In the Supreme Court of Penal Hiled Mar 17 2023 11:27 AM Elizabeth A. Brown

In re 3587 Desatoya Drive, Case No. 15 0C 0074end Supreme Court Related to Case No. 15 CR 00384 1C 004

ELVIN FRED,

Petitioner,

v.

THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF CARSON CITY AND THE HONORABLE JUDGE JAMES RUSSELL,

Respondent,

and

STATE OF NEVADA EX REL. INVESTIGATION DIVISION OF THE DEPARTMENT OF PUBLIC SAFETY OF THE STATE OF NEVADA (TRI-NET NARCOTICS TASK FORCE)

Real Party in Interest,

ELVIN FRED'S SUPPLEMENTAL APPENDIX

Rory T. Kay (NSBN 12416)
Jane Susskind (NSBN 15099)
John A. Fortin (NSBN 15221)
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02-01-2023	Disqualification Order	SA001-SA003

Dated this 17th day of March 2023.

McDONALD CARANO LLP

By: <u>/s/ John A. Fortin</u>

Rory T. Kay (NSBN 12416) Jane Susskind (NSBN 15099) John A. Fortin (NSBN 15221) 2300 W. Sahara Ave., Suite 1200 Las Vegas, Nevada, 89102

 $Pro\ Bono\ Counsel\ for\ Petitioner$

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of McDonald Carano LLP, and that on this 17th day of March 2023, I electronically filed and served by electronic mail a true and correct copy of the above and foregoing properly addressed to the following:

The Honorable Judge James Russell First Judicial District Court Department 1 885 East Musser Street, Carson City, Nevada 89701 Respondent

Jason D. Woodbury, Esq.
Ben R. Johnson, Esq.
Carson City District Attorney
885 East Musser Street, Suite #2030C
Carson City, Nevada 89701
Attorneys for Real Party in Interest

Aaron Ford Nevada Attorney General 100 North Carson Street Carson City, Nevada 89701

<u>/s/ CaraMia Gerard</u>
Employee of McDonald Carano LLP

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WILLIAM SCOTT HEST CLOSE
BY SEPUTY

IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA IN AND FOR CARSON CITY

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7 8 9 IN RE: 10 3587 DESATOYA DRIVE, CARSON CITY, 11 **NEVADA 89701, CARSON CITY,** ASSESSOR'S PARCEL NUMBER 010-12 443-11, 13 SYLVIA FRED, AN INDIVIDUAL, 14 COUNTERCLAIMANT, VS. 15 STATE OF NEVADA EX REL.. **INVESTIGATION DIVISION OF THE** 16 **NEVADA STATE POLICE (TRI-NET** 17 NARCOTICS TASK FORCE). 18 COUNTERDEFENDANT. 19 **EVIN FRED, AN INDIVIDUAL** 20 COUNTERCLAIMANT, 21 VS. 22 STATE OF NEVADA EX REL., INVESTIGATION DIVISION OF THE 23 **NEVADA STATE POLICE (TRI-NET** NARCOTICS TASK FORCE). 24 COUNTERDEFENDANT. 25

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CASE NO. 15 OC 00074 1B

DEPT. 2

DISQUALIFICATION ORDER

Judge James Wilson declares under penalty of perjury:

Under NCJC 2.11(A)(2)(d) a judge shall disqualify himself if the judge knows a person within the third degree of relationship is likely to be a material witness.

I just learned, by reading Sylvia Fred's motion for partial summary judgment, that Carol Toohey is likely to be a material witness in this proceeding. Ms. Toohey was married to my father for some years and they were married at the time of his death, so I have a first degree relationship with Ms. Toohey.

THE COURT ORDERS:

As required by NCJC 2.11(A)(2)(d) I disqualify myself in this proceeding.

This proceeding will be transferred to Department 1 of the First Judicial District Court.

February	 2023.
	 0 -

James Wilson
District Judge

CERTIFICATE OF SERVICE

)	he First Judicial District Court of Nevada; tha ed a copy of this document by placing a true
copy in an envelope addressed to:	
Ryan J. Works, Esq. John A. Fortin, Esq. McDONALD CARANO LLP 2300 West Sahara Ave., Ste. 1200 Las Vegas, NV 89102	Jason Woodbury, Esq. Ben Johnston, Esq. Office of the District Attorney 885 E. Musser St., Ste. 2030 Carson City, NV 89701 Aaron Ford Nevada Attorney General 100 North Carson St. Carson City, NV 89701

the envelope sealed and then deposited in the Court's central mailing basket in the court clerk's office for delivery to the USPS at 1111 South Roop Street, Carson City, Nevada, for mailing.

Billie Shadron Judicial Assistant