speedy trial. Upon Court's inquiry, Mr. Judd indicated Deft. has not waived the IAD 180 days, noted there are a few things he needs to do before trial, but doesn't want to waive the IAD on Deft's behalf. Court Advised Deft. is he is not waiving the IAD there are 180 days that they have to set the trial date, therefore, COURT ORDERED matter REFERRED to Department 10 for setting of the Central Trial Readiness Conference and trial dates. Court Advised Deft. if he needs additional time he'll have to waive the 180 days. Colloquy regarding Central Trial Readiness. COURT FURTHER ORDERED, matter SET for status check on resetting trial date.

MATTER RECALLED. Mr. Smith now present. Mr. Smith indicated he wanted to make sure the record was clear that the State was prepared to go forward. Mr. Smith noted he understands Deft. hasn't waived IAD, but wants to make sure it's not held against State in the future. Court Advise Mr. Smith matter was referred to Department 10 to be set for trial as soon as possible and noted Deft. was Advised if additional time was needed he would need to waive IAD. Mr. Smith stated Deft. wouldn't need to completely waive IAD, but anytime a continuance is requested it tolls the time.

CUSTODY

03/16/2021 08:30 AM STATUS CHECK: RESET TRIAL DATE

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 17, 2021

C-20-348507-1 State of Nevada
 vs
 JERMIAH THORNBURG

**February 17, 2021 11:30 AM Central Trial Readiness
Conference**

HEARD BY: Jones, Tierra **COURTROOM:** RJC Lower Level Arraignment

COURT CLERK: Teri Berkshire

RECORDER: Victoria Boyd

REPORTER:

PARTIES

PRESENT: Judd, Spencer M. Attorney
 Smith, Tyler D. Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- APPEARANCES CONTINUED: Mr. Smith present via video, on behalf of the State. Mr. Judd present via video, on behalf of deft., through bluejeans technology.

Deft. not present, refused transport. Upon Court's inquiry, the State can be ready for trial, however, Mr. Judd advised he's not ready for trial, as they have to get an investigator involved. Colloquy on the IAD timeline. Following statements by counsel, Court FINDS, good cause to continue the trial and that tolls the time on the IAD. FURTHER COURT ORDERED, matter SET for central trial readiness on the date given. Court noted it will get the trial date on the next date.

CUSTODY

03/17/21 11:30 A.M. CENTRAL TRIAL READINESS

PRINT DATE: 03/16/2021

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Minutes Date: February 17, 2021

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Felony/Gross Misdemeanor

COURT MINUTES

March 17, 2021

C-20-348507-1 State of Nevada
 vs
 JERIMIAH THORNBURG

March 17, 2021 11:30 AM Central Trial Readiness Conference

HEARD BY: Jones, Tierra COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Berkshire, Teri

RECORDER: Boyd, Victoria

REPORTER:

PARTIES PRESENT:

Elizabeth A. Mercer Attorney for Plaintiff

JERIMIAH DEWIGHT THORNBURG Defendant

State of Nevada Plaintiff

Tyler D. Smith Attorney for Plaintiff

JOURNAL ENTRIES

APPEARANCES CONTINUED: Mr. Smith present via video, on behalf of the State. Mr. Judd present via video, on behalf of deft., through bluejeans technology.

Upon Court's inquiry, Mr. Judd advised he's not ready for trial, as he just spoke with the family. Mr. Smith stated he can be ready. colloquy regarding tolling of the IAD. Following statements by counsel, COURT FINDS, Good Cause to grant a continuance. Further, the IAD is still in effect. COURT ORDERED, Central Trial readiness SET on the date given.

CUSTODY

05/05/21 11:30 A.M. CENTRAL TRIAL READINESS CONFERENCE

Felony/Gross Misdemeanor

COURT MINUTES

May 05, 2021

C-20-348507-1 State of Nevada
 vs
 JERMAH THORNBURG

May 05, 2021 11:30 AM Central Trial Readiness Conference

HEARD BY: Jones, Tierra COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Berkshire, Teri

RECORDER: Boyd, Victoria

REPORTER:

PARTIES PRESENT:

JERMAH DEWIGHT THORNBURG Defendant

State of Nevada Plaintiff

Tyler D. Smith Attorney for Plaintiff

JOURNAL ENTRIES

APPEARANCES CONTINUED: Parties present via video, through bluejeans technology.

Upon Court's inquiry, Representative from Mr. Judd's office advised Mr. Judd can't represent deft., as he's incapacitated. Statements by deft., that he retained Mr. Judd. Mr. Smith advised the special public defender previously represented deft. COURT ORDERED, Status Check date STANDS. Court advised the parties to let Judge Weise know that Mr. Judd can no longer represent deft.

CUSTODY

Felony/Gross Misdemeanor

COURT MINUTES

May 13, 2021

C-20-348507-1 State of Nevada
 vs
 JERIMIAH THORNBURG

May 13, 2021 08:30 AM Status Check: Reset Trial Date

HEARD BY: Wiese, Jerry A. COURTROOM: RJC Courtroom 14A

COURT CLERK: Kidd, Lauren

RECORDER: Medina, Vanessa

REPORTER:

PARTIES PRESENT:

David L. Stanton Attorney for Plaintiff

JERIMIAH DEWIGHT THORNBURG Defendant

State of Nevada Plaintiff

JOURNAL ENTRIES

Spencer Judd, Jr. present on behalf of Mr. Judd for the Defendant. All parties present via BlueJeans video conferencing.

Counsel advised Mr. Judd was incapacitated and could no longer be able to represent the Defendant. Upon Court's inquiry, counsel advised Mr. Judd was privately retained. Defendant indicated he intended to hire different counsel although he did not currently have the money to do so. State and Court indicated the time clock on IAD was tolled while Defendant is without an attorney. Colloquy regarding Defendant's circumstances. Defendant represented that his mother spoke with his attorney and he was told the attorney would be returning money to the Defendant from the retainer fee. Counsel advised he needed to speak with the accounting department and get that figured out. Court DIRECTED counsel to have the matter resolved today after Court. COURT ORDERED, matter CONTINUED.

IN CUSTODY

CONTINUED TO: 05/20/21 8:30 AM

Felony/Gross Misdemeanor

COURT MINUTES

May 20, 2021

C-20-348507-1 State of Nevada
 vs
 JERMIAH THORNBURG

May 20, 2021 08:30 AM Status Check: Reset Trial Date

HEARD BY: Wiese, Jerry A. COURTROOM: RJC Courtroom 14A

COURT CLERK: Kidd, Lauren

RECORDER: Medina, Vanessa

REPORTER:

PARTIES PRESENT:

JERMIAH DEWIGHT THORNBURG Defendant

State of Nevada Plaintiff

Tyler D. Smith Attorney for Plaintiff

JOURNAL ENTRIES

State and Defendant present via BlueJeans video conferencing.

State advised it was their understanding Mr. Judd withdrew as attorney of record for the Defendant. Defendant confirmed the same and indicated he was told by Mr. Judd's son that the law firm had money to return to the Defendant from the retainer fee. Defendant advised he intended to use those funds to hire new counsel. State suggested the Court re-appoint the Special Public Defender's office to represent the Defendant. Court advised this Court's Law Clerk would reach out to Drew Christensen's office regarding the same. Statements by the Defendant that he was currently unable to get in contact with anyone at Mr. Judd's office. COURT ORDERED, matter CONTINUED and SET for Confirmation of Counsel.

IN CUSTODY

CONTINUED TO: 06/01/21 8:30 AM

06/01/21 8:30 AM CONFIRMATION OF COUNSEL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****May 25, 2021**

C-20-348507-1 State of Nevada
vs
JERMIAH THORNBURG

May 25, 2021 8:30 AM Confirmation of Counsel

HEARD BY: Wiese, Jerry A. **COURTROOM:** RJC Courtroom 14A

COURT CLERK: Lauren Kidd

RECORDER: Vanessa Medina

REPORTER:

PARTIES

PRESENT:	Smith, Tyler D.	Attorney for State
	State of Nevada	Plaintiff
	THORNBURG, JERMIAH	Defendant
	DEWIGHT	

JOURNAL ENTRIES

- Defendant present via BlueJeans video conferencing.

Court advised the Court reached out to Drew Christensen's office to have special counsel appointed for the Defendant. This Court's Law Clerk advised Mr. Christensen requested the matter be continued to the next available session for appointed counsel to appear. State expressed concern noting this was an IAD case. Statement by the Defendant regarding his issues with prior counsel. Court advised of correspondence from Mr. Judd's office to the Court advising they had been in contact with Defendant's brother, Larry Thornburg. Court indicated Mr. Judd's office represented that they spoke with Larry Thornburg and advised him there was no unrendered portion of Defendant's retainer fee. Statement from the Defendant that he may seek private representation again, however, he kept having issues with his private counsel accepting his retainer and withdrawing from his case. Court advised the Defendant could seek private counsel, however, Court would appoint special public counsel at the next hearing so Defendant was represented in the event that he was unable to hire private counsel. Defendant requested the matter be continued for at least a

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Minutes Date: May 25, 2021

000100

week because he was experiencing medical issues that he wanted to have reviewed. There being no objection by the State, COURT ORDERED, matter CONTINUED for 1 week.

IN CUSTODY

CONTINUED TO 06/01/21 8:30 AM

Felony/Gross Misdemeanor

COURT MINUTES

June 01, 2021

C-20-348507-1 State of Nevada
 vs
 JERMIAH THORNBURG

June 01, 2021 08:30 AM All Pending Motions

HEARD BY: Wiese, Jerry A. COURTROOM: RJC Courtroom 14A

COURT CLERK: Kidd, Lauren

RECORDER: Medina, Vanessa

REPORTER:

PARTIES PRESENT:

JERMIAH DEWIGHT THORNBURG	Defendant
Jordan S Savage	Attorney for Defendant
State of Nevada	Plaintiff
Vivian Luong	Attorney for Plaintiff

JOURNAL ENTRIES

State and Defendant present via BlueJeans video conferencing.

CONFIRMATION OF COUNSEL...STATUS CHECK: RESET TRIAL DATE

Mr. Savage advised the Special Public Defender's (SPD's) office would CONFIRM AS COUNSEL for the Defendant. Mr. Savage noted the SPD's office had the matter previously and Mr. Judd took over for a year, therefore, they would need time to get updated on the case. Mr. Judd requested a trial setting in 120 days. Colloquy regarding the matter having an interstate detainer. State advised this was Tyler Smith, Esq.'s case. Court trailed the matter for the State to contact Mr. Smith regarding information on when the IAD would run. MATTER TRAILED.

MATTER RECALLED. All parties present as before.
State was unable to contact Mr. Smith and advised he was out of town. State requested a trial date in 60 days. Court advised Mr. Savage trial would be set in 60 days due to the IAD and the matter could be reset if necessary. COURT ORDERED, trial date SET.

IN CUSTODY

07/06/21 8:30 AM CALENDAR CALL

07/12/21 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 14, 2021**

C-20-348507-1

State of Nevada

vs

JERMIAH THORNBURG

June 14, 2021**3:00 AM****Minute Order****HEARD BY:** Wiese, Jerry A.**COURTROOM:** Chambers**COURT CLERK:** Lauren Kidd**RECORDER:****REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- The above-referenced matter is scheduled for a hearing on 6/15/21 with regard to the Defendant's Motion for Reconsideration of the State's Motion to Admit Evidence of Uncharged Acts. Pursuant to the Court's Administrative Orders, as well as N.R.Cr.P. 8(2), this matter may be decided with or without oral argument. This Court has determined that it would be appropriate to decide this matter on the pleadings, and consequently, this minute order issues.

On 8/17/20, the State filed a Motion to Admit Evidence of Uncharged Acts, which Defendant did not oppose. At the time, the Second Amended Information was operable and Defendant was charged with 3 counts of Lewdness with a Child Under the Age of 14 (F), 2 counts of Sexual Assault with a Minor Under 14 Years of Age (F), 1 count of Open or Gross Lewdness in the Presence of a Child or Vulnerable Person (F), and 1 count of Lewdness with a Child Under the Age of 16 (F). The Court decided the motion without hearing on 8/28/20, and the State's motion was granted. The State filed a Third Amended Information on 11/23/20, reducing the charges to just one count of Lewdness with a Child under the Age of 15 (F). On 6/1/21, the Special PD's Office was appointed to represent Defendant after his previous counsel became incapacitated.

Defendant argues, pursuant to EDCR 2.24, that the Court should reconsider its 8/28/20 Order

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Minutes Date: June 14, 2021

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granting the State's Motion. Defendant argues that under both the Constitution of the United States and the Constitution of the State of Nevada, Mr. Thornburg has the right to effective assistance of trial counsel. Defendant argues that failure to file a written opposition to the State's motion is not necessarily grounds for ineffective assistance of counsel, especially when defense counsel makes that same opposition orally. See *Sullivan v. State*, 2015 Nev. Unpub. LEXIS 31, 131 Nev. 1352, 2015 WL 223963 and *Garner v. State*, 2015 Nev. App. Unpub. LEXIS 109, 131 Nev. 1282, 2015 WL 826792. In this case, however, prior counsel did not oppose the motion in writing, or verbally. Defendant suggests that the lack of opposition was not a strategic decision but perhaps due to extraordinary outside circumstances and the incapacity of previous counsel.

Defendant argues that because the uncharged acts in the State's motion will significantly impact any potential verdict at trial, the failure of previous counsel to oppose was unreasonable and constituted deficient performance of counsel. Consequently, the Defendant requests that the Court set a briefing schedule and an oral argument date for the State's Motion.

To date, the State has not filed an Opposition.

The Court notes that in its minute order dated 8/26/20, the Court noted that although the Defendant had failed to file an Opposition, the Court analyzed the Motion, and considered the merits before the Motion was granted. The Court considered and made findings in accordance with the factors set forth and discussed in *Franks v. State*, 135 Nev. 1, 432 P.3d 752 (2019), and *U.S. v. LeMay*, 260 F.3d 1018 (9th Cir. 2001). The Court notes that it is not sure what date the prior defense counsel, Spencer Judd, became incapacitated, and consequently, it is possible that the Defendant's lack of opposition was due to such incapacitation and not a strategic decision. Since current defense counsel has raised the issue of "ineffective assistance," as it relates to the lack of opposition to the State's Motion, and in an effort to avoid an appellate issue in that regard, the Court will agree to allow current defense counsel to file an Opposition to the previously decided Motion to Admit Evidence of Uncharged Acts, and the Court will schedule a new hearing date, and the matter may be reconsidered.

Based upon the foregoing, and good cause appearing, IT IS HEREBY ORDERED that Defendant's Motion to Reconsider will be GRANTED to the extent that the Court agrees to allow further briefing and will consider the briefing of counsel, and determining whether the Court's prior decision should be modified. The Court hereby sets the following briefing schedule: The State's Motion was filed on 8/17/20. Defendant's Opposition to the Motion must be filed on or before June 25, 2021. Any Reply from the State must be filed by July 9, 2021. And a hearing on this matter will be scheduled for July 22, 2021.

Because the instant Motion has been decided on the pleadings, the hearing scheduled for 6/15/21 will be taken off calendar, and consequently, there is no need for any parties or attorneys to appear on that date.

CLERK'S NOTE: A copy of the above minute order was distributed to all parties 06-14-21./lk

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****July 06, 2021**

C-20-348507-1 State of Nevada
vs
Jeremiah Thornburg

July 06, 2021 8:30 AM Calendar Call

HEARD BY: Wiese, Jerry A. **COURTROOM:** RJC Courtroom 14A

COURT CLERK: Lauren Kidd

RECORDER: Vanessa Medina

REPORTER:

PARTIES

PRESENT:	Dollente, Jr., Quintin M.	Attorney for Defendant
	Kollins, Stacy L.	Attorney for State
	State of Nevada	Plaintiff
	Thornburg, Jeremiah Dewight	Defendant

JOURNAL ENTRIES

- All parties present via BlueJeans video conferencing.

Upon Court's inquiry, Mr. Dollente advised parties were not ready to proceed with trial. Mr. Dollente reminded the Court that the Special Public Defender's office was recently re-assigned the case and he had not yet received the case file from prior counsel. Ms. Kollins further advised the case belonged to Deputy District Attorney Smith and Mr. Smith was out of the office for a prolonged period of time due to a family emergency. Upon Court's inquiry, counsel confirmed this was an Interstate Agreement on Detainer (IAD) case. State noted the 180 day timeframe may have been waived due to the change in counsel. Mr. Dollente indicated he was not sure about the 180 days IAD timeframe, however, the Defendant would WAIVE his right to a speedy trial until the next court setting. Colloquy regarding dates and availability. Counsel estimated the trial would take longer than 1 week. COURT ORDERED, trial VACATED and RESET. Court clarified for purpose of the IAD that the continuance was requested by Defense counsel; therefore, IAD was TOLLED.

PRINT DATE: 09/22/2021

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Minutes Date: July 06, 2021

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C-20-348507-1

IN CUSTODY

09/07/21 8:30 AM CALENDAR CALL

09/13/21 10:00 AM JURY TRIAL

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

C-20-348507-1

State of Nevada

vs

JERMIAH THORNBURG

July 26, 2021**3:00 AM****Minute Order****HEARD BY:** Wiese, Jerry A.**COURTROOM:** Chambers**COURT CLERK:** Lauren Kidd**RECORDER:****REPORTER:****PARTIES****PRESENT:**

JOURNAL ENTRIES

- The above-referenced matter is scheduled for a hearing on 7/27/21, with regard to the Defendant's Motion to Reconsider the Court's prior Order Granting the State's Motion to Admit Evidence of Uncharged Acts. Pursuant to the Court's Administrative Orders, as well as N.R.Cr.P. 8(2), this matter may be decided with or without oral argument. This Court has determined that it would be appropriate to decide this matter on the pleadings, and consequently, this minute order issues.

The Court previously granted the State's Motion to Admit Evidence of Uncharged Acts, by Order filed 8/28/20. Although the State's Motion had not previously been opposed, the Court evaluated the merits of the Motion, and considered the cases of *Franks v. State*, 135 Nev. 1, 432 P.3d 752 (2019), and *U.S. v. LeMay*, 260 F.3d 1018 (9th Cir., 2001), as well as NRS 48.045(3), and 48.035. Based on the Defendant's Motion to Reconsider, the Court allowed further briefing to determine whether the Court's prior decision should be modified. Subsequently, the Defendant filed an Opposition on 6/25/21. The Defendant raised the issues in his opposition, which were already addressed and considered by the Court in its prior decision and Order.

N.R.Cr.P. 8(B)(7) indicates that a party may seek reconsideration of a ruling of the Court upon a showing of "changed circumstances." The Court finds no changed circumstances here. The Court

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previously analyzed all of the facts and circumstances, and previously considered all of the issues raised in the Defendant's recently filed Opposition. After conducting an analysis, based on the Franks and LeMay cases, the Court previously concluded that the evidence regarding the prior incidents could be admitted at Trial. Nothing presented in the Defendant's Opposition has caused the Court to feel the need to correct or modify anything in the prior Order.

Consequently, and based upon the foregoing, IT IS HEREBY ORDERED that the Defendant's Motion for Reconsideration of the Court's prior Order Granting the State's Motion to Admit Evidence of Uncharged Acts, is hereby DENIED. The Court's prior Order filed 8/28/20 stands.

The Court requests that the State prepare an Order consistent with the foregoing, have it approved as to form and content by defense counsel, and submit it to the Court for signature within 10 days.

Because this matter has been decided on the pleadings, the hearing scheduled for 7/27/21 will be taken off calendar, and consequently, there is no need for any parties or attorneys to appear.

CLERK'S NOTE: A copy of the above minute order was distributed to all parties 7-26-21./lk

Felony/Gross Misdemeanor

COURT MINUTES

August 10, 2021

C-20-348507-1 State of Nevada
 vs
 Jeremiah Thornburg

August 10, 2021 08:30 AM Entry of Plea

HEARD BY: Wiese, Jerry A. **COURTROOM:** RJC Courtroom 14A

COURT CLERK: Kidd, Lauren

RECORDER: Medina, Vanessa

REPORTER:

PARTIES PRESENT:

Jeremiah Dewight Thornburg	Defendant
Quintin M. Dollente, Jr.	Attorney for Defendant
Special Public Defender	Attorney for Defendant
Stacy L. Kollins	Attorney for Plaintiff
State of Nevada	Plaintiff

JOURNAL ENTRIES

Deft. Thornburg PRESENT in custody via BlueJeans.

Court STATED the negotiations on the record.

NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED ON AUGUST 5, 2021. DEFT. THORNBURG ARRAIGNED AND PLED GUILTY TO ATTEMPT SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (F). Court ACCEPTED plea, and, ORDERED, matter REFERRED to the Division of Parole and Probation (P & P) and SET for sentencing.

CUSTODY

10/07/21 8:30 AM SENTENCING

CLERK'S NOTE: Minutes completed after review of JAVS by Michele Tucker, Courtroom Clerk. /mlt 10.09.21

Felony/Gross Misdemeanor

COURT MINUTES

October 21, 2021

C-20-348507-1 State of Nevada
 vs
 Jeremiah Thornburg

October 21, 2021 08:30 AM Sentencing

HEARD BY: Wiese, Jerry A. COURTROOM: RJC Courtroom 14A

COURT CLERK: Kidd, Lauren

RECORDER: Medina, Vanessa

REPORTER:

PARTIES PRESENT:

Jeremiah Dewight Thornburg	Defendant
Quintin M. Dollente, Jr.	Attorney for Defendant
State of Nevada	Plaintiff
Tyler D. Smith	Attorney for Plaintiff

JOURNAL ENTRIES

Defendant present via BlueJeans video conferencing.

Colloquy regarding the victim speaker preparing a letter for the Court. Upon Court's inquiry, Mr. Dollente confirmed Defendant reviewed the Pre-Sentence Investigation (PSI) report, there were no Stockmeier issues and the matter could proceed with sentencing. Court put the terms of the negotiations on the record. Parties confirmed they stipulated to an 8-20 year sentence and Defendant had 555 days credit for time served. DEFENDANT THORNBURG ADJUDGED GUILTY of ATTEMPT SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (F). Arguments by counsel regarding the extradition fee and statement by the Defendant. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA analysis fee, WAIVED as it was previously taken, \$3.00 DNA Collection fee, \$250.00 Indigent Defense Civil Assessment fee, and \$5,184.00 Extradition Cost, Defendant SENTENCED to a MINIMUM of EIGHT (8) YEARS in the Nevada Department of Corrections (NDC) and MONTHS and a MAXIMUM of TWENTY (20) YEARS in NDC, with FIVE HUNDRED SIXTY (560) DAYS credit for time served.

NDC

Felony/Gross Misdemeanor

COURT MINUTES

October 07, 2021

C-20-348507-1 State of Nevada
 vs
 Jeremiah Thornburg

October 07, 2021 08:30 AM Sentencing

HEARD BY: Wiese, Jerry A. COURTROOM: RJC Courtroom 14A

COURT CLERK: Kidd, Lauren; Lott, Jennifer

RECORDER: Medina, Vanessa

REPORTER:

PARTIES PRESENT:

Jeremiah Dewight Thornburg	Defendant
Peter I. Thunell	Attorney for Plaintiff
Quintin M. Dollente, Jr.	Attorney for Defendant
State of Nevada	Plaintiff

JOURNAL ENTRIES

Defendant and Mr. Dollente present via BlueJeans video conferencing.

Mr. Dollente advised the Defendant had not received his Pre-Sentence Investigation (PSI) report. Mr. Dollente requested a continuance to obtain the PSI and review it with the Defendant. There being no objection from the State, COURT ORDERED, matter CONTINUED.

IN CUSTODY

CONTINUED TO: 10/21/21 8:30 AM

Felony/Gross Misdemeanor

COURT MINUTES

October 21, 2021

C-20-348507-1 State of Nevada
 vs
 Jeremiah Thornburg

October 21, 2021 08:30 AM Sentencing

HEARD BY: Wiese, Jerry A. COURTROOM: RJC Courtroom 14A

COURT CLERK: Kidd, Lauren

RECORDER: Medina, Vanessa

REPORTER:

PARTIES PRESENT:

Jeremiah Dewight Thornburg	Defendant
Quintin M. Dollente, Jr.	Attorney for Defendant
State of Nevada	Plaintiff
Tyler D. Smith	Attorney for Plaintiff

JOURNAL ENTRIES

Defendant present via BlueJeans video conferencing.

Colloquy regarding the victim speaker preparing a letter for the Court. Upon Court's inquiry, Mr. Dollente confirmed Defendant reviewed the Pre-Sentence Investigation (PSI) report, there were no Stockmeier issues and the matter could proceed with sentencing. Court put the terms of the negotiations on the record. Parties confirmed they stipulated to an 8-20 year sentence and Defendant had 555 days credit for time served. DEFENDANT THORNBURG ADJUDGED GUILTY of ATTEMPT SEXUAL ASSAULT WITH A MINOR UNDER FOURTEEN YEARS OF AGE (F). Arguments by counsel regarding the extradition fee and statement by the Defendant. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA analysis fee, WAIVED as it was previously taken, \$3.00 DNA Collection fee, \$250.00 Indigent Defense Civil Assessment fee, and \$5,184.00 Extradition Cost, Defendant SENTENCED to a MINIMUM of EIGHT (8) YEARS in the Nevada Department of Corrections (NDC) and MONTHS and a MAXIMUM of TWENTY (20) YEARS in NDC, with FIVE HUNDRED SIXTY (560) DAYS credit for time served.

NDC

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

November 23, 2021

C-20-348507-1 State of Nevada
 vs
 Jeremiah Thornburg

November 23, 2021 8:30 AM Motion to Clarify

HEARD BY: Wiese, Jerry A. **COURTROOM:** RJC Courtroom 14A

COURT CLERK: Lauren Kidd

RECORDER: Vanessa Medina

REPORTER:

PARTIES

PRESENT: Dollente, Jr., Quintin M. Attorney for Defendant
 Overly, Sarah Attorney for State
 State of Nevada Plaintiff
 Thornburg, Jeremiah Dewight Defendant

JOURNAL ENTRIES

- Court noted the matter was on calendar because the Judgement of Conviction (JOC) did not say that this case was to run concurrent with Defendant's federal case. Court advised the agreement stated the State had no opposition to running this case concurrent with Defendant's federal case. Therefore, COURT ORDERED, Motion GRANTED; JOC is to be amended to add language that this case will run CONCURRENT to Defendant's federal case.