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Jul 29 2024 01:45 PM
Elizabeth A. Brown
Clerk of Supreme Court

NOASC
AARON D. FORD
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Attorneys for the State of Nevada

DISTRICT COURT
CLARK COUNTY, NEVADA

STATE OF NEVADA,
Plaintiff,

vs.

JAMES WALTER DEGRAFFENREID III,
Defendant.

Case No. C-23-379122-1

Dept. No. XVIII

STATE OF NEVADA'S NOTICE OF APPEAL

Notice is hereby given that the State of Nevada, Plaintiff in the above-entitled matter, appeals to the Supreme Court of Nevada from the order dated granting the Defendants' motions to dismiss entered in this action on the 26th day of July, 2024, pursuant to NRS 177.015(1)(b).

DATED this 26th day of July, 2024.

Submitted by:

AARON D. FORD
Attorney General

By: /s/ Alissa Engler
ALISSA ENGLER (Bar No. 11940)
Chief Deputy Attorney General

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on July 26, 2024, I filed the **STATE OF NEVADA’S NOTICE OF APPEAL** via this Court’s electronic filing system. The following parties are registered with this Court’s EFS and will be served electronically.

Mr. George Kelesis, Esq.
517 S. 9th Street
Las Vegas, NV 89101
Gkelesis@bckltd.com
Attorney for James Degraffenreid

Brian Hardy, Esq.
10001 Park Run Drive
Las Vegas, NV 89145
Bhardy@maclaw.com
Attorney for Durward Hindle, III

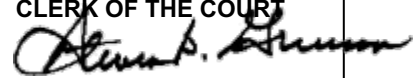
Richard Wright, Esq.
300 S. Fourth Street, Ste. 701
Las Vegas, NV 89101
Rick@wmllawlv.com
Attorney for Michael James McDonald

Monti Jordana Levy, Esq.
300 S. Fourth Street, Ste. 701
Las Vegas, NV 89101
Mlevy@wmllawlv.com
Attorney for Eileen Rice

Sigal Chattah, Esq.
5875 S. Rainbow Blvd., #204
Las Vegas, NV 89118
Chattahlaw@gmail.com
Attorney for Shawn Meehan

Margaret A. McLetchie, Esq.
602 S. Tenth St.
Las Vegas, NV 89101
Maggie@nvlitigation.com
Attorney for Jesse Law

By: /s/ R. Holm
An employee of the Office of
the Attorney General



ASTA

AARON D. FORD

Attorney General

ALISSA ENGLER (Bar No. 11940)

Chief Deputy Attorney General

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Attorneys for the State of Nevada

DISTRICT COURT

CLARK COUNTY, NEVADA

STATE OF NEVADA,

Plaintiff,

vs.

JAMES WALTER DEGRAFFENREID III,

Defendants.

Case No. C-23-379122-1

Dept. No. XVIII

CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement:

The State of Nevada

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

The Honorable Mary Kay Holthus

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

The State of Nevada

Counsel for Appellant State of Nevada:

Aaron Ford

Attorney General

Jeffrey Conner

Chief Deputy Solicitor General

Alissa Engler

Chief Deputy Attorney General

Matthew Rashbrook

Special Prosecutor

Office of the Attorney General

1 State of Nevada Way, Ste. 100

Las Vegas, Nevada 89119

1 T: 702 486-5706
aengler@ag.nv.gov

2 **4. Identify each respondent and the name and address of appellate counsel, if known, for each**
3 **respondent:**

4 Counsel for Respondent James Walter DeGraffenreid, III
5 George P. Kelesis
6 COOK & KELESIS, LTD.
7 517 S 9th Street
Las Vegas, NV 89101
T: (702) 737-7702
law@bckltd.com

8 Counsel for Respondent for Duward James Hindle, III
9 Brian R. Hardy, Esq.
10 Marquis Aurbach
11 10001 Park Run Drive
Las Vegas, Nevada 89145
T: (702) 382-0711
bhardy@maclaw.com

12 Counsel for Respondent Jesse Law:
13 Margaret A. McLetchie
14 MCLEATCHIE LAW
15 602 South Tenth St.
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T: (702) 728-5300
maggie@nvlitigation.com

16 Counsel for Respondent Shawn Michael Meehan
17 Sigal Chattah, Esq.
18 CHATTAH LAW GROUP
19 5875 S. Rainbow Blvd. #204
Las Vegas, Nevada 89118
T: (702) 360-6200
chattahlaw@gmail.com

20 Counsel for Respondent Michael James McDonald:
21 Richard A. Wright, Esq.
22 WRIGHT MARSH, LEVY
23 300 S. Fourth St., Ste 701
Las Vegas, NV 89101
T: (702) 382-4004
Rick@wmllawlv.com

24 Counsel for Respondent Eileen Rice:
25 Monti Jordana Levy, Esq.
26 WRIGHT MARSH, LEVY
27 300 S. Fourth St., Ste 701
Las Vegas, NV 89101
T: (702) 382-4004
Mlevy@wmllawlv.com

28 ///

1 **5. Indicate whether an attorney identified above in response to question 3 or 4 is not licensed**
2 **to practice law in Nevada and, if so, whether the district court granted that attorney**
3 **permission to appear under SCR 42:**

4 All participating counsel known to appellant are licensed to practice in Nevada.

5 **6. Indicate whether appellant was represented by appointed or retained counsel in the district**
6 **court:**

7 Appellant State of Nevada was represented by the Office of the Attorney General before the
8 district court.

9 **7. Indicate whether appellant is represented by appointed or retained counsel on appeal:**

10 Appellant State of Nevada is represented by the Office of the Attorney General on appeal.

11 **8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of**
12 **entry of the district court order granting such leave:**

13 The State of Nevada did not seek leave to proceed in forma pauperis.

14 **9. Indicate the date the proceedings commenced in the district court:**

15 The State of Nevada filed the underlying indictment in the district court on December 6, 2023.

16 **10. Provide a brief description of the nature of the action and result in the district court,**
17 **including the type of judgment or order being appealed and the relief granted by the district**
18 **court:**

19 The State filed an indictment charging each of the defendants with one count of OFFERING
20 FALSE INSTRUMENT FOR FILING OR RECORD, a category "C" felony in violation of NRS
21 239.330, and one count of UTTERING FORGED INSTRUMENTS: FORGERY, a category "D"
22 felony in violation of NRS 205.110. The district court granted the defendants motions to dismiss
23 the indictment on the basis that the Grand Jury in Clark County lacked jurisdiction to inquire into
24 the offenses at issue in this case.

25 **11. Indicate whether the case has previously been the subject of an appeal to or original writ**
26 **proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number**
27 **of the prior proceeding:**

28 This case has not been the subject of any prior proceedings in the Supreme Court.

1 **12. Indicate whether this appeal involves child custody or visitation:**

2 This appeal does not involve child custody or visitation.

3 **13. If this is a civil case, indicate whether this appeal involves the possibility of settlement:**

4 This is not a civil case.

5 DATED this 26th day of July, 2024.

6 Submitted by:

7 AARON D. FORD
8 Attorney General

9 By: /s/ Alissa Engler
10 ALISSA ENGLER (Bar No. 11940)
11 Chief Deputy Attorney General
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1 **CERTIFICATE OF SERVICE**

2 I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that
3 on July 26, 2024, I filed the **CASE APPEAL STATEMENT** via this Court's electronic filing system.

4 The following parties are registered with this Court's EFS and will be served electronically.

5 Mr. George Kelesis, Esq.
6 517 S. 9th Street
7 Las Vegas, NV 89101
8 Gkelesis@bckltd.com
9 Attorney for James Degraffenreid

8 Brian Hardy, Esq.
10 10001 Park Run Drive
9 Las Vegas, NV 89145
10 Bhardy@maclaw.com
11 Attorney for Durward Hindle, III

11 Richard Wright, Esq.
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13 Las Vegas, NV 89101
14 Rick@wmllawlv.com
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14 Monti Jordana Levy, Esq.
15 300 S. Fourth Street, Ste. 701
16 Las Vegas, NV 89101
17 Mlevy@wmllawlv.com
18 Attorney for Eileen Rice

17 Sigal Chattah, Esq.
18 5875 S. Rainbow Blvd., #204
19 Las Vegas, NV 89118
20 Chattahlaw@gmail.com
21 Attorney for Shawn Meehan

20 Margaret A. McLetchie, Esq.
21 602 S. Tenth St.
22 Las Vegas, NV 89101
23 Maggie@nvlitigation.com
24 Attorney for Jesse Law

24 By: /s/ R. Holm
25 An employee of the Office of
26 the Attorney General
27
28

CASE SUMMARY**CASE NO. C-23-379122-1****State of Nevada**
vs
James Degraffenreid, III§
§
§
§
§
§Location: **Department 18**
Judicial Officer: **Holthus, Mary Kay**
Filed on: **12/06/2023**
Cross-Reference Case Number: **C379122**
Grand Jury Case Number: **23AGJ164A****CASE INFORMATION**

Offense	Statute	Deg	Date	Case Type:	Felony/Gross Misdemeanor
1. OFFERING FALSE INSTRUMENT FOR FILING OR RECORD	239.330	F	12/08/2020	Case Status:	07/26/2024 Closed
2. UTTERING FORGED INSTRUMENTS: FORGERY	205.110	F	12/08/2020		

Related CasesC-23-379122-2 (Multi-Defendant Case)
C-23-379122-3 (Multi-Defendant Case)
C-23-379122-4 (Multi-Defendant Case)
C-23-379122-5 (Multi-Defendant Case)
C-23-379122-6 (Multi-Defendant Case)**Statistical Closures**

07/26/2024 Other Manner of Disposition - Criminal

DATE**CASE ASSIGNMENT****Current Case Assignment**Case Number C-23-379122-1
Court Department 18
Date Assigned 12/06/2023
Judicial Officer Holthus, Mary Kay**PARTY INFORMATION**

		Lead Attorneys
Defendant	Degraffenreid, James, III	Kelesis, George P. <i>Retained</i> 7027377702(W)
Plaintiff	State of Nevada	Ford, Aaron D. 775-684-1100(W)
Other	Public Copy Request	

DATE**EVENTS & ORDERS OF THE COURT****INDEX****EVENTS**

12/06/2023

Indictment
Party: Plaintiff State of Nevada
[1] Indictment

Index #1

12/06/2023

Summons
[2] Summons (Indictment)

















Index #2

12/07/2023

Transcript of Proceedings
[3] Reporter's Transcript of Proceedings, Grand Jury Hearing, November 14, 2023, Volume 1














Index #3

CASE SUMMARY
CASE NO. C-23-379122-1

12/08/2023	 Media Request and Order <i>[4] Media Request and Order Allowing Camera Access to Court Proceedings</i>	Index #4
12/14/2023	 Media Request and Order <i>[5] Media Request & Order Allowing Camera Access to Court Proceedings - SHAWN CUNNINGHAM - KTNV</i>	Index #5
12/14/2023	 Media Request and Order <i>[6] Media Request & Order Allowing Camera Access to Court Proceedings - MATTHEW SEEMAN - KSNV-TV</i>	Index #6
12/15/2023	 Media Request and Order <i>[8] Media Request and Order Allowing Camera Access to Court Proceedings</i>	Index #8
12/17/2023	 Reporters Transcript <i>[9] Reporter's Transcript of Proceedings - Grand Jury - Hearing - 11/28/23 - Volume 2</i>	Index #9
12/17/2023	 Reporters Transcript <i>[10] Reporter's Transcript of Proceedings - Grand Jury - Hearing - 12/05/23 - Volume 3</i>	Index #10
12/18/2023	 Media Request and Order <i>[11] Media Request and Order Allowing Camera Access to Court Proceedings</i>	Index #11
12/18/2023	 Media Request and Order <i>[12] Media Request and Order Allowing Camera Access to Court Proceedings</i>	Index #12
12/18/2023	 Media Request and Order <i>[13] Media Request and Order Allowing Camera Access to Court Proceedings</i>	Index #13
01/10/2024	 Stipulation and Order <i>[14] Stipulation</i>	Index #14
01/18/2024	 Stipulation and Order to Amend <i>[15] Stipulation</i>	Index #15
01/22/2024	 Receipt <i>[16] Reciept</i>	Index #16
01/29/2024	 Petition for Writ of Habeas Corpus Filed by: Defendant Degraffenreid, James, III <i>[17] Petition for Writ of Habeas Corpus and Joinder in Memorandum of Points and Authorities</i>	Index #17
01/30/2024	 Clerk's Notice of Hearing Party: Defendant Degraffenreid, James, III <i>[18] Notice of Hearing</i>	Index #18
01/30/2024	 Joinder To Motion Filed By: Defendant Degraffenreid, James, III <i>[19] James Walter Degraffenreid, III's Joinder in Motion to Dismiss</i>	Index #19
02/08/2024	 Return to Writ of Habeas Corpus	Index #20

CASE SUMMARY

CASE NO. C-23-379122-1

	Filed By: Plaintiff State of Nevada <i>[20] Return and Response to Petition for Writ of Habeas Corpus (Pre-Trial)</i>	
02/08/2024	 Opposition to Motion Filed By: Plaintiff State of Nevada <i>[21] Opposition to Defendant's Motion to Dismiss</i>	Index #21
02/08/2024	 Filed Under Seal Filed By: Plaintiff State of Nevada <i>[22] SEALED per minute order 2/13/24</i>	Index #22
02/08/2024	 Motion to Seal/Redact Records Filed By: Plaintiff State of Nevada <i>[23] State's Motion for Leave to File Exhibit 1 and 2 Under Seal</i>	Index #23
02/08/2024	 Notice Filed By: Plaintiff State of Nevada <i>[24] Plaintiff's Notice of Under Seal Submission</i>	Index #24
02/09/2024	 Clerk's Notice of Hearing <i>[25] Notice of Hearing</i>	Index #25
02/14/2024	 Joinder Filed By: Defendant Degraffenreid, James, III <i>[26] James Walter Degraffenreid, III's Joinder in Joint Reply to Opposition to Motion to Dismiss</i>	Index #26
04/15/2024	 Joinder To Motion Filed By: Defendant Degraffenreid, James, III <i>[27] James Walter DeGraffenreid, III's Joinder to Joint Motion for Leave to File Reply to State's Return and Response to Petition for Writ of Habeas Corpus (Pre-Trial)</i>	Index #27
04/30/2024	 Opposition to Motion Filed By: Defendant Degraffenreid, James, III <i>[28] Opposition to Defendants' Motion for Leave to File a Reply</i>	Index #28
05/09/2024	 Joinder Filed By: Defendant Degraffenreid, James, III <i>[29] James Walter DeGraffenreid, III's Joinder to Joint Reply to Opposition to Defendant's Motion for Leave to File Reply</i>	Index #29
05/15/2024	 Joinder Filed By: Defendant Degraffenreid, James, III <i>[30] James Walter Degraffenreid, III's Joinder to Joint Reply to State's Return and Response to Petition for Writ of Habeas Corpus</i>	Index #30
05/29/2024	 Supplement to Opposition Filed By: Defendant Degraffenreid, James, III <i>[31] Supplement to Opposition to Defendants' Motion to Dismiss</i>	Index #31
06/21/2024	 Media Request and Order <i>[32] Media Request</i>	Index #32
06/26/2024	 Court Recorders Invoice for Transcript	Index #33

CASE SUMMARY

CASE NO. C-23-379122-1

[33] Hearing Date: June 21, 2024

06/27/2024



Recorders Transcript of Hearing

Index #34

[34] Recorder's Transcript Re: All Pending Motions - June 21, 2024

07/08/2024



Clerk's Notice of Nonconforming Document and Curative Action

Index #35

[35] Clerk's Notice of Nonconforming Document and Curative Action

07/26/2024



Order

Index #36

[36] Order Granting Motion to Dismiss

07/26/2024



Notice of Appeal (Criminal)

Index #37

Party: Plaintiff State of Nevada

[37] State of Nevada's Notice of Appeal

07/26/2024



Case Appeal Statement

Index #38

Filed By: Plaintiff State of Nevada

[38] Case Appeal Statement

HEARINGS

12/06/2023



Grand Jury Indictment (11:00 AM) (Judicial Officer: Wiese, Jerry A.)

MINUTES

Matter Heard;

Journal Entry Details:

Charles Hopper, Grand Jury Foreperson, stated to the Court that at least twelve members had concurred in the return of the true bill during deliberation, but had been excused for presentation to the Court. State presented Grand Jury Case Number 23AGJ164A to the Court. COURT ORDERED, the Indictment may be filed and is assigned Case Number C-23-379122-1, Department XVIII. State requested a summons and advised Deft is not in custody. COURT ORDERED, INDICTMENT SUMMONS ISSUED, matter SET for Arraignment. Upon Court's inquiry, the State advised there are no material witness warrants to quash. COURT FURTHER ORDERED, Exhibits 1-34, including 1a, 2a and 6a to be lodged with the Clerk of the Court. In addition, a Pre-Trial Risk Assessment will be prepared if one was not previously done. NIC (SUMMON) 12/18/23 9:30 A.M. INITIAL ARRAIGNMENT (DEPT 18) ;

SCHEDULED HEARINGS



Initial Arraignment (12/18/2023 at 9:30 AM) (Judicial Officer: Holthus, Mary Kay)

12/18/2023



Initial Arraignment (9:30 AM) (Judicial Officer: Holthus, Mary Kay)

MINUTES

Trial Date Set;

Journal Entry Details:

George Kelesis, Esq. and Richard Wright, Esq. present for Deft. Degraffenreid, Deft. Hindle, Deft. Law, Deft. McDonald, Deft. Meehan, and Deft. Rice; Deft. Degraffenreid, Deft. Hindle, Deft. Law, Deft. McDonald, Deft. Meehan, and Deft. Rice present out of custody via BlueJeans video conference. Statement by the Court regarding Mr. Langford. Court DISCLOSED Mr. Langford was married to the Court's cousin, and their sons were roommates. Court affirmed it would set all trial dates at once. DEFT. DEGRAFFENREID ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. COURT ORDERED, matter SET for trial. Statement by Ms. Engler regarding prior colloquy with Mr. Wright as to representing all Defts. Ms. Engler confirmed her office did not know if conflict waivers had been filed; she was fine for purposes of taking the plea, but she would like to raise that now. Court advised whatever needed to be raised should be done sooner than later. Upon Court's inquiry, Mr. Wright confirmed he and Mr. Kelesis were representing all six of the individuals on the State level, and Defts. were informed each would have their own individual counsel. Mr. Wright further confirmed at the instant hearing all six individuals understood he and Mr. Kelesis were representing them for their initial appearance. Ms. Engler concurred. Court acknowledged

CASE SUMMARY

CASE NO. C-23-379122-1

that representation. Colloquy regarding discovery. Ms. Engler confirmed, with respect to discovery, her office would send a link; would require an external hard drive for emails. Following colloquy, Court encouraged, with the amount of discovery, for all counsel to get involved early. COURT ORDERED, pursuant to Statute, Counsel has 21 days from today for the filing of any Writ; if the Preliminary Hearing Transcript has not been filed as of today, Counsel has 21 days from the filing of the Transcript. NIC (ALL DEFTS.) 3/4/24 9:30 AM CALENDAR CALL (ALL DEFTS.) 3/11/24 1:00 PM JURY TRIAL (ALL DEFTS.) ;

SCHEDULED HEARINGS

Calendar Call (03/04/2024 at 9:30 AM) (Judicial Officer: Holthus, Mary Kay)
CANCELED Jury Trial (03/11/2024 at 1:00 PM) (Judicial Officer: Holthus, Mary Kay)
Vacated

02/13/2024



Minute Order (9:45 AM) (Judicial Officer: Holthus, Mary Kay)

Minute Order - No Hearing Held;

Journal Entry Details:

This Court, having reviewed the pleadings and papers on file herein, and for good cause appearing, IT IS HEREBY ORDERED that upon request of this Court, and there being no opposition filed with the Court, that the STATE S MOTION FOR LEAVE TO FILE EXHIBIT 1 AND 2 UNDER SEAL (Docket No. 23) is hereby GRANTED. The hearing regarding the States Motion set on February 21, 2024, at 9:30 A.M. will be VACATED as MOOT. IT IS HEREBY ORDERED that upon request of this Court, that Temporary Plaintiff's Under Seal Submission pertaining to Exhibit: 1 and 2 (Docket No. 22), is hereby APPROVED and may be filed under seal in case C-23-379122-1, State of Nevada v. James Degraffenreid, III, pursuant to Nevada Rules Governing Sealing and Redacting Court Records, Rule 3. CLERK'S NOTE: A copy of this minute order sent to the Sealing/ Striking / Redacting team. //2-13-24/ dy;

02/21/2024

CANCELED Motion (10:00 AM) (Judicial Officer: Holthus, Mary Kay)

Vacated - Moot

State's Motion for Leave to File Exhibit 1 and 2 Under Seal

03/04/2024

Calendar Call (9:30 AM) (Judicial Officer: Holthus, Mary Kay)

Vacated and Reset;

03/04/2024

Petition for Writ of Habeas Corpus (9:30 AM) (Judicial Officer: Holthus, Mary Kay)

03/04/2024, 05/15/2024, 06/21/2024

Petition for Writ of Habeas Corpus and Joinder in Memorandum of Points and Authorities

Matter Continued;

Briefing Schedule Set;

Moot;

Matter Continued;

Briefing Schedule Set;

Moot;

Matter Continued;

Briefing Schedule Set;

Moot;

03/04/2024

Joinder (9:30 AM) (Judicial Officer: Holthus, Mary Kay)

03/04/2024, 05/15/2024, 06/21/2024

James Walter Degraffenreid, III's Joinder in Motion to Dismiss

Matter Continued;

Briefing Schedule Set;

Granted;

Matter Continued;

Briefing Schedule Set;

Granted;

Matter Continued;

Briefing Schedule Set;

Granted;

03/04/2024



All Pending Motions (9:30 AM) (Judicial Officer: Holthus, Mary Kay)

CASE SUMMARY

CASE NO. C-23-379122-1

MINUTES

Matter Heard;

Journal Entry Details:


Richard Wright, Esq. present on behalf of George Kelesis, Esq. for Deft. DeGraffenried; Brian Hardy, Esq. present on behalf of Deft. Hindle; Maggie McLetchie, Esq. present on behalf of Deft. Law; Richard Wright, Esq. present on behalf of Deft. McDonald; Sigal Chattah, Esq. present on behalf of Deft. Meehan; Monti Levy, Esq. present on behalf of Deft. Rice; Deft. DeGraffenried, Deft. Hindle, Deft. Law, Deft. McDonald, Deft. Meehan, and Deft. Rice present out of custody via Zoom video conference. CALENDAR CALL...PETITION FOR WRIT OF HABEAS CORPUS AND MEMORANDUM OF POINTS AND AUTHORITIES...JOINDER TO MOTION TO DISMISS Court noted the instant matter was on for calendar call and Petition for Writ of Habeas Corpus, and inquired if parties had agreed on a date to move them. Ms. Engler stated parties had agreed to set the Motion to Dismiss and Pretrial Writ hearing to April 22, 2024. Ms. Engler inquired, given the potential length of the arguments, if Court would prefer to set the matters at the end of that calendar. Court advised it did not matter, however if parties did not want to sit through the calendar, that would be fine. Ms. Engler contemplated an appearance time of 10:30 a.m. Court suggested 11 a.m. Ms. Levy noted a Motion to Continue was filed on behalf of Ms. Rice, which was unopposed, and further everyone had conferred, therefore requested a trial date in the middle of January 2025 stack. Statements by Ms. Engler, noting the State was fine with that stack. COURT ORDERED, Motion to Continue Trial was hereby GRANTED; trial VACATED and RESET. COURT FURTHER ORDERED, all Defts. Petitions for Writ of Habeas Corpus, and Deft. Rice's Motion to Dismiss, and associated Joinders were hereby CONTINUED to April 22, 2024. NIC (ALL DEFTS.) 04-22-24 09:30 AM PETITION FOR WRIT OF HABEAS CORPUS AND MEMORANDUM OF POINTS AND AUTHORITIES (ALL DEFTS.) 04-22-24 09:30 AM MOTION TO DISMISS (DEFT. RICE) 04-22-24 09:30 AM JOINDER TO MOTION TO DISMISS (DEFT. DEGRAFFENEID, DEFT. HINDLE, DEFT. LAW, DEFT. MCDONALD, DEFT. MEEHAN) 01-06-25 09:30 AM CALENDAR CALL (ALL DEFTS.) 01-13-25 01:00 PM JURY TRIAL (ALL DEFTS.) ;

SCHEDULED HEARINGS

CANCELED Jury Trial (03/11/2024 at 1:00 PM) (Judicial Officer: Holthus, Mary Kay)
Vacated

03/11/2024 **CANCELED Jury Trial** (1:00 PM) (Judicial Officer: Holthus, Mary Kay)
Vacated

05/15/2024 **Joinder** (9:30 AM) (Judicial Officer: Holthus, Mary Kay)
James Walter DeGraffenreid, III's Joinder to Joint Motion for Leave to File Reply to State's Return and Response to Petition for Writ of Habeas Corpus (Pre-Trial)
Granted;

05/15/2024  **All Pending Motions** (9:30 AM) (Judicial Officer: Holthus, Mary Kay)

Matter Heard;


Journal Entry Details:

George Kelesis, Esq. present via Zoom video conference for Deft. DeGraffenreid, Brian Hardy Esq. present for Deft. Hindle, Margaret McLetchie, Esq. present for Deft. Law, Richard Wright, Esq. present for Deft. McDonald, Sigal Chattah, Esq. present for Deft. Meehan and Monti Levy, Esq. present for Deft. Rice; Deft. DeGraffenreid, Deft. Hindle, Deft. Law, Deft. McDonald and Deft. Meehan present out of custody via Zoom video conference. PETITION FOR WRIT OF HABEAS CORPUS AND JOINDER IN MEMORANDUM OF POINTS AND AUTHORITIES... JAMES WALTER DEGRAFFENREID, III'S JOINDER IN MOTION TO DISMISS... JAMES WALTER DEGRAFFENREID, III'S JOINDER TO JOINT MOTION FOR LEAVE TO FILE REPLY TO STATE'S RETURN AND RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS (PRE-TRIAL) JAMES WALTER DEGRAFFENREID, III'S JOINDER TO JOINT MOTION FOR LEAVE TO FILE REPLY TO STATE'S RETURN AND RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS (PRE-TRIAL) Deft. Rice not present. Ms. Levy requested for Deft. Rice's present to be waived. No objection by Ms. Engler. Further statements by Ms. Engler. Court inquired as to what would be the harm with defense counsel getting more information. Ms. Engler argued that the State was clear, and there was no leave for marginal evidence, adding defense was trying to bring in an email. Court advised it was not making a decision as to the Petition, noting it seemed fair to let counsel file it, and to let the Court read it. Further arguments by Ms. Engler. COURT ORDERED, Joinders and Joint Motion for Leave to File Reply to State's Return and Response to Petition for Writ of Habeas

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. C-23-379122-1

	<p><i>Corpus (Pre-trial) was hereby GRANTED. Ms. Engler noted the State would submit on the briefs. PETITION FOR WRIT OF HABEAS CORPUS AND JOINDER IN MEMORANDUM OF POINTS AND AUTHORITIES... JAMES WALTER DEGRAFFENREID, III'S JOINDER IN MOTION TO DISMISS Court advised it had not seen anything like the instant case, expressing it was so much to the initial Motion to Dismiss, which boiled down to jurisdiction. Court requested that Ms. Engler do supplemental briefing. Court noted the action warranted it being in Clark County. Ms. Engler concurred, and noted she would prefer for the Motion to be heard as soon as possible. Colloquy between parties. Following colloquy, Court advised it was not looking for more argument, but looking for facts as to what gave jurisdiction in the instant Court. Further colloquy regarding briefing schedule. Following colloquy, parties agreed to June 18, 2024 for hearing. COURT ORDERED, the following briefing schedule SET: State to file Supplemental Briefing by May 29, 2024, Defense to file Opposition by June 5, 2024, matter SET for argument and the instant Motions CONTINUED. NIC (ALL DEFTS.) 6/18/24 11:00 AM ARGUMENT: PETITION FOR WRIT OF HABEAS CORPUS AND JOINDER IN MEMORANDUM OF POINTS AND AUTHORITIES... JAMES WALTER DEGRAFFENREID, III'S JOINDER IN MOTION TO DISMISS (ALL DEFTS.) ;</i></p>
06/21/2024	<p>Joinder (10:30 AM) (Judicial Officer: Holthus, Mary Kay) <i>James Walter Degraffenreid, III's Joinder to Joint Reply to State's Return and Response to Petition for Writ of Habeas Corpus</i> Granted;</p>
06/21/2024	<p> All Pending Motions (10:30 AM) (Judicial Officer: Holthus, Mary Kay)</p> <p>MINUTES Matter Heard; Journal Entry Details: <i>George Kelesis, Esq. present on behalf of Deft. DeGraffenreid, Brian Hardy, Esq. present on behalf of Deft. Hindle, Margaret McLetchie, Esq. present on behalf of Deft. Law, Richard Wright, Esq. present on behalf of Deft. McDonald, Sigal Chattah, Esq. present on behalf of Deft. Meehan, Monti Levy, Esq. present on behalf of Deft. Rice. All Defts. present out of custody via Zoom video conference. PETITION FOR WRIT OF HABEAS CORPUS AND JOINDER IN MEMORANDUM OF POINTS AND AUTHORITIES JAMES WALTER DEGRAFFENREID III'S JOINDER IN MOTION TO DISMISS Court noted it would make sense to start with the Motion to Dismiss. Statements by Mr. Wright. Mr. Wright requested Court dismiss the instant case for lack of jurisdiction. Arguments by Mr. Rashbrook in opposition to the instant Motion. Colloquy regarding jurisdiction. Court noted everything took place up north and either of those jurisdictions would be the appropriate one. Court further noted it didn't think it had jurisdiction over the instant case. COURT ORDERED, Motion to Dismiss was hereby GRANTED as set forth in Defendants papers, and further, everything else was MOOT and trial date VACATED. Colloquy regarding appeal and trial dates. Ms. Engler inquired about the Findings of Fact, in which Court advised defense counsel would prepare and submit to the State for approval as to form and content. NIC (ALL DEFTS.);</i></p> <p>SCHEDULED HEARINGS CANCELED Calendar Call (01/06/2025 at 9:30 AM) (Judicial Officer: Holthus, Mary Kay) <i>Vacated</i> CANCELED Jury Trial (01/13/2025 at 1:00 PM) (Judicial Officer: Holthus, Mary Kay) <i>Vacated</i></p>
01/06/2025	<p>CANCELED Calendar Call (9:30 AM) (Judicial Officer: Holthus, Mary Kay) <i>Vacated</i></p>
01/13/2025	<p>CANCELED Jury Trial (1:00 PM) (Judicial Officer: Holthus, Mary Kay) <i>Vacated</i></p>
DATE	FINANCIAL INFORMATION
	<p>Attorney Engler, Alissa Total Charges 180.30 Total Payments and Credits 180.30 Balance Due as of 7/29/2024 0.00</p> <p>Defendant Degraffenreid, James, III Total Charges 203.50</p>

EIGHTH JUDICIAL DISTRICT COURT

CASE SUMMARY

CASE NO. C-23-379122-1

Total Payments and Credits	42.50
Balance Due as of 7/29/2024	161.00
Other Public Copy Request	
Total Charges	2.00
Total Payments and Credits	2.00
Balance Due as of 7/29/2024	0.00

ORDER

RICHARD A. WRIGHT, ESQ. Nevada Bar No. 886

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Counsel for Defendant Jesse Law

**DISTRICT COURT
CLARK COUNTY**

STATE OF NEVADA,

Plaintiff,

vs.

JAMES WALTER DEGRAFFENREID III,
DURWARD JAMES HINDLE III, JESSE
REED LAW, MICHAEL JAMES
MCDONALD, SHAWN MICHAEL
MEEHAN, AND EILEEN A. RICE,

Defendant/

CASE NO.: C-23-379122-1

C-23-379122-2

C-23-379122-3

C-23-379122-4

C-23-379122-5

C-23-379122-6

DEPT. NO.: XVIII

PROPOSED ORDER

1 This matter came before the Court on May 15, 2024, and subsequently on June 21,
2 2024, before the Honorable Mary Kay Holthus for a hearing on the following Motion and
3 joinders thereto, for which Monti Jordana Levy appeared on behalf of Eileen A. Rice,
4 Richard A. Wright appeared on behalf of Michael James McDonald, Margaret A. McLetchie
5 appeared on behalf of Jesse Reed Law, Brian R. Hardy appeared on behalf of Durward James
6 Hindle III, Sigal Chattah appeared on behalf of Shawn Michael Meehan, George P. Kelesis
7 appeared on behalf of James Walter Degraffenreid III, and Aaron D. Ford, Alissa C. Engler
8 and Matthew J. Rashbrook appeared on behalf of the State of Nevada.

9 1. Eileen A. Rice's January 29, 2024, Motion to Dismiss; and

10 2. The Joinders thereto by Michael James McDonald, Jesse Reed Law, James
11 Walter Degraffenreid III, Durward James Hindle III, and Shawn Michael
12 Meehan.

13 The Court, having carefully reviewed all papers and pleadings on file in this matter
14 (including the State's February 8, 2024, Opposition to the Motion to Dismiss and its May 29,
15 2024, Supplement thereto) and having entertained the arguments of counsel, considered the
16 points and authorities thereof and reviewing the evidence, and for good cause appearing,
17 hereby makes the following findings of facts, conclusions of law and orders the following:

18 **I. FINDINGS OF FACTS AND CONCLUSIONS OF LAW**

19 The State contends venue is proper in Clark County pursuant to NRS 171.030. For
20 the reasons set forth below, the grand jury for Clark County did not have authority because
21 the Eighth Judicial District does not have territorial jurisdiction, and the indictments must
22 thus be dismissed.

23 **A. Legal Standard**

24 1. The State may seek indictment by a grand jury anywhere that the district
25 court for which the grand jury was empaneled has territorial jurisdiction. NRS 172.105.

26 2. "The term territorial jurisdiction under NRS 172.105 is a term of art that
27 incorporates Nevada's statutes governing venue and, thus, the statute empowers a grand jury
28 to inquire into an offense so long as the district court that empaneled the grand jury may

1 appropriately adjudicate the defendant's guilt for that particular offense. Under NRS
2 172.105, if venue is proper in a given district court for an alleged criminal offense, then it
3 was committed within that court's territorial jurisdiction and a grand jury empaneled by that
4 district court has the authority to inquire into that offense." *Guzman v. Second Judicial Dist.*
5 *Court ("Guzman I")*, 136 Nev. 103, 110, 460 P.3d 443, 450 (2020).

6 3. Jurisdiction for an offense may lie in more than one county; NRS 171.030
7 provides:

8 When a public offense is committed in part in one county and in part in
9 another or the acts or effects thereof constituting or requisite to the
10 consummation of the offense occur in two or more counties. the venue is
11 in either county.

12 4. Determining whether a grand jury had jurisdiction "is a question reserved
13 for the court." *Id.* at 110, 450 (*citing McNamara v. State*, 132 Nev. 606, 613-14, 377 P.3d
14 106, 112 (2016)).

15 5. The State does not have unfettered discretion to decide where to seek a
16 grand jury indictment.

17 6. Instead, the State has the burden of establishing jurisdiction by a
18 preponderance of the evidence. *McNamara*, 132 Nev. at 615, 377 Nev. at 113.

19 7. This Court was thus charged with determining whether, based on the
20 evidence presented to the Clark County grand jury, the State met its burden of establishing
21 that venue is proper in the Eighth Judicial District Court for Clark County.

22 8. Although jurisdiction may lie even if the crime was not committed in a
23 county, "[n]either formation of intent alone nor preparatory acts alone [in the charging
24 county] are sufficient to make venue proper in a charging county." *Guzman v. Second*
25 *Judicial Dist. Court ("Guzman II")*, 496 P.3d 572, 576 (Nev. 2021).

26 9. "In Nevada, venue cannot be based on supposedly preparatory acts unless
27 the evidence shows that those acts were undertaken with the intent to commit the charged
28 crime and in furtherance of that crime." *Id.* at 577.

10. "Many crimes involve countless acts which lead to the ultimate criminal act
being possible. But it is obvious that not every action undertaken by a defendant which puts

1 them in the particular place, time, and circumstances of an offense was done with the intent
2 to commit that offense.” *Id.*

3 11. While “neither intent nor a supposedly preparatory act, standing alone, is
4 sufficient to make venue proper in a charging county[,] when there is evidence of a
5 preparatory act plus intent in that county, an act requisite to the consummation of the charged
6 offense has occurred there, and a grand jury may indict a defendant of that offense.” *Id.*

7 12. However, “it is not enough to present evidence that may have allowed the
8 grand jury to speculate that intent could possibly have been formed in the charging county,
9 or that an action in the charging county may have been preparatory for the disputed charges.”
10 *Guzman II*, 496 P.3d at 580.

11 13. “[C]rimes should be tried where they occurred in the absence of a statutory
12 exception.”

13 **B. Factual Findings and Conclusions of Law**

14 14. The question for the Court is whether the State met its burden of establishing
15 by a preponderance of the evidence, that any defendant committed any act or effect
16 constituting or requisite to the consummation charged offenses, NRS 239.330 and NRS
17 205.110, in Clark County, including whether there was sufficient evidence of a preparatory
18 act plus intent by any defendant in Clark County.

19 15. At this Court’s hearing in this matter held on May 15, 2024, the Court
20 directed the State to provide a supplement listing all evidence of Clark County contacts that
21 support a determination that the Court had jurisdiction, which the State submitted on May
22 29, 2024 (the “Supplement”).¹

23 16. The evidence listed in the Supplement does not establish, by a
24 preponderance of the evidence, that an act or effect constituting or requisite to the
25 consummation of the offense was committed in Clark County, or that a preparatory act plus
26 intent was committed in Clark County.

27
28 ¹ This submission was limited to evidence (facts), and the Defendants did not file a response
because the scope of that Response was limited to factual issues.

1 17. The county of residence, mailing address, or headquarters of the Nevada
2 Republican Party do not establish that an act or effect constituting or requisite to the
3 consummation of the offense was committed in Clark County, or that a preparatory act plus
4 intent was committed in Clark County with intent.

5 18. The fact defendants have ties to Clark County is insufficient to establish
6 jurisdiction.

7 19. The Court cannot infer from these facts and find that intent plus preparation
8 occurred in Clark County based on the evidence the State submitted. The mere possibility
9 that preparatory acts were committed with intent in Clark County is speculative and
10 insufficient.

11 20. The fact that the Defendants erroneously addressed a mailing to Chief Judge
12 of the U.S District Court to Las Vegas instead of her chambers in Reno, Nevada, where it
13 was ultimately received, unopened, is not evidence that an act or effect constituting or
14 requisite to the consummation of the offense was committed in Clark County, or that a
15 preparatory act plus intent was committed in Clark County.

16 21. The fact that the Secretary of State was physically in Las Vegas when the
17 documents were received by the Secretary of State's Office in Carson City is not evidence
18 that an act or effect constituting or requisite to the consummation of the offense was
19 committed in Clark County, or that a preparatory act plus intent was committed in Clark
20 County.

21 22. Additionally, the crimes, if any occurred, were completed when Defendants
22 delivered the items for mailing at the Minden post office.

23 23. The Court considered all the evidence and the State failed to establish by a
24 preponderance of the evidence that an act or effect constituting or requisite to the offense
25 was committed in Clark County, or that a preparatory act plus intent was committed in Clark
26 County.

27 24. In light of the foregoing, the Court is required to dismiss the charges against
28 the defendants.

ORDER

1. IT IS ORDERED that Eileen A. Rice's Motion to Dismiss, and the joinders thereto are hereby GRANTED.

2. IT IS FURTHER ORDERED that this case and the charges against the Defendants are hereby dismissed in their entirety.

IT IS SO ORDERED.

Dated this 26th day of July, 2024



Respectfully submitted by,

737 1F9 EB4B 164C
Mary Kay Holthus
District Court Judge

/s/ Richard A. Wright

Richard A. Wright

WRIGHT MARSH, LEVY

Counsel for Michael James McDonald

/s/ Monti Jordana Levy

Monti Jordana Levy

WRIGHT MARSH, LEVY

Counsel for Eileen A. Rice

/s/ Margaret A. McLetchie

Margaret A. McLetchie

MCLETSCHIE LAW

Counsel for Jesse Reed Law

/s/ Brian R. Hardy

Brian R. Hardy

MARQUIS AURBACH CHTD.

Counsel for Durward James Hindle, III

/s/ Sigal Chattah

Sigal Chattah

CHATTAH LAW GROUP

Counsel for Shawn Michael Meehan

1 /s/ George P. Kelesis

George P. Kelesis

2 **COOK & KELESIS, LTD**

Counsel for James Walter Degraffenreid, III

5 **Approved as to form and content,**

6 ATTORNEY GENERAL, AARON D. FORD

7 By:

8 /s/ Matthew J. Rashbrook

Alissa C. Engler

9 Matthew J. Rashbrook

10 *Attorneys for the State of Nevada*

Leo Wolpert

From: Richard Wright <rick@wmllawlv.com>
Sent: Thursday, July 18, 2024 12:46 PM
To: Maggie; George Kelesis; Brian R. Hardy; Sigal Chattah (Chattahlaw@gmail.com); Sigal Chattah; Monti Levy; Alissa C. Engler
Cc: Sherri Grotheer; Harry L. Arnold; Matthew J. Rashbrook; EFile; Debbie Caroselli; Leo Wolpert
Subject: RE: State v Degraffenreid et al.

Good to go.

Richard A. Wright
Wright Marsh & Levy
300 S. Fourth Street, Suite 701
Las Vegas, NV 89101
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(Fax) 702-382-4800
rick@wmllawlv.com

From: Maggie <maggie@nvlitigation.com>
Sent: Thursday, July 18, 2024 12:40 PM
To: George Kelesis <GKelesis@bckltd.com>; Brian R. Hardy <bhardy@maclaw.com>; Richard Wright <rick@wmllawlv.com>; Sigal Chattah (Chattahlaw@gmail.com) <Chattahlaw@gmail.com>; Sigal Chattah <sigal@thegoodlawyerlv.com>; Monti Levy <mlevy@wmllawlv.com>; Alissa C. Engler <AEngler@ag.nv.gov>
Cc: Sherri Grotheer <SGrotheer@bckltd.com>; Harry L. Arnold <harnold@maclaw.com>; Matthew J. Rashbrook <MRashbrook@ag.nv.gov>; EFile <EFile@nvlitigation.com>; Debbie Caroselli <debbie@wmllawlv.com>; Leo Wolpert <leo@nvlitigation.com>
Subject: RE: State v Degraffenreid et al.
Importance: High

Sorry please use the attached. Typos below fixed.

Page 3, para 13 there was a stray “e” in the sentence.
Page 5, line 21 stated “Carlson” City instead of Carson

From: Maggie
Sent: Thursday, July 18, 2024 12:20 PM
To: 'George Kelesis' <GKelesis@bckltd.com>; Brian R. Hardy <bhardy@maclaw.com>; Richard Wright <rick@wmllawlv.com>; Sigal Chattah (Chattahlaw@gmail.com) <Chattahlaw@gmail.com>; Sigal Chattah <sigal@thegoodlawyerlv.com>; Monti Levy <mlevy@wmllawlv.com>; 'Alissa C. Engler' <AEngler@ag.nv.gov>
Cc: Sherri Grotheer <SGrotheer@bckltd.com>; Harry L. Arnold <harnold@maclaw.com>; 'Matthew J. Rashbrook' <MRashbrook@ag.nv.gov>; EFile <EFile@nvlitigation.com>; Debbie Caroselli <debbie@wmllawlv.com>; Leo Wolpert <leo@nvlitigation.com>
Subject: State v Degraffenreid et al.
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Counsel: Please respond to this email and confirm I may affix your /s so I can submit to chambers.

Maggie McLetchie



602 South Tenth Street

Las Vegas, NV 89101

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From: Monti Levy <mlevy@wmllawlv.com>
Sent: Friday, July 19, 2024 8:38 AM
To: Maggie
Cc: George Kelesis; Brian R. Hardy; Richard Wright; Sigal Chattah (Chattahlaw@gmail.com); Sigal Chattah; Alissa C. Engler; Sherri Grotheer; Harry L. Arnold; Matthew J. Rashbrook; EFile; Debbie Caroselli; Leo Wolpert
Subject: Re: State v Degraffenreid et al. - PROPOSED ORDER

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Thank you for all of your work on this Maggie!

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To: George Kelesis; Maggie; Richard Wright; Sigal Chattah (Chattahlaw@gmail.com); Sigal Chattah; Monti Levy; Alissa C. Engler
Cc: Sherri Grotheer; Harry L. Arnold; Matthew J. Rashbrook; EFile; Debbie Caroselli; Leo Wolpert
Subject: Re: State v Degraffenreid et al. - PROPOSED ORDER

Good for me.

Thanks

Brian

Sent from my iPhone

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Sent: Thursday, July 18, 2024 1:48:31 PM
To: Maggie <maggie@nvlitigation.com>; Brian R. Hardy <bhardy@maclaw.com>; Richard Wright <rick@wmllawlv.com>; Sigal Chattah (Chattahlaw@gmail.com) <Chattahlaw@gmail.com>; Sigal Chattah <sigal@thegoodlawyerlv.com>; Monti Levy <mlevy@wmllawlv.com>; Alissa C. Engler <AEngler@ag.nv.gov>
Cc: Sherri Grotheer <SGrotheer@bckltd.com>; Harry L. Arnold <harnold@MACLAW.com>; Matthew J. Rashbrook <MRashbrook@ag.nv.gov>; EFile <EFile@nvlitigation.com>; Debbie Caroselli <debbie@wmllawlv.com>; Leo Wolpert <leo@nvlitigation.com>
Subject: RE: State v Degraffenreid et al. - PROPOSED ORDER

You have my authorization to go ahead. Thank you for al your hard work and efforts

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<MRashbrook@ag.nv.gov>; EFile <EFile@nvlitigation.com>; Debbie Caroselli <debbie@wmlawlv.com>; Leo Wolpert <leo@nvlitigation.com>

Subject: State v Degraffenreid et al. - PROPOSED ORDER

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Leo Wolpert

From: Maggie
Sent: Friday, July 19, 2024 9:55 AM
To: Leo Wolpert
Subject: Fwd: State v Degraffenreid et al. - PROPOSED ORDER

Begin forwarded message:

From: Sigal Chattah <sigal@thegoodlawyerlv.com>
Date: July 19, 2024 at 8:56:20 AM PDT
To: Monti Levy <mlevy@wmllawlv.com>
Cc: Maggie <maggie@nvlitigation.com>, George Kelesis <GKelesis@bckltd.com>, "Brian R. Hardy" <bhardy@maclaw.com>, Richard Wright <rick@wmllawlv.com>, "Sigal Chattah (Chattahlaw@gmail.com)" <Chattahlaw@gmail.com>, "Harry L. Arnold" <harnold@maclaw.com>, Debbie Caroselli <debbie@wmllawlv.com>
Subject: Re: State v Degraffenreid et al. - PROPOSED ORDER

Mine as well.

Sigal Chattah, Esq.
Sent from my iPhone

On Jul 19, 2024, at 9:38 AM, Monti Levy <mlevy@wmllawlv.com> wrote:

You can use my e signature.

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Leo Wolpert

From: Matthew J. Rashbrook <MRashbrook@ag.nv.gov>
Sent: Thursday, July 18, 2024 2:17 PM
To: Maggie; George Kelesis; Brian R. Hardy; Richard Wright; Sigal Chattah (Chattahlaw@gmail.com); Sigal Chattah; Monti Levy; Alissa C. Engler
Cc: Sherri Grotheer; Harry L. Arnold; EFile; Debbie Caroselli; Leo Wolpert
Subject: RE: State v Degraffenreid et al. - PROPOSED ORDER

Confirming, ok to sign/submit.

Thanks,

Matthew J. Rashbrook
Special Prosecutor - Consumer Protection and Fraud
Office of the Nevada Attorney General
555 E. Washington Ave., Suite 3900
☎ (702) 486-9299 (direct)

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From: Maggie <maggie@nvlitigation.com>
Sent: Thursday, July 18, 2024 1:47 PM
To: George Kelesis <GKelesis@bckltd.com>; Brian R. Hardy <bhardy@maclaw.com>; Richard Wright <rick@wmllawlv.com>; Sigal Chattah (Chattahlaw@gmail.com) <Chattahlaw@gmail.com>; Sigal Chattah <sigal@thegoodlawyerlv.com>; Monti Levy <mlevy@wmllawlv.com>; Alissa C. Engler <AEngler@ag.nv.gov>
Cc: Sherri Grotheer <SGrotheer@bckltd.com>; Harry L. Arnold <harnold@maclaw.com>; Matthew J. Rashbrook <MRashbrook@ag.nv.gov>; EFile <EFile@nvlitigation.com>; Debbie Caroselli <debbie@wmllawlv.com>; Leo Wolpert <leo@nvlitigation.com>
Subject: State v Degraffenreid et al. - PROPOSED ORDER
Importance: High

WARNING - This email originated from outside the State of Nevada. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Sorry for the confusion, but please provide your /s authority in this chain. Thanks so much. I understand folks are out of town but I will collect the authorizations as soon as I can get them!

Maggie McLetchie



602 South Tenth Street

Las Vegas, NV 89101

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1 **CSERV**

2
3 DISTRICT COURT
4 CLARK COUNTY, NEVADA

5
6 State of Nevada

CASE NO: C-23-379122-1

7 vs

DEPT. NO. Department 18

8 James Degraffenreid, III
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

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

14 Service Date: 7/26/2024

15 Richard Wright

rick@wmllawlv.com

16 Monti Levy

mlevy@wmllawlv.com

17 George Kelesis

gkelesis@bckltd.com

18 Alissa Engler

AEngler@ag.nv.gov

19 R Holm

rholm@ag.nv.gov

20 Margaret McLetchie

maggie@nvlitigation.com

21 E- File

efile@nvlitigation.com

22 C Ross

CRoss@ag.nv.gov

23 M Burris

mburris@ag.nv.gov

24 Sherri Grotheer

sgrotheer@bckltd.com

25 Shannon Fagin

sfagin@bckltd.com
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T DiBari	tdibari@ag.nv.gov
H Tew	htew@ag.nv.gov
ONvJ Media	media@ournevadajudges.com

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 06, 2023

C-23-379122-1 State of Nevada
 vs
 James Degraffenreid, III

December 06, 2023 11:00 AM Grand Jury Indictment

HEARD BY: Wiese, Jerry A. **COURTROOM:** RJC Courtroom 17A

COURT CLERK: Alexis Turner

RECORDER: Vanessa Medina

REPORTER:

PARTIES

PRESENT: Engler, Alissa Attorney
 State of Nevada Plaintiff

JOURNAL ENTRIES

- Charles Hopper, Grand Jury Foreperson, stated to the Court that at least twelve members had concurred in the return of the true bill during deliberation, but had been excused for presentation to the Court. State presented Grand Jury Case Number 23AGJ164A to the Court. COURT ORDERED, the Indictment may be filed and is assigned Case Number C-23-379122-1, Department XVIII.

State requested a summons and advised Deft is not in custody. COURT ORDERED, INDICTMENT SUMMONS ISSUED, matter SET for Arraignment.

Upon Court's inquiry, the State advised there are no material witness warrants to quash. COURT FURTHER ORDERED, Exhibits 1-34, including 1a, 2a and 6a to be lodged with the Clerk of the Court. In addition, a Pre-Trial Risk Assessment will be prepared if one was not previously done.

NIC(SUMMON)

12/18/23 9:30 A.M. INITIAL ARRAIGNMENT (DEPT 18)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

December 18, 2023

C-23-379122-1	State of Nevada
	vs
	James Degraffenreid, III

December 18, 2023 9:30 AM Initial Arraignment

HEARD BY: Holthus, Mary Kay

COURTROOM: RJC Courtroom 03F

COURT CLERK: Dara Yorke
Krystle Roberson

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Degraffenreid, James, III	Defendant
	Engler, Alissa	Attorney
	Ford, Aaron D.	Attorney
	Kelesis, George P.	Attorney
	Rashbrook, Matthew J.	Attorney
	State of Nevada	Plaintiff
	Wright, Richard Allen	Attorney

JOURNAL ENTRIES

- George Kelesis, Esq. and Richard Wright, Esq. present for Deft. Degraffenreid, Deft. Hindle, Deft. Law, Deft. McDonald, Deft. Meehan, and Deft. Rice; Deft. Degraffenreid, Deft. Hindle, Deft. Law, Deft. McDonald, Deft. Meehan, and Deft. Rice present out of custody via BlueJeans video conference.

Statement by the Court regarding Mr. Langford. Court DISCLOSED Mr. Langford was married to the Court's cousin, and their sons were roommates. Court affirmed it would set all trial dates at once. DEFT. DEGRAFFENREID ARRAIGNED, PLED NOT GUILTY, and WAIVED the 60-DAY RULE. COURT ORDERED, matter SET for trial. Statement by Ms. Engler regarding prior colloquy with Mr. Wright as to representing all Defts. Ms. Engler confirmed her office did not know if conflict waivers had been filed; she was fine for purposes of taking the plea, but she would like to raise that now. Court advised whatever needed to be raised should be done sooner than later. Upon Court's inquiry,

Mr. Wright confirmed he and Mr. Kelesis were representing all six of the individuals on the State level, and Defts. were informed each would have their own individual counsel. Mr. Wright further confirmed at the instant hearing all six individuals understood he and Mr. Kelesis were representing them for their initial appearance. Ms. Engler concurred. Court acknowledged that representation. Colloquy regarding discovery. Ms. Engler confirmed, with respect to discovery, her office would send a link; would require an external hard drive for emails. Following colloquy, Court encouraged, with the amount of discovery, for all counsel to get involved early. COURT ORDERED, pursuant to Statute, Counsel has 21 days from today for the filing of any Writs; if the Preliminary Hearing Transcript has not been filed as of today, Counsel has 21 days from the filing of the Transcript.

NIC (ALL DEFTS.)

3/4/24 9:30 AM CALENDAR CALL (ALL DEFTS.)

3/11/24 1:00 PM JURY TRIAL (ALL DEFTS.)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

February 13, 2024

C-23-379122-1	State of Nevada
	vs
	James Degraffenreid, III

February 13, 2024 9:45 AM Minute Order

HEARD BY: Holthus, Mary Kay **COURTROOM:** Chambers

COURT CLERK: Dara Yorke

RECORDER:

REPORTER:

**PARTIES
PRESENT:**

JOURNAL ENTRIES

- This Court, having reviewed the pleadings and papers on file herein, and for good cause appearing, IT IS HEREBY ORDERED that upon request of this Court, and there being no opposition filed with the Court, that the STATE S MOTION FOR LEAVE TO FILE EXHIBIT 1 AND 2 UNDER SEAL (Docket No. 23) is hereby GRANTED. The hearing regarding the States Motion set on February 21, 2024, at 9:30 A.M. will be VACATED as MOOT. IT IS HEREBY ORDERED that upon request of this Court, that Temporary Plaintiff s Under Seal Submission pertaining to Exhibit: 1 and 2 (Docket No. 22), is hereby APPROVED and may be filed under seal in case C-23-379122-1, State of Nevada v. James Degraffenreid, III, pursuant to Nevada Rules Governing Sealing and Redacting Court Records, Rule 3.

CLERK'S NOTE: A copy of this minute order sent to the Sealing/ Striking / Redacting team. //2-13-24/ dy

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

March 04, 2024

C-23-379122-1 State of Nevada
vs
James Degraffenreid, III

March 04, 2024 9:30 AM All Pending Motions

HEARD BY: Holthus, Mary Kay **COURTROOM:** RJC Courtroom 03F

COURT CLERK: Mary Anderson

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Degraffenreid, James, III	Defendant
	Engler, Alissa	Attorney
	Kelesis, George P.	Attorney
	Rashbrook, Matthew J.	Attorney
	State of Nevada	Plaintiff
	Wright, Richard Allen	Attorney

JOURNAL ENTRIES

- Richard Wright, Esq. present on behalf of George Kelesis, Esq. for Deft. DeGraffenried; Brian Hardy, Esq. present on behalf of Deft. Hindle; Maggie McLetchie, Esq. present on behalf of Deft. Law; Richard Wright, Esq. present on behalf of Deft. McDonald; Sigal Chattah, Esq. present on behalf of Deft. Meehan; Monti Levy, Esq. present on behalf of Deft. Rice; Deft. DeGraffenried, Deft. Hindle, Deft. Law, Deft. McDonald, Deft. Meehan, and Deft. Rice present out of custody via Zoom video conference.

CALENDAR CALL...PETITION FOR WRIT OF HABEAS CORPUS AND MEMORANDUM OF POINTS AND AUTHORITIES...JOINDER TO MOTION TO DISMISS

Court noted the instant matter was on for calendar call and Petition for Writ of Habeas Corpus, and inquired if parties had agreed on a date to move them. Ms. Engler stated parties had agreed to set the Motion to Dismiss and Pretrial Writ hearing to April 22, 2024. Ms. Engler inquired, given the

potential length of the arguments, if Court would prefer to set the matters at the end of that calendar. Court advised it did not matter, however if parties did not want to sit through the calendar, that would be fine. Ms. Engler contemplated an appearance time of 10:30 a.m. Court suggested 11 a.m. Ms. Levy noted a Motion to Continue was filed on behalf of Ms. Rice, which was unopposed, and further everyone had conferred, therefore requested a trial date in the middle of January 2025 stack. Statements by Ms. Engler, noting the State was fine with that stack. COURT ORDERED, Motion to Continue Trial was hereby GRANTED; trial VACATED and RESET. COURT FURTHER ORDERED, all Defts. Petitions for Writ of Habeas Corpus, and Deft. Rice's Motion to Dismiss, and associated Joinders were hereby CONTINUED to April 22, 2024.

NIC (ALL DEFTS.)

04-22-24 09:30 AM PETITION FOR WRIT OF HABEAS CORPUS AND MEMORANDUM OF POINTS AND AUTHORITIES (ALL DEFTS.)

04-22-24 09:30 AM MOTION TO DISMISS (DEFT. RICE)

04-22-24 09:30 AM JOINDER TO MOTION TO DISMISS (DEFT. DEGRAFFENEID, DEFT. HINDLE, DEFT. LAW, DEFT. MCDONALD, DEFT. MEEHAN)

01-06-25 09:30 AM CALENDAR CALL (ALL DEFTS.)

01-13-25 01:00 PM JURY TRIAL (ALL DEFTS.)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor

COURT MINUTES

May 15, 2024

C-23-379122-1 State of Nevada
 vs
 James Degraffenreid, III

May 15, 2024

9:30 AM

All Pending Motions

HEARD BY: Holthus, Mary Kay

COURTROOM: RJC Courtroom 03F

COURT CLERK: Dara Yorke

RECORDER: Yvette G. Sison

REPORTER:

PARTIES

PRESENT:	Degraffenreid, James, III	Defendant
	Engler, Alissa	Attorney
	Ford, Aaron D.	Attorney
	Kelesis, George P.	Attorney
	Rashbrook, Matthew J.	Attorney
	State of Nevada	Plaintiff

JOURNAL ENTRIES

- George Kelesis, Esq. present via Zoom video conference for Deft. DeGraffenreid, Brian Hardy Esq. present for Deft. Hindle, Margaret McLetchie, Esq. present for Deft. Law, Richard Wright, Esq. present for Deft. McDonald, Sigal Chattah, Esq. present for Deft. Meehan and Monti Levy, Esq. present for Deft. Rice; Deft. DeGraffenreid, Deft. Hindle, Deft. Law, Deft. McDonald and Deft. Meehan present out of custody via Zoom video conference.

PETITION FOR WRIT OF HABEAS CORPUS AND JOINDER IN MEMORANDUM OF POINTS AND AUTHORITIES... JAMES WALTER DEGRAFFENREID, III'S JOINDER IN MOTION TO DISMISS... JAMES WALTER DEGRAFFENREID, III'S JOINDER TO JOINT MOTION FOR LEAVE TO FILE REPLY TO STATE'S RETURN AND RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS (PRE-TRIAL)

JAMES WALTER DEGRAFFENREID, III'S JOINDER TO JOINT MOTION FOR LEAVE TO FILE
REPLY TO STATE'S RETURN AND RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS
(PRE-TRIAL)

Deft. Rice not present. Ms. Levy requested for Deft. Rice's present to be waived. No objection by Ms. Engler. Further statements by Ms. Engler. Court inquired as to what would be the harm with defense counsel getting more information. Ms. Engler argued that the State was clear, and there was no leave for marginal evidence, adding defense was trying to bring in an email. Court advised it was not making a decision as to the Petition, noting it seemed fair to let counsel file it, and to let the Court read it. Further arguments by Ms. Engler. COURT ORDERED, Joinders and Joint Motion for Leave to File Reply to State's Return and Response to Petition for Writ of Habeas Corpus (Pre-trial) was hereby GRANTED. Ms. Engler noted the State would submit on the briefs.

PETITION FOR WRIT OF HABEAS CORPUS AND JOINDER IN MEMORANDUM OF POINTS
AND AUTHORITIES... JAMES WALTER DEGRAFFENREID, III'S JOINDER IN MOTION TO
DISMISS

Court advised it had not seen anything like the instant case, expressing it was so much to the initial Motion to Dismiss, which boiled down to jurisdiction. Court requested that Ms. Engler do supplemental briefing. Court noted the action warranted it being in Clark County. Ms. Engler concurred, and noted she would prefer for the Motion to be heard as soon as possible. Colloquy between parties. Following colloquy, Court advised it was not looking for more argument, but looking for facts as to what gave jurisdiction in the instant Court. Further colloquy regarding briefing schedule. Following colloquy, parties agreed to June 18, 2024 for hearing. COURT ORDERED, the following briefing schedule SET: State to file Supplemental Briefing by May 29, 2024, Defense to file Opposition by June 5, 2024, matter SET for argument and the instant Motions CONTINUED.

NIC (ALL DEFTS.)

6/18/24 11:00 AM ARGUMENT: PETITION FOR WRIT OF HABEAS CORPUS AND JOINDER IN
MEMORANDUM OF POINTS AND AUTHORITIES... JAMES WALTER DEGRAFFENREID, III'S
JOINDER IN MOTION TO DISMISS (ALL DEFTS.)

**DISTRICT COURT
CLARK COUNTY, NEVADA**

Felony/Gross Misdemeanor**COURT MINUTES****June 21, 2024**

C-23-379122-1

State of Nevada

vs

James Degraffenreid, III

June 21, 2024**10:30 AM****All Pending Motions****HEARD BY:** Holthus, Mary Kay**COURTROOM:** RJC Courtroom 03F**COURT CLERK:** Mary Anderson**RECORDER:** Yvette G. Sison**REPORTER:****PARTIES****PRESENT:**

Degraffenreid, James, III	Defendant
Engler, Alissa	Attorney
Ford, Aaron D.	Attorney
Kelesis, George P.	Attorney
Rashbrook, Matthew J.	Attorney
State of Nevada	Plaintiff
Wright, Richard Allen	Attorney

JOURNAL ENTRIES

- George Kelesis, Esq. present on behalf of Deft. DeGraffenreid, Brian Hardy, Esq. present on behalf of Deft. Hindle, Margaret McLetchie, Esq. present on behalf of Deft. Law, Richard Wright, Esq. present on behalf of Deft. McDonald, Sigal Chattah, Esq. present on behalf of Deft. Meehan, Monti Levy, Esq. present on behalf of Deft. Rice. All Defts. present out of custody via Zoom video conference.

PETITION FOR WRIT OF HABEAS CORPUS AND JOINDER IN MEMORANDUM OF POINTS AND AUTHORITIES JAMES WALTER DEGRAFFENREID III'S JOINDER IN MOTION TO DISMISS

Court noted it would make sense to start with the Motion to Dismiss. Statements by Mr. Wright. Mr. Wright requested Court dismiss the instant case for lack of jurisdiction. Arguments by Mr. Rashbrook

in opposition to the instant Motion. Colloquy regarding jurisdiction. Court noted everything took place up north and either of those jurisdictions would be the appropriate one. Court further noted it didn't think it had jurisdiction over the instant case. COURT ORDERED, Motion to Dismiss was hereby GRANTED as set forth in Defendants papers, and further, everything else was MOOT and trial date VACATED. Colloquy regarding appeal and trial dates. Ms. Engler inquired about the Findings of Fact, in which Court advised defense counsel would prepare and submit to the State for approval as to form and content.

NIC (ALL DEFTS.)

CASE NO. C-23-379122-1,-2,-3,-4,-5,-6
DEPT. NO. XVIII
AG ALISSA ENGLER

Defendant(s): JAMES DEGRAFFENREID, III
DURWARD HINDLE, III
JESSE LAW
MICHAEL MCDONALD
SHAWN MEEHAN
EILEEN RICE

Case No(s): 23AGJ164A-F (RANDOMLY TRACKS TO ANY DEPARTMENT)

Charge(s): As to ALL Defendants:

COUNT 1 - OFFERING FALSE INSTRUMENT FOR FILING OR
RECORD (Category C Felony - NRS 239.330 - NOC 52399)
COUNT 2 - UTTERING FORGED INSTRUMENTS: FORGERY (Category
D Felony - NRS 205.110 – NOC 50462)

Def. Counsel(s): N/A

SUMMONS (2 WEEKS):

FOR ALL DEFTS -

ALL DEFTS ARE OUT OF CUSTODY

NO CASE TO BE DISMISSED

Exhibits:

1. Proposed Indictment

1A. Proposed Indictment

2. Instructions

2a. instructions

3. Waiver of Audio Visual

4. Certificate of Custodial Records

5. Certificate of Vote

6. Custodian of Record

6a. Flash Drive

7. Photo

8. Photo

9. Photo

10. Photo

11. Photo

12. Photo

13. Photo – Meehan person report

14. Photo – McDonald person report

15. Photo - Hindle person report

16. Photo - Degraffen person report

17. Photo - Rice person report

18. Photo - Reed person report

19. Documents - emails

20. Document – Certificate of COR

21. Financial Document

Ka 22. Order of Affirmance
Ka 23. Document – Google search
warrant
Ka 24. letter from NV sec of State
Ka 25. Memorandum
Ka 26. Memorandum
Ka 27. Email

Ka 28. Emails
Ka 29. Email
Ka 30. Emails
Ka 31. Emails
Ka 32. Google Subscriber Info
Ka 33. Email
Ka 34. Emails

Exhibits 1 – 34 to be lodged with the Clerk of the Court.



EIGHTH JUDICIAL DISTRICT COURT CLERK'S OFFICE
NOTICE OF DEFICIENCY
ON APPEAL TO NEVADA SUPREME COURT

AARON D. FORD,
ATTORNEY GENERAL
1 STATE OF NEVADA WY., SUITE 100
LAS VEGAS, NV 89119

DATE: July 29, 2024
CASE: C-23-379122-1

RE CASE: STATE OF NEVADA vs. JAMES WALTER DEGRAFFENREID, III

NOTICE OF APPEAL FILED: July 26, 2024

YOUR APPEAL HAS BEEN SENT TO THE SUPREME COURT.

PLEASE NOTE: DOCUMENTS **NOT** TRANSMITTED HAVE BEEN MARKED:

☐

Case Appeal Statement

- NRAP 3 (a)(1), Form 2

☐

Order

☒

Notice of Entry of Order

NEVADA RULES OF APPELLATE PROCEDURE 3 (a) (3) states:

"The district court clerk must file appellant's notice of appeal despite perceived deficiencies in the notice, including the failure to pay the district court or Supreme Court filing fee. **The district court clerk shall apprise appellant of the deficiencies in writing**, and shall transmit the notice of appeal to the Supreme Court in accordance with subdivision (g) of this Rule with a notation to the clerk of the Supreme Court setting forth the deficiencies. Despite any deficiencies in the notice of appeal, the clerk of the Supreme Court shall docket the appeal in accordance with Rule 12."

Please refer to Rule 3 for an explanation of any possible deficiencies.

Certification of Copy

State of Nevada }
County of Clark } SS:

I, Steven D. Grierson, the Clerk of the Court of the Eighth Judicial District Court, Clark County, State of Nevada, does hereby certify that the foregoing is a true, full and correct copy of the hereinafter stated original document(s):

STATE OF NEVADA'S NOTICE OF APPEAL; CASE APPEAL
STATEMENT; DISTRICT COURT DOCKET ENTRIES; ORDER; DISTRICT COURT MINUTES;
EXHIBITS LIST; NOTICE OF DEFICIENCY

STATE OF NEVADA,

Plaintiff(s),

vs.

JAMES WALTER DEGRAFFENREID, III,

Defendant(s).

Case No: C-23-379122-1

Dept No: XVIII

now on file and of record in this office.

IN WITNESS THEREOF, I have hereunto
Set my hand and Affixed the seal of the
Court at my office, Las Vegas, Nevada
This 29 day of July 2024.

Steven D. Grierson, Clerk of the Court

/s/ Heather Ungermann

Heather Ungermann, Deputy Clerk

