

IN THE SUPREME COURT OF THE STATE OF NEVADA

STATE OF NEVADA,

Appellant,

vs.

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

Respondents.

CASE NO. 89064

Dist. Court 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

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Elizabeth A. Brown
Clerk of Supreme Court

**APPELLANT STATE OF
NEVADA’S MOTION FOR
EXPEDITED CONSIDERATION
OF APPEAL (IMMEDIATE
CONSIDERATION REQUESTED)**

I. Introduction

The district court dismissed the indictments against Respondents (“the GOP Electors”) after determining—incorrectly—that Clark County was an improper venue under NRS 171.030. The State expects to prevail in this appeal. And a swift, public decision reinstating the indictment the State lawfully obtained in Clark County will have a deterrent effect on those considering similar criminal conduct during the upcoming 2024 Presidential Election, regardless of which party prevails. But even if this Court affirms, expediting the appeal remains appropriate. The State can still pursue Uttering a Forged Instrument: Forgery in an alternative

venue because the statute of limitations will not expire before December 14, 2024. For those reasons, this Court should expedite this appeal.

II. Factual and procedural background

A. The 2020 Presidential Election in Nevada.

Joseph R. Biden for President of the United States and Kamala D. Harris for Vice President of the United States received the highest number of votes in the State of Nevada. *Law v. Whitmer*, 136 Nev. 800, 477 P.3d 1124, 2020 WL 7240299, at *2 (2020) (unpublished table disposition).¹ Two weeks after the election, the GOP Electors filed a Statement of Contest in the First Judicial District Court, challenging the result of the Presidential Election in Nevada. *Id.* at *1. The Statement sought an order “declaring President Donald Trump the winner in Nevada and certifying [the GOP Electors] as the State’s duly elected presidential electors.” *Id.* at 2. In the alternative, the Statement requested an order declaring the election result “‘null and void’ and that the November 3 election ‘be annulled and that no candidate for elector for the office of President of the United States of America be certified from the State of Nevada.’” *Id.*

¹ Pin citations to *Law* are citations to the pagination on Westlaw.

On December 2, 2020, the district court conducted an evidentiary hearing, allowing each party to present evidence. *Law*, 2020 WL 7240299, at *1. The next day, the district court heard arguments. *Id.* And the day after that, the district court dismissed the case. *Id.* at **1-21.

The GOP Electors appealed on December 7, 2020. *Id.* at *1. The same day, this Court ordered expedited briefing with specific directions for the GOP Electors “to identify by page and paragraph number the specific portions of the district court order they contest.” *Id.* The parties filed their briefs. *Id.* And this Court issued an order affirming the district court’s order and directing the clerk of court to “issue the remittitur forthwith” on December 8, 2020. *Id.* at **1-2.

The Nevada Secretary of State then moved forward with planning the meeting of the Electoral College for Nevada’s Democratic Party electors. Exhibit 3 at 82. Secretary Barbara Cegavske presided over the meeting on the morning of December 14, 2020. Exhibit 3 at 72, 82-83.

After the meeting concluded, Deputy Secretary of State for Elections Mark Wlaschin and his staff compiled the Certificate of Ascertainment, the Certificate of Vote, and the Certificate of Final Determination of Contests concerning Presidential Electors. Exhibit 3 at 83-86. And they

sent copies of each document to the Nevada Secretary of State, Chief Judge of the U.S. District Court for the District of Nevada, the Archivist of the United States, and the President of the U.S. Senate. Exhibit 3 at 87. The genuine Certificate of Vote contained the Nevada state seal, the Democratic Party's electors signed the Certificate of Vote, and their signatures matched the names on the Certificate of Ascertainment. Exhibit 3 at 85-86; Exhibit 4.

B. With assistance from the Trump Campaign, the GOP Electors forge false electoral college documents, conduct a fake signing ceremony, and mail the documents to various locations.

James Troupis contacted Kenneth Chesebro around November 10, 2020, and asked Chesebro to do some legal work related to challenges to election results in Wisconsin. Exhibit 2 at 26-27. Chesebro drafted various memoranda on behalf of the Trump Campaign, including a memorandum dated November 18, 2020, that suggested Trump electors would need to cast ballots by December 14, 2020, to comply with federal statutes, if the Wisconsin challenges succeeded. Exhibit 2 at 28-29.

Chesebro also drafted a memorandum addressing federal and state law elections standards for states where litigation over the election remained ongoing. Exhibit 2 at 30-31. And he drafted voting documents—

based on Wisconsin's documents—for electors in other states to use as a modifiable template for use in the electors' respective states. Exhibit 2 at 32-33. And after he contacted James DeGraffenreid, Michael McDonald, and Jesse Law, he shared copies of those documents to James DeGraffenreid. Exhibit 2 at 33-35.

When communicating with DeGraffenreid, Chesebro inquired about whether litigation was still pending in Nevada—in Chesebro's view, the existence of pending litigation was the only reason to cast alternate elector votes. Exhibit 2 at 35-36. But he received no response to his inquiry. Exhibit 2 at 36.

DeGraffenreid circulated the documents received from Chesebro to each of the GOP Electors on December 13, 2020. Exhibit 5. And the documents, which were titled "CERTIFICATE OF THE VOTES OF THE 2020 ELECTORS FROM NEVADA," included declarations from the GOP Electors that they were "the duly elected and qualified Electors for President and Vice President of the United States of America from the State of Nevada." Exhibit 6.

The next day, coming from various parts of Nevada, the GOP Electors convened in Carson City, Nevada where they executed the

documents and broadcast their meeting via Right Side Broadcasting. Exhibit 2 at 9-10. In response to a subpoena, Right Side Broadcasting produced two videos, one edited version totaling 38 minutes, 46 second in length, and one raw footage that was a little over an hour in length, which depicted “the six Nevada Republican nominee electors executing their ballots for the Electoral College election of the U.S president and vice president,” in Carson City on December 14, 2020. Exhibit 2 at 9-10.

After the GOP Electors concluded their fake voting ceremony, DeGraffenried travelled to Minden, Nevada, where he mailed the completed documents with a return mailing address of Michael J. McDonald, Nevada Republican Party at 840 S. Rancho Dr. 4-800, Las Vegas Nevada 89106. Exhibits 6, 7, and 8; Exhibit 1 at 26. The documents purporting to cast Nevada’s electoral votes for Donald J. Trump and Michael R. Pence were sent to following locations by the GOP Electors: (1) Archivist of the United States, 700 Pennsylvania Avenue NW, Washington D.C., 20408; (2) President of the Senate, United States Senate, Washington D.C. 20510; (3) Secretary of State, State of Nevada, 101 N. Carson St., Suite 3, Carson City, Nevada 89701; and (4) Honorable Miranda M. Du, Chief Judge, U.S. District Court, District of Nevada,

Lloyd D. George Courthouse, 333 Las Vegas Blvd South, Las Vegas, N.V.
89101. Exhibit 8.

The Secretary of State received the documents on December 15, 2020. Exhibit 3 at 89-94. The U.S. District Court received the documents two days later. Exhibit 7. The President of the Senate received the documents on December 21, 2020. Exhibit 3 at 53; Exhibit 7. And the National Archives received the documents the day after that. Exhibit 1 at 21; Exhibits 6 and 7.

C. The Grand Jury in Clark County returns a true bill, indicting the GOP Electors on one count of Offering a False Instrument for Filing or Recording and one count of Uttering a Forged Instrument: Forgery.

The State presented evidence to the Clark County Grand Jury, establishing everything explained above, and more, over a period of three days. Exhibits 1, 2, and 3. After the Grand Jury returned a true bill, the State filed an indictment charging the GOP Electors with one count of Offering a False Instrument for Filing or Recording, and one count of Uttering a Forged Instrument: Forgery. Exhibit 9.

* * *

D. The district court dismisses the indictment after concluding that Clark County is not a proper venue.

Eileen Rice filed a motion to dismiss, and the other GOP Electors filed joinders. Exhibit 10 at 2. The district court ordered the State to file a supplement that identified evidence that established venue in Clark County. Exhibit 10 at 4. But after the State produced the supplement, the district court granted the motion to dismiss with respect to each Respondent. Exhibit 10 at 4-6. The district court concluded that no acts or effects requisite to the offense occurred in Clark County and any criminal offenses were complete upon delivery of the documents to the U.S. Postal Service in Douglas County. Exhibit 10 at 4-6.

III. Argument: Good cause exists for expedited briefing.

This Court has authority to suspend provisions of this Court's rules "to expedite its decision or for other good cause." NRAP 2. That includes granting a request for expedited briefing and an expedited resolution. *Cook v. Maher*, 108 Nev. 1024, 1025 n.1, 842 P.2d 729, 729 n.1 (1992) (granting motion for immediate decision); *see also Chattah v. First. Jud. Dist. Ct.*, 516 P.3d 674 (2022) (unpublished table disposition) (noting parties may seek an expedited briefing schedule); *Board of County Com'rs v. Las Vegas Discount Golf & Tennis, Inc.*, 110 Nev. 567, 569, 875 P.2d

1045, 1046 (1994) (discussing decision granting expedited briefing).

Good cause exists to expedite this appeal. First, the State expects to establish that it lawfully obtained the indictment in Clark County. And a swift reversal that reinstates the indictment is likely to have a deterrent effect on any person considering similar conduct during the upcoming election. *Cf. Allred v. State*, 120 Nev. 410, 421, 92 P.3d 1246, 1253 (2004) (identifying deterrence as a goal of the criminal justice system).

Second, even if this Court were to affirm, time remains for the State to pursue a forgery charge in an alternative venue. The statute of limitations has yet to run for Uttering a Forged Instrument: Forgery. The statute of limitations for forgery is four years. NRS 171.085. And even accepting the district court's rationale that any offense was complete upon delivery of the forged documents for mailing, the State would still have until December 14, 2024, to charge forgery in an alternative venue.

To be sure, there are viable arguments for tolling of the statute of limitations that may also preserve the State's ability to pursue both charges in an alternative forum if this Court affirms dismissal of the indictment. *See* NRS 177.085 (addressing tolling during pendency of this appeal); *HIBU Inc. v. Plotkin Financial, Inc.*, 722 Fed. App'x 625, 626-27

(9th Cir. 2018) (gathering cases on equitable tolling and identifying good faith filing in wrong forum as a basis for tolling). But the State will leave no stone unturned in availing itself of legally available options to ensure that justice is served here. An expedited schedule that allows for disposition of this appeal in advance of December 14, 2024, avoids the need for the State to rely on tolling for the forgery count. For that reason, the State proposes the following schedule:

Opening Brief—Wednesday, September 4, 2024;

Answering Brief—Wednesday, October 2, 2024;

Reply Brief—Wednesday, October 16, 2024.

IV. Conclusion

This Court should expedite this appeal under NRAP 2.

RESPECTFULLY SUBMITTED this 31st day of July, 2024.

AARON D. FORD
Attorney General

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Nevada Attorney General's Office, and pursuant to NRAP 25(b) and NEFCR 9 I electronically filed the foregoing **APPELLANT STATE OF NEVADA'S MOTION FOR EXPEDITED CONSIDERATION OF APPEAL** with the Clerk of the Court for the Nevada Supreme Court by using the Nevada Supreme Court's E-Filing System (Eflex) on July 31, 2024. Participants in the case who are registered with Eflex as users will be served by the Eflex system.

/s/ Amanda White

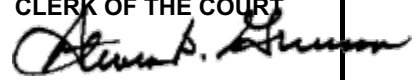
Amanda White

AG Supervising Legal Secretary

EXHIBIT 1

TRANSCRIPT OF PROCEEDINGS
– VOLUME 1
TUESDAY NOVEMBER 14, 2023

EXHIBIT 1



EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,)
)
Plaintiff,)
)
vs.) GJ No. 23AGJ164A-G
) DC No. C379122
MICHAEL JAMES MCDONALD, JAMES)
WALTER DEGRAFFENREID III, JESSE)
REED LAW, DURWARD JAMES HINDLE)
III, SHAWN MICHAEL MEEHAN, EILEEN)
A. RICE, KENNETH JOHN CHESEBRO,)
)
Defendants.)
=====)

Taken at Las Vegas, Nevada

Tuesday, November 14, 2023

1:00 p.m.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

VOLUME 1

Reported by: Danette L. Antonacci, C.C.R. No. 222

12:00 1 GRAND JURORS PRESENT ON NOVEMBER 14, 2023

2

3 CHARLES HOPPER, FOREPERSON

4 TAMBI CALVERT, Secretary

12:00 5 KACY CURRY, Assistant Secretary

6 MATTHEW BEATTY

7 TERRY BRATTON

8 HEATHER DIFULVIO

9 IRENE FLORES

12:00 10 STEVEN FOREMAN

11 ANDREA GARRY-SAYLES

12 TIFFANY HARRIS

13 ELI RODRIGUEZ

14 DIMITRIOS STAVROS

12:00 15

16 Also present at the request of the Grand Jury:

17 Alissa Engler, Chief Deputy Attorney General

18 Matthew Rashbrook, Special Prosecutor for Consumer

19 Protection & Fraud

12:00 20

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INDEX OF WITNESSES

Examined

MIRIAM VINCENT

8

INDEX OF EXHIBITS

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2 - INSTRUCTIONS	6
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4 - CERTIFICATE OF CUSTODIAN OF RECORD & NON-OFFICIAL CERTIFICATES	21
5 - CERTIFICATE OF ASCERTAINMENT, CERTIFICATE OF VOTE, CERTIFICATE OF FINAL DETERMINATION	15

12:00 1 LAS VEGAS, NEVADA, NOVEMBER 14, 2023

2 * * * * *

3

4 DANETTE L. ANTONACCI,

12:00 5 having been first duly sworn to faithfully
6 and accurately transcribe the following
7 proceedings to the best of her ability.
8

9 MS. ENGLER: Good afternoon ladies and
01:00 10 gentlemen of the Grand Jury. My name is Alissa Engler.
11 I am the chief deputy attorney general in the Nevada
12 Attorney General's Office for the Criminal Prosecution
13 Division. With me today is Matthew Rashbrook, the
14 Special Prosecutor for Consumer Protection and Fraud.

01:00 15 We are here presenting Grand Jury case number
16 23AGJ164A-G, defendants Michael James McDonald, James
17 Walter DeGraffenreid III, Jesse Reed Law, Durward James
18 Hindle III, Shawn Michael Meehan, Eileen A. Rice and
19 Kenneth John Chesebro. The record will reflect that we
01:01 20 have marked a copy of the proposed Indictment as
21 Exhibit 1 of your packet and there are several copies of
22 Exhibit 1 for your review if needed.

23 I'm going to read the names of the
24 witnesses who be testifying throughout these
01:01 25 proceedings. We will not be submitting today, we'll be

01:01 1 back on November 28th and December 5th. Please raise
2 your hand if you think you might know one of these
3 witnesses or any of the defendants' names that I have
4 read.

01:01 5 Miriam Vincent. Mark Wlaschin. Daniell
6 Rhoda. Todd Grosz. Warren Heister. Debra Kempf. Sean
7 Cromer. And Shaun Bowen.

8 Seeing no hands.

9 The defendants are charged in this case
01:02 10 with one count of offering false instrument for filing
11 or record and uttering a forged instrument-forgery. We
12 are required by law to advise you of the elements of
13 these charges. Exhibit 2 of the packet has been marked
14 and contains a series of instructions for your review.

01:02 15 Please take a moment to review those instructions now
16 and throughout the proceedings and please let me know if
17 you have any questions and I will do my best to answer
18 them.

19 While you're taking review of those, the
01:02 20 State's first witness is going to be Miriam Vincent.

21 THE FOREPERSON: Good afternoon. Can you
22 hear me okay?

23 Can you hear me? Can you unmute yourself?
24 We can't hear you. Can you hear me okay now?

01:03 25 Can you hear me now, Miriam? Can you say

01:03 1 something so we can hear you?

2 Okay. Miriam, can you say something else?

3 THE WITNESS: Can you hear me now?

4 THE FOREPERSON: Now we can hear you.

01:04 5 Okay. Thank you.

6 THE WITNESS: Okay.

7 THE FOREPERSON: Can you please raise your

8 right hand.

9 You do solemnly swear the testimony you are

01:04 10 about to give upon the investigation now pending before

11 this Grand Jury shall be the truth, the whole truth, and

12 nothing but the truth, so help you God?

13 THE WITNESS: I do.

14 THE FOREPERSON: You can lower your hand.

01:04 15 You are advised that you are here today to

16 give testimony in the investigation pertaining to the

17 offenses of offering false instrument for filing or

18 record, uttering a forged instrument-forgery, involving

19 James DeGraffenreid, Durward Hindle, Jesse Law, Michael

01:04 20 McDonald, Shawn Meehan, Eileen Rice and Kenneth

21 Chesebro.

22 Do you understand this advisement?

23 THE WITNESS: Yes.

24 THE FOREPERSON: Please state your first

01:05 25 and last name and spell them both for the record.

01:05 1 THE WITNESS: Miriam Vincent. M-I-R-I-A-M,
2 V-I-N-C-E-N-T.

3 THE FOREPERSON: We'll do the best. Maybe
4 speak a little slower because we're recording this. The
01:05 5 court reporter. All right?

6 THE WITNESS: All right.

7 THE FOREPERSON: Thank you.

8 THE WITNESS: Shall I do that again?

9 THE FOREPERSON: No, she's okay.

01:05 10 All right. You may proceed.

11 MR. RASHBROOK: Thank you.

12 Madame Recorder, can you hear me if I speak
13 at this volume?

14 THE REPORTER: I can hear you. It's the
01:05 15 witness that's cutting out.

16 MIRIAM VINCENT,
17 having been first duly sworn by the Foreperson of the
18 Grand Jury to testify to the truth, the whole truth,
19 and nothing but the truth, testified as follows:

01:05 20
21 EXAMINATION

22

23 BY MR. RASHBROOK:

24 Q. Miss Vincent, can you hear me?

01:05 25 A. Yes, I can.

01:06 1 Q. Miss Vincent, can you tell us roughly,
2 without getting too specific, what part of the country
3 you live in?

4 A. I live in Washington D.C. on the East
01:06 5 Coast.

6 Q. And is that more than 100 miles from Las
7 Vegas, Nevada?

8 A. Yes, it is.

9 Q. In order to facilitate your appearance by
01:06 10 audiovisual means today, did you execute a waiver?

11 A. I did.

12 Q. If you would turn to what's marked as
13 Exhibit 3. Could you take a moment and review that and
14 tell me if you recognize that document.

01:06 15 A. I do.

16 Q. How do you recognize that document? Have
17 you read it previously?

18 A. I read it and that's the waiver that I
19 signed.

01:06 20 Q. If you turn to the second page, can you
21 tell me do you recognize the signature there?

22 A. I do.

23 Q. Is it your signature?

24 A. It is.

01:06 25 Q. And so according to that waiver do you

01:06 1 agree to be subject to the perjury laws of the State of
2 Nevada today?

3 A. I do.

4 Q. Thank you.

01:07 5 Miss Vincent, can you tell me are you
6 employed?

7 A. I am.

8 Q. Where do you work?

9 A. I work for the Office of the Federal
01:07 10 Register. It's part of the National Archives and
11 Records Administration.

12 Q. And how long have you worked at the
13 National Archives?

14 A. My current tour I have been there just over
01:07 15 13 years.

16 Q. And what is your title?

17 A. Right now I'm the acting director of Legal
18 affairs and Policy for the Office (inaudible.)

19 Q. Could you repeat the last part of your
01:07 20 answer?

21 A. I am the acting director of Legal Affairs
22 and Policy for the Office of the Federal Register.

23 Q. Thank you. How long have you been in that
24 role?

01:08 25 A. Since June of this year.

01:08 1 Q. Is that correct, since June of this year?

2 A. Yes.

3 Q. And before --

4 A. 2023.

01:08 5 Q. Thank you. Prior to that what was your

6 role?

7 A. Staff attorney in the same office and

8 division.

9 THE REPORTER: What was the last word,

01:08 10 office and?

11 MR. RASHBROOK: And division I believe.

12 THE WITNESS: Legal Affairs and Policy

13 Division, Office of the Federal Register.

14 BY MR. RASHBROOK:

01:08 15 Q. Okay. Could you give us the office name

16 again, Miss Vincent?

17 A. Office of the Federal Register.

18 Q. Office of the Federal Register is what I

19 heard.

01:09 20 Can you tell us generally what are your

21 duties in that role?

22 A. In general we publish the daily Federal

23 Register and the (inaudible) which are the official

24 federal regulations and regulatory documents for all

01:09 25 federal agencies. We also have delegated duties that

01:09 1 we're assigned by the archivist which includes
2 administrating the Electoral College and the
3 Constitutional Amendment process.

4 Q. So Miss Vincent, the recorder is having a
01:10 5 bit of difficulty understanding you. I believe at one
6 time you said the CFR as in Charles, Frank, Robert?

7 A. Correct. Code of Federal Regulations.

8 Q. Thank you. So those are your duties. And
9 can you describe for us a little bit more generally what
01:10 10 is the archive, what does the National Archives do?

11 A. The National Archives and Records
12 Administration collects, stores and maintains all
13 permanent federal records for the Federal government
14 which includes presidential documents, documents related
01:10 15 to the Electoral College, documents that agencies
16 produce.

17 Q. So is it fair to say that the National
18 Archives is part of the Federal government?

19 A. Yes, it is.

01:11 20 Q. You mentioned just now that the archives I
21 believe stores or maintains you said certain records
22 related to the Electoral College?

23 A. Yes.

24 Q. Can you tell us how those are stored?

01:11 25 A. The archives through the Office of the

01:11 1 Federal Register, we receive the paper Certificates of
2 Ascertainment and (inaudible) from all 50 states and the
3 District of Columbia, every four years. When we receive
4 them we store those certificates in a safe in the office
01:11 5 of the Federal Register for a certain amount of time.
6 Once that time has elapsed we then send those records
7 actually to the National Archives where they're put into
8 a (inaudible) record into the official public Federal
9 Record Collection. So they're stored with all of the
01:12 10 other federal records.

11 Q. Thank you. I just ask you to stop for a
12 moment.

13 MS. ENGLER: So let's go off the record for
14 a second and we'll reconnect, try to reconnect.

01:13 15 MR. RASHBROOK: So Miss Vincent, we're
16 having a hard time, the recorder is having a hard time
17 understanding your answers. We're going to go off the
18 record for a moment and have our IT assistant come back
19 in and help us reconnect to see if the sound comes in a
01:13 20 little better.

21 A JUROR: Ask her to sit closer.

22 (Recess.)

23 MR. RASHBROOK: So we're back on the record
24 then. Thank you.

01:19 25 Q. So Miss Vincent, when we left off, the last

01:19 1 question I asked you I'm going to ask it again because
2 we didn't get a very good transmission of your answer.
3 So the question was how does the National Archives store
4 records related to presidential elections?

01:19 5 A. We receive, or at the Office of the Federal
6 Register on behalf of the archivist, we receive paper
7 Certificates of Ascertainment and Certificates of
8 (inaudible.)

9 Q. Just one second. I'm sorry. Can you give
01:19 10 me the last document, those document titles again?

11 A. Certificate of Ascertainment and Vote.

12 Q. Thank you. So when you receive those
13 documents --

14 A. When we receive the documents giving the
01:20 15 election cycle, those are secured in a safe at the
16 Office of the Federal Register. After a certain amount
17 of time, more than a year, less than three years
18 generally, we then move those certificates to the actual
19 National Archives holding so they are then stored with
01:20 20 all of the other permanent federal records from the
21 Electoral College. So part of the certificate --

22 Q. So I believe you said once those are moved
23 to the archives, they're stored with other permanent
24 federal records; is that correct?

01:21 25 A. Yes. Yes.

01:21 1 Q. Thank you.

2 Following the 2020 presidential election,
3 did the archives receive documents from the Nevada
4 Secretary of State relating to that presidential
01:21 5 election?

6 A. Yes.

7 Q. If you would please take a look at what
8 we've marked as Exhibit 5. It's also marked in the
9 lower right hand corner with GJ000022 through 025.

01:21 10 A. Yes.

11 Q. Take whatever time you need to review that
12 and tell me if you recognize those documents.

13 A. Yes. So those are the Certificate of
14 Ascertainment, Certificate of Vote, and in this case a
01:21 15 Certificate of Final Determination.

16 Q. So the first term, was that Certificate of
17 Ascertainment?

18 A. Yeah.

19 Q. Thank you. And can you tell me, are these
01:22 20 documents stored by the archives?

21 A. Yes.

22 Q. If you were asked to retrieve a copy of
23 them, would you be able to locate them?

24 A. Yes.

01:22 25 Q. And how would you go about doing that?

01:22 1 A. The easiest way is actually to go to the
2 Electoral College website which is a NARA website and
3 download them because we make them all available for
4 public inspection. When we receive the paper we scan
01:22 5 them and we put them online.

6 Q. Okay. You said a website. I think you
7 said NARA website; is that correct?

8 A. Yes. So NARA is the National Archives and
9 Records Administration.

01:23 10 Q. The National Archives and Records
11 Administration?

12 A. Yes.

13 Q. Thank you.

14 A. It's also known as NARA.

01:23 15 Q. And is that, I'm sorry I'm saying that out
16 but I want to just spell it for the record, is that N as
17 in Nancy, A as in Alpha, R as in Robert, A as in Alpha?

18 A. Yes.

19 Q. Thank you. So looking at the pages we're
01:23 20 looking at in Exhibit 5, does that appear to you to be
21 true and correct copies of those certificates that the
22 archives received from the Nevada Secretary of State?

23 A. Yes.

24 Q. Can you tell me approximately when did the
01:23 25 archives receive these documents?

01:23 1 A. We received the Certificate of
2 Ascertainment on its own on December 8, 2020 and we
3 received the Vote Set, the Certificate of Ascertainment
4 cleared with the Certificate of Vote on December 17,
01:24 5 2020.

6 Q. Just at the end there we lost you for a
7 second. I believe you said the Vote Set which consists
8 of the Certificate of Ascertainment and the Certificate
9 of Vote; is that correct?

01:24 10 A. Yes, that is correct.

11 Q. Thank you.

12 And so once the archives receives these
13 documents, what happens with them next?

14 A. The attorneys in the Legal division of the
01:24 15 Office of the Federal Register will review them for
16 facial (inaudible.)

17 Q. Once second. I'm sorry, I'm going to stop
18 you there. You broke up. Did you say they review them
19 for legal sufficiency?

01:25 20 A. Yes, facial legal sufficiency.

21 Q. Facial?

22 A. Meaning on the face they match the
23 requirement of the statute.

24 Q. Of the statute I believe you said.

01:25 25 A. Yes.

01:25 1 Q. And so once that first review happens, then
2 what happens next?

3 A. So once we verify that all the required
4 elements are present, we scan the certificates and we
01:25 5 put them online for public inspection. We then store
6 the paper records in the safe.

7 Q. And I believe you mentioned earlier that
8 the first review is to determine whether they appear to
9 comply with statute. Which statute are you referring
01:26 10 to?

11 A. So in 2020 that was the Electoral Count Act
12 of 1887.

13 Q. Can you just say that again? The Electoral
14 Count Act I think you said?

01:26 15 A. The Electoral Count Act of 1887.

16 Q. Thank you.

17 So if you would please, can you turn to
18 page 22 and tell me, do you see on page 22 any of the
19 requirements under the statute that led you to determine
01:26 20 these met the facial review?

21 A. Yes. So on page 22 the signature of the
22 voters of the electors matched the names of those
23 individuals who are appointed by the Certificate of
24 Ascertainment. It's labeled the Certificate of Vote
01:27 25 from Nevada. It includes the statement that the full

01:27 1 vote total received for each presidential candidate and
2 each vice presidential candidate. In this case only one
3 candidate received all of the available votes so there
4 is only a listing of one name for each office.

01:28 5 Q. And so can you tell us, these were, and I
6 apologize, you may have said this previously, but where
7 or how does the archives designate and store these
8 records?

01:28 9 A. The official (inaudible) paper records are
10 secured in a safe at the office of the Federal Register
11 throughout the election and for a year after. At that
12 point we transfer them to the main National Archives for
13 permanent storage with the other record for previous
14 electoral elections.

01:28 15 Q. Thank you. If you could turn to the page
16 marked in the bottom right ending in 025. Can you tell
17 us what that document is?

01:29 18 A. So that is a Certificate of Final
19 Determination under the statute under the Electoral
20 Count Act.

21 Q. Under the Electoral Count Act?

01:29 22 A. Under the Electoral Count Act there is a
23 statement that states should make a final determination
24 by no later than six days before the meeting of the
25 electors if there's any type of controversy regarding

01:29 1 the election results or appointment of electors. So
2 this document on GJ000025 is the certificate from the
3 State of Nevada confirming that all legal controversies
4 have been resolved and again confirming that the
01:30 5 appointed electors on the Certificate of Ascertainment
6 were the appointed electors for the meeting of the
7 electors.

8 Q. Could you repeat the last couple of words
9 of your answer there, Miss Vincent?

01:30 10 A. So it confirms that the appointment of
11 electors on the Certificate of Ascertainment are in fact
12 the electors that were appointed by the State and
13 therefore members of the electoral college.

14 Q. Thank you.

01:31 15 In looking at that document, can you tell
16 me do you see any signatures on it?

17 A. Yes.

18 Q. Who does it appear has signed those?

19 A. The Governor of the State of Nevada at the
01:31 20 time, Steve Sisolak, and the Secretary of State of
21 Nevada at the time, Barbara K. Cegavske.

22 Q. And can you tell me do you see the State
23 seal on that document?

24 A. Yes, there is a State seal.

01:31 25 Q. If you'd turn to page 23 and 24. And tell

01:31 1 me in that document do you see two signatures on page
2 24?

3 A. Yes.

4 Q. And whose do they appear to be?

01:32 5 A. Again the Governor of Nevada and the
6 Secretary of State of Nevada in 2020, Steve Sisolak and
7 Barbara K. Cegavske.

8 Q. Do you see the State seal on page 24 also?

9 A. Yes, there is a State seal.

01:32 10 Q. Did the archives receive another set of
11 documents following the 2020 presidential election which
12 purported to include Nevada's Certificate of Vote?

13 A. Yes, it did.

14 Q. If you turn to Exhibit 4 please and those
01:32 15 are marked also as GJ00001 through 020. Pardon me, 021.
16 Take whatever time you need to review those and then
17 tell me if you recognize those.

18 A. I do.

19 Q. Can you tell me what is Exhibit 4? What
01:33 20 are those pages?

21 A. Those pages, on 1 is my Certificate of
22 Custodian of Record form that attests to the fact that
23 we received these and we provided (inaudible) Nevada.
24 The remaining pages we determined were non-official
01:33 25 certificates. They did not come from the State of

01:33 1 Nevada even though they purported to vote for Donald
2 Trump and Mike Pence for President and Vice President
3 respectively.

4 Q. Does it appear to you that these are true
01:34 5 and correct copies of the documents the archives
6 received?

7 A. Yes.

8 Q. Can you tell me approximately when the
9 archives received these documents?

01:34 10 A. December 22, 2020.

11 Q. Did you say December 22nd of 2020?

12 A. Yes.

13 Q. And can you tell me what did NARA do --
14 pardon me. What did the archives do when it received
01:34 15 these documents?

16 A. We scanned them and made them available to
17 the State of Nevada and to the National Archives and
18 Records Administration, Office of the Inspector General,
19 and then we stored them as administrative record related
01:35 20 to the Electoral College making them permanent records
21 of the Office of the Federal Register but not permanent
22 records in the Electoral College presidential documents
23 (inaudible.)

24 Q. Did there come a time that you were asked
01:35 25 by someone from the Nevada Attorney General's Office to

01:35 1 retrieve a copy of these?

2 A. Yes.

3 Q. And in response to that request did you
4 provide these copies?

01:35 5 A. Yes.

6 Q. How did you go about locating these in
7 response to that request?

8 A. We have them on a specific, we have the
9 digital copies of what we scan are on a special share

01:36 10 drive on the archives network so I went to that drive, I
11 retrieved the copy, the scanned copy, and I printed and
12 mailed the paper copies to Nevada along with the
13 certification.

14 Q. If you look at page 1, can you tell me if
01:36 15 you recognize the signature, I'll say the higher of the
16 two signatures.

17 A. Yes, that's my signature.

18 Q. Are these documents stored in the same
19 location or in the same manner as those we talked about
01:36 20 in Exhibit 5?

21 A. No.

22 Q. Why is that?

23 A. Because they are not official state records
24 pertaining to the Electoral College. They did not come

01:37 25 from the State of Nevada. They are lacking the State

01:37 1 seal. They did not match the signatures of the voters
2 or the performing voters in this case did not match the
3 names of the individuals who were appointed by the State
4 of Nevada. So these are supplementary records,
01:37 5 administrative records received in the course of
6 business but they are not official State Electoral
7 College records.

8 Q. If you would turn please to page 2 and 3.
9 Can you tell me what you see on those pages?

01:38 10 A. I see what appears to be a Statement of
11 Votes for President for Donald Trump and signatures of a
12 number of individuals. The names under the signatures
13 do not match the content of the Certificate of
14 Ascertainment we received from the State.

01:38 15 Q. Can you tell me the names that you see on
16 page 3?

17 A. Michael McDonald, James DeGraffenreid,
18 Durward James Hindle III, Jesse Law, Shawn Meehan and
19 Eileen Rice.

01:38 20 Q. Would you repeat the last two names please.

21 A. Shawn Meehan and Eileen Rice.

22 Q. Turning back to page 2. Would you please
23 read for us the first paragraph below the title?

24 A. We, the undersigned, being the duly elected

01:39 25 and qualified Electors for President and Vice President

01:39 1 of the United States of America from the State of
2 Nevada, do hereby certify the following.

3 Q. If you would turn to page 10 of that
4 document. Can you tell me what that is?

01:40 5 A. That appears to be a Certificate of Vote or
6 attempt to vote for Vice President.

7 Q. Can you read for us the -- I apologize.

8 A. No, go ahead.

9 Q. Can you read for us the first paragraph of
01:40 10 that document?

11 A. We, the undersigned, being the duly elected
12 and qualified Electors for President and Vice President
13 of the United States of America from the State of
14 Nevada, do hereby certify the following.

01:40 15 Q. Thank you. Could you turn to page 11
16 please.

17 Tell me do you see those, do you see
18 signatures on that page?

19 A. Yes, I do.

01:40 20 Q. And can you tell me the names associated
21 with them?

22 A. Michael J. McDonald, James DeGraffenreid,
23 Durward James Hindle III, Jesse Law, Shawn Meehan and
24 Eileen Rice.

01:41 25 Q. Would you turn to page 21 please.

01:41 1 Can you tell me what that is?

2 A. That is a copy of the mailing material that
3 contains these non-official Certificates to Vote.

4 Q. And can you tell me the address they were
01:41 5 sent to?

6 A. They were sent to 700 Pennsylvania Avenue
7 Northwest, Washington D.C.

8 Q. Is that the address for the archives?

9 A. That is an address for the archives.

01:42 10 Q. And can you tell me the return address in
11 the upper left portion?

12 A. Michael J. McDonald, Nevada Republican
13 Party, 840 South Rancho Drive, 4-800, Las Vegas, Nevada.

14 Q. If you look in the upper right portion, can
01:42 15 you tell me if you see a postmark?

16 A. Yes.

17 Q. Can you tell, can you see in the image what
18 date is stamped there?

19 A. On the postage page it's December 14th. On
01:43 20 the actual ink stamp it also appears to be December 14,
21 2020.

22 MR. RASHBROOK: Miss Vincent, those are all
23 the questions I have for you at this time. I'm going to
24 ask the grand jurors if they have any questions for you.

01:45 25 If they do I ask you to pause before you answer in the

01:45 1 event that I need to clarify something or sort of tidy
2 up the question. Okay? Thank you.

3 THE WITNESS: Okay.

4 MR. RASHBROOK: Do any of the grand jurors
01:45 5 have questions?

6 Please go ahead.

7 BY A JUROR:

8 Q. Were there any other, is this page 1
9 through 25 absolutely everything that was in the packet?

01:45 10 MR. RASHBROOK: I just want to clarify your
11 question. Are you asking whether page 1 through 21 or
12 are you asking about page, because Exhibit 4 ends at
13 page 21 and I think you mentioned page 25 earlier.

14 A JUROR: Pages 1 through 21, does that
01:46 15 constitute everything?

16 MR. RASHBROOK: Everything that was in that
17 envelope?

18 A JUROR: Correct.

19 BY MR. RASHBROOK:

01:46 20 Q. So Miss Vincent, the question is are pages
21 1 through 21 everything that was contained within that
22 mailing?

23 A. Yes. So 21 was the envelope. One is my
24 affidavit. So pages 2 through 20 were in the envelope
01:46 25 that is marked page 21. And that was everything that

01:46 1 was in that envelope.

2 BY A JUROR:

3 Q. Thank you. Also is the reason it's not
4 stored -- are those the only three reasons it's

01:47 5 determined not to be an official record?

6 BY MR. RASHBROOK:

7 Q. Referring to Exhibit 4, can you tell us why
8 those were not determined to be official or why they
9 were determined to be unofficial?

01:47 10 A. They did not come from a State office. It
11 was not the Secretary of State's office, it was not the
12 governor's office, it was not an office within the State
13 legislature. They were not paired with the original
14 Certificate of Ascertainment as is required by the
01:48 15 statute and the names of the purported electors did not
16 match the names of the individuals who were formally
17 pointed as electors in the Certificate of Ascertainment
18 and then confirmed with the Certificate of Final
19 Determination.

01:48 20 BY A JUROR:

21 Q. The relevance of the dates received?

22 MR. RASHBROOK: That question calls for a
23 legal conclusion so I'm going to direct Miss Vincent not
24 to answer it.

01:49 25 Miss Vincent, did you hear me?

01:49 1 THE WITNESS: I heard you direct me not to
2 answer. I did not hear the actual question.

3 MR. RASHBROOK: That's fine.

4 Are there any other questions?

01:49 5 Seeing none.

6 THE FOREPERSON: So Miss Vincent, by law,
7 these proceedings are secret and you are prohibited from
8 disclosing to anyone anything that has transpired before
9 us, including evidence and statements presented to the
01:49 10 Grand Jury, any event occurring or statement made in the
11 presence of the Grand Jury, and information obtained by
12 the Grand Jury.

13 Failure to comply with this admonition is a
14 gross misdemeanor punishable by up to 364 days in the
01:49 15 Clark County Detention Center and a \$2,000 fine. In
16 addition, you may be held in contempt of court
17 punishable by an additional \$500 fine and 25 days in the
18 Clark County Detention Center.

19 Do you understand this admonition?

01:50 20 THE WITNESS: Yes, I do.

21 THE FOREPERSON: All right. Thank you,
22 ma'am. You're excused.

23 THE WITNESS: Thank you.

24 MS. ENGLER: Thank you. We'll be back on
01:50 25 November 28th so that concludes the testimony that we

01:50 1 have for today.

2 A JUROR: Thank you.

3 (Proceedings adjourned, to reconvene on

4 Tuesday, November 28, 2023.)

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REPORTER'S CERTIFICATE

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STATE OF NEVADA)

: ss

4

COUNTY OF CLARK)

01:50

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6

I, Danette L. Antonacci, C.C.R. 222, do

7

hereby certify that I took down in Shorthand (Stenotype)

8

all of the proceedings had in the before-entitled matter

9

at the time and place indicated and thereafter said

01:50

10

shorthand notes were transcribed at and under my

11

direction and supervision and that the foregoing

12

transcript constitutes a full, true, and accurate record

13

of the proceedings had.

14

Dated at Las Vegas, Nevada,

01:50

15

November 27, 2023.

16

17

/s/ Danette L. Antonacci

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19

Danette L. Antonacci, C.C.R. 222

01:50

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1

AFFIRMATION

2

Pursuant to NRS 239B.030

3

4

The undersigned does hereby affirm that the
preceding TRANSCRIPT filed in GRAND JURY CASE NUMBER
23AGJ164A-G:

01:50

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8

X Does not contain the social security number of any
person,

9

01:50

10

-OR-

11

 Contains the social security number of a person as
required by:

12

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A. A specific state or federal law, to-
wit: NRS 656.250.

14

-OR-

01:50

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16

B. For the administration of a public program
or for an application for a federal or
state grant.

17

18

/s/ Danette L. Antonacci

19

Signature

11-27-23

Date

01:50

20

21

Danette L. Antonacci

Print Name

22

23

Official Court Reporter

Title

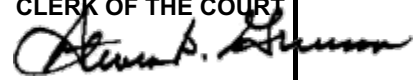
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EXHIBIT 2

TRANSCRIPT OF PROCEEDINGS
– VOLUME 2
TUESDAY NOVEMBER 28, 2023

EXHIBIT 2



EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

BEFORE THE GRAND JURY IMPANELED BY THE AFORESAID

DISTRICT COURT

THE STATE OF NEVADA,)

Plaintiff,)

vs.)

GJ Case No. 23AGJ164A-F

DC Case No. C379122

JAMES WALTER DEGRAFFENREID, III,)

DURWARD JAMES HINDLE, III,)

JESSE REED LAW,)

MICHAEL JAMES MCDONALD,)

SHAWN MICHAEL MEEHAN,)

EILEEN A. RICE,)

Defendants.)

Taken at Las Vegas, Nevada

Tuesday, November 28, 2023

1:11 p.m.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Volume 2

Reported by: Donna J. McCord, C.C.R. No. 337

GRAND JURORS PRESENT ON NOVEMBER 28, 2023:

CHARLES HOPPER, Foreperson

DEVIN SINITIERE, Deputy Foreperson

TAMBI CALVERT, Secretary

KACY CURRY, Assistant Secretary

TERRY BRATTON

HEATHER DiFULVIO

STEVEN FOREMAN

MEISY GONZALEZ

TIFFANY HARRIS

MICHAEL HAYES

ANDREA GARRY-SAYLES

DIMITRIOS STAVROS

ELI RODRIGUEZ

Also present at the request of the Grand Jury:

Alissa Engler

Chief Deputy Attorney General

Matthew Rashbrook

Special Prosecutor for Consumer Protection and Fraud

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INDEX OF WITNESSES

EXAMINED

TODD GROSZ

7

KENNETH CHESEBRO

24

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1 LAS VEGAS, NEVADA, NOVEMBER 28, 2023

2 * * * * *

3
4 DONNA J. McCORD,

5 having been first duly sworn to faithfully
6 and accurately transcribe the following
7 proceedings to the best of her ability.
8

9 MS. ENGLER: Good afternoon, ladies and
10 gentlemen of the Grand Jury. My name is Alyssa Engler.
11 I'm the chief deputy attorney general in the Nevada
12 General Attorney's Criminal Prosecution Division. Along
13 with me today is Matthew Rashbrook, the Special
14 Prosecutor for Consumer Protection and Fraud. We are
15 back presenting Grand Jury case number 23AGJ164A through
16 F, State of Nevada versus Michael James McDonald, James
17 Walter DeGraffenreid, III, Jesse Reed Law, Durward James
18 Hindle, III, Shawn Michael Meehan and Eileen A. Rice.

19 The record will reflect that we have marked
20 a new Proposed Indictment as Exhibit 1A and there are
21 several copies of Exhibit 1A available for your review
22 which I have passed out on the sides. The State has
23 removed Kenneth A. Chesebro from the Indictment and any
24 associated language that related to his conduct.

25 We previously presented this case on

1 November 17th of 2023, and I'm aware that a few of the
2 Grand Jurors were absent on that date. There has been a
3 transcript that has been prepared of those proceedings
4 and I ask that you will have reviewed that transcript
5 before deliberating. We will not be deliberating today
6 and we will be back on December 5th. Excuse me, the
7 previous presentation was on November 14th, I apologize.
8 Any questions regarding the new Proposed Indictment?
9 Okay. The State's next witness is Todd Grosz.

10 THE FOREPERSON: Before we start I do have
11 a question.

12 MS. ENGLER: Sure.

13 THE FOREPERSON: You said that Mr. Chesebro
14 was not on this new Indictment?

15 MS. ENGLER: On Exhibit 1A he's been
16 removed. Is he still listed? 1A we marked a copy and
17 then I passed out a couple and I have some -- I didn't
18 make copies for everybody. Trying to save a few trees.

19 THE FOREPERSON: Thank you. The Foreperson
20 should probably have the right one.

21 You do solemnly swear that the testimony
22 that you're about to give upon the investigation now
23 pending before this Grand Jury shall be the truth, the
24 whole truth, and nothing but the truth, so help you God?

25 THE WITNESS: I do.

1 THE FOREPERSON: Please have a seat.

2 You're advised that you are here today to
3 give testimony in the investigation pertaining to the
4 offenses offering a false instrument for filing or
5 recording and uttering a forged instrument: forgery,
6 involving James DeGraffenreid, Durward Hindle, Jesse
7 Law, Michael McDonald, Shawn Meehan, Eileen Rice and I
8 have Kenneth Chesebro here but no.

9 Do you understand this advisement?

10 THE WITNESS: Yes, sir.

11 THE FOREPERSON: Please state your first
12 and last name and spell them both for the record.

13 THE WITNESS: Todd Grosz. First name
14 T-O-D-D, last name G-R-O-S-Z.

15 THE FOREPERSON: Thank you.

16 You may proceed.

17 MS. ENGLER: Thank you.

18 **TODD GROSZ,**

19 having been first duly sworn by the Foreperson of the
20 Grand Jury to testify to the truth, the whole truth
21 and nothing but the truth, testified as follows:

22

23 **EXAMINATION**

24 BY MS. ENGLER:

25 Q Good afternoon, Mr. Grosz. How are you

1 employed?

2 A I'm a criminal investigator with the Nevada
3 Attorney General's Office.

4 Q And how long have you been working for the
5 Nevada Attorney General?

6 A In total 22 years, 18 of that would be as
7 an investigator.

8 Q And what unit are you currently assigned
9 to?

10 A To the general fraud unit.

11 Q What are some of your job-related tasks in
12 the fraud unit at the Attorney General's Office?

13 A I'm involved in all aspects of
14 investigations relating to producing and executing
15 search warrants, subpoenas, identifying subjects,
16 witnesses, conducting interviews of such, any evidence
17 retrieval, document review of that evidence.

18 Q In your role as an investigator in the
19 fraud unit, were you assigned to an investigation
20 regarding the submission of Alternate Elector
21 Certificates for the 2020 presidential election?

22 A Yes, I was.

23 Q And what were your job-related tasks
24 towards that investigation?

25 A Pretty much what I've already laid out,

1 identify subjects and participants involved in this
2 investigation, produced subpoenas and search warrants,
3 document reviews and conducted a number of interviews.

4 Q Did you issue a subpoena to Right Side
5 Broadcasting?

6 A Yes, I did.

7 Q Why?

8 A It became knowledge that they had produced
9 a video of some footage that was shot in Carson City on
10 December 14th, 2020, that depicted the six Nevada
11 Republican nominees executing their ballots for the
12 Electoral College election of U.S. president and vice
13 president.

14 Q And when you said they, who are you
15 referring to?

16 A The six nominee electors.

17 Q Did you receive a response to your
18 subpoena?

19 A Yes, I did.

20 Q Okay. Please turn to Exhibit 6 in the
21 packet in front of you and review that document and let
22 me know if you recognize it.

23 A Yes, I do recognize this document.

24 Q Okay. And what is it?

25 A It's the Custodian of Records Certificate

1 that was completed by the registered agent for Right
2 Side Broadcasting Network which was sent along with the
3 documents that we had requested.

4 Q And who signed the Custodian of Records
5 Affidavit?

6 A It's signed by Bridgette Seales.

7 Q Is the Custodian of Records Affidavit
8 notarized?

9 A Yes, it is.

10 Q Is it sworn under the penalties of perjury
11 under the laws of the State of Nevada?

12 A Yes, it is.

13 Q Along with the Custodian of Records
14 Affidavit, what did Right Side Broadcasting send in
15 response to the subpoena?

16 A There were two videos that were sent to us.

17 Q Okay. And what were those two videos?

18 A Two videos, one was a little over an hour
19 in length would be considered the raw footage what was
20 shot in Carson City on December 14th, 2020. And then
21 there's a shorter version which is the edited version
22 and this particular video was 38 minutes, 48 seconds in
23 length.

24 Q And did you watch the edited video?

25 A Yes, I did.

1 Q Can you provide a summary of the video?

2 A The video depicts the six Nevada Republican
3 nominee electors executing their ballots for the
4 Electoral College election of U.S. president and vice
5 president.

6 Q Can you turn to Exhibit 6A in your packet?

7 A Okay.

8 Q And what does it state there?

9 A Video on flash drive.

10 Q Okay. Have you previously seen the flash
11 drive that was marked as 6A?

12 A Yes, I have.

13 Q Okay. And are you familiar with the
14 contents of that video?

15 A Yes, I have or I am.

16 Q And does that video depict the video that
17 you previously watched and testified to?

18 A Yes, it does.

19 Q Okay. Ladies and gentlemen, the Custodian
20 of Records Affidavit is the authentication for the video
21 that I will play in a few minutes.

22 You mentioned six individuals casted votes
23 on that video, right?

24 A That is correct.

25 Q Okay. Through the course of your

1 investigation were you able to identify those six
2 individuals who signed the votes?

3 A Yes, I have.

4 Q How did you go about identifying them?

5 A Well, the documents that were produced
6 named the six individuals, and from there I was able to
7 obtain Nevada driver's license records which would show
8 their photos and signatures.

9 Q And did you also review certificates that
10 were submitted as part of this investigation?

11 A Yes, that's the first documents that I
12 reviewed.

13 Q Okay. If you could turn to Exhibit 4 in
14 the first packet, specifically Grand Jury bates numbers
15 000002 and 3. Is this the certificate you mentioned
16 reviewing as part of your investigation?

17 A Yes, it is.

18 Q What are the names that are listed on the
19 signature line for these certificates?

20 A Michael J. McDonald, Chairperson; James
21 DeGraffenreid, Secretary; Durward James Hindle, III,
22 Jesse Law, Shawn Meehan and Eileen Rice.

23 Q And you stated pursuant to your
24 investigation you were able to accurately identify those
25 individuals in the video?

1 A Yes, I have.

2 Q If you could turn to Exhibit 7. Do you
3 recognize that individual?

4 A Yes, I do.

5 Q Who is it?

6 A This is Shawn Meehan.

7 Q Please turn to Exhibit 13. What is this
8 document?

9 A This would be a certified copy of Shawn
10 Meehan's Nevada driver's license information.

11 MS. ENGLER: Ladies and gentlemen, per NRS
12 52.125, this is a certified copy of a driver's license
13 and is presumed authentic based on the stamp at the
14 bottom of Grand Jury 000033.

15 BY MS. ENGLER:

16 Q If you could please turn to Exhibit 8. Who
17 is the individual depicted in that photograph?

18 A Michael J. McDonald.

19 Q And please turn to Exhibit 14. What is
20 this document?

21 A Michael J. McDonald's Nevada driver's
22 license information.

23 Q Is this also a certified copy that you
24 received?

25 A Yes, this is a certified copy of that

1 information.

2 MS. ENGLER: Ladies and gentlemen, same
3 statement as before, per NRS 52.125 this is a certified
4 copy of a driver's license and presumed authentic based
5 on the stamp at the bottom of Grand Jury 000035.

6 BY MS. ENGLER:

7 Q Please turn to Exhibit 9. And do you
8 recognize the person in that photograph?

9 A Yes, I do.

10 Q Who is it?

11 A Durward James Hindle, III.

12 Q Please turn to Exhibit 15. And what is
13 this document?

14 A A certified copy of Mr. Hindle's Nevada
15 driver's license information.

16 Q And it's a certified copy?

17 A Yes, it is.

18 MS. ENGLER: Per NRS 52.125, this is a
19 certified copy and presumed authentic based on the stamp
20 at the bottom of Grand Jury 000037.

21 BY MS. ENGLER:

22 Q Please turn to Exhibit 10. Do you
23 recognize the person in that photograph?

24 A Yes, I do.

25 Q Who is it?

1 A James DeGraffenreid.

2 Q Please turn to Exhibit 16. What is this
3 document?

4 A This is a certified copy of
5 Mr. DeGraffenreid's Nevada driver's license information.

6 MS. ENGLER: Per NRS 52.125, this is a
7 certified copy and presumed authentic based on the stamp
8 at the bottom of Grand Jury 000039.

9 BY MS. ENGLER:

10 Q Please turn to Exhibit 11. Do you
11 recognize the person in this photograph?

12 A Yes, I do.

13 Q And who is it?

14 A Eileen Rice.

15 Q Please turn to Exhibit 17. What is this
16 document?

17 A This is a certified copy of Eileen Rice's
18 Nevada driver's license information.

19 MS. ENGLER: Per NRS 52.125, this is a
20 certified copy and is presumed authentic based on the
21 bates stamp number 000041.

22 BY MS. ENGLER:

23 Q Please turn to Exhibit 12. Do you
24 recognize the person in this photograph?

25 A Yes, I do.

1 Q Who is it?

2 A Jesse Law.

3 Q Please turn to Exhibit 18. Do you
4 recognize this or what is this document?

5 A This is a certified copy of Mr. Law's
6 Nevada driver's license information.

7 MS. ENGLER: And per NRS 52.125, this is a
8 certified copy of the driver's license and is presumed
9 authentic based on the stamp at the bottom of Grand Jury
10 000043.

11 BY MS. ENGLER:

12 Q With respect to the certified copies of the
13 driver's licenses that you just testified to, were you
14 the one that requested those documents?

15 A Yes, I am.

16 Q Okay. And so you were the one that
17 received those documents?

18 A That is correct.

19 Q What was the significance of the certified
20 copy of the driver's license as it pertained to your
21 investigation?

22 A To positively identify the individuals
23 based upon their photos that I matched between these
24 documents and the photos in the video.

25 Q Okay. Is there anything else regarding the

1 document that was irrelevant to your investigation?

2 A This also would capture a depiction of each
3 person's signature which I matched against the
4 certificate that they completed on that date.

5 Q Now I'm going to turn you back to
6 Exhibit 6A. And before I play the video, do you
7 recognize the first still of this video?

8 A Yes, I do.

9 Q Okay. And is this the start of the video
10 that you previously testified to that you reviewed?

11 A Yes, it is.

12 Q Okay. I'm going to go ahead and play the
13 video.

14 A And if I may I would like to point out that
15 in the video each of the six individuals identified
16 themselves by name or another individual references them
17 by name.

18 Q Thank you.

19 (Video playing.)

20 BY MS. ENGLER:

21 Q All right. Mr. Grosz, having watched all
22 that, is that the same video that you testified
23 previously you watched in its entirety?

24 A Yes, it is.

25 MS. ENGLER: I have no further questions

1 for this witness. I will open it up to the members of
2 the Grand Jury should they have any questions.

3 Mr. Grosz, if there are any, please wait
4 until I instruct you to answer to make sure that it is a
5 question that you can answer.

6 Yes.

7 BY A JUROR:

8 Q Was this a publicly posted on official
9 meeting?

10 MS. ENGLER: You can answer if you know.
11 If you don't know then you can say I don't know.

12 THE WITNESS: I can't say as to every place
13 that it was posted, but I know that it was posted on the
14 Right Side Broadcasting Network Facebook page and I
15 believe it was also on Twitter and I think one other
16 place, YouTube.

17 BY MS. ENGLER:

18 Q And for clarification, you mean the video
19 itself was posted after it happened?

20 A That is correct. It was produced by Right
21 Side Broadcasting Network and then put on those
22 locations.

23 BY A JUROR:

24 Q Was this an official Nevada state publicly,
25 public record, posted as a public record? Is this an

1 official --

2 MS. ENGLER: Answer if you -- let me just
3 clarify and let me make sure. Are you asking if this
4 meeting that occurred was posted publicly pursuant to
5 open meeting laws, is that what you're trying to get at?

6 A JUROR: Yes, ma'am.

7 MS. ENGLER: With that further
8 clarification is that information within your knowledge?

9 THE WITNESS: I can't say if it was or if
10 it was not an official posting. I know that Right Side
11 Broadcasting Network put it on their social media
12 outlets.

13 MS. ENGLER: Yes.

14 BY A JUROR:

15 Q With respect to records that were produced
16 pursuant to Exhibit Number 6 produced by Bridgette
17 Seales, how did you receive that information in order to
18 view it?

19 MS. ENGLER: Are you asking how he received
20 the video?

21 BY A JUROR:

22 Q Yeah. Did it come in as a flash drive, was
23 it sent to you by email, was it actual video footage
24 that was mailed to you? How did you receive it?

25 A It was on this flash drive. I also viewed

1 it on the RSBN Facebook page as well.

2 Q And those two were compatible, they
3 matched?

4 A They're consistent, yes, based on the time
5 of the video and the contents of the video.

6 MS. ENGLER: Yes.

7 BY A JUROR:

8 Q And this meeting took place on
9 December 14th, 2020; is that correct?

10 MS. ENGLER: Do you know for certain?
11 only answer if you know.

12 THE WITNESS: I can't say that it was.
13 That's what it depicts.

14 BY A JUROR:

15 Q So this was taken on the grounds of the
16 state legislature in Carson City, correct?

17 MS. ENGLER: Answer if you know.

18 THE WITNESS: The building is in the video
19 itself so I would think that the building speaks for
20 itself.

21 BY A JUROR:

22 Q Okay. So I guess my question would be was
23 a permit requested for them to actually video this in
24 front of the legislature?

25 A I have no knowledge of any permits being

1 requested or issued.

2 MS. ENGLER: Yes.

3 BY A JUROR:

4 Q Is that how normally they cast their votes
5 outside in the public? Is that -- I mean --

6 MS. ENGLER: I believe that question is
7 probably outside of this individual's knowledge.

8 A JUROR: Okay.

9 MS. ENGLER: Yes.

10 BY A JUROR:

11 Q The electors, were they certified by the
12 State of Nevada, the AG's Office or whoever certifies
13 the electors?

14 MS. ENGLER: I believe that question is
15 outside the knowledge of this particular witness.

16 Yes.

17 BY A JUROR:

18 Q The NDL, the Nevada driver's license
19 records only go back to '04, 2004?

20 A Were you referring to one particular
21 person?

22 Q Well, there's no -- for this batch it's
23 2004.

24 MS. ENGLER: I would just say that you can
25 explain how you requested the documents and then how

1 they were received by you.

2 THE WITNESS: I made an official request to
3 a representative of the Nevada Department of Motor
4 Vehicles for driver's license historical information
5 pertaining to these six names and this is what was
6 produced.

7 THE FOREPERSON: So by law these
8 proceedings are secret and you are prohibited from
9 disclosing to anyone anything that transpired before us
10 including evidence presented to the Grand Jury, any
11 event occurring or a statement made in the presence of
12 the Grand Jury, information obtained by the Grand Jury.

13 Failure to comply with this admonition is a
14 gross misdemeanor punishable up to 364 days in the Clark
15 County Detention Center and a \$2,000 fine. In addition
16 you may be held in contempt of court punishable by an
17 additional \$500 fine and 25 days in the Clark County
18 Detention Center.

19 Do you understand this admonition?

20 THE WITNESS: Yes, sir, I do.

21 THE FOREPERSON: Thank you. You are
22 excused.

23 THE WITNESS: Thank you.

24 MS. ENGLER: State's next witness is
25 Kenneth Chesebro.

1 Sit right there. Remain standing first.

2 THE FOREPERSON: Raise your right hand.

3 You do solemnly swear that the testimony
4 that you're about to give upon the investigation now
5 pending before this Grand Jury shall be the truth, the
6 whole truth, and nothing but the truth, so help you God?

7 THE WITNESS: Yes, I do.

8 THE FOREPERSON: Please have a seat.

9 THE WITNESS: Okay.

10 THE FOREPERSON: You're advised that you're
11 here today to give testimony in the investigation
12 pertaining to the offenses offering a false instrument
13 for filing or record or uttering a forged instrument:
14 Forgery, involving James DeGraffenreid, Durward Hindle,
15 Jesse Law, Michael McDonald, Shawn Meehan and Eileen
16 Rice.

17 Do you understand this advisement?

18 THE WITNESS: Yes, I do.

19 THE FOREPERSON: Please state your first
20 and last name and spell both for the record.

21 THE WITNESS: Yes, I'm Kenneth Chesebro,
22 K-E-N-N-E-T-H, Chesebro, C-H-E-S-E-B-R-O.

23 THE FOREPERSON: Thank you.

24 You may proceed.

25 MR. RASHBROOK: Thank you.

KENNETH CHESEBRO,

having been first duly sworn by the Foreperson of the
Grand Jury to testify to the truth, the whole truth
and nothing but the truth, testified as follows:

EXAMINATION

BY MR. RASHBROOK:

Q Mr. Chesebro, did you or your attorney
recently receive what we call a Marcum notice which is a
document indicating that the Nevada Attorney General was
seeking an Indictment against you?

A Yes, we did.

Q And following receipt of that document did
your counsel contact the Attorney General?

A Yes.

Q Following some conversations between your
counsel and the Attorney General's Office, did you
recently enter into a cooperation agreement related to
this matter?

A I did.

Q Is it your understanding that under the
terms of that agreement you agree to provide truthful
testimony and to cooperate with the Attorney General's
investigation of these matters and that the Attorney
General agreed not to attempt to prosecute you in

1 relation to these events?

2 A Yes.

3 Q Can you tell us, sir, about your
4 educational background?

5 A I grew up in central Wisconsin and went to
6 public school. And then I went to Chicago for college
7 at Northwestern University. And then I went to Boston
8 to law school at Harvard and, yeah, so that's basically
9 it.

10 Q And did you graduate from Harvard Law?

11 A Yes.

12 Q When was that?

13 A 1986.

14 Q And following your graduation in 1986 did
15 you become licensed to practice law?

16 A I did.

17 Q Can you tell us where are you licensed
18 today to practice?

19 A In New York, California, Florida, Texas,
20 New Jersey and Illinois.

21 Q Have you ever had a license to practice law
22 in Nevada?

23 A No.

24 Q And have you ever practiced in Nevada?

25 A No.

1 Q Do you have any particular areas of
2 expertise that you specialize in?

3 A As far as a main subject matter I'm most
4 known for constitutional law and for federal procedure,
5 the particular ways that federal courts litigate cases.
6 And then but mostly I focus on appeals and a lot of my
7 work in the last, since I'd say the early '90s was
8 helping plaintiff's lawyers that helped consumers sue
9 corporations for wrongdoing. And so that's my main area
10 is working cases like that.

11 Q In connection with your constitutional
12 practice, did you do any election-related work in 2020?

13 A Yes, I did.

14 Q And when did you become involved in that
15 election-related work?

16 A About a week after the election round,
17 November 10th, I started -- I got contacted by somebody
18 involved in the campaign.

19 Q When you say somebody involved in the
20 campaign, can you tell us which campaign?

21 A Right. The Trump campaign. I was
22 contacted by a lawyer in Wisconsin that wanted help with
23 litigation there.

24 Q And what was that person's name?

25 A That person was James Troupis. He used to

1 be a judge so we would call him Judge Troupis.

2 Q And so following your conversation with
3 Mr. Troupis, what did you begin doing related to the
4 election or the Trump campaign?

5 A Well, the Trump campaign had decided to
6 file for a recount in Wisconsin which was close enough
7 that it was entitled to a recount and so we spent a
8 couple weeks on the recount, just the mechanical
9 recounting all the votes. And then we did litigation of
10 the trial court over the results. And then we had an
11 appeal that went to the Wisconsin Supreme Court where we
12 lost four to three on December 14th.

13 And after that I filed a, I wrote a
14 detailed brief, submitted it to the Supreme Court of the
15 United States by asking it to review the case and that
16 was filed December 29th. So basically between
17 November 10th and December 29th, that was the period
18 when I worked on the Wisconsin litigation.

19 Q During your work connected to the election
20 in the campaign, did you produce any documents, did you
21 draft any documents on behalf of the campaign?

22 A Yes, I wrote parts of briefs and I wrote
23 various memos with legal advice.

24 Q If you would turn to what's marked as
25 Exhibit 25, please.

1 A Okay.

2 Q Take as long as you need to review that and
3 tell me if you recognize that document.

4 A Great. Thank you. Yes, I do.

5 Q Can you tell us what that document is?

6 A It's a seven page-memo that I wrote Judge
7 Troupis on November 18th, 2020.

8 Q When you say Judge Troupis, I think you
9 might have referred to him earlier as James Troupis?

10 A Yes, James Troupis.

11 Q That's the same individual?

12 A Yes, correct.

13 Q Can you tell us -- briefly can you
14 summarize what was the theory or the argument you made
15 in that memo?

16 A Well, basically I said that there was very
17 little time to litigate the case and there's concern
18 about how long it would take. And so my point in the
19 memo was that under federal law, under federal statute,
20 the Trump campaign has to have its electors, the people
21 in the electoral college, the ten individuals that the
22 Republican party nominated to be on the ballot in
23 Wisconsin, they have to send in their electoral votes to
24 Washington on December 14th if there's any hope that
25 that those would be counted on January 6th when congress

1 convenes and counted in favor of Trump.

2 And what I explained in the memo detail is
3 that even if the Trump campaign hasn't won the state on
4 December 14th, it's imperative that the votes be sent in
5 because if the votes aren't sent in and the Trump
6 campaign won a week or two later and everybody agreed
7 that Trump had won Wisconsin, congress cannot
8 constitutionally count the votes in favor of Trump on
9 January 6th if that paperwork had not been sent in on
10 time. So it's a strict deadline under the constitution
11 and the bill of statute. And so I emphasized this is
12 something that was extremely important to focus on. If
13 they wanted to litigate the Wisconsin case, you know, as
14 far as it would go, take every chance to win, it was
15 very important that they file this paperwork on time.

16 Q If you would turn to Exhibit, what's marked
17 as Exhibit 26.

18 A Okay.

19 Q Take as long as you need to review that and
20 tell me if you recognize that document.

21 A Yes, it's a five-page memo that I sent
22 James Troupis on December 9th.

23 Q So you said you sent this memo to James
24 Troupis. Did you author this memo?

25 A Yes, I did. Yes, of course.

1 Q And can you tell me again briefly what is
2 the argument or what is the position that you described
3 in this memo?

4 A By then the Trump campaign had decided that
5 we would in Wisconsin have the electors vote, send the
6 paperwork in to make sure that we could pursue
7 litigation as long as through January 6th, if necessary.
8 He had been told by the campaign, he told me, that the
9 campaign was interested --

10 Q Just a second. When you say he just now --

11 A Yeah, I'm sorry. James Troupis who I was
12 working under in Wisconsin told me that the campaign was
13 interested in having the --

14 Q I'm sorry, I'm going to stop you there. I
15 think what you're describing is hearsay.

16 A Oh, right, right, I shouldn't do that,
17 okay. So the point of the --

18 MR. RASHBROOK: And for the members of the
19 Grand Jury, I'd admonish you to disregard what
20 Mr. Chesebro just testified to as far as the statements
21 of another individual.

22 THE WITNESS: Right, yeah.

23 BY MR. RASHBROOK:

24 Q If you could, without referring to what
25 anybody else said --

1 A Absolutely. As a lawyer I should know
2 better. Okay. So the memo just explained in general,
3 it happened to be to James Troupis, but in general it
4 was for anybody that was dealing with this, that
5 basically there were requirements that would have to be
6 met in any state where there was litigation going on.
7 There were requirements under federal law as to exactly,
8 you know, what day and where and how these documents
9 would have to be prepared. And also there were
10 requirements under the law of each state as to what
11 exactly would have to be done in terms of the
12 formalities to meet the federal and state requirements.
13 So this is trying to lay out what exactly would have to
14 be done with this paperwork so that it would meet the
15 legal requirements.

16 Q If you would please turn to what's marked
17 in the bottom right-hand corner, and I'm still on
18 Exhibit 26.

19 A Okay.

20 Q Marked on the bottom right-hand corner
21 Grand Jury 000193.

22 A Okay.

23 Q Do you see about the middle of the page a
24 heading D. Nevada: 6 electors?

25 A Yes.

1 Q Can you read for us the first paragraph
2 under that heading?

3 A Okay. "Nevada is an extremely problematic
4 State, because it requires the meeting of the electors
5 to be overseen by the Secretary of State, who is only
6 supposed to permit electoral votes for the winner of the
7 popular vote in Nevada". And then I give the specific
8 legal citation and I link to, you know, where it is,
9 where you can read it.

10 Q Following your drafting of this memo, were
11 you asked to draft any other documents related to
12 electoral votes?

13 A Yes, I was asked to take draft documents of
14 the exact paperwork that would be signed that were done
15 in Wisconsin and then look at that and try to develop
16 that to be, you know, the best that I could. And then I
17 was also asked to look at the ones that the Trump
18 campaign national people had prepared. And I took all
19 that together -- I'm sorry, I missed the question. So I
20 was asked to basically try to review all that and try to
21 get it in a decent draft form so that it could be sent
22 out to any states that were thinking about doing this
23 and they would understand the basics of how they would
24 do this if they chose to.

25 Q And who asked you to do that?

1 A It was Justin Clark who was the top lawyer
2 of the Trump campaign. He was the deputy campaign
3 manager, but he had just been the general counsel so he
4 was in charge of all the legal stuff.

5 Q And did you draft those documents?

6 A Yes, I did.

7 Q When you drafted those documents did you
8 view them as a finished product or a final draft?

9 A No. I told the campaign in emails that I
10 wanted drafts that were really, you know, solid and gave
11 each state something to start with. And it was very
12 important that each state look at the details and make
13 sure that it all fit and it was proper.

14 Q And did you send those documents to anybody
15 in Nevada?

16 A Yes, I did.

17 Q Who did you contact in Nevada?

18 A Initially I sent an initial, you know,
19 introductory email to James DeGraffenreid, I'm probably
20 getting that wrong, DeGraffenreid, Michael McDonald and
21 Jesse Law.

22 Q And why did you contact those individuals?

23 A The campaign had given me a list of
24 electors and they were listed and their emails were
25 listed and then a fourth person had an email and so I

1 just picked these three to email.

2 Q And so when you contacted them I believe
3 you said you communicated with one of the individuals
4 and the name was Mr. DeGraffenreid?

5 A Yes, he was one of the three that I
6 initially wrote and he wrote me back.

7 Q And what did you communicate to him?

8 A That I was conveying the request of the
9 Trump campaign that they assemble and have alternate
10 electors on December 14th to preserve the ability to,
11 you know, to win the litigation and have the votes
12 counted on January 6th.

13 Q If you could please turn to what's marked
14 as Exhibit 27. Take whatever time you need to review
15 that and tell me if you recognize that.

16 A Yes, this is an email trail where after I
17 wrote the three people on December 10th, Mr.
18 DeGraffenreid writes me back a few hours later and we
19 have a back and forth and some details.

20 Q And was that the time that you provided him
21 the draft documents?

22 A Well, so I sent a couple very preliminary
23 draft documents on December 10th. And it was the next
24 evening, December 11th, that I sent him, it was seven
25 documents put in numerical order, you know, tried to be

1 really organized. So it was basically late on
2 December 11th that I sent Mr. DeGraffenreid the
3 documents that I drafted.

4 Q And I believe you said just now that there
5 were seven documents that you sent in that particular
6 submission?

7 A Yes.

8 Q Can you describe those for us?

9 A They're basically an overview memo
10 explaining how things work, various drafts of documents
11 that the electors both individually sign their ballots
12 and then the ballots would be counted up and then there
13 would be a certificate announcing the final result for
14 president or vice president which would be signed. And
15 then there were other details like a cover memo that
16 would be sent with the packages to the various people
17 that under federal law are supposed to receive copies.
18 So it was basically trying to be an organized
19 step-by-step explanation of what they would have to do
20 to complete the paperwork properly.

21 Q Did you inquire of Mr. DeGraffenreid
22 whether there was pending litigation in Nevada connected
23 to the election?

24 A Yes, I did. In the email early on the 11th
25 when he wrote back I pointed him to some litigation that

1 I heard had occurred in Nevada and I wondered if that
2 was still going on.

3 Q Did you get any response?

4 A No.

5 Q Did you think -- the question of whether
6 there was pending litigation, was that a significant
7 fact to you?

8 A Yes, it was.

9 Q And why was that?

10 A Because the whole point of the alternate
11 elector plan that we derived at in Wisconsin is the idea
12 is to make sure that we have the extra three weeks to
13 try to win the lawsuit. If there isn't any lawsuit then
14 there's no need for this to be done because there's no
15 lawsuit that would be won before January 6th.

16 Q Did there ever come a time when concerns
17 were expressed to you about the language in those draft
18 documents you had circulated?

19 A Yes, I had sent it to several states that
20 were looking at this and the electors in Pennsylvania
21 expressed concerns starting by early afternoon on
22 December 12th, about two days before they had to do
23 this.

24 Q And I'll just ask you, and I'm going to ask
25 you to give me some information about what those people

1 told you.

2 Before I ask that question I want to
3 admonish the jurors that the question I'm going to ask
4 Mr. Chesebro, I expect that he will tell us he was told
5 some things by another individual. Those statements are
6 not offered for the truth of the matter asserted, they
7 are -- I'm only going to ask whether based on that he
8 then did anything.

9 So Mr. Chesebro, can you tell me, did those
10 Pennsylvania electors I believe you mentioned, did they
11 express certain concerns to you?

12 A Yes, they did.

13 Q And what were those? What they did say?

14 A Well, they looked at the wording of the
15 draft certificate which was the wording that the Trump
16 campaign had supplied me which I hadn't changed and said
17 that we are the, roughly the duly elected and qualified
18 electors for president and vice president of the United
19 States. And they said we have a really political
20 Attorney General Democrat and we're worried if we sign
21 this he's going to investigate us and maybe prosecute us
22 for filing something that was false. And so they just,
23 you know, they were generally worried. I mean, there
24 were several of them on the line and they were just
25 concerned.

1 Q And so did you think that concern valid?

2 A Yeah, I could understand a lay person
3 looking at this and not understanding some of the
4 details that I did, that they could say this, you know,
5 this doesn't seem right. And I could see the worry that
6 somebody from the other political party might make an
7 issue of it. So I thought that was a very genuine
8 concern.

9 Q And so based on that communication did you
10 do anything?

11 A Yeah, yeah, I was told by the campaign to
12 come up with the language that would settle their
13 concern. And so I drafted up some language and then we
14 sent it to Pennsylvania and they were fine with it.

15 Q And did you think that that language should
16 be used in the other states as well?

17 A Yes.

18 Q Did you express that opinion to anybody in
19 the campaign?

20 A Yes.

21 Q Can you tell us to who?

22 A To Mike Roman who was coordinating, doing
23 the alternate electors in all the states, and to Joshua
24 Finley who was associate general counsel of the Trump
25 campaign, the key lawyer that was working on the

1 details.

2 Q Did any of the Nevada electors express to
3 you any similar concerns?

4 A No.

5 Q You mentioned three individuals before I
6 think; James DeGraffenreid, Michael McDonald and Jesse
7 Law. Were there any other individuals in Nevada that
8 you contacted?

9 A I didn't contact anyone but I believe there
10 was somebody named Meehan who made a comment on some, on
11 an email that I was emailing Mr. DeGraffenreid
12 afterward. So I remember that name but I don't know if
13 I said anything to him but it would be incidental. It
14 was after the vote so it wouldn't have related to any of
15 the details about the vote.

16 Q Did you email any draft documents to anyone
17 else in Nevada?

18 A No.

19 Q Mr. Chesebro, those are all the questions
20 that I have for you. I'm going to canvass the Grand
21 Jurors whether they might have any questions at this
22 time. If any of them do I'll ask you to pause before
23 you answer them and then I may offer you instructions or
24 ask them to rephrase their question.

25 Okay. I apologize, I'm going to ask one or

1 two more questions. Mr. Chesebro, are you familiar with
2 the term regional political director?

3 A I am now, yes.

4 Q Was there ever a time when you were put in
5 contact with any regional political directors connected
6 to the Trump campaign?

7 A Yes.

8 Q And did you contact the Nevada regional
9 political director?

10 A Not specifically. I don't think I had any
11 one-on-one contact, but he was among the list of all the
12 regional political directors that I would send materials
13 to update them on what I heard about particular states
14 or what I've sent to particular states.

15 Q And do you recall that individual's name?

16 A Actually, no. Sorry, no.

17 Q In that case those are all the questions I
18 have.

19 So ladies and gentlemen, do any of the
20 Grand Jurors have questions for Mr. Chesebro?

21 Yes, please go ahead.

22 A JUROR: Thank you.

23 BY A JUROR:

24 Q On page 000194, I believe that's 26, what
25 is the role -- according to the Secretary of State of

1 Nevada at the bottom, what's the role according to the
2 Secretary of State?

3 A JUROR: Last line.

4 BY MR. RASHBROOK:

5 Q So Mr. Chesebro, looking at page 194, do
6 you see the language that Madam Grand Juror is referring
7 to?

8 A Maybe 193.

9 Q I think if you look at 194, the very last
10 two lines.

11 A Okay. Oh, okay. So the question being?

12 Q So can you tell us what you meant by that?

13 A By very problematic?

14 Q The role, given the role accorded to the
15 Secretary of State.

16 A Yes. So the Secretary of State is told by
17 Nevada statute that when the electors for president, the
18 ten people, sign the documents, the Secretary of State
19 is supposed to look at the document and make sure the
20 elector is voting for the person that won the popular
21 vote.

22 Well, on December 14th in Nevada, you know,
23 unless it changed later, the person who won the popular
24 vote was Biden. So what that means is that even though
25 these are ten people pledged to vote for President Trump

1 and even though the idea would be they would just send
2 in their votes in case somehow Trump won later, the
3 Secretary of State is supposed to make sure that they
4 vote for Biden.

5 So the problem is it's effectively
6 impossible, the Secretary of State is there saying, no,
7 you can't vote for Trump, you've got to vote for Biden.
8 There's no way you can meet the statute if you try to
9 vote for Trump. And that's just the problem. So
10 anyway, so maybe I'm not so clear but you can only --
11 the electors can only vote for Biden if Biden is the
12 person in the lead on December 14th.

13 MR. RASHBROOK: Any other questions? Go
14 ahead.

15 BY A JUROR:

16 Q I heard him say ten, ten electoral votes.
17 Isn't it six?

18 A Yeah, exactly. Ten is Wisconsin. I was
19 thinking Wisconsin, sorry.

20 Q Thank you.

21 THE FOREPERSON: We have a couple more
22 questions over here.

23 MR. RASHBROOK: Go ahead, Miss.

24 BY A JUROR:

25 Q In one of the emails I think you referred

1 to asking if there was current legislation going on in
2 Nevada. Did they ever answer you back that, no, there
3 weren't any lawsuits?

4 MR. RASHBROOK: I think what Mr. Chesebro
5 referred to was litigation rather than legislation.

6 A JUROR: Yes, sorry, litigation is what I
7 meant.

8 THE WITNESS: They never answered the
9 question either way.

10 A JUROR: Okay.

11 MR. RASHBROOK: Go ahead, sir.

12 BY A JUROR:

13 Q Did anybody offer you any type of evidence
14 that there was voter fraud in Nevada that was believable
15 to you?

16 A There was no evidence on that topic at all
17 offered to me either way just on the subject.

18 BY A JUROR:

19 Q So this is state over federal electoral
20 statutes?

21 A I'm sorry, can you rephrase or --

22 Q Whatever, Pennsylvania, Wisconsin, Georgia,
23 all those other states and Nevada does, you had opinions
24 on Nevada but that there's no federal legislation on --
25 is there federal legislation on voting?

1 THE WITNESS: I can answer that easily if
2 you want me to.

3 MR. RASHBROOK: One second, please.

4 I think to answer your question would
5 require a person qualified as an expert, and as we
6 haven't gone through that process I'm going to direct
7 Mr. Chesebro not to answer. Any other questions?

8 BY A JUROR:

9 Q Pending litigation or -- pending
10 litigation, does that have any effect on subsequent
11 actions?

12 MR. RASHBROOK: I'm sorry, can you --

13 BY A JUROR:

14 Q Pending litigation, does it have any effect
15 on subsequent actions?

16 MR. RASHBROOK: When you say subsequent
17 actions can you --

18 BY A JUROR:

19 Q Eventual after the fact, you know, if it's
20 not a law, if it's not litigated.

21 MR. RASHBROOK: I'm going to try to
22 rephrase your question a little bit.

23 BY MR. RASHBROOK:

24 Q Mr. Chesebro, did you see pending
25 litigation as critical to your theories here?

1 A Yes.

2 Q And why was that?

3 A Because the whole point of having alternate
4 electors is that under federal law we have to send in
5 the votes three weeks before the opening counted. And
6 because election day was early November, you know, this
7 is complicated litigation. I mean, you're lucky if you
8 can finish it in two months. And so because in those
9 three weeks, those three weeks could be the critical
10 time you need to finish up the case. Then the alternate
11 electors need to be submitted, the paperwork on
12 December 14th. But if there's no pending litigation at
13 all there's no reason to file these votes. So that's
14 why the whole point of it is pending location, okay, if
15 it's legitimate litigation, good faith, you know, they
16 could win, then we need to give these extra three weeks
17 by having the paperwork filed. If there's no
18 litigation, there's no point to it.

19 BY MR. RASHBROOK:

20 Q Is it fair to say that your view was if
21 there was no litigation pending then there was no way to
22 reverse the result and therefore no way that these
23 alternate votes would become meaningful or be counted
24 correctly?

25 A Yes, because if on December 14th all the

1 lawsuits are over and the governor has said Biden won
2 and there's nothing more that's going to happen in court
3 then it's over. And so there's no reason to file the
4 paperwork because there's no reason to give another
5 three weeks to win the lawsuit.

6 MR. RASHBROOK: Go ahead, sir.

7 BY A JUROR:

8 Q Going back to your testimony regarding the
9 role of the Nevada Secretary of State and that they must
10 certify the votes cast for the popular, consistent with
11 the popular vote, is it also your interpretation that
12 the Secretary of State needs to be present at the time
13 those votes are cast?

14 MR. RASHBROOK: I'm going to direct
15 Mr. Chesebro not to answer because I think that involves
16 a legal conclusion.

17 THE WITNESS: It's in the statute, whatever
18 it says.

19 MR. RASHBROOK: Are there any other
20 questions?

21 BY A JUROR:

22 Q So going back to GJ000194, very problematic
23 in Nevada, this is your memo to Judge Troupis, James?

24 A Yes.

25 Q So were you basically saying we can't do

1 this in Nevada?

2 A I can summarize my memo if you want.

3 MR. RASHBROOK: That's fine.

4 THE WITNESS: What I said was that a person
5 can argue that it's still in theory could be done
6 because the purpose of this statute is to make sure that
7 the, in this situation the Biden electors, if they
8 promise to vote for Biden, if they don't change their
9 vote and go for Hillary Clinton or do something crazy,
10 the purpose is not to keep a campaign that's behind but
11 litigating to file paperwork so that maybe they can win
12 later. So the purpose of the statute I pointed out
13 doesn't really cover what we're trying to do here.

14 But the second thing is that also congress
15 ultimately is going to decide or congress or whoever in
16 congress decides there's an issue there perhaps on
17 January 6th, they'll figure it out. And they might
18 decide it doesn't really matter that the Secretary of
19 State wasn't there. They ultimately -- so there's a
20 theory where maybe even if the statute in Nevada wasn't
21 filed, maybe it could be okay. But so I try to explain
22 that in the memo. But I definitely believe it was
23 problematic because the statute was the statute, it said
24 what it said and it was a real problem.

25 MR. RASHBROOK: Any other questions?

1 Seeing none.

2 THE FOREPERSON: So by law these
3 proceedings are secret and you are prohibited from
4 disclosing to anyone anything that transpired before us
5 including evidence presented to the Grand Jury, any
6 event occurring or a statement made in the presence of
7 the Grand Jury, information obtained by the Grand Jury.

8 Failure to comply with this admonition is a
9 gross misdemeanor punishable up to 364 days in the Clark
10 County Detention Center and a \$2,000 fine. In addition
11 you may be held in contempt of court punishable by an
12 additional \$500 fine and 25 days in the Clark County
13 Detention Center.

14 Do you understand this admonition?

15 THE WITNESS: Yes, I do.

16 THE FOREPERSON: Thank you, sir. You're
17 excused.

18 THE WITNESS: Thank you so much.
19 Appreciate it.

20 MS. ENGLER: That is all the testimony we
21 have for today. We will be back next week for the
22 conclusion of our presentation. Thank you.

23 (Proceedings continued.)

24 --oo0oo--

25

REPORTER'S CERTIFICATE

STATE OF NEVADA)
 : ss
COUNTY OF CLARK)

I, Donna J. McCord, C.C.R. 337, do hereby
certify that I took down in Shorthand (Stenotype) all of
the proceedings had in the before-entitled matter at the
time and place indicated and thereafter said shorthand
notes were transcribed at and under my direction and
supervision and that the foregoing transcript
constitutes a full, true, and accurate record of the
proceedings had.

Dated at Las Vegas, Nevada,
December 17, 2023.

/S/DONNA J. MCCORD
Donna J. McCord, CCR 337

AFFIRMATION

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding
TRANSCRIPT filed in GRAND JURY CASE NUMBER 23AGJ164A-F:

X Does not contain the social security number of any
person,

-OR-

____ Contains the social security number of a person as
required by:

A. A specific state or federal law, to-wit:
NRS 656.250.

-OR-

B. For the administration of a public program
or for an application for a federal or
state grant.

/S/DONNA J. MCCORD
Signature

December 17, 2023
Date

Donna J. McCord
Print Name

Official Court Reporter
Title

A JUROR: [6] 19/6 21/8 40/22 41/3 43/6 43/10 BY A JUROR: [20] 18/7 18/23 19/14 19/21 20/7 20/14 20/21 21/3 21/10 21/17 40/23 42/15 42/24 43/12 43/18 44/8 44/13 44/18 46/7 46/21 BY MR. RASHBROOK: [5] 24/7 30/23 41/4 44/23 45/19 BY MS. ENGLER: [9] 7/24 13/15 14/6 14/21 15/9 15/22 16/11 17/20 18/17 MR. RASHBROOK: [15] 23/25 30/18 42/13 42/23 43/4 43/11 44/3 44/12 44/16 44/21 46/6 46/14 46/19 47/3 47/25 MS. 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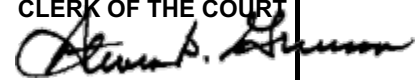
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EXHIBIT 3

TRANSCRIPT OF PROCEEDINGS
– VOLUME 3
TUESDAY DECEMBER 5, 2023

EXHIBIT 3

Electronically Filed
 12/17/2023 3:19 PM
 Steven D. Grierson
 CLERK OF THE COURT



EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

BEFORE THE GRAND JURY IMPANELED BY THE AFORESAID

DISTRICT COURT

THE STATE OF NEVADA,

Plaintiff,

vs.

) GJ Case No. 23AGJ164A-F
) DC Case No. C379122

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

Defendants.

Taken at Las Vegas, Nevada

Tuesday, December 5, 2023

1:15 p.m.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

Volume 3

Reported by: Donna J. McCord, C.C.R. No. 337

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3 CHARLES HOPPER, Foreperson

4 DEVIN SINITIERE, Deputy Foreperson

13:00:33 5 KACY CURRY, Assistant Secretary

6 TERRY BRATTON

7 HEATHER DiFULVIO

8 CHELSEA COLLINS

9 IRENE FLORES

13:00:33 10 STEVEN FOREMAN

11 MEISY GONZALEZ

12 TIFFANY HARRIS

13 MICHAEL HAYES

14 ANDREA GARRY-SAYLES

13:00:34 15 DIMITRIOS STAVROS

16 ELI RODRIGUEZ

17

18 Also present at the request of the Grand Jury:

19 Alyssa Engler

20 Chief Deputy Attorney General

13:00:34 21 Matthew Rashbrook

Special Prosecutor for Consumer Protection and Fraud

22 Christine Jones Brady

Second Assistant Attorney General

23 Aaron Ford

Attorney General

24

25

13:00:34

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LAS VEGAS, NEVADA, DECEMBER 5, 2023

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4

DONNA J. McCORD,

13:00:36

5

having been first duly sworn to faithfully

6

and accurately transcribe the following

7

proceedings to the best of her ability.

8

9

MR. FORD: Thank you so much. Good

13:15:38

10

afternoon, everybody. Ladies and gentlemen of the Grand

11

Jury, my name is Aaron Ford and I am your Attorney

12

General. With me today is Christine Jones Brady, my

13

Second Assistant Attorney General, Alyssa Engler who is

14

my Chief Deputy Attorney General over prosecutions and

13:15:53

15

Matthew Rashbrook who is a Special Prosecutor in our

16

office.

17

We are back here today presenting Grand

18

Jury case number 23AGJ164A-F, the State of Nevada versus

19

Michael James McDonald, James Walter DeGraffenreid, III,

13:16:10

20

Jesse Reed Law, Durward James Hindle, III, Shawn Michael

21

Meehan and Eileen A. Rice.

22

The record will reflect that the Proposed

23

Indictment we're asking you to consider has previously

24

been marked as Exhibit 1A. For those not in attendance

13:16:29

25

last week, we offered a new Proposed Indictment so

13:16:32 1 please disregard Exhibit 1 and consider only the
2 Proposed Indictment in Exhibit 1A.

3 We previously presented this case on
4 November the 14th and November the 28th of this year and
13:16:44 5 we're aware that there were jurors absent on those days,
6 so a transcript has been prepared of those proceedings
7 and I ask that you review those transcripts and any
8 exhibits before deliberating.

9 Lastly, the record will reflect that we
13:16:58 10 have submitted a new set of instructions on the law for
11 you to consider when deliberating and those have also
12 been marked at this time as Exhibit 2A as well.

13 And so with that for our first witness the
14 State will be calling Warren Heister. Thank you so
13:17:16 15 much.

16 THE FOREPERSON: Please raise your right
17 hand.

18 You do solemnly swear that the testimony
19 that you're about to give upon the investigation now
13:17:46 20 pending before this Grand Jury shall be the truth, the
21 whole truth, and nothing but the truth, so help you God?

22 THE WITNESS: I do.

23 THE FOREPERSON: Please have a seat.

24 You're advised that you are here today to
13:17:59 25 give testimony in the investigation pertaining to the

13:18:00 1 offenses offering false instrument for filing or
2 recording and uttering a forged instrument: forgery,
3 regarding James DeGraffenreid, Durward Hindle, Jesse
4 Law, Michael McDonald, Shawn Meehan and Eileen Rice.

13:18:19 5 Do you understand this advisement?

6 THE WITNESS: Yes, sir.

7 THE FOREPERSON: Please state your first
8 and last name and spell them both for the record.

9 THE WITNESS: My name is Warren Heister,

13:18:24 10 W-A-R-R-E-N H-E-I-S-T-E-R.

11 THE FOREPERSON: Thank you.

12 You may proceed.

13 MS. BRADY: Thank you.

14 WARREN HEISTER,

13:18:33 15 having been first duly sworn by the Foreperson of the
16 Grand Jury to testify to the truth, the whole truth
17 and nothing but the truth, testified as follows:

18

19 EXAMINATION

13:18:33 20 BY MS. BRADY:

21 Q Good afternoon.

22 A Good afternoon.

23 Q Why don't you first tell us a little bit,
24 tell the jurors a little bit about your education.

13:18:42 25 A Okay. My education. Graduated college

13:18:47 1 with a bachelor's degree, went to Seattle University in
2 Washington. After that went through formal training to
3 become a law enforcement officer through the academy for
4 the United States Postal Inspection Service.

13:19:02 5 Q And what is your title currently?

6 A My current title is United States Postal
7 Inspector.

8 Q And what area do you work in?

9 A My area of responsibility is Northern
13:19:14 10 Nevada and Northeast California and we predominantly go
11 by zip codes. And so that would be 961 California zip
12 code starting and then 894 to 898 of Nevada.

13 Q As federal law enforcement, what would be
14 your area of jurisdiction in terms of different acts
13:19:35 15 that happen with the mail?

16 A Sure. As a U.S. Postal Inspector my job is
17 to protect the United States Postal Service, its
18 employees, its buildings, its structures, its assets,
19 the mail system itself from any crimes and to enforce
13:19:56 20 the laws that protect the postal service and its
21 employees.

22 Q Okay. And what kind of crimes do you
23 protect the postal service from?

24 A So as a postal inspector our crimes vary.
13:20:08 25 It could be from robberies of our letter carriers which

13:20:14 1 has made the news recently to burglaries of our post
2 offices, arsons against our buildings, homicides to our
3 employees, assaults to our employees. It would also
4 cover our mail service which would include mail theft,
13:20:31 5 mail fraud, drugs in the mail, contraband in the mail,
6 dangerous substances in the mail with anthrax and ricin
7 and any other of the ones that you can think of and the
8 list goes on.

9 Q And so you've talked a little bit about
13:20:54 10 what your responsibilities are, but in your current role
11 what do you do, what does an inspector do and what is
12 your team comprised off?

13 A So I work in the Reno domicile and in the
14 Reno domicile there are two postal inspectors and we
13:21:11 15 cover the area as stated earlier. Geographically it's
16 the invisible line between Tonopah and Ely and
17 everything north of that. Predominantly we work mail
18 theft as the most encountered crime in the area. Some
19 of it is drugs through the mail as well as other frauds
13:21:32 20 and whatnot. And then we assist other local law
21 enforcements with whatever cases they may have that
22 involve the mail.

23 Q Okay. And do you also coordinate with the
24 Southern Nevada Postal Inspectors?

13:21:45 25 A Yes. Reno domicile actually belongs to the

13:21:49 1 Las Vegas team, so my supervisor sits here in Vegas and
2 then I have also coworkers that work here and live here
3 full time.

4 Q Okay. Thank you. And when you were
13:22:00 5 talking about your team, so you have another postal
6 inspector that you work with in the Reno domicile, but
7 who else is on your team? Anyone else? Do you have
8 analysts, anybody else that work on your team?

9 A Yeah. I mean, because we're a national
13:22:20 10 agency we have different roles and responsibilities in
11 the agency. We have support personnel that handle
12 administrative issues, we have analysts that help us in
13 our investigations, we have technicians that help us do
14 a lot of the technical things with surveillance cameras,
13:22:38 15 electronics and so on and so forth. So there's a wide
16 variety of us that work for the United States Postal
17 Inspections that are not just postal inspectors.

18 Q Okay. But as the postal inspector are you
19 responsible to review the work that they do in relation
13:22:55 20 to your investigations?

21 A Yes. So sometimes when -- sometimes during
22 my normal course of work I will often ask for assistance
23 or task some of the support personnel to conduct parts
24 of my investigation that can be done in the office or
13:23:12 25 through searching databases or investigative efforts

13:23:17 1 that don't require field work. And any product given to
2 me provided by them I review for the accuracy to see if
3 it was relevant to what I asked for, if it was what I
4 was asking for. And then that I also understand or know
13:23:34 5 how that information can be validated or truthful to the
6 best of our knowledge obviously.

7 Q Okay. Thank you. And let's talk a little
8 bit now about different kinds of mail services that you
9 all have at the United States Postal Service. What are
13:23:57 10 some of the different services you offer?

11 A So the postal service, I don't offer any
12 but the postal service does, offers first class
13 obviously and that constitutes anything that you put
14 postage on like a stamp for your letter or postage for
13:24:18 15 packages. We do an expedited service with express,
16 usually one to two nights overnight. We offer lower
17 class standards, whether it be advertising or magazines,
18 and then we also offer different add-ons for those
19 services whether it be signature or delivery
13:24:38 20 confirmation, tracking certifieds, registereds and so on
21 and so forth.

22 Q So let's talk a little bit about the
23 certified mail. What is that? Describe what happens
24 with the certified mail.

13:24:52 25 A So certified is an add-on service to first

13:24:54 1 class mail and it's what most businesses or even I
2 believe government agencies use to document mailing of
3 such letters or paperwork so that they can show their
4 efforts to contact someone or notify someone and the
13:25:25 5 like.

6 Q How is it documented? Does somebody have
7 to sign for it or what do you mean to document it? What
8 do you mean?

9 A So first class mail doesn't generally come
13:25:34 10 with tracking. Usually first class mail is a letter to
11 my grandmother or my aunt and I put a stamp on it and
12 off it goes. I have no knowledge of where it is in the
13 system or when it gets there. I have an idea but it's
14 not documented, as we say. So if it's certified it does
13:25:54 15 attach a tracking number to that letter or to that mail
16 piece so that we can track that letter through the mail
17 system. And also with certified there comes other
18 services that are paid for by request by whoever the
19 sender is paying for the postage.

13:26:14 20 Q What are the other services?

21 A So those services could be a return receipt
22 which would require a signature or which would get a
23 signature from the person being delivered to, and then
24 that receipt would then be sent back to the addressee so
13:26:31 25 that they know that mail piece was received by a person

13:26:35 1 who signed for it. We could add restrictive delivery
2 which would prevent anyone else from signing for it
3 except for that person. To consider it a registered
4 mail piece would give it a higher level of security by
13:26:50 5 making it a hand-to-hand transfer and more so secure
6 process.

7 Q When you say hand-to-hand transfer, what
8 does that mean?

9 A It would mean that through the postal
13:27:05 10 service that mail piece that would have that registered
11 attachment to it would get hand-to-hand accountability
12 within the postal service.

13 Q So you know everybody who has touched that
14 piece of mail?

13:27:19 15 A Right. Everyone would have to sign for it
16 for each leg of the trip and all the way until delivery
17 and then we would also include scans with those
18 electronically as well.

19 Q What kind of things have you sent, would
13:27:32 20 you send domestic registered or --

21 A I haven't sent anything domestic registered
22 but usually those are valuables, important documents,
23 things that people want to know that it's going to get
24 there and not throw them on a machine for automation to
13:27:52 25 process and they get lost somewhere in the processing of

13:27:56 1 that.

2 Our history as postal inspectors go back to
3 registered mail and the transfer of the Hope Diamond
4 from one place to another and so that required a
13:28:06 5 hand-to-hand transfer. In some of the earliest pictures
6 I've seen of postal inspectors have the Hope Diamond in
7 a briefcase with the handcuffs on like we see in the
8 movies because it was registered mail from one place to
9 the other.

13:28:19 10 Q So why use the U.S. Postal Service? Is
11 that a higher -- let me ask you this way. There's other
12 services, other mail services. Why, if you have
13 something important you want to mail, why the United
14 States Postal Service?

13:28:37 15 A Well, we are the only mail service and
16 nobody else is a mail service so our other I guess
17 competitors you would say don't carry mail, they carry
18 your shipment or your goods or your freight. And
19 because I'm biased I will say the postal service is the
13:28:59 20 way to go for your important things because the postal
21 service has postal inspectors like myself, and no other
22 shipper, competitor of ours has a full-fledged law
23 enforcement agency that could tell you if we, if someone
24 stole your things that we'll go out and arrest the
13:29:27 25 person that did it.

13:29:28 1 Q Okay.

2 A They'll tell you, yep, it got stolen from
3 the porch as we say and too bad, so sad. But if you
4 mail it with the postal service you have a postal
13:29:38 5 inspector that will investigate that, look into it and
6 then hopefully arrest somebody for stealing that off of
7 your porch.

8 Q And you testified earlier a few minutes ago
9 that you assist other law enforcement agencies?

13:29:51 10 A Yes.

11 Q Have you assisted the Nevada Attorney
12 General's Office?

13 A Yes, I have.

14 Q And most recently did the Nevada Attorney
13:29:59 15 General's Office contact you regarding the instant case
16 we're dealing with now?

17 A Not so much in this specific case but they
18 did reach out. One of their investigators did reach out
19 to me for assistance with one of the cases they were
13:30:14 20 working and I don't know the specifics of it too much.

21 Q Okay. And when did the investigator first
22 reach out to you if you can recall or just estimate the
23 time frame?

24 A It's been sometime. I was looking at some
13:30:26 25 records last -- yesterday to refresh my memory but I

13:30:31 1 believe it was, it's been over a year I'm pretty sure
2 but I'm not quite sure.

3 Q Okay. So you've been assisting the Nevada
4 Attorney General's Office for over a year?

13:30:43 5 A On this specific issue I believe, yes.

6 Q Okay. Thank you. And what was the
7 request? When the investigator from the Nevada Attorney
8 General's Office contacted you, what was their request?

9 A Well, the — excuse me, I woke up with
13:30:59 10 something in my throat. They had some tracking numbers
11 that they were seeking information on and weren't
12 necessarily very specific but just asked what
13 information I could provide with those tracking numbers.

14 Q Okay. And as a result of what they were
13:31:23 15 asking you, what did you do?

16 A Well, in this case I discussed it with the
17 investigator and the initial assessment was to provide
18 data relating to those tracking numbers. And I believe
19 at that time I looked at the numbers and checked into
13:31:49 20 the, I guess the timeliness of those numbers, and
21 because some time had passed with them I knew that some
22 of the information was going to take a little bit of
23 work to get to. And so I had requested the help from
24 one of my analysts to provide me with information
13:32:18 25 regarding those specific tracking numbers.

13:32:20 1 Q Okay. Let's talk about some of that
2 because in fact you can provide a lot of information
3 with a tracking number; is that correct?

4 A Yes.

13:32:27 5 Q Okay. Let us draw your attention to, we
6 have Exhibit 21 and there should be -- Exhibit 21, Grand
7 Jury page 79. If you'll take a look at that and just
8 take a look at that document and do you recognize it?

9 A Yes, I do.

13:33:02 10 Q Okay. And who generated this document?

11 A This document would have been generated by
12 my analyst and could have been altered by me as well
13 after she generated the document, and I may have pulled
14 the information out of it that was not relevant.

13:33:24 15 Q Okay.

16 A Or as I felt relevant.

17 Q So your analyst created the document but
18 you reviewed it?

19 A That's correct.

13:33:31 20 Q Okay. And you reviewed it for --

21 A Relevancy, accurateness, completeness, just
22 to make sure it was what I was looking for, what was
23 relevant to the investigation and to make sure it was
24 what I wanted, what was being requested.

13:33:58 25 Q Okay. And is this a common practice that

13:34:02 1 when you're conducting an investigation what you do?

2 A Yes, I do it almost everyday, if not on a
3 weekly basis to ask for help with some parts of
4 investigation because our analysts and our support
13:34:18 5 personnel run reports regularly and normally where I'm
6 in the field more so. And so if there's something that
7 I can make my time more efficient by asking for someone
8 else to do or support the investigation while I can go
9 do other things in the field which they're not allowed
13:34:37 10 to do, then I will make that request and then again when
11 the product comes back review it.

12 Q And looking at this document, does it look
13 like a true and accurate representation of what you
14 reviewed?

13:34:50 15 A Yes, very much so.

16 Q And what you verified as accurate?

17 A Yes. And then what I also produced that I
18 leave to the investigator.

19 Q Okay. And then what is this document?

13:35:04 20 A So if you look at this document on the top
21 left corner it says it's an SSA Transaction and Tender
22 Report. And so what that tells me is that an inquiry
23 into a database, a postal database, was done to produce
24 this report and that was done based off serial number.

13:35:28 25 And then the information you see here were part of the

13:35:32 1 caveats for the filter to provide the information which
2 would include the retail unit, the finance number of
3 that unit and the dates and the sale types to produce
4 it.

13:35:44 5 Q So in running this report, all of this
6 information is regularly kept in your postal service
7 database, just to clarify?

8 A Yes, they're considered normal typical
9 business records by the postal service.

13:36:00 10 Q Okay. All right. Let's talk a little bit
11 about the different columns that are here. If we can
12 just orient the jurors as to what you can tell by just a
13 tracking number.

14 A Sure.

13:36:11 15 Q So if I'm, just to hear what you said, the
16 AG investigator provided you with a tracking number and
17 from that you were able to produce all of this?

18 A Yes.

13:36:28 19 Q Okay. So we have on the first column it
20 says date. What is that the date of?

21 A So that is December 14th of 2020.

22 Q Uh-huh.

23 A And the query into this database would have
24 been for the serial numbers that were provided.

13:36:43 25 Q Okay.

13:36:44 1 A And then the data is telling me that those
2 serial numbers were involved in a transaction on
3 December 14th, 2020.

13:36:57 4 Q Okay. And then just kind of, and it looks
5 like you have the clerk number, SSA number, so there are
6 different numbers — actually all the clerk numbers are
7 the same.

8 A Yes.

9 Q Does that mean that — what does that mean?

13:37:10 10 A So if you're just looking at the data it
11 tells me the SSA number is a unique identifier to our
12 clerks, to our employees in fact. I have my own unique
13 identifier number in the postal service and it looks
14 similar to that but mine is D 2 Charlie Peter Robert 0,
13:37:30 15 so D2CPR0, so that clerk's unique identifier, that clerk
16 is clerk number 16 in that office. If you look at it
17 it's the Minden Post Office in Nevada.

18 Q And that clerk handled all these
19 transactions that are on this page?

13:37:46 20 A Yes.

21 Q Okay. And then moving over to, we have
22 tender type. What is that? What is a tender type?

23 A So that's the way that the customer would
24 have paid. So in this case it's by MasterCard. In
13:38:02 25 other transactions if someone used cash it would say

13:38:06 1 cash or a Visa or a money order, a check or whatever, a
2 tender that would have been done to conduct the
3 transaction by the customer.

4 Q Does the U.S. Postal Service conduct its
13:38:18 5 MasterCard transactions via a computer system?

6 A Yes.

7 Q Okay. And then it says account number and
8 is that the --

9 A So that's showing the last four digits of
13:38:31 10 the card that was used, so the last four digits of the
11 MasterCard. And for banking reasons and whatnot we're
12 not able to produce full account numbers on these
13 spreadsheets but we do have access to them for
14 investigative purposes.

13:38:50 15 Q Okay. And then on the product, that's sort
16 of, those were the different kinds of services that you
17 described earlier?

18 A That's correct. So the product code is
19 again the just the data point on how a computer knows
13:39:07 20 what product or service was purchased and then next to
21 it it would tell you what that would be in terms of a
22 readable language.

23 Q So in terms of services you provide, what
24 does this tell you about the services that were provided
13:39:23 25 for these particular mailing items?

13:39:25 1 A Well, for each of these transactions, and
2 you can see there, well, I can see and I can explain it
3 later, there are four transactions here in total all
4 conducted at the same time at the same visit by the same
13:39:42 5 person by the same clerk and four transactions meaning
6 four mail pieces.

7 Q Okay.

8 A And you can -- four first class -- well,
9 let's see, it says a large envelope with a certified and
13:40:02 10 a return receipt with it, another first class large
11 envelope with a certified and return receipt and then we
12 have two packages with registered insurance on those.

13 Q Okay. So is this your highest level of
14 service that you provide?

13:40:23 15 A Higher is a difficult word for me to come
16 by because I would tell you it's our most secure because
17 it's registered.

18 Q Okay.

19 A But someone who would want faster
13:40:35 20 service --

21 Q Gotcha.

22 A -- would say it's higher because they would
23 want an overnight or a two-night versus this may take a
24 week or two because of the hand-to-hand and the security
13:40:46 25 of it.

13:40:46 1 Q So this isn't necessarily faster but it's
2 your most secure service?

3 A That's correct.

4 Q Okay. Thank you. And it looks like for
13:40:53 5 the total tendered amount it's the same down the entire
6 column. Does that mean -- what does that mean that
7 it's --

8 A Yes, that's the total transaction amount
9 for the services paid for all four of the mail pieces.

13:41:07 10 Q And does that mean they were transacted at
11 the same time?

12 A That's correct. Through the date you can
13 see that in the transaction end and start time and also
14 through the RDM Visit ID number it's all under that same
13:41:27 15 transaction number.

16 Q Okay. Thank you. Let's look at now the
17 next page, same Exhibit 21 but Grand Jury page 80. Take
18 a look at that report, please. Do you recognize this
19 document?

13:41:46 20 A Yes.

21 Q And it looks like it's consistent, it's
22 over two pages, page 80 and 81?

23 A That's correct.

24 Q Okay. And who generated this document?

13:41:57 25 A Either my analyst or I did.

13:41:59 1 Q Okay. And this is the same as with a prior
2 document, either you or your analyst but you were
3 responsible for reviewing it?

4 A That's right, and to ensure the validity
13:42:13 5 and the relevancy to the information I requested.

6 Q And did you do that for this document?

7 A Very much so.

8 Q And how did you verify the accuracy of this
9 document?

13:42:25 10 A Either when I queried the data for it or
11 when I was provided it, I double check to make sure that
12 the tracking numbers were consistent with the request.
13 I also verified the tracking events of the mail piece to
14 make sure they were relevant and normal to the
13:42:50 15 processing which that mail piece would have traveled.

16 Q Okay. And on this document, just taking a
17 look at it, does this look to be a true and accurate
18 version of what you reviewed, helped create and review?

19 A Yes. Very much so, yes.

13:43:10 20 Q All right. And from this what -- let's
21 kind of walk the jurors through this a little bit. You
22 have the label ID. What is -- or, yeah, label ID, what
23 is that?

24 A Yeah, so that would have been what we
13:43:24 25 normally refer to as the tracking number of the mail

13:43:27 1 piece.

2 Q Okay.

3 A In the postal service we call them labels
4 or your postage labels.

13:43:33 5 Q And you can tell where it's been, right?

6 A Yes, through the scans that our employees
7 would have had that physical mail piece and then the
8 barcode that our scanners would either be, that would
9 read the barcode and they track it to where it is.

13:43:49 10 Q And are these the same tracking numbers,
11 the same four tracking numbers that are in the prior
12 document on page 79?

13 A I would have to double check again, yes.

14 Q Would you take a moment to refresh your
13:44:00 15 recollection? Just take a look at it and when you're
16 done refreshing your recollection if you could look up
17 at me.

18 A Yeah, so all of those tracking numbers
19 are --

13:44:57 20 Q I'm sorry, just yeah, so are they all the
21 same?

22 A Yes.

23 Q Let's also now go to Exhibit Number 4,
24 that's in a different binder, and if you can go to
13:45:22 25 Exhibit Number 4, Grand Jury page 21. So I'm not going

13:45:38 1 to ask you to testify as to the content and who these
2 people are or where this is going, but just the sort of,
3 if you could tell us as the postal inspector what some
4 of these different stamps are and, you know, what the
13:45:52 5 different writings are. So the writing in the top left
6 corner, what would that be?

7 A That would be the return address written on
8 the envelope.

9 Q Which most people probably know that. And
13:46:06 10 then the one that's in the lower or the middle, kind of
11 in the middle towards --

12 A That would be the address of the addressee
13 or destination of the envelope.

14 Q Okay. And then --

13:46:18 15 A Or package.

16 Q All right. Okay. And then the stamp at
17 the top, the first stamp at the top, what is that?
18 There's a barcode and, yes, it's designated as
19 registered mail and then there's a barcode and there's a
13:46:33 20 number.

21 A Yes.

22 Q What is that?

23 A So that would be a sticker that would be
24 placed on a parcel by our clerk upon the request for
13:46:42 25 registered mail service.

13:46:43 1 Q Okay. And that number at the bottom, what
2 number is that?

3 A That's the tracking number for this
4 registered piece.

13:46:50 5 Q Okay. And then there is a, it says the
6 amount. What is that? There's another barcode and it
7 looks like there's a dollar amount. What is that
8 indicative of?

9 A So that's the what we would consider the
13:47:04 10 actual postage for the mail piece.

11 Q Okay. And the two, there's a couple other
12 little stamped things. Is that something that the post
13 office does?

14 A Yeah. So those are what we call round
13:47:18 15 dates and they would have the date that it was accepted
16 over the counter and then we also put those stamps over
17 the edges to ensure that the package was secured and
18 taped so that it would show no evidence of tampering.

19 Q Okay. Thank you. And from this does the
13:47:46 20 return address in the upper left-hand corner, does that
21 always match the place from which a piece of mail is
22 sent?

23 A No, in my line of work I never take it at
24 face value.

13:47:59 25 Q Okay.

13:47:59 1 A A lot of times when I'm working drug cases,
2 the sender doesn't want to be identified and will often
3 put different addresses to throw us off of the
4 origination or they don't want to know, they don't want
13:48:15 5 us to know who really mailed it so they'll put something
6 else or they'll leave it blank sometimes.

7 MS. BRADY: And for the benefit of the
8 jurors, just to let you know that this, and you probably
9 already know this, but this exhibit was already
13:48:31 10 authenticated from a prior witness.

11 BY MS. BRADY:

12 Q On this here, if you were to take this
13 tracking number and look at this tracking number here,
14 if you could take a look at it —

13:48:47 15 A Uh-huh.

16 Q — and then compare it against Exhibit 21
17 tracking numbers, excuse me, Exhibit 21, pages 80 or 81,
18 do you find that tracking number on here?

19 A So, yes, I find it on Grand Jury Exhibit
13:49:27 20 Number 79 and 80.

21 Q Okay. And could you tell where it was sent
22 and to where it was delivered?

23 A So according to the tracking on number 80
24 it was sent to and delivered to Washington D.C. in the
13:49:55 25 20408 zip code.

13:49:57 1 Q And the certified, for the certified
2 receipt there's a piece that's mailed back to the
3 sender, right?

4 A The return, if it had a return receipt,
13:50:06 5 yes, it would and that's tied to the sheet on 79.

6 Q Okay. And where was it sent back to?

7 A So the return receipt on this mail piece --
8 oh, this one didn't have a return receipt. 62694. This
9 one does not have a return receipt tied to it.

13:50:36 10 Q Okay. So looking at another piece, Exhibit
11 20, and if you could turn to Exhibit 20.

12 And ladies and gentlemen of the jury,
13 Exhibit 20 is accompanied by an Affidavit of the
14 Custodian of Records pursuant to NRS 53.045 regarding
13:51:02 15 authentication and identification. The foundation for
16 this document will be laid by another witness.

17 So looking at 20, kind of the same thing as
18 looking at the other, 20, Grand Jury page 52, I won't go
19 over all of it, all the stamps and everything, but do
13:51:28 20 you see the same stamps and so forth that are --

21 A Yes.

22 Q -- on here? Okay. And for this piece of
23 item there's another stamp that I didn't see on the
24 other piece. It looks like it has an eagle on it. Is
13:51:43 25 that from the post office?

13:51:44 1 A With our postage?

2 Q There's a -- in the bottom right-hand
3 corner there's an upside down stamp. Is that from the
4 post office?

13:51:55 5 A No, it's not. No, it is not.

6 Q Okay. All right. Just verifying that.
7 Jurors' indulgence for a moment.

8 So on Number 20 there's a tracking number
9 on there too, right?

13:52:40 10 A Yes, there is.

11 Q And does this tracking number correspond
12 with any of the tracking numbers on Exhibit 21?

13 A Yes, it does.

14 Q And can you tell where and from where it
13:52:59 15 was sent and to where it was received?

16 A Sure. So it's certified ending 8645 is on,
17 is the last one on page 81, on exhibit, or number 81,
18 and that was delivered to Las Vegas in the 89101 zip
19 code.

13:53:28 20 Q Okay. And was there a return receipt on
21 this?

22 A Yes, there was.

23 Q And where was the return receipt sent to?

24 A So the return receipt was a tracking number
13:53:47 25 ending in 5797, and according to my records that one was

13:53:59 1 sent to Las Vegas, Nevada.

2 Q Okay. So even though it was mailed from
3 Minden, it was actually sent back to Las Vegas, Nevada?

13:54:14 4 A Well, the last scan on this was for Las
5 Vegas, Nevada, yes.

6 Q All right. And then I have a question for
7 you. On Exhibit 22, page 81, for the tracking number
8 ending in -- oh, that's small. I think it's 8638.

9 A The first block?

13:54:32 10 Q Yes.

11 A I think so, yes.

12 Q It mentions refused. Oh, I want to correct
13 myself. It's Exhibit 21 so thank you. So looking at
14 Exhibit 21 again, in that first block it has refused
13:54:49 15 there. What does that mean?

16 A So that would have meant that the address
17 that was on the mail piece was attempted to be delivered
18 by a letter carrier and the person who was there at the
19 address for the delivery didn't want it, didn't want to
13:55:08 20 sign for it or for whatever reason refused to accept
21 delivery of it.

22 Q And then so what happens after they refuse
23 to accept delivery of it?

24 A It would go back to the sender.

13:55:19 25 Q And in this case it went back to the sender

13:55:22 1 at what location?

2 A The next line is it was sent, it was
3 delivered to Las Vegas, Nevada, in 89106 zip code.

13:55:33 4 Q Thank you. All right. No further
5 questions. Thank you.

6 Oh, I apologize. Now I would like to open
7 it up for the Grand Jurors to have questions if you have
8 any.

9 BY A JUROR:

13:55:51 10 Q On Exhibit 21, page 79, the line items are
11 1, 2, 3, 4 and then it skips to 13. What happened to
12 the other items between 4 and 13?

13 A I could not tell you. It could be part of
14 data that wasn't relevant, it could be another
13:56:19 15 transaction. So when either I or my analyst queried the
16 perimeters of the data, it would have given us numerous
17 amounts of data but it wouldn't have been relevant to
18 the investigation because it would have provided
19 information not relating to the tracking numbers that
13:56:44 20 were provided by the investigator at the AG's office.

21 Q Thank you.

22 BY A JUROR:

23 Q I have a question. With respect to Exhibit
24 Number 20, Grand Jury page number 52, the outside of
13:57:02 25 what appears to be a mailing label, with respect to the

13:57:06 1 postage, it appears under the bar code the number 89101.

2 Can you explain what that would be?

3 A Yeah, so that's -- that would be the
4 delivery zip code of the mail piece. In this case it's
13:57:20 5 addressed to Las Vegas, Nevada, 89101 in handwritten
6 form. And so when we go and generate that postage label
7 it directs our automation to take it to 89101 for sort.

8 Q So that postage was generated at the post
9 office?

13:57:37 10 A Was generated at the post office, yes. And
11 I can tell you which specific post office if you let me
12 look.

13 Q No, that's fine. I just wanted to make
14 sure it was not put on by the person sending the
13:57:49 15 document.

16 A No, those are our postage labels that
17 can -- I would tell you they can only be generated but
18 with technology these days you never know.

19 BY A JUROR:

13:58:06 20 Q There was not a date on page 52.

21 MS. BRADY: I'm sorry, I could not hear
22 what she said.

23 BY A JUROR:

24 Q No date on page 52, postage date.

13:58:22 25 ///

13:58:23 1 BY MS. BRADY:

2 Q Is there a postage date on that same
3 document?

4 A So I would have to refresh my memory. Yes,
13:58:33 5 it's on the top right corner but it's cut off. But if I
6 were to look at the tracking number I could probably
7 provide you that date.

8 Q Would you be able to see the tracking
9 number and the date from Exhibit 21?

13:58:47 10 A Yes.

11 Q Could you tell her that -- could you look
12 at that and then tell --

13 A Sure. So certified mail tracking ending in
14 8645, according to the data we have was mailed on
13:59:05 15 December 14th, 2020.

16 Q What page and exhibit are you looking at?

17 A That's Exhibit 21, Grand Jury number 79.

18 Q Thank you.

19 A Thank you.

13:59:25 20 BY A JUROR:

21 Q So if I understood this correctly, a person
22 can walk into a post office here in Las Vegas, Nevada,
23 as an example, and send it somewhere across the country
24 but the address in which it was sent from that person

13:59:40 25 can choose to put a different address from where it

13:59:43 1 actually left, correct?

2 A That's correct. We don't validate or
3 verify a return address by anyone mailing anything.

4 Q Got it. Thank you.

13:59:53 5 BY MS. BRADY:

6 Q Are there reasons why someone might put a
7 different, other than like just various reasons, why
8 someone might have a different mailing return address
9 than where they mail it from?

14:00:06 10 A So in my experience the work, it's to avoid
11 detection. A lot of my drug cases they use different
12 return addresses to throw us off of the investigation on
13 the origination of that mail piece.

14 Q Are there legal reasons or less nefarious
14:00:24 15 reasons why someone might do that?

16 A Privacy concerns.

17 Q All right. Thank you.

18 BY A JUROR:

19 Q So could that reason be someone could be
14:00:36 20 living in another state or another city and they just
21 happen to be in Las Vegas?

22 A It could very well be so.

23 BY A JUROR:

24 Q Okay. So on page 79 I find 8645 with a
14:00:52 25 different dollar value than, let's see where I found \$8,

14:00:59 1 a different dollar value on the serial number. I'm not
2 sure -- I again --

3 MS. BRADY: Which serial number are you
4 looking at again?

14:01:22 5 THE WITNESS: 8645. I found that to be not
6 the \$8 but rather the \$3.55 and 51 bucks. There's an 8
7 and \$51.

8 BY MS. BRADY:

9 Q Could you clarify on that? Could you find
14:02:04 10 where that's at?

11 A Sure. Yes.

12 Q Can you clarify how the \$8 is derived?

13 A So on this postage for \$8 that's the total
14 amount of the postage for that individual mail piece.

14:02:15 15 So it would include \$3.55 for the domestic certified,
16 \$1.60 in postage just for the letter itself and then an
17 additional \$2.85 for the return receipt which would show
18 an \$8 total for that mail piece alone and 51 being for
19 the total transaction of all four pieces.

14:02:39 20 BY A JUROR:

21 Q So you only do things that are given to you
22 that are thought to be false or whatever and you just
23 provide the information; is that correct?

24 A Yes, I'm not -- I'm not I guess told
14:03:05 25 whether anything is true or false. I was provided

14:03:10 1 tracking, a tracking number or several tracking numbers.
2 It's normal in my line of work. And I just provide the
3 information or the data that the postal service has
4 records of pertaining to those specific tracking numbers
14:03:24 5 without any pretense if they're wrong, right, true,
6 false.

7 THE FOREPERSON: Are we good?

8 BY A JUROR:

9 Q So the Federal Law Enforcement Act, is that
14:03:45 10 federal or what -- you know, how does the USPS Federal
11 Law Enforcement --

12 MS. BRADY: I believe that may call for a
13 legal conclusion.

14 A JUROR: Thank you.

14:04:04 15 THE FOREPERSON: Is that it?

16 A JUROR: Yes.

17 A JUROR: Yes.

18 A JUROR: Yes.

19 A JUROR: Yes.

14:04:08 20 THE FOREPERSON: All right. So by law
21 these proceedings are secret and you are prohibited from
22 disclosing to anyone anything that transpired before us
23 including evidence presented to the Grand Jury, any
24 event occurring or a statement made in the presence of
14:04:09 25 the Grand Jury, information obtained by the Grand Jury.

14:04:09 1 Failure to comply with this admonition is a
2 gross misdemeanor punishable up to 364 days in the Clark
3 County Detention Center and a \$2,000 fine. In addition
4 you may be held in contempt of court punishable by an
14:04:09 5 additional \$500 fine and 25 days in the Clark County
6 Detention Center.

7 Do you understand this admonition?

8 THE WITNESS: Yes, sir.

9 THE FOREPERSON: Thank you, sir. You're
14:04:42 10 excused.

11 THE WITNESS: Thank you.

12 MS. ENGLER: For the State's next witness
13 we are recalling Investigator Todd Grosz.

14 THE FOREPERSON: Please raise your right
14:05:14 15 hand.

16 You do solemnly swear that the testimony
17 that you're about to give upon the investigation now
18 pending before this Grand Jury shall be the truth, the
19 whole truth, and nothing but the truth, so help you God?

14:05:22 20 THE WITNESS: I do.

21 THE FOREPERSON: Please have a seat.

22 You're advised that you are here today to
23 give testimony in the investigation pertaining to the
24 offenses offering false instruments for filing or
14:05:32 25 recording and uttering forged instrument: forgery,

14:05:38 1 involving James DeGraffenreid, Durward Hindle, Jesse
2 Law, Michael McDonald, Shawn Meehan and Eileen Rice.

3 Do you understand this advisement?

4 THE WITNESS: Yes, I do.

14:05:48 5 THE FOREPERSON: Please state your first
6 and last name and spell them both for the record.

7 THE WITNESS: Todd, T-O-D-D, Grosz,
8 G-R-O-S-Z.

9 THE FOREPERSON: Thank you.

14:05:56 10 You may proceed.

11 MS. ENGLER: Thank you.

12 **TODD GROSZ,**

13 having been first duly sworn by the Foreperson of the
14 Grand Jury to testify to the truth, the whole truth
14:05:58 15 and nothing but the truth, testified as follows:

16

17 **EXAMINATION**

18 BY MS. ENGLER:

19 Q Good afternoon, Investigator Grosz. For
14:06:00 20 those not in attendance last week, please inform the
21 jurors what your current position is with the Nevada
22 Attorney General.

23 A I'm a criminal investigator with the Nevada
24 Attorney General's Office.

14:06:10 25 Q And in your role as a criminal

14:06:12 1 investigator, you previously testified that you were
2 assigned to an investigation regarding the submission of
3 alternate elector certificates for the 2020 presidential
4 election?

14:06:21 5 A That is correct.

6 Q As part of your investigation, did you
7 determine whether the U.S. District Court for the
8 District of Nevada received documents purporting to be
9 the certificate of those for the 2020 presidential
14:06:30 10 election?

11 A Yes, I did.

12 Q How did you make that determination?

13 A I started by visiting the federal
14 courthouse here in Las Vegas with another investigator.

14:06:42 15 We went to the clerk's office to inquire regarding the
16 retention of these documents and we were informed by the
17 clerk that these documents were being maintained by the
18 clerk of courts at the office in Reno by Deborah Kemp.

19 Q And through that investigation were you
14:07:01 20 able to receive documents that were received by the U.S.
21 District Court?

22 A Yes, we did receive them.

23 Q And have you reviewed those documents?

24 A Yes, I have.

14:07:13 25 Q Could you please turn to Exhibit 20 in the

14:07:14 1 packet in front of you and review that and let me know
2 if you recognize it.

3 A Yes, I recognize these documents.

14:07:45 4 Q Okay. And what is contained in those
5 documents?

6 A The first page is the Certificate of
7 Custodian of Records to authenticate these documents.
8 The next page would be a copy of the envelope showing
9 that they were mailed to the U.S. District Court
14:08:01 10 District of Nevada for the federal courthouse here in
11 Las Vegas. There's a time stamp for a receipt by the
12 courthouse. And then there's a number of documents
13 pertaining to the elector ballots that were executed by
14 members of the Nevada Republican party along with
14:08:22 15 documents that were submitted by the Secretary of
16 State's Office.

17 Q Now, you specifically mentioned the
18 Custodian of Records. Can you turn to Grand Jury Number
19 51? Is that -- page 51 within Exhibit 20, is that the
14:08:38 20 Custodian of Records Affidavit that you previously
21 mentioned?

22 A Yes, it is.

23 Q Who signed it?

24 A It's signed by Lia Griffin.

14:08:45 25 Q And what's the date of signature on the

14:08:46 1 Custodian of Records?

2 A September 13th, 2023.

3 Q Is it notarized?

4 A Yes, it is.

14:08:52 5 Q Is it sworn under the penalties of perjury
6 for the State of Nevada?

7 A Yes, it is.

8 MS. ENGLER: Ladies and gentlemen, the
9 documents sent by the, contained in Exhibit 20 are
14:09:06 10 authenticated or presumed authenticated pursuant to NRS
11 52 based on the Custodian of Records Affidavit.

12 BY MS. ENGLER:

13 Q Turning to Grand Jury Exhibit 52, what is
14 that page?

14:09:22 15 A This would be a cover or appears to be the
16 cover of an envelope or I should say a copy of an
17 envelope in which that this envelope was mailed by the
18 Republican party with an address here in Las Vegas to
19 the U.S. District Court District of Nevada here in Las
14:09:41 20 Vegas.

21 Q There's a stamp at the bottom left corner
22 of that document. If you would, can you please read
23 what that stamp states?

24 A "I hereby attest and certify on
14:09:58 25 September 13th, '23, that the foregoing document is a

14:10:02 1 full, true and correct copy of the original on file in
2 my legal custody", and then signed by the deputy clerk.

3 Q Please turn to Grand Jury page 53 of that
4 same exhibit. And what is that document?

14:10:22 5 A It appears to be a date stamp for the
6 receipt of documents by the Clerk of the U.S. District
7 Court District of Nevada.

8 Q And what is the date on that stamp?

9 A December 21st, 2020.

14:10:38 10 Q When were these documents received by the
11 U.S. District Court as part of your investigation?

12 A We received them on the day in which that
13 this certificate would have been signed which was
14 September 13th, 2023.

14:10:53 15 Q What did you surmise from those two dates
16 that you just testified to?

17 A That the documents contained herein would
18 have been maintained by the clerk's office from the day
19 in which that they were received in December, 2020,
14:11:07 20 until the day that the copies were made and provided to
21 the Attorney General's Office on September 13th, '23.

22 Q In reviewing those records were you able to
23 determine whether there were any similarities between
24 the records that were sent by the Nevada Republican
14:11:22 25 elector nominees to the Archivist and those records

14:11:27 1 received by the U.S. District Court for the District of
2 Nevada?

3 A I reviewed both sets and these are
4 identical to those.

14:11:33 5 Q Through the course of your investigation
6 did you issue any search warrants to Google?

7 A Yes, I did.

8 Q Why?

9 A The purpose was to obtain subscriber
14:11:43 10 information for four different email accounts and the
11 emails that were sent and received from those four
12 accounts.

13 Q What information were you seeking from the
14 contents of the emails?

14:11:55 15 A The purpose was to gain information and
16 document any conversation regarding the production of
17 the elector ballots and then the execution of those
18 ballots.

19 Q What were the emails that were subject of
14:12:10 20 the first search warrant to Google?

21 A There were four names;
22 mcdonaldnv@gmail.com, djhthree, and three was spelled
23 out, at gmail.com, airlifter2, and that was just the
24 digit, at gmail.com, and jesse.law@gmail.com.

14:12:37 25 Q And of those four emails who were those

14:12:40 1 associated with?

2 A Jesse Law, Shawn Meehan, Michael McDonald
3 and Durward James Hindle.

4 Q Did you receive a response to that search
14:12:52 5 warrant?

6 A Yes, I did.

7 Q Could you please turn to Exhibit 23 in the
8 packet and review that document and tell me if you
9 recognize it?

14:13:05 10 A Yes, I recognize this document.

11 Q And what is it?

12 A This would be the Custodian of Records
13 Certificate that is sent along with the documents
14 supplied by Google.

14:13:17 15 Q And who signed this Custodian of Records
16 Affidavit?

17 A Sean Cromer.

18 Q Is this declaration sworn under the
19 penalties of perjury under the laws of the State of
14:13:27 20 Nevada?

21 A Yes, it is.

22 Q Along with the Custodian of Records
23 Affidavit, what did Google send in response to the
24 search warrant?

14:13:34 25 A The emails that were requested for the four

14:13:36 1 counts along with subscriber information for those four
2 counts.

3 Q Did you review some of the emails that were
4 produced by Google?

14:13:45 5 A Yes, I did.

6 Q When reviewing the search warrant return,
7 did you take steps to verify the subjects of the
8 investigation were the senders or recipients of the
9 emails you reviewed?

14:13:55 10 A Yes, I did.

11 Q What did you review to reach your
12 determination?

13 A The subscriber information for the four
14 accounts contained certain identifying information,
14:14:06 15 maybe dates of birth, telephone numbers. They were not
16 the same for each one or I should say that they didn't
17 contain the same information for each one.

18 Q Okay. And with that subscriber information
19 were you able to identify the -- were you able to verify
14:14:27 20 the individuals who sent or received those emails?

21 A Yes, I did.

22 Q And which individuals were you able to
23 verify through the subscriber information?

24 A Michael McDonald, Jesse Law and Shawn
14:14:40 25 Meehan.

14:14:42 1 Q If you could turn to Exhibit 32 of your
2 packet and review that document and tell me if you
3 recognize that document.

4 A Yes, I recognize these pages.

14:15:06 5 Q And what is that?

6 A This is the subscriber information for
7 those accounts that were supplied by Google.

8 Q And is there also subscriber information in
9 there for Mr. Hindle as well?

14:15:19 10 A Yes, there is.

11 Q Okay. And was this information also
12 provided in accordance with the Custodian of Records
13 Affidavit from Google?

14 A Yes, it is.

14:15:31 15 Q Please tell me how you were able to verify
16 the identity for Mr. McDonald, Mr. Meehan and Mr. Law.

17 A Either the date of birth that was provided
18 matched their driver's license information or a
19 telephone number that was provided I was able to trace
14:15:47 20 back through open source documents to the identity of
21 that subscriber account holder.

22 Q As for Mr. Hindle, how did you determine he
23 was the sender or recipient of the emails associated
24 with djhthree@gmail.com?

14:16:05 25 A In the emails that were sent by Google

14:16:06 1 there was one particular email in which that he had
2 ordered a retail product and he had it shipped to him.
3 The shipping information was the same address that's
4 contained on his driver's license.

14:16:19 5 Q What two elector nominees were not included
6 in the Google production?

7 A That would have been Eileen Rice and James
8 DeGraffenreid.

9 Q Although they were not included in the
14:16:32 10 production, were you able to determine the email
11 addresses for these individuals based on the production?

12 A Yes, I was.

13 Q How did you make that determination?

14 A In reviewing the emails themselves there
14:16:42 15 were two other email addresses that were able to be
16 identified back to those two individuals.

17 Q And specifically with respect to
18 Mr. DeGraffenreid, what email did he use?

19 A Jim@nevadagop.com.

14:16:59 20 Q How were you able to determine that Mr.
21 DeGraffenreid was the sender of the emails associated
22 with jim@nevadagop.org?

23 A That's correct, I said dot com, it was dot
24 org, excuse me. When sending an email at the top or for
14:17:19 25 the sender or for the recipient it spells out the name

14:17:24 1 of the individual that is either sending or receiving
2 that email. In this case it was spelled out as James
3 DeGraffenreid.

14:17:34 4 Q Was there any other content within those
5 emails that led you to believe Mr. DeGraffenreid was the
6 individual associated with that particular email
7 address?

14:17:47 8 A There was one particular email in which
9 Jessica Hanson, who was the executive director of the
10 Nevada Republican party at that time, had sent a list of
11 all the, it's called the executive members, for the lack
12 of a better term, of the different county parties for
13 the State of Nevada. For one particular county, Douglas
14 County, James DeGraffenreid was mentioned along with his
14:18:06 15 phone number.

16 Q Okay. If you could turn to Exhibit 33.
17 What is that document?

18 A This is the list of county chair people
19 that I just previously mentioned.

14:18:27 20 Q And so this is the email that was sent from
21 Jessica Hanson?

22 A That is correct.

23 Q Okay. And on that email it references a
24 phone number for Mr. DeGraffenreid?

14:18:39 25 A Yes, it does.

14:18:40 1 Q And were you able to then -- how were you
2 able to connect Mr. DeGraffenreid to that phone number?

3 A Using the telephone number through open
4 source documents and such I was able to trace that back
14:18:51 5 to James DeGraffenreid.

6 Q Are there also signature lines within the
7 emails that contained that same phone number?

8 A I believe there was, yes.

9 Q Okay. What email did you conclude was
14:19:04 10 associated with Miss Rice?

11 A Tahoeerice@charter.net.

12 Q And how did you reach that conclusion?

13 A All of the communications that sent to the
14 electors up and to the 14th of December discussing the
14:19:23 15 execution of these documents, and she was present at
16 that time, she would have been informed through those
17 emails of where to appear at that time.

18 Q Okay. If you could please turn to
19 Exhibit 28. What is this document?

14:19:44 20 A This is an email chain from James
21 DeGraffenreid to D. James Hindle and it appears the
22 other four Nevada Republican electors and a couple of
23 other individuals.

24 Q And can you summarize this email chain?

14:20:10 25 A The chain appears to discuss the documents

14:20:14 1 that were being produced such as who's going to be
2 printing the documents and that type of information,
3 who's going to be preparing the documents.

4 Q Now, when you say documents, what documents
14:20:26 5 are you referring to?

6 A There are attachments to this particular
7 email that discuss the Nevada certificate of the vote
8 for president, it's dated December 14th, 2020,
9 individual presidential ballot electors, Nevada
14:20:47 10 certificate of the vote for vice president and
11 individual vice presidential ballots for electors.

12 Q And when you read those attachments are you
13 referring to those listed on Grand Jury 199 of
14 Exhibit 28?

14:21:04 15 A That's correct, yes.

16 Q If you could turn to Exhibit 29. What is
17 this document?

18 A It's an email chain from James
19 DeGraffenreid to the name private@bernardkerik.com.

14:21:46 20 Q And when was this email sent?

21 A December 14th, 2020, with a time stamp of
22 8:16 p.m.

23 Q And were there attachments associated with
24 this email?

14:21:59 25 A Yes, there is.

14:22:01 1 Q If you could turn to Grand Jury 228 and
2 tell us what attachments were included in this email.

3 A The ones that are listed are elector
4 process instructions, December, 2020, USPS receipt,
14:22:17 5 Nevada, December 14th, 2020, cover memo for electoral
6 votes, December 14th, 2020, tracking forms, elector
7 mailings, December 14th, 2020, vice presidential elector
8 certificate and ballots, December 14th, 2020,
9 presidential elector certificate and ballots,
14:22:38 10 December 14th, 2020, and addressed outer envelopes,
11 December 14th, 2020.

12 Q Based on the time stamp of this email, was
13 it before or after the video of the electors signing the
14 certificates?

14:22:54 15 A This would have been after.

16 Q If you could turn to Grand Jury 243 and 244
17 within that same exhibit.

18 A Okay.

19 Q And please tell me what's contained in
14:23:15 20 these two pages.

21 A Copies of mailing receipts and a credit
22 card receipt.

23 Q And specifically on page 243, what is the
24 tracking number associated for the documents that were
14:23:37 25 sent to the president of the senate?

14:23:41 1 A The number would be RB362762703US.

2 Q If you could turn to Exhibit 21 in the
3 larger packet and turn to bates Grand Jury 80.

4 And ladies and gentlemen, these were the
14:24:09 5 USPS records that were previously testified to by
6 Mr. Heister.

7 Do you see the tracking number that you
8 just mentioned for the documents that were sent to the
9 president of the senate on that page?

14:24:21 10 A Yes, I do.

11 Q And when were the documents sent to the
12 president of the senate?

13 A It appears 4:13 is the time stamp on
14 December 14th, 2020.

14:24:36 15 Q And does that document indicate when it was
16 received by the president of the senate?

17 A It would have been delivered on
18 December 21st, 2020, time stamped 11:39 a.m.

19 Q Thank you. I'm going to direct you quickly
14:25:00 20 back to Exhibit 28. When was this email exchange sent
21 between the electors regarding the signing of the
22 certificates?

23 A December 13th, 2020, at 9:44 p.m.

24 Q Okay. So this would have been the night
14:25:24 25 before the vote on December 14th?

14:25:27 1 A That is correct.

2 Q Okay. If you could now turn to Exhibit 30.

3 Could you please tell me what this document is?

4 A This is an email chain from Jesse Bernal

14:25:56 5 (phonetic) to James DeGraffenreid and four other

6 individuals are copied.

7 Q And who are those copied on the email?

8 A James Hindle, Jesse Law, Michael McDonald.

9 Q And what is contained within this email?

14:26:16 10 A It starts out as an email from Kenneth

11 Chesebro to Mr. DeGraffenreid in which that he's

12 explaining Mayor Giuliani and others of the Trump/Pence

13 campaign had asked Mr. Chesebro to reach out to Mr.

14 DeGraffenreid regarding the execution of the elector

14:26:40 15 documents on Monday, December 14th.

16 Q Does Mr. DeGraffenreid respond or how does

17 he respond to that email?

18 A He forwards this it appears to Mr. Bernal

19 asking what do we do, Ken, or, no, what do we know about

14:26:58 20 Ken, is this a legitimate outreach. He was just

21 checking I believe the authenticity of this.

22 Q And what is the response from Mr. Bernal?

23 A Mr. Bernal says I'll handle.

24 Q Were you able to determine who Mr. Bernal

14:27:09 25 was?

14:27:10

1 A Mr. Bernal was the attorney that
2 represented the six Nevada electors in their legal
3 challenges through the Nevada court system.

4 Q Turn to Exhibit 31. What is this document?

14:27:32

5 A It's an email chain from Jessica Hanson
6 to the six Republican electors with two other
7 individuals copied.

8 Q And what is the summary of the email?

14:27:55

9 A Miss Hanson was informing the recipients
10 that the Nevada Supreme Court had denied their appeal
11 and there's some discussion about media responses.

12 Q Okay. And when was the date of that email?

13 A This was sent on December 9th, 2020.

14 Q Are there any attachments to this email?

14:28:19

15 A Yes, there is.

16 Q If you could turn to Grand Jury 267. What
17 is contained in the attachment?

14:28:39

18 A 267 identifies the attachment as NV or
19 Nevada Election Contest Info for Press and then the
20 document behind it is entitled Nevada Election Contest
21 Hearing.

22 Q Okay. And that attachment goes from bates
23 268 to 273. Can you summarize what's contained in that
24 attachment?

14:29:01

25 A It discusses a hearing that will be taking

14:29:03 1 place on Thursday, December 3rd, at 1:30 for the First
2 Judicial District Court in Carson City, Nevada. And it
3 appears that this would be the allegations of voter
4 fraud that was being made by the Republican electors.

14:29:22 5 Q If you could turn to Exhibit 34, and what
6 is this document?

7 A This is another email chain with the sender
8 being michael@bertrandcpa.com to James Hindle, Jolette
9 Gowens and there are some others that are copied.

14:29:59 10 Q Are there any other electors that are
11 copied on this email? And I should say Nevada
12 Republican electors.

13 A James DeGraffenreid is on here. Shawn
14 Meehan is listed on here as well.

14:30:10 15 Q And what is the summary contained in this
16 email exchange?

17 A It's discussing the ballots have been cast
18 and now they're basically asking what should they do
19 next.

14:30:32 20 Q And when was this email exchange taking
21 place?

22 A December 17th, 2020.

23 Q And throughout this email exchange are
24 there specific emails authored by any of the Nevada
14:30:46 25 Republican electors?

14:30:48 1 A James Hindle produced an email as well as
2 James DeGraffenreid and that's what I see within this.

3 Q If you could turn to exhibit, the same
4 exhibit, excuse me, bates 293. Who authored that email?

14:31:22 5 A Shawn Meehan.

6 Q The emails you testified to in Exhibits 28
7 through 31 and Exhibits 33 and 34, were those all
8 produced as part of the Google production?

9 A Yes, they were.

14:31:36 10 MS. ENGLER: And ladies and gentlemen of
11 the Grand Jury, all those emails are presumed authentic
12 based on the Custodian of Records Affidavit that was
13 identified in Exhibit 23.

14 BY MS. ENGLER:

14:31:58 15 Q Could you please turn to Exhibit 22. What
16 is this document?

17 A It would be an Order of Affirmance in a
18 case from the Nevada Supreme Court.

19 Q And if you could turn to bates 122 which
14:32:28 20 would be the very last page of that exhibit --

21 A Yes.

22 Q -- and what is that?

23 A It would be a stamp that certifies this
24 particular document as being a full, true and correct
14:32:48 25 copy of the original on file.

14:32:51 1 MS. ENGLER: Ladies and gentlemen of the
2 Grand Jury, pursuant to NRS 52.125 this is a certified
3 copy of the court order and is presumed authentic based
4 on that stamp.

14:33:02 5 BY MS. ENGLER:

6 Q Turn back to page 87 of that document.
7 What is that?

8 A This would be an order granting the motion
9 to dismiss statement of contest in a matter in the First
14:33:22 10 Judicial District Court for the State of Nevada in
11 Carson City.

12 Q And what was the date that this document
13 was filed?

14 A This was filed on December 4th, 2020.

14:33:37 15 Q Who are the contestants?

16 A The contestants are the six Republican
17 party electors.

18 Q And who are the listed defendants?

19 A These names match the names of the
14:33:59 20 Democratic party electors.

21 Q If you would please read the first
22 paragraph on bates 87 starting at line 22 and ending on
23 bates 88 ending on line 7.

24 A "On November 17th, 2020,
14:34:20 25 Contestants-Republican Party presidential elector

14:34:25 1 candidates filed a statement of contest challenging the
2 results of the 2020 presidential election in Nevada,
3 seeking an order from this Court either declaring
4 President Donald Trump the winner in Nevada and
14:34:40 5 certifying Contestants as the State's duly elected
6 presidential electors, or holding that President-elect
7 Joe Biden's victory be declared null and void, and that
8 the November 3 election be annulled and that no
9 candidate or elector for the office of President of the
14:35:02 10 United States of America be certified from the State of
11 Nevada."

12 How far did you want me to continue?

13 Q All the way to line 7 of that page.

14 A "Statement of Contest of the November 3rd,
14:35:15 15 2020 Presidential Election 20. In orders dated
16 November 19th and 24th, 2020, this Court expanded the
17 depositions available to each party from 10 to 15 and
18 shortened the time for notice from seven days to 48
19 hours. The parties submitted their evidence to the
14:35:36 20 Court on Wednesday, December 2nd, 2020. Defendants
21 submitted the testimony by deposition of four witnesses
22 and Contestants submitted the testimony by deposition of
23 eight witnesses along with numerous declarations,
24 affidavits and other documents. The Court held a
14:35:54 25 hearing on December 3rd, 2020."

14:35:58 1 Q And then after that there's a very detailed
2 findings of fact issued by the Court?

3 A That is correct.

4 Q Okay. If you could turn to Grand Jury 120.
14:36:24 5 Okay. And if you could read starting on line 8 through
6 line 15.

7 A Conclusion, number 177: "The Contestants
8 failed to meet their burden to provide credible and
9 relevant evidence to substantiate any of the grounds set
14:36:45 10 forth in NRS 293.410 to contest the November 3rd, 2020
11 General Election.:

12 Judgment: "Therefore, based upon the above
13 Findings of Fact and Conclusions of Law made by this
14 Court, after trial, and good cause appearing, the
14:37:02 15 following Judgment is entered by the Court.

16 It is hereby ordered that Contestants'
17 contest is denied and this case is dismissed with
18 prejudice.

19 It is hereby further ordered that" --

14:37:15 20 Q That's fine.

21 A Okay.

22 Q If you would then please turn to page 82 of
23 the same document. Or excuse me, same exhibit. Okay.
24 And again, please state what this document is.

14:37:34 25 A The Order of Affirmance from the Nevada

14:37:37 1 Supreme Court.

2 Q And what is the date that this document was
3 filed?

4 A December 8th, 2020.

14:37:42 5 Q And if you could read the very first
6 paragraph on page 82.

7 A "This is an appeal from a district court
8 order denying an election contest. First Judicial
9 District Court, Carson City, James Todd Russell, Judge."

14:37:59 10 Q And are the parties that are listed in the
11 appellants and Respondents section the same parties that
12 are on the Contestants and Defendants section of the
13 prior order you testified to?

14 A Yes, it is.

14:38:13 15 Q If you would turn to 85 of that exhibit and
16 read starting at the word despite on page 85.

17 A "Despite our earlier order asking
18 appellants to identify specific findings with which they
19 take issue, appellants have not pointed to any

14:38:39 20 unsupported factual findings, and we have identified
21 none. The clerk of this court shall issue a remittitur
22 forthwith. See NRAP 2 (allowing the court to suspend
23 any rules in a particular case except for the time to
24 file a notice of appeal). For these reasons we order

14:38:59 25 the judgment of the district court affirmed."

14:39:02 1 Q Okay. What is the relevance of this Order
2 of Affirmance as it pertained to your investigation?

3 A It affirmed the lower court ruling and
4 would have ended the legal challenges at that point that
14:39:21 5 were made by the Republican electors.

6 MS. ENGLER: I have no further questions
7 for this witness. I'll turn it over to the members of
8 the Grand Jury should they have any questions.

9 THE FOREPERSON: So by law these
14:39:43 10 proceedings are secret and you are prohibited from
11 disclosing to anyone anything that transpired before us
12 including evidence presented to the Grand Jury, any
13 event occurring or a statement made in the presence of
14 the Grand Jury, information obtained by the Grand Jury.

14:39:43 15 Failure to comply with this admonition is a
16 gross misdemeanor punishable up to 364 days in the Clark
17 County Detention Center and a \$2,000 fine. In addition
18 you may be held in contempt of court punishable by an
19 additional \$500 fine and 25 days in the Clark County
14:39:43 20 Detention Center.

21 Do you understand this admonition?

22 THE WITNESS: Yes, sir, I do.

23 THE FOREPERSON: Thank you. You are
24 excused.

14:40:15 25 THE WITNESS: Thank you.

14:40:18 1 MS. ENGLER: I have one more witness for
2 today. Do you want to plow through or do you want a
3 break?

4 A JUROR: I need a break.

14:40:24 5 MS. ENGLER: Break, okay.

6 A JUROR: Until?

7 THE FOREPERSON: Ten till.

8 (Recess.)

9 MS. ENGLER: The State's next witness is
14:49:26 10 Mark Wlaschin.

11 THE FOREPERSON: Please raise your right
12 hand.

13 You do solemnly swear that the testimony
14 that you're about to give upon the investigation now
14:49:50 15 pending before this Grand Jury shall be the truth, the
16 whole truth, and nothing but the truth, so help you God?

17 THE WITNESS: I do.

18 THE FOREPERSON: Please have a seat.

19 You're advised that you are here today to
14:50:03 20 give testimony in the investigation pertaining to the
21 offenses of offering of false instrument for filing or
22 recording, uttering a forged instrument: forgery,
23 involving James DeGraffenreid, Durward Hindle, Jesse
24 Law, Michael McDonald, Shawn Meehan and Eileen Rice.

14:50:21 25 Do you understand this advisement?

14:50:22 1 THE WITNESS: I do.

2 THE FOREPERSON: Please state your first
3 and last name and spell both for the record.

4 THE WITNESS: My name is Mark Wlaschin. My
14:50:28 5 first name is spelled M-A-R-K, my last name is spelled
6 W-L-A-S-C-H-I-N.

7 THE FOREPERSON: Thank you.

8 You may proceed.

9 MS. ENGLER: Thank you.

14:50:43 10 **MARK WLASCHIN,**
11 having been first duly sworn by the Foreperson of the
12 Grand Jury to testify to the truth, the whole truth
13 and nothing but the truth, testified as follows:

14:50:43 14
15 EXAMINATION

16 BY MS. ENGLER:

17 Q Mr. Wlaschin, where are you currently
18 employed?

19 A I currently work for the Office of the
14:50:48 20 Secretary of State in Carson City.

21 Q And how long have you worked for the Office
22 of the Secretary of State?

23 A I've worked there since October of 2019.

24 Q And what is your current position with the
14:50:57 25 Office of the Nevada Secretary of State?

14:51:00 1 A I'm currently the Deputy Secretary of State
2 for elections.

3 Q And how long have you held that position?

4 A I held it since October of 2020.

14:51:09 5 Q And what other position did you hold with
6 the Nevada Secretary of State?

7 A The first year I was employed with the
8 Secretary of State's Office I was the Deputy for
9 Operations.

14:51:20 10 Q Where did you work prior to the Nevada
11 Secretary of State's Office?

12 A Before working for the State I was employed
13 for a very brief time, about three, four months, in a
14 private company, but before that I spent 20 years in the
14:51:33 15 United States Marine Corps.

16 Q Thank you for your service. What are your
17 duties as the Deputy Secretary of State for elections?

18 A So as the Deputy Secretary for elections I
19 work directly for the Secretary of State, currently it's
14:51:44 20 Secretary of State Francisco Aguilar. In that capacity
21 I help the secretary execute and enforce laws relating
22 to elections, federal and state laws.

23 Q Generally speaking, what roles does the
24 Secretary of State's Office have during presidential
14:52:01 25 elections?

14:52:03

1 A Generally, again it goes back to what I
2 just said about the federal laws. There are numerous
3 federal laws relating to the conduct of elections.
4 Again, state laws, they overlap with federal laws so
14:52:16 5 when it comes to a presidential election the secretary
6 ultimately ensures that starting with the very first
7 step in the process from candidate filing through the
8 conduct of all of the elections, the election year up to
9 the final transmittal of information to the president of
14:52:32 10 the senate. The entire process is done according to our
11 state statutes and federal laws.

12 Q Okay. And so it's fair to say there's a
13 combination of federal and state law that applies to
14 presidential elections?

14:52:46

15 A Yes, that's accurate.

16 Q Okay. And you mentioned the current
17 Secretary of State. Who was the Secretary of State at
18 the time of the 2020 presidential election?

14:52:59

19 A In 2020 it was the previous administration
20 so the Secretary of State was Secretary Barbara
21 Cegavske.

14:53:16

22 Q With respect to presidential elections, if
23 you could just give a general overview of what happens
24 after election day and to the Certificate of Vote by the
25 electors.

14:53:17 1 A Okay. So election day, and we're talking
2 about 2020 so I'll use that timeline, and if I do pause
3 for a moment again just please understand there were
4 different laws governing the 2020 election, there was a
14:53:31 5 bill passed during a special session so I'm trying to
6 make sure I don't confuse the stuff I've been studying
7 for this next year.

8 So back in 2020, November 3rd was the
9 election day. It was a Tuesday, November. The electors
14:53:44 10 met and were required to across the country on
11 December 14th, so a month and a bit later. So following
12 the conclusion of the election; in other words, polls
13 closed, which as I recall back in 2020, and our statutes
14 say that there's a requirement for 12 hours for the
14:54:06 15 polls to be open from 7:00 a.m. to 7:00 p.m., there were
16 slight delays in opening a couple polling locations here
17 in Clark County that caused the polls to be extended
18 about two hours. So when the polls closed the
19 post-election activities of gathering the data, bringing
14:54:21 20 the ballots back to the central county places occurred
21 in -- it's kind of an amazing synchronization across the
22 entire state. Every polling location the staff pick up,
23 bring everything back. There's extensive accountability
24 and basically the logistics of tearing down the election
14:54:37 25 sites.

14:54:38 1 For a series of days after, mail ballots
2 pursuant to some legal (unintelligible) that was passed
3 in a special session just prior to the general election,
4 mail ballots continued to arrive. As long as they were
14:54:51 5 postmarked by election day they could be accepted.

6 There was a signature curing process as well to make
7 sure that if there was any question about the validity
8 of the signature on the ballot envelope that could be
9 addressed before. Ultimately there was also

14:55:05 10 post-election audits before the county commissioners
11 canvassed the vote which as I recall under 84 was no
12 later than 14 days after the election.

13 Following that point all of the results
14 that were canvassed by the county commissioners of our
14:55:22 15 16 counties and county supervisors in Carson City are
16 transmitted to the Secretary of State. We gather those
17 documents together and prepare them for the Supreme
18 Court canvass. The Nevada Supreme Court is required by
19 law to canvass a general election on the fourth Tuesday
14:55:38 20 of November. That day was I believe the 23rd of

21 November so we held the Supreme Court canvass then and
22 then immediately prepared for the meeting of the
23 Electoral College on December 14th.

24 What that amounted to was collecting of the
14:55:56 25 names, addresses and information relating to the

14:55:59 1 electors. This was, of course, back during the pandemic
2 so there were state requirements about not meeting with
3 certain groups of individuals, masks and those sorts of
4 things, so Secretary Cegavske had made a decision to
14:56:13 5 have the meeting of the Electoral College remotely via
6 Zoom. But so in order to do that we also, there was a
7 little bit of back planning to make sure the documents
8 were provided to the electors so that on the 14th of
9 that morning we could meet and conduct the Electoral
14:56:29 10 College.

11 A little bit more to it, of course, you can
12 imagine the extensive scrutiny that the script gets for
13 any sort of official proceeding like that, but
14 essentially that's between, again what happened between
14:56:43 15 November 3rd and December 14th of 2020.

16 Q So you said a lot of words in there and
17 because this is educational can you explain what canvass
18 means?

19 A Yeah, absolutely. So there's two canvasses
14:56:57 20 that occur. So the first is the conclusion of a county
21 election because our county election officials are
22 really the ones that run the election here in Nevada.
23 And what does that look like? So the county election
24 officials run the election, they gather the results,
14:57:17 25 they tabulate the results, they adjudicate questions

14:57:19 1 about signatures and the like and then they bring that
2 information to their county commissioners, the board of
3 county commissioners. And that again has to happen in
4 2020 on the fourteenth day and now it's the tenth day
14:57:32 5 after the election.

6 That ends up being a meeting of the board
7 of county commissioners where the election officials or
8 the clerk or registrar, we have two registrars, one in
9 Clark and one in Washoe. They're appointees. The other
14:57:41 10 15 are elected officials. They present the results of
11 the election to their county commissioners. They say
12 here's the results, essentially here's who won.

13 Oftentimes they will highlight voter
14 turnout trends, maybe a spike in military or overseas
14:58:00 15 voters, a success of a new location or maybe even a
16 number of school had a larger number of high school
17 students who were involved. They may call that out as
18 well to put it on the record. The canvass is accepted
19 by the commissioners where they vote on it and accept
14:58:17 20 the results and that is the county canvass or acceptance
21 really.

22 The next step is again that data is
23 transmitted to the Secretary of State who has a
24 ministerial duty, meaning that we don't, you know, the
14:58:29 25 office does not review, does not provide judgment or

14:58:32 1 approval. When the counties, the 17 counties provide
2 that information to us we provide it to the Secretary of
3 State who then brings it to the Nevada Supreme Court.

4 Similar sort of meeting. It's another
14:58:44 5 book. They're kind of a weird shape. A number of pages
6 that are just the results that you may have seen on any
7 election night page. The last page is a spot for the
8 Nevada Supreme Court Justices to sign. And then it's a
9 very similar sort of meeting except of having a county
14:59:04 10 election official presenting to the county commissioners
11 you now have the Secretary of State herself back then in
12 2020 present to the Supreme Court.

13 A little bit of less detail in regards to
14 overall trends, but again there's a little bit of
14:59:20 15 discretion for each secretary as to what they want to
16 talk about. The Supreme Court Justices receive the
17 information. There's this unavoidable and kind of
18 awkward like they have to gather the seven signatures
19 from each of the Supreme Court Justices. So you hand
14:59:37 20 four books to this and then three to that and then they
21 kind of do that have you signed that one yet and I got
22 this one over here, you've got to sign that one too. So
23 they do that for about five, ten minutes as the Supreme
24 Court Justices sign the copies of the canvass and that
14:59:54 25 essentially concludes the electoral process for Nevada.

14:59:59 1 Q Now, you mentioned the meeting of the
2 elector college in 2020. When was that date?

3 A In 2020 it was December 14th as I recall in
4 the morning.

15:00:09 5 Q And how is that date dictated?

6 A It's a federal requirement that across the
7 country the Electoral College has to meet at the same
8 time which I mentioned begs the question about what is
9 an Electoral College.

15:00:25 10 Q And you mentioned that the Secretary of
11 State allowed the Electoral College meeting to happen
12 over Zoom. Are you aware of whether or not the
13 Democratic Republican electors met over Zoom or whether
14 they met in person?

15:00:41 15 A So I communicated with them as part of the
16 Electoral College over Zoom. It was my understanding
17 that they may have met physically in person. I believe
18 that they all convened together in one location, but the
19 meeting itself was conducted over Zoom with the
15:00:57 20 Secretary, Chief Deputy and I in Carson City and then I
21 believe the electors met somewhere in the state.

22 Q What is the Uniform Faithful Presidential
23 Electors Act?

24 A The Uniform Faithful Presidential Electors
15:01:11 25 Act is actually, it's in law now but it was a bill

15:01:17 1 passed in 2013 to address something that had occurred
2 elsewhere in the country but not here in Nevada where
3 presidential electors, to ensure that they did what they
4 were supposed to do and cast their votes for whoever won
15:01:34 5 the popular vote. It's codified now in NRS 298. It may
6 still come up, you might hear about that act because
7 there are states where it doesn't exist so there's a
8 potential for an elector to vote for somebody else.

9 Q But it is codified in Nevada?

15:01:52 10 A That's correct.

11 Q Okay. What is a nominee for presidential
12 elector?

13 A So a nominee for presidential elector is an
14 individual identified by the major parties, really by
15:02:02 15 the parties that have a presidential candidate on the
16 ballot. In 2020 there were four parties, the Republican
17 party, the Democratic party, the Independent American
18 party and the, I don't want to say -- it's the -- oh,
19 there's a fourth party whose name escapes me and I'll
15:02:25 20 blame it on jetlag. All four of those parties provide
21 nominees for elector before the election occurs so that
22 if their candidate wins, those electors ultimately are
23 the ones that cast the electoral votes during the
24 Electoral College.

15:02:44 25 Q So the individual parties themselves

15:02:48 1 nominate their elector nominees?

2 A That's correct.

3 Q And then to clarify, the prevailing party
4 of the popular vote are the nominees that then become
15:03:00 5 the qualified electors for the State of Nevada?

6 A That's correct. That actually changed only
7 in the 1950's. It used to be that you would actually
8 vote for the electors on the ballot. Somewhere around
9 '52 it changed so that we vote for the nominee for
15:03:14 10 president and then the electors as part of that process
11 ultimately vote for, in a manner of speaking, their own
12 candidate that was identified by their party.

13 Q So to clarify, we, as the public, vote for
14 a particular candidate but the actual votes go towards
15:03:34 15 the electors for the prevailing party?

16 A Yes, that is accurate. It sounds weird, I
17 know, I've explained that to a number of people and
18 they're like that doesn't make any sense at all, I never
19 heard of this in my entire life, why are you telling me
15:03:50 20 that, but you have accurately described the process.

21 Q What is a Certificate of Ascertainment?

22 A The Certificate of Ascertainment is a
23 document that's required also by federal law that lists
24 the electors from the parties as well as the number of
15:04:05 25 votes, the popular votes those individuals received.

15:04:09 1 Q And where is the Certificate of
2 Ascertainment submitted to once it's completed?

3 A There are four spots that it ultimately
4 goes to. One is the Office of the Secretary of State.
15:04:19 5 One in 2020 was to Judge Du who's the I believe Chief
6 District Judge or was at the time. Then there's one to
7 the Archivist of the United States in D.C. as well as
8 one to the president of the U.S. senate who is the vice
9 president of the United States.

15:04:39 10 Q And what's the purpose of a Certificate of
11 Ascertainment?

12 A The Certificate of Ascertainment, it's
13 combined with the Certificate of Votes to show and
14 really affirm by the individuals who sign it who
15:04:51 15 received the popular votes and therefore who are the
16 appropriate electors that should be involved in the next
17 step in the process which is to cast their votes for the
18 president of the United States.

19 Q Is there a deadline for sending the
15:05:03 20 Certificate of Ascertainment by law?

21 A There is in fact. The Certificates of
22 Ascertainment have to be created not later than six days
23 before the meeting of the Electoral College.

24 Q And in 2020 what would that date have been?

15:05:20 25 A That would have been December 8th.

15:05:21 1 Q Okay.

2 A Of 2020.

3 Q Who sends the, in Nevada who sends the
4 Certificate of Ascertainment to the individuals that or
15:05:33 5 the places you mentioned?

6 A So the Office of the Secretary of State
7 works closely with the Governor's office to have the
8 documents drafted and then ultimately signed by the
9 Governor and the Secretary of State and then we get them
15:05:43 10 over to those individuals.

11 Q Was a Certificate of Ascertainment prepared
12 by the Secretary of State for the 2020 presidential
13 election?

14 A Yes.

15:05:52 15 Q If you would, there's a packet in front of
16 you. If you could turn to Exhibit 5 and specifically
17 Grand Jury Number 23 and 24. Do you recognize this
18 document?

19 A I do.

15:06:09 20 Q And what is it?

21 A 23 is the Certificate of Ascertainment that
22 we developed and 24 is the page with the names of the
23 electors as well as the Governor's and Secretary of
24 State's signatures.

15:06:21 25 Q Who prepared this document?

15:06:24 1 A My staff and I initially and we worked
2 closely with our Chief Deputy in the Governor's office
3 to make sure everything was good.

15:06:33 4 Q Is this a true and correct copy of the
5 Certificate of Ascertainment for the State of Nevada in
6 the 2020 presidential election?

7 A Yes.

8 Q Per the Certificate of Ascertainment, who
9 received the highest number of votes in the Nevada 2020
15:06:45 10 presidential election?

11 A The Democratic party electors, the six of
12 them received the highest number of popular votes.

13 Q How many votes did the Democratic electors
14 receive?

15:06:53 15 A Seven hundred and three thousand four
16 hundred and eighty-six votes.

17 Q And what was the margin of victory over the
18 next highest candidate?

19 A The next highest candidates were the
15:07:02 20 Republican party electors. I believe it was a little
21 over 33,000. It was 33,596 I believe.

22 Q What were the names of the Democratic
23 presidential electors?

24 A The names were Artemisa Blanco, senator at
15:07:18 25 the time Yvanna Cancela, Miss Gabrielle D'Ayr, Sarah

15:07:21 1 Mahler, Mr. Joseph Throneberry and Miss Judith Whitmer.

2 Q And so based on the winning of the popular
3 vote, these Democratic electors are no longer considered
4 nominees but are considered the duly qualified electors
15:07:35 5 for the State of Nevada?

6 A That's correct.

7 Q If you could turn to page 24. And when was
8 this document signed? I apologize, page 24 of that same
9 exhibit.

15:07:48 10 A Page 24 of the same exhibit, this one was
11 signed December 2nd of 2020.

12 Q Who signed this document?

13 A Governor Sisolak at the time and also at
14 the time Secretary of State Barbara Cegavske.

15:08:05 15 Q Is this document affixed with the Nevada
16 State Seal?

17 A Yes.

18 Q What were the names of the Republican
19 presidential elector nominees?

15:08:12 20 A The Republican elector nominees were
21 Mr. James DeGraffenreid, Mr. Durward James Hindle, III,
22 Mr. Jesse Law, Mr. Michael McDonald, Mr. Shawn Meehan
23 and Miss Eileen Rice.

24 Q In your role as the Deputy Director of
15:08:28 25 Elections, have you personally met with and/or have had

15:08:31 1 any dealings with any of those individuals?

2 A Yes, I have.

3 Q Which individuals have you personally met
4 or spoken with?

15:08:36 5 A Mr. DeGraffenreid, Mr. Hindle and I've
6 talked to Mr. Law and actually Mr. Meehan in person and
7 then I talked on the phone with Mr. Law and
8 Mr. McDonald.

9 Q If you would, in the second packet there if
15:08:52 10 you could turn to Exhibit 10, do you recognize this
11 individual?

12 A I think so, yes.

13 Q Okay. Who do you think that is?

14 A Mr. DeGraffenreid.

15:09:05 15 Q If you could turn to Exhibit 9, who is
16 that?

17 A Mr. Hindle.

18 Q And if you could turn to Exhibit 7?

19 A Mr. Meehan.

15:09:21 20 Q And those are the three individuals you
21 indicated you've met personally?

22 A I have, yes.

23 Q The other two individuals, although you
24 haven't met personally, would you recognize them?

15:09:30 25 A I believe so, yes.

15:09:31 1 Q Okay. If you could turn to Exhibit 8.

2 A Mr. McDonald.

3 Q Okay. And Exhibit 12?

4 A And Mr. Law.

15:09:43 5 Q During the 2020 presidential election, were
6 you aware of any lawsuits that were filed by the
7 Republican presidential elector nominees challenging the
8 outcome of the election?

9 A Yes.

15:09:56 10 Q And what was the nature of the litigation
11 to your knowledge?

12 A So the concern -- the lawsuit was filed
13 from the Republican electors against the Democratically
14 identified electors with essentially claims of fraud
15:10:11 15 saying that the election should either be, the results
16 be thrown out but focusing very much so on claims of
17 fraud that had basically come up throughout the 2020
18 election cycle.

19 Q Did you eventually become aware that that
15:10:26 20 litigation had concluded?

21 A Yes.

22 Q And when did you become aware of that?

23 A The court order I believe was on the 8th of
24 December when that was turned down as well and that was
15:10:38 25 a decision by the Court.

15:10:40 1 Q Did you receive a copy of that order?

2 A Yes.

3 Q If you could turn to Exhibit 22. Do you
4 recognize this document?

15:10:56 5 A I do.

6 Q Have you seen it before?

7 A Yes.

8 Q And what is it?

9 A This is the order from the Supreme Court of
15:11:04 10 the State of Nevada finalizing the results of that court
11 challenge.

12 Q What was the relevance of this document as
13 it pertained to your duties as the Deputy Secretary of
14 State for Elections?

15:11:19 15 A So in order to submit everything to the
16 president of senate, there has to have been -- all
17 existing litigation has to be accomplished and concluded
18 prior to what's considered a safe harbor day. The idea
19 being that, you know, across the country if there were
15:11:39 20 litigation relating to an election, if there were

21 questions about who had actually won and a need for a
22 recount, that needs to be resolved at the state level so
23 that the country can move forward with the next step in
24 the process. And this document here was the

15:11:56 25 clarification from our state Supreme Court that any

15:12:00 1 question about who won was done.

2 Q In response to this document, what were the
3 next steps in the electoral process in Nevada?

4 A So we had already planned on moving forward
15:12:13 5 in part because again the Secretary Cegavske's guidance
6 always is, you know, there's a lot of litigation that
7 occurs against the Office of the Secretary of State
8 relating to elections. But the guidance was moved
9 forward until you have a court order directing something
15:12:28 10 otherwise. So we had planned on meeting the Electoral
11 College with the Democratic party's identified electors.
12 When we received this on December 8th that really
13 synched it so that we knew that we could continue
14 forward with the elector college meeting.

15:12:45 15 Q Can you briefly explain what happens during
16 the meeting of the Electoral College in Nevada?

17 A Absolutely. It's about a 15-minute long
18 meeting per se. It did feel, I will be honest, like
19 some of the speeches and history were added just to give
15:13:03 20 it a little bit more than a 90-second sort of evolution.
21 The process itself though again carries extreme
22 significance for our country. So when we met in 2020 it
23 starts with a roll call to identify the electors. The
24 Secretary of State makes some comments. There's an oath
15:13:21 25 that the electors have to take pursuant to 298, NRS 298.

15:13:26 1 It goes back to the Uniform Faithful Presidential
2 Elector Act. Essentially it's a note saying I am only
3 going to vote for the individuals who have received the
4 popular vote.

15:13:37 5 Following that they receive an oath of
6 office. Following the oath of office the secretary asks
7 them to vote for president and then vote for vice
8 president. We tallied the votes and then essentially
9 concluded the process after providing some guidance to
15:13:54 10 marry up the Certificate of Votes that they had signed
11 also along with their ballots so that we could move
12 forward in the next step of the process.

13 Q Who presides over the vote and meeting of
14 the Electoral College?

15:14:10 15 A So the Secretary of State's actually
16 required to preside over it. It was in NRS 298.075 as I
17 recall. That's one of her two duties. She also
18 actually, and this is in the -- there's a statute right
19 before it, she's required to give the ballot as well but
15:14:25 20 she presides over it.

21 Q Okay. What documents do the presidential
22 electors sign at the meeting of the Electoral College?

23 A So there's a handful. There's the pledge
24 that they will be faithful electors. There's the oath
15:14:43 25 as well. Then there's the Certificate of Votes that

15:14:48 1 they fill out as well and there were I believe seven
2 copies to make sure that an appropriate number of all of
3 those were available.

4 Q Who prepares the Certificate of Vote?

15:14:59 5 A The document is prepared by the Office of
6 the Secretary of State.

7 Q And specifically is that your division?

8 A It is, in the elections division.

9 Q Who has access to that document within the
15:15:11 10 Secretary of State?

11 A So initially one of our program officers
12 would make it. Again, it's a fairly straightforward
13 single-page document. At the time the gentleman that
14 did it provided it to me, I reviewed it and got it over
15:15:25 15 to the Chief Deputy for review as well. By that point
16 then nobody else before it was to be used.

17 Q And so the official Certificate of Vote for
18 the State of Nevada is a document that is prepared for
19 and contained within your division of the Secretary of
15:15:42 20 State?

21 A Yes, that's correct.

22 Q If you would turn back to Exhibit 5 and
23 specifically Grand Jury page number 22. Do you
24 recognize this document?

15:15:55 25 A I do.

15:15:56 1 Q What is it?

2 A This is a Certificate of Vote that we
3 prepared.

4 Q And is this a true and accurate copy of the
15:16:04 5 Certificate of Vote for the Nevada 2020 presidential
6 election?

7 A Yes, it is.

8 Q How can you tell it's the official
9 Certificate of Vote for the State of Nevada and the 2020
15:16:13 10 presidential election?

11 A So a couple ways. One, as you can imagine
12 again given the significance of this document to our
13 state and country, I remember staring at it very
14 repeatedly, you know, wondering if it was truly lined up
15:16:29 15 in Carson City centered as much as it should be. It
16 also has the signatures of the six electors that I
17 recall talking to on that day and it's also dated
18 appropriately as well.

19 Q And so you were talking about Carson City.
15:16:45 20 Can you just elaborate on what specifically about that
21 document indicates it's the official record?

22 A It has the state seal. This is the, again
23 the document that Secretary Cegavske at the time had
24 said, yep, this is the Certificate of Vote, the template
15:17:00 25 we're going to use. So there's another statute that

15:17:03 1 talks about the Secretary of State's role when it
2 relates to elections and one of them is to prescribe
3 forms. So this was the form that in addition to having
4 the state seal that Secretary of State Cegavske had
15:17:15 5 identified and prescribed for this purpose.

6 Q And the individuals' signatures on that
7 page are the Democratic electors?

8 A That's correct.

9 Q Do those signatures match the names on the
15:17:28 10 Certificate of Ascertainment?

11 A Yes.

12 Q If you could turn to Exhibit 5, same
13 exhibit, page 25. What is this document?

14 A So this was an additional document that's
15:17:45 15 provided that essentially addresses the litigation that
16 had occurred. This document is the certificate of final
17 determination of contests concerning presidential
18 electors.

19 Q Who prepares this document?

15:17:58 20 A Also done by my office and the division in
21 close coordination with the Governor's office.

22 Q And what's the meaning of this document?

23 A So this document, it goes along with the
24 Certificate of Ascertainment to confirm that any
15:18:11 25 litigation that had been related to the election has

15:18:14 1 been concluded. This also again you can see that it
2 talks about there's a District Court's order is attached
3 as well, the idea being that the President of the U.S.
4 Senate may not just want to take our word for it but
15:18:32 5 wants to see for sure that any litigation had concluded
6 and that the results were affirming the process as we
7 understood it to be.

8 Q And the order that was attached would have
9 been the one that you testified to in Exhibit 22?

15:18:45 10 A That's correct.

11 Q Following the vote and the signing of the
12 certificate by the duly qualified electors, what happens
13 next?

14 A So after the electors vote they I believe
15:18:58 15 essentially go off to celebrate while we gather the
16 documents. Again, this was COVID and so there was
17 discussion about, you know, overnighting certified mail
18 that was tracked. We also had an individual from the
19 office go pick up the mail or the documents to get them
15:19:15 20 to Carson City so that we can package everything
21 together and then send them to the, one goes to the
22 Secretary of State's Office, the other three again the
23 Chief Judge of the District Court, the Archives and then
24 the President of the U.S. Senate. A very controlled
15:19:32 25 process I will say.

15:19:34 1 This was my first experience and as I
2 mentioned only about a month after becoming Deputy for
3 Elections, but the level of phone calls and very stern
4 conversations I had with individuals in the Archives and
15:19:46 5 relating to the senate about, you know, how very
6 specifically we were supposed to send it. The tracking
7 numbers, you know, who's allowed to, make sure that you
8 have these copies, you know, look at them before you put
9 them in there. Some states will do this wrong, you
15:19:59 10 know, don't be the state that does it sort of thing. So
11 we made sure, you know, all the I's were dotted, T's
12 crossed, packaged appropriately with the appropriate
13 documents and then got them in the mail to make sure
14 that they have to be where they need to be. It's one
15:20:15 15 week after the meeting of the Electoral College. So for
16 those us of us west of the Mississippi it's a little bit
17 of a tight timeline.

18 Q And who mails those documents that you
19 mentioned?

15:20:25 20 A The elections division does. One of my
21 team members. In fact, I think I even asked two of them
22 at the time to do it just to make sure again something
23 of this, you know, you got to be careful about, you
24 know, Murphy, you know, popping his head up. I didn't
15:20:41 25 want one individual to, you know, anything to happen, so

15:20:44 1 I believe we sent or I recall that we sent two people to
2 do it.

3 Q You mentioned having conversations with
4 individuals. What documents are required to be sent in
15:20:52 5 the mailings to the four locations you mentioned?

6 A The four documents so the documents, the
7 Certificate of Ascertainment gets married up with the
8 Certificate of Votes. But those are the -- there's like
9 some very specific in quantities as well certain numbers
15:21:12 10 of them, I believe seven that we have to send.

11 Certificate of Ascertainment, Certificate of Votes, the
12 votes themselves, and this document as well.

13 Q At some point did you become aware that the
14 Republican elector nominees sent their own Certificate
15:21:25 15 of Votes to the locations mentioned?

16 A We had heard discussion about that
17 initially and then later found out that that was
18 something they had done, yes.

19 Q Did the Secretary of State receive
15:21:36 20 documents from the Republican elector nominees?

21 A She did, yes.

22 Q And did you receive or did you review those
23 documents that were received?

24 A I did. They came to the office in Carson
15:21:49 25 City. At the time Secretary Cegavske was down here in

15:21:53 1 Las Vegas. We received the packet that was addressed to
2 the secretary. And then with all official mail that
3 comes through the office from the elections division,
4 especially anything addressed specifically to the
15:22:05 5 Secretary, they open it, provide it to me and in this
6 case I remember talking about it with our Chief Deputy.

7 Q What specifically do you recall receiving?

8 A So there was a packet of documents in like
9 a UPS looking sort of folder, like a mail envelope,
15:22:24 10 letter size. It wasn't legal size or a package or a box
11 or anything like that. Inside it it had a number of
12 documents. It looked like bizarro documents frankly.
13 As we had talked about a moment ago, there's very
14 specific prescribed templates that are very official
15:22:45 15 looking with the state seal for the Certificate of
16 Ascertainment, for the Certificate of Votes. There's
17 lot a pomp and ceremony associated like these simple
18 documents, you know, carry again extreme significance in
19 our state and national history. So they look kind of
15:23:04 20 like that but almost maybe if you had like ten minutes
21 to put something together instead of an official
22 document.

23 Q Do you recall who sent those documents to
24 the SOS based on the mailing?

15:23:16 25 A Yes, the name on the envelope as I recall

15:23:18 1 was Mr. McDonald.

2 Q What did you do in response to receiving
3 those documents?

4 A So I remember some level of disbelief. I
15:23:30 5 talked to my Chief Deputy about it. We got the
6 Secretary on the phone. I remember talking the three of
7 us about that. You know, at first it was like I don't
8 really know what this is or what they're trying to do.
9 We had the official meeting of the Electoral College, we
15:23:48 10 had our documents. I do recall that there was a

11 document on the inside as well that listed the four
12 officers, Secretary Chief Dew and then the President of
13 the U.S. Senate and the Archives. And I remember the
14 secretaries was highlighted almost as though they had,
15:24:06 15 you know, all right, this is the packet for the

16 Secretary, let's make sure we have a packet for the
17 other three so we talked about that. She had provided
18 some guidance to make sure that other individuals knew
19 and asked that I reach out to the Archives to make sure
15:24:22 20 they're aware that this would be coming to them. And

21 then ultimately she made the decision, she was like
22 these aren't even real, like they're not, this is not a
23 document, this is not obviously the Certificate of
24 Votes, we have that. Those are signed. It's, you know,

15:24:36 25 there was a prescribed form. This ain't that. So she

15:24:41 1 asked me to draft a letter that I then drafted, signed
2 and put into the envelope and then we basically wrote
3 return to sender on the packet and sent it back.

4 Q So for clarification, when you're referring
15:24:56 5 to she you're referring to who?

6 A Secretary Barbara Cegavske.

7 MS. ENGLER: And ladies and gentlemen of
8 the Grand Jury, when Mr. Wlaschin is talking about what
9 Miss Cegavske said, do not consider that for its truth
15:25:08 10 but for what Mr. Wlaschin did next in response to those
11 conversations.

12 BY MS. ENGLER:

13 Q So in response to that conversation with
14 the Secretary of State what did you do?

15:25:19 15 A So we reached out. There's almost like a
16 number that the senate provides. When it doubt like if
17 you have any questions at all call this number. We
18 reached out to the Archives as well and said, hey, just
19 so you know there's like a packet coming your way.

15:25:39 20 These are not the electors and not the documents that we
21 have provided that Secretary Cegavske oversaw the
22 signing of, it had the actual electors' name on them,
23 please ignore those other documents. The correct ones
24 are the ones that have the Secretary of State's name on
15:26:03 25 them.

15:26:03 1 Q Did you also, and I apologize, you
2 testified you returned to sender the documents then that
3 you received?

4 A That's correct.

15:26:12 5 Q Did you draft anything in response to the
6 receipt of those documents?

7 A The only thing I drafted was the letter
8 that I inserted to Mr. McDonald essentially saying,
9 thanks, we've got one, we don't need these.

15:26:32 10 Q If you could turn to Exhibit 24. Do you
11 recognize this document?

12 A I do.

13 Q What is it?

14 A This is the draft letter that I provided to
15:26:54 15 Mr. McDonald, the only difference being that the one I
16 provided him I had printed and signed.

17 Q And what's the date of this letter?

18 A December 15th of 2020.

19 Q Could you please read the letter?

15:27:05 20 A Certainly. "Dear Mr, McDonald, Enclosed
21 please find documents received on December 15th, 2020,
22 purporting to be votes of the Nevada Electors in the
23 December 14th, 2020 vote of the Electoral College.
24 Please be advised that on December 14th, 2020, the
15:27:19 25 lawful Nevada Electors who were identified on the

15:27:22 1 official Certificate of Ascertainment cast their ballots
2 for President of the United States and Vice-President of
3 the United States pursuant to federal and state law in a
4 meeting conducted by the Nevada Secretary of State.

15:27:33 5 Nevada law requires that all electors cast
6 their ballots for the winner of the popular vote in
7 Nevada. As such the lawful electors cast their ballots
8 for Joseph R. Biden for President of the United States
9 and for Kamala D. Harris for Vice-President of the
15:27:46 10 United States, in accordance with Nevada law and the
11 results of the 2020 General Election as certified by the
12 Nevada Supreme Court on November 24th, 2020.

13 We are returning these documents as they do
14 not meet the statutory requirement for filing with our
15:28:01 15 office. Respectfully", my signature.

16 Q Did you make copies of the documents that
17 were received?

18 A We did not. Secretary Cegavske was under
19 the impression we did not need to have a copy of those
15:28:19 20 as they were essentially invalid.

21 Q During the course of this investigation did
22 an AG investigator ask you to review documents to
23 compare to those that had been received by the Secretary
24 of State in 2020?

15:28:32 25 A Yes.

15:28:33 1 Q If you could please turn to Exhibit 4,
2 specifically pages 2 through 20. If you could review
3 that. Do those documents look familiar to you?

4 A Yes.

15:29:58 5 Q Why is that?

6 A These are the documents that were sent to
7 the Office of the Secretary of State that were returned
8 to Mr. McDonald.

9 Q And by saying these are the documents,
15:30:06 10 these are copies or similar copies of the ones that were
11 received by your office?

12 A Yes. These do match them. Not the
13 originals as I think you're getting to because we
14 returned those but, yes, these are them.

15:30:24 15 Q Okay. Following the election in November
16 but prior to the meeting of the Electoral College in
17 December, were you contacted by any of the Republican
18 elector nominees regarding the Certificate of
19 Ascertainment?

15:30:37 20 A I was.

21 Q When were you contacted?

22 A It was after the election, after the
23 canvasses had concluded and after we had drafted the
24 Certificate of Ascertainment in preparation for the
15:30:53 25 Electoral College.

15:30:54 1 Q Who specifically contacted you?

2 A As I recall Mr. DeGraffenreid reached out,
3 it was either Mr. DeGraffenreid or Mr. Hindle in
4 relation to the list, the order of the electors on the
15:31:09 5 Certificate of Ascertainment.

6 Q How did they reach out to you?

7 A Via email.

8 Q Okay. And what was their request?

9 A So I had made an error on the Certificate
15:31:21 10 of Ascertainment for the Republican party. We had put
11 the alternates and not the primaries on there and I had
12 missed that again ultimately and that had been signed by
13 the Governor and the Secretary of State and that error
14 was pointed out. So I talked to the Secretary, owned my
15:31:47 15 mistake, asked that we correct and put the correct
16 electors under the Republican party's title on the
17 Certificate of Ascertainment.

18 Q If you could turn to Exhibit 19, do you
19 recognize this document?

15:32:07 20 A I do, yes.

21 Q Okay. And what is it?

22 A This was an email from Mr. Hindle following
23 up about the Certificate of Ascertainment. He had been
24 the one to identify it initially and, yeah, ultimately
15:32:28 25 following up to make sure that we got a new copy

15:32:30 1 prepared.

2 Q Is your work email listed on this document?

3 A Yes, at the top of document 46 in the to
4 line, mw -- well, it's mwlaschin@sos.nv.gov.

15:32:46 5 Q And who is sending this email to you?

6 A Mr. Hindle, Durward James Hindle, III.

7 Q And what's the email address listed for
8 him?

9 A His is jim.hindle@nevadagop.org.

15:33:00 10 Q And there are individuals who are CC'd on
11 this email. What are those names?

12 A The names of the individuals CC'd are Mr.
13 DeGraffenreid, Jim DeGraffenreid. The next one is
14 McDonaldnv. The one after is Jessica Hanson. Then
15:33:15 15 Jesse Law. Then Shawn Meehan.

16 Q Further down on the email chain there's an
17 email that says nvelect@nvsos.gov. Are you familiar
18 with that email?

19 A Yes, the nvelect@nvsos -- actually it's --
15:33:38 20 interestingly enough that's the incorrect email which
21 may have delayed them getting it to us. By nvelect is
22 the Secretary of State's email address nvelect@nvsos.gov
23 in case anyone has questions about elections but --

24 Q If you could, at the bottom of Grand Jury
15:34:01 25 46, if you could read the portion of the email that

15:34:05 1 starts at we received.

2 A Sure. "We received the attached
3 Certificate of Ascertainment issued by the Governor's
4 office, and noted that the Certificate contains the
15:34:14 5 names of the Alternate Electors selected by the Nevada
6 Republican Party at our convention, rather than the
7 names of the Presidential Electors.

8 Per the attached forms filed in person with
9 your office earlier this year, note that the
15:34:25 10 presidential electors should be: Michael McDonald,
11 James DeGraffenreid, Durward James Hindle, III, Jesse
12 Law, Eileen Rice, Shawn Meehan.

13 The alternate Presidential Electors who are
14 currently listed on the Certificate of Ascertainment
15:34:39 15 are: Jolette Gowens, Christopher Carr, James Marchant,
16 Patrick Casale, Joseph Burdzinski, Ronald Doumani.

17 We respectfully request that your office
18 work with the Governor's office to correct this error
19 and list the correct GOP electors on an amended
15:34:56 20 Certificate of Ascertainment to be submitted to the
21 United States Senate as soon as possible so that the
22 records are correct prior to the vote of the Electoral
23 College. Please provide a copy of the corrected
24 Certificate when completed and transmitted.

15:35:05 25 Thank you for your assistance. Please

15:35:09 1 contact me if you need any further information".

2 Q And who sent that email?

3 A That was from Mr. Jim DeGraffenreid.

15:35:17 4 Q And what was the email address that was
5 listed?

6 A So Mr. DeGraffenreid sent that from
7 jim@nevadagop.org.

8 Q And what was the date of that email?

9 A Sunday the 29th of November, 2020.

15:35:29 10 Q Did this email strike you as odd?

11 A It did.

12 Q Why was that?

15:35:43 13 A Well, to be clear, right, like we, you
14 know, I think I can speak for dare I say every state
15 government employee, like we want our paperwork to be
16 right, collectively take pride, especially in the
17 elections division, to make sure it's accurate and
18 proper. So on the one hand while they were identifying
19 that we had made an error, and again I swallowed my
15:35:58 20 pride and immediately acknowledged that to the Secretary
21 of State, they didn't win so it seemed a bit moot to
22 have their names, you know, on the Certificate of
23 Ascertainment properly.

24 Again, I get it, right, like if I was in
15:36:15 25 the olympics and I was 900th I would still want my last

15:36:19 1 name spelled properly, but I think essentially the focus
2 of the Certificate of Ascertainment and the Electoral
3 College process is on the individuals who won the
4 popular vote and not the other parties on the
15:36:30 5 Certificate of Ascertainment.

6 Q And you swallowed your pride and prepared a
7 new Certificate of Ascertainment?

8 A We did. And then owned it to the
9 Governor's office, had to trouble them to find the
15:36:42 10 Governor to get his signature and give it to Secretary
11 Cegavske as well before giving that document corrected
12 and over to the individuals who requested it.

13 Q Is the Secretary of State tasked with
14 investigating election-related crimes?

15:36:59 15 A The Secretary of State is, yes, absolutely.
16 The statute states execution and enforcement of all
17 state and federal laws relating to elections.

18 Q And did the Secretary of State investigate
19 election-related claims or voting fraud in the 2020
15:37:15 20 presidential election?

21 A We did extensively ad nauseam and very,
22 very thoroughly.

23 Q If you could just broadly describe what the
24 results were of that review.

15:37:28 25 A Certainly. Broadly described the

15:37:31 1 investigative efforts of my team and I, for roughly four
2 to 5,000 allegations of fraud. The spoiler alert, short
3 answer is that there were less than 200 we identified
4 that were worthy for criminal investigation. A little
15:37:49 5 bit more detail in that, Secretary Cegavske from the
6 start had directed my team and I to leave no stone
7 unturned when it came to elections fraud allegations.

8 Throughout the election leading up to the
9 2020 cycle as questions about elections integrity were
15:38:06 10 coming up, she directed us to take each case
11 independently, review it, again and to really look at
12 the root causes, not just to figure out, you know, why
13 or what the allegation was but why would somebody have
14 thought this was even possible.

15:38:22 15 And so we did, we spent significant time
16 throughout the 2020 cycle reviewing documents, talking
17 with the county election officials, working with our IT
18 individuals and talking with the vendors of the voting
19 systems, the two that are in use in the state or from
15:38:39 20 Dominion Voting Systems and ES&S, talking with their
21 staff, getting a better understanding of the technical
22 aspects, working with numerous state and federal law
23 enforcement agencies to make sure that again per her
24 guidance we had an exhaustive understanding of, you
15:38:55 25 know, any allegations relating to election.

15:38:59 1 We compared records back and forth and any
2 time we found an anomaly we looked into it. And as I
3 had mentioned, because you said be briefly, that again
4 200 or so, less than 200 rather were identified and
15:39:15 5 worthy of criminal investigation. And I will state
6 that, you know, we have laws in Nevada. There's one in
7 particular, it's NRS 293.780, that states it's against
8 the law to vote or attempt to vote twice.

9 And so I just want to clarify, even when I
15:39:33 10 say less than 200 individual situations were identified
11 for criminal investigation, you know, more than half of
12 those were individuals who simply attempted to vote
13 twice. We have numerous checks and balances in our
14 systems with mail ballots, even as quickly as, you know,
15:39:49 15 we only became a vote by mail state in the primary
16 really of 2020 and then, you know, worked a little bit
17 harder on it and the general but then it was codified in
18 '21. But even by that point there were checks and
19 balances in place so that an individual voted in person
15:40:05 20 and then quickly ran out to their car and mailed a
21 ballot in or vice versa or tried to mail, you know, vote
22 in person in one spot and then run down the street to
23 vote again. Our system catches it. And the second vote
24 does not count but that's still against the law. And in
15:40:20 25 those situations where we identified again individuals

15:40:23 1 had attempted to vote twice, even though it didn't
2 count, those got referred for criminal investigation.

3 Q And what was the total voter turnout for
4 the 2020 presidential election?

15:40:33 5 A About 77 percent, a little over 1.4 million
6 individuals turned out during the 2020 general.

7 MS. ENGLER: I have no further questions
8 for this witness. I will turn it over to the members of
9 the Grand Jury should they have any questions.

15:40:47 10 BY A JUROR:

11 Q You said the Electoral College all meet at
12 the same time. Is that simultaneous or is it like 12:00
13 o'clock New York and Florida and 9:00 o'clock in Nevada
14 and California?

15:41:00 15 A The latter, yes, ma'am. It's on a day
16 some -- it's almost like, you know, when you look at the
17 polls opening across the country on election day they
18 kind of start earlier on the East Coast and then roll
19 and then thankfully out west we don't, we've got to wait
15:41:16 20 for Hawaii I guess to close their polls but it's not a
21 precise to the minute meeting.

22 Q And what time was the time that was set for
23 that on December 14th?

24 A On the 14th we met, I think it was 8:30 or
15:41:31 25 9:00 a.m.

15:41:34

1 BY A JUROR:

2 Q Is that Pacific or --

3 A Yes, ma'am, Pacific. I had been counseled
4 not to start at 8:00 because that means we've really got
15:41:40 5 to get there at 7:00, 7:30, and, you know, drop off kids
6 and so --

7 THE FOREPERSON: Are we good?

8 BY A JUROR:

15:41:55

9 Q Is it necessary to have a Custodian of
10 Records verification for some of these documents?

11 MS. ENGLER: Can you specifically point to
12 which document you're referencing?

13 A JUROR: The Governor's signature and
14 such, December 2, Miss Cegavske.

15:42:15

15 MS. ENGLER: What bates number?

16 A JUROR: Ascertainment of --

17 MS. ENGLER: Are you referring to the
18 Exhibit 5?

19 A JUROR: Yep.

15:42:44

20 MS. ENGLER: Mr. Wlaschin testified to the
21 preparation and authentication of those documents from
22 his personal knowledge.

23 BY A JUROR:

15:43:00

24 Q Page 120, what was the payment for the
25 defendant's cost? Is that of any concern?

15:43:05 1 MS. ENGLER: And before you answer are you
2 referring to Exhibit —

3 A JUROR: Page 120.

4 MS. ENGLER: So that's Exhibit 22. You're
15:43:23 5 talking about page document Exhibit 22 and specifically
6 regarding the order. I would instruct the witness not
7 to answer that because I believe that's outside the
8 scope of his knowledge. He's not the preparer of that
9 document.

15:43:44 10 BY A JUROR:

11 Q The letter, where is it, that you said like
12 page 182, Exhibit Number 24, I didn't — maybe I'll look
13 again.

14 MS. ENGLER: Are you referring to the
15:43:56 15 letter Mr. Wlaschin prepared?

16 A JUROR: Oh, yes, I found it. Okay.
17 Thank you.

18 MS. ENGLER: You're welcome.

19 Yes.

15:44:09 20 BY A JUROR:

21 Q When the Electoral College met, were the
22 Republican electors expected to participate?

23 A So the — there were questions about the
24 meeting at the Electoral College. Previously in
15:44:25 25 presidential elections where there wasn't a global

15:44:28 1 pandemic they had met in person and it had been a public
2 event. Again, typically from what I've been told from
3 my predecessors, that the individuals of that party
4 would attend, maybe family members, but not otherwise.

15:44:43 5 Secretary Cegavske had directed us to do it virtually
6 because of her concerns for the safety but ultimately,
7 no, they were not in attendance at the location.

8 MS. ENGLER: And let me just clarify. I'll
9 follow up for you.

15:44:56 10 BY MS. ENGLER:

11 Q The meeting of the Electoral College, are
12 all of the party elector nominees present or only the
13 winner of the popular vote attends the Electoral
14 College?

15:45:08 15 A Oh, I see, I apologize. Only the winners
16 of the popular vote are in attendance.

17 BY A JUROR:

18 Q And here in Nevada the Secretary of State
19 is at that whether it's in person or --

15:45:24 20 A That's correct. The Secretary, she was in
21 Carson but she presided over, she ran the meeting, told
22 me to read the next part, go to the next step in the
23 agenda.

24 THE FOREPERSON: Okay. That's it? Okay.

15:45:36 25 So by law these proceedings are secret and

15:45:36 1 you are prohibited from disclosing to anyone anything
2 that transpired before us including evidence presented
3 to the Grand Jury, any event occurring or a statement
4 made in the presence of the Grand Jury, information
15:45:36 5 obtained by the Grand Jury.

6 Failure to comply with this admonition is a
7 gross misdemeanor punishable up to 364 days in the Clark
8 County Detention Center and a \$2,000 fine. In addition
9 you may be held in contempt of court punishable by an
15:45:36 10 additional \$500 fine and 25 days in the Clark County
11 Detention Center.

12 Do you understand this admonition?

13 THE WITNESS: I do.

14 THE FOREPERSON: Thank you. You're
15:46:10 15 excused.

16 THE WITNESS: Thank you.

17 MS. ENGLER: Ladies and gentlemen of the
18 Grand Jury, that is all the witnesses that we have to
19 present and we will submit it for your deliberation. If
15:46:22 20 you would like the opportunity to watch the video please
21 let us know so that we can get the IT individual down
22 here to play that and we will exit the room for you to
23 deliberate.

24 A JUROR: We don't get questions?

15:46:47 25 A JUROR: We just asked questions.

15:46:47 1 MS. ENGLER: Let me ask you, do you have
2 questions about the documents itself or the
3 instructions?
4 A JUROR: Yes, the instructions. They're
15:46:51 5 from what NRS numbers?
6 A JUROR: She's talking about these.
7 MS. ENGLER: I did not list the NRS
8 statutes. We're required to instruct you on the law.
9 We do not have to list the specific statutes, but I can
15:47:22 10 get those for you if you feel those are necessary.
11 A JUROR: So are these paraphrased or are
12 they verbatim?
13 MS. ENGLER: They are either from the
14 statute or instructions that come directly from Nevada
15:47:35 15 case law.
16 THE FOREPERSON: Okay.
17 MS. ENGLER: Any other questions?
18 A JUROR: No.
19 A JUROR: No, we're good.
15:47:46 20 (At this time, all persons, except the
21 members of the Grand Jury, exited the room at 3:47 and
22 returned at 4:10.)
23 THE FOREPERSON: So we are back on the
24 record.
16:10:41 25 So Madam Attorney General, by a vote of 12

16:10:47

1 or more jurors a true bill has been returned against
2 each defendant for each charge in Grand Jury case number
3 23AGJ164A through G (sic).

16:11:01

4 We instruct you to prepare an Indictment in
5 conformance with the proposed Indictment previously
6 submitted to us.

7 Make a record of any changes, alterations,
8 deletions or additions to the Proposed Indictment.

9 I do have one back here to sign it.

16:11:14

10 MS. ENGLER: Very good. I will instruct
11 the Attorney General to sign it.

12 (Proceedings concluded.)

13 --oo0oo--

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REPORTER'S CERTIFICATE

STATE OF NEVADA)
: ss
COUNTY OF CLARK)

I, Donna J. McCord, C.C.R. 337, do hereby
certify that I took down in Shorthand (Stenotype) all of
the proceedings had in the before-entitled matter at the
time and place indicated and thereafter said shorthand
notes were transcribed at and under my direction and
supervision and that the foregoing transcript
constitutes a full, true, and accurate record of the
proceedings had.

Dated at Las Vegas, Nevada,
December 17, 2023.

/S/DONNA J. MCCORD
Donna J. McCord, CCR 337

1 AFFIRMATION

2 Pursuant to NRS 239B.030

3
4 The undersigned does hereby affirm that the preceding
5 TRANSCRIPT filed in GRAND JURY CASE NUMBER 23AGJ164A-F:

6
7
8 X Does not contain the social security number of any
9 person,

10 -OR-

11 ____ Contains the social security number of a person as
12 required by:

13 A. A specific state or federal law, to-wit:
14 NRS 656.250.

15 -OR-

16 B. For the administration of a public program
17 or for an application for a federal or
18 state grant.

19 /S/DONNA J. MCCORD
Signature

December 17, 2023
Date

20 Donna J. McCord
Print Name

21
22 Official Court Reporter
Title

<p>A JUROR: [19] 37/14 37/16 37/17 37/18 37/19 63/4 63/6 104/13 104/16 104/19 105/3 105/16 107/24 107/25 108/4 108/6 108/11 108/18 108/19 BY A JUROR: [16] 32/9 32/22 33/19 33/23 34/20 35/18 35/23 36/20 37/8 103/10 104/1 104/8 104/23 105/10 105/20 106/17 BY MS. BRADY: [5] 7/20 28/11 34/1 35/5 36/8 BY MS. ENGLER: [7] 39/18 42/12 57/14 58/5 64/16 92/12 106/10 MR. FORD: [1] 5/9 MS. BRADY: [5] 7/13 28/7 33/21 36/3 37/12 MS. ENGLER: [27] 38/12 39/11 42/8 57/10 58/1 62/6 63/1 63/5 63/9 64/9 92/7 103/7 104/11 104/15 104/17 104/20 105/1 105/4 105/14 105/18 106/8 107/17 108/1 108/7 108/13 108/17 109/10 THE FOREPERSON: [24] 6/16 6/23 7/7 7/11 37/7 37/15 37/20 38/9 38/14 38/21 39/5 39/9 62/9 62/23 63/7 63/11 63/18 64/2 64/7 104/7 106/24 107/14 108/16 108/23 THE WITNESS: [16] 6/22 7/6 7/9 36/5 38/8 38/11 38/20 39/4 39/7 62/22 62/25 63/17 64/1 64/4 107/13 107/16</p>	<p>/</p> <p>/S/DONNA [2] 110/17 111/18</p> <p>1</p> <p>1.4 [1] 103/5 10 [3] 4/11 59/17 79/10 11:39 [1] 53/18 12 [4] 4/12 67/14 80/3 108/25 120 [3] 60/4 104/24 105/3 122 [1] 57/19 12:00 [1] 103/12 13 [2] 32/11 32/12 13th [5] 42/2 42/25 43/14 43/21 53/23 14 [1] 68/12 14th [25] 6/4 19/21 20/3 34/15 50/14 51/8 51/21 52/5 52/6 52/7 52/8 52/10 52/11 53/14 53/25 54/15 67/11 68/23 69/8 69/15 72/3 93/23 93/24 103/23 103/24 15 [3] 59/17 60/6 70/10 15-minute [1] 82/17 15th [2] 93/18 93/21 16 [2] 20/16 68/15 17 [4] 4/15 71/1 110/15 111/18 177 [1] 60/7 17th [2] 56/22 58/24 182 [1] 105/12 19 [2] 4/13 96/18 1950's [1] 74/7 199 [1] 51/13 19th [1] 59/16 1:15 [1] 1/18 1:30 [1] 56/1 1A [3] 4/4 5/24 6/2</p> <p>2</p> <p>20 [14] 4/14 29/11 29/11 29/13 29/17 29/18 30/8 32/24 40/25 41/19 42/9 59/15 65/14 95/2 200 [4] 101/3 102/4 102/4 102/10 2013 [1] 73/1 2019 [1] 64/23 2020 [69] 19/21 20/3 34/15 40/3 40/9 43/9 43/19 51/8 51/21 52/4 52/5 52/6 52/7 52/8 52/10 52/11 53/14 53/18 53/23 55/13 56/22 58/14 58/24 59/2 59/15 59/16 59/20 59/25 60/10 61/4 65/4 66/18 66/19 67/2 67/4 67/8 67/13 69/15 70/4 71/12 72/2 72/3 73/16 75/5 75/24 76/2 76/12 77/6 77/9 78/11 80/5 80/17 82/22 85/5 85/9</p>	<p>93/18 93/21 93/23 93/24 94/11 94/12 94/24 99/9 100/19 101/9 101/16 102/16 103/4 103/6 2023 [7] 1/17 2/1 5/1 42/2 43/14 110/15 111/18 20408 [1] 28/25 21 [14] 4/15 17/6 17/6 23/17 25/25 28/16 28/17 30/12 31/13 31/14 32/10 34/9 34/17 53/2 21st [2] 43/9 53/18 22 [9] 4/16 31/7 57/15 58/22 81/3 84/23 87/9 105/4 105/5 228 [1] 52/1 23 [5] 4/17 45/7 57/13 76/17 76/21 239B.030 [1] 111/2 23AGJ164A [1] 109/3 23AGJ164A-F [3] 1/9 5/18 111/5 23rd [1] 68/20 24 [8] 4/18 76/17 76/22 78/7 78/8 78/10 93/10 105/12 243 [2] 52/16 52/23 244 [1] 52/16 24th [2] 59/16 94/12 25 [5] 4/6 38/5 62/19 86/13 107/10 267 [2] 55/16 55/18 268 [1] 55/23 273 [1] 55/23 28 [5] 4/19 50/19 51/14 53/20 57/6 28th [1] 6/4 29 [3] 4/14 4/20 51/16 293 [1] 57/4 293.410 [1] 60/10 293.780 [1] 102/7 298 [3] 73/5 82/25 82/25 298.075 [1] 83/16 29th [1] 99/9 2A [2] 4/5 6/12 2nd [2] 59/20 78/11</p> <p>3</p> <p>30 [2] 4/21 54/2 31 [3] 4/22 55/4 57/7 32 [2] 4/23 47/1 33 [3] 4/24 49/16 57/7 33,000 [1] 77/21 33,596 [1] 77/21 337 [3] 1/25 110/6 110/18 34 [3] 4/25 56/5 57/7 364 [3] 38/2 62/16 107/7 39 [1] 3/4 3:47 [1] 108/21 3rd [6] 56/1 59/14 59/25 60/10 67/8 69/15</p>	<p>4</p> <p>45 [1] 4/17 46 [2] 97/3 97/25 47 [1] 4/23 48 [1] 59/18 49 [1] 4/24 4:10 [1] 108/22 4:13 [1] 53/13 4th [1] 58/14</p> <p>5</p> <p>5,000 [1] 101/2 50 [1] 4/19 51 [5] 4/20 36/6 36/18 41/19 41/19 52 [6] 29/18 32/24 33/20 33/24 42/11 42/13 52.125 [1] 58/2 53 [1] 43/3 53.045 [1] 29/14 54 [1] 4/21 55 [1] 4/22 56 [1] 4/25 57 [1] 4/16 5797 [1] 30/25</p> <p>6</p> <p>62694 [1] 29/8 64 [1] 3/5 656.250 [1] 111/13</p> <p>7</p> <p>76 [1] 4/7 77 percent [1] 103/5 79 [10] 4/8 4/10 4/11 17/7 25/12 28/20 29/5 32/10 34/17 35/24 7:00 [2] 67/15 104/5 7:00 a.m [1] 67/15 7:30 [1] 104/5</p> <p>8</p> <p>80 [8] 4/9 4/12 23/17 23/22 28/17 28/20 28/23 53/3 81 [5] 23/22 28/17 30/17 30/17 31/7 82 [2] 60/22 61/6 84 [1] 68/11 85 [2] 61/15 61/16 8638 [1] 31/8 8645 [4] 30/16 34/14 35/24 36/5 87 [2] 58/6 58/22 88 [1] 58/23 89101 [4] 30/18 33/1 33/5 33/7 89106 [1] 32/3 894 [1] 8/12 898 [1] 8/12 8:00 [1] 104/4 8:16 p.m [1] 51/22 8:30 [1] 103/24 8th [4] 61/4 75/25 80/23 82/12</p>	<p>9</p> <p>90-second [1] 82/20 900th [1] 99/25 93 [1] 4/18 96 [1] 4/13 961 [1] 8/11 9:00 [2] 103/13 103/25 9:44 [1] 53/23 9th [1] 55/13</p> <p>A</p> <p>a.m [3] 53/18 67/15 103/25 Aaron [2] 2/22 5/11 ability [1] 5/7 able [17] 19/17 21/12 34/8 40/20 43/22 46/19 46/19 46/22 47/15 47/19 48/10 48/15 48/20 50/1 50/2 50/4 54/24 about [50] 6/19 7/24 9/9 10/5 11/8 11/22 17/1 19/11 21/24 38/17 54/19 55/11 63/14 65/13 66/2 67/2 67/18 68/7 69/2 70/1 71/16 71/23 72/8 73/6 81/21 82/1 82/17 85/19 85/20 86/1 87/2 87/17 88/2 88/5 88/23 89/16 90/6 90/13 91/5 91/7 91/17 92/8 96/23 97/23 101/9 103/5 105/5 105/23 108/2 108/6 above [1] 60/12 absent [1] 6/5 absolutely [3] 69/19 82/17 100/15 academy [1] 8/3 accept [3] 31/20 31/23 70/19 acceptance [1] 70/20 accepted [3] 27/15 68/5 70/18 access [2] 21/13 84/9 accompanied [1] 29/13 accomplished [1] 81/17 accordance [2] 47/12 94/10 according [4] 28/23 30/25 34/14 66/10 account [3] 21/7 21/12 47/21 accountability [2] 13/11 67/23 accounts [4] 44/10 44/12 46/14 47/7 accuracy [2] 11/2 24/8 accurate [8] 18/13 18/16 24/17 66/15 74/16 85/4 99/17 110/12 accurately [2] 5/6 74/20 accurateness [1]</p>
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<p>A</p> <p>accurateness... [1] 17/21</p> <p>acknowledged [1] 99/20</p> <p>across [6] 34/23 67/10 67/21 72/6 81/19 103/17</p> <p>act [5] 37/9 72/23 72/25 73/6 83/2</p> <p>activities [1] 67/19</p> <p>acts [1] 8/14</p> <p>actual [3] 27/10 74/14 92/22</p> <p>actually [12] 9/25 20/6 31/3 35/1 72/25 74/6 74/7 79/6 81/21 83/15 83/18 97/19</p> <p>ad [1] 100/21</p> <p>add [3] 11/18 11/25 13/1</p> <p>add-on [1] 11/25</p> <p>add-ons [1] 11/18</p> <p>added [1] 82/19</p> <p>addition [4] 38/3 62/17 86/3 107/8</p> <p>additional [5] 36/17 38/5 62/19 86/14 107/10</p> <p>additions [1] 109/8</p> <p>address [16] 26/7 26/12 27/20 31/16 31/19 34/24 34/25 35/3 35/8 42/18 48/3 49/7 73/1 97/7 97/22 99/4</p> <p>addressed [5] 33/5 52/10 68/9 90/1 90/4</p> <p>addressee [2] 12/24 26/12</p> <p>addresses [6] 28/3 35/12 48/11 48/15 68/25 86/15</p> <p>adjudicate [1] 69/25</p> <p>administration [2] 66/19 111/15</p> <p>administrative [1] 10/12</p> <p>admonition [6] 38/1 38/7 62/15 62/21 107/6 107/12</p> <p>advertising [1] 11/17</p> <p>advised [4] 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35/22 57/20 60/1 61/5 65/13 66/6 71/9 80/16 85/13 87/24 88/3 88/5 89/9 90/13 90/14 100/21 100/22 109/10</p> <p>via [3] 21/5 69/5 96/7</p> <p>vice [8] 51/10 51/11 52/7 75/8 83/7 94/2 94/9 102/21</p> <p>Vice-President [2] 94/2 94/9</p> <p>victory [2] 59/7 77/17</p> <p>video [2] 52/13 107/20</p> <p>virtually [1] 106/5</p> <p>Visa [1] 21/1</p>
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V visit [2] 22/4 23/14 visiting [1] 40/13 void [1] 59/7 Volume [1] 1/21 vote [43] 4/7 51/7 51/10 53/25 66/24 68/11 70/19 73/5 73/8 74/4 74/8 74/9 74/11 74/13 78/3 83/3 83/4 83/7 83/7 83/13 84/4 84/17 85/2 85/5 85/9 85/24 87/11 87/14 93/23 94/6 98/22 100/4 102/8 102/8 102/12 102/15 102/21 102/23 102/23 103/1 106/13 106/16 108/25 voted [1] 102/19 voter [3] 56/3 70/13 103/3 voters [1] 70/15 votes [23] 52/6 73/4 73/23 74/14 74/25 74/25 75/13 75/15 75/17 77/9 77/12 77/13 77/16 83/8 83/10 83/25 89/8 89/11 89/12 89/15 90/16 91/24 93/22 voting [3] 100/19 101/18 101/20 vs [1] 1/9	104/4 Wednesday [1] 59/20 week [4] 5/25 22/24 39/20 88/15 weekly [1] 18/3 weird [2] 71/5 74/16 welcome [1] 105/18 well [34] 6/12 9/19 13/18 14/15 16/9 16/16 17/12 22/1 22/2 22/8 31/4 35/22 47/9 56/14 57/1 68/6 70/18 74/24 75/7 76/23 80/24 83/19 83/25 84/1 84/15 85/18 87/3 89/9 89/12 91/11 92/18 97/4 99/13 100/11 went [4] 8/1 8/2 31/25 40/15 were [117] weren't [1] 16/11 west [2] 88/16 103/19 what's [8] 41/25 52/19 55/23 75/10 81/18 86/22 93/17 97/7 whatever [4] 9/21 21/1 31/20 36/22 whatnot [2] 9/20 21/11 when [45] 6/11 10/4 10/21 12/13 13/7 15/21 16/7 18/1 18/10 24/10 24/11 25/15 28/1 32/15 33/6 43/10 46/6 48/24 51/4 51/12 51/20 53/11 53/15 53/20 55/12 56/20 66/5 67/18 71/1 72/2 78/7 80/22 80/24 82/12 82/22 86/1 92/4 92/8 92/16 95/21 98/24 101/7 102/9 103/16 105/21 where [28] 12/12 18/5 25/5 25/9 26/2 28/21 28/22 29/6 30/14 30/14 30/15 30/23 34/25 35/9 35/25 36/10 50/17 64/17 65/10 70/7 70/19 73/2 73/7 75/1 88/14 102/25 105/11 105/25 whether [8] 11/17 11/19 36/25 40/7 43/23 72/12 72/13 106/19 which [31] 8/25 9/4 12/22 12/22 13/2 18/9 19/1 24/15 26/9 27/21 33/11 34/24 36/3 36/17 42/17 43/12 43/13 43/19 46/22 48/1 49/8 54/11 57/19 61/18 67/13 68/11 72/8 75/17 79/3 97/20 104/12 while [3] 18/8 87/15 99/18 Whitmer [1] 78/1 who [56] 5/13 5/15 10/7 13/1 13/13 17/10 22/19 23/24 26/1 28/5 31/18 41/23 44/25	45/15 46/20 49/9 54/7 54/24 57/4 58/15 58/18 66/17 70/12 70/17 70/23 71/3 75/8 75/14 75/14 75/15 76/3 76/3 76/25 77/8 78/12 79/13 79/15 81/21 82/1 83/3 83/13 84/4 84/9 86/19 88/18 90/23 92/5 93/25 96/1 97/5 97/10 98/13 99/2 100/3 100/12 102/12 who's [4] 51/1 51/3 75/5 88/7 whoever [2] 12/18 73/4 whole [6] 6/21 7/16 38/19 39/14 63/16 64/12 whose [1] 73/19 why [13] 7/23 14/10 14/12 14/13 35/6 35/7 35/15 44/8 74/19 95/5 99/12 101/12 101/13 wide [1] 10/15 will [20] 5/22 6/9 6/14 10/22 14/19 15/5 18/10 28/2 29/16 55/25 70/13 82/18 83/24 87/25 88/9 102/5 103/8 107/19 107/22 109/10 win [1] 99/21 winner [3] 59/4 94/6 106/13 winners [1] 106/15 winning [1] 78/2 wins [1] 73/22 wit [1] 111/13 within [9] 13/12 41/19 49/4 50/6 52/17 54/9 57/2 84/9 84/19 without [1] 37/5 witness [9] 6/13 28/10 29/16 38/12 62/7 63/1 63/9 103/8 105/6 witnesses [4] 3/1 59/21 59/23 107/18 WLASCHIN [9] 3/5 63/10 64/4 64/10 64/17 92/8 92/10 104/20 105/15 woke [1] 16/9 won [5] 70/12 73/4 81/21 82/1 100/3 won't [1] 29/18 wondering [1] 85/14 word [3] 22/15 61/16 87/4 words [2] 67/12 69/16 work [19] 8/8 9/13 9/17 10/2 10/6 10/8 10/16 10/19 10/22 11/1 16/23 27/23 35/10 37/2 64/19 65/10 65/19 97/2 98/18 worked [4] 64/21 64/23 77/1 102/16 working [5] 15/20 28/1 65/12 101/17 101/22 works [1] 76/7	worthy [2] 101/4 102/5 writing [1] 26/5 writings [1] 26/5 written [1] 26/7 wrong [2] 37/5 88/9 wrote [1] 92/2 Y yeah [9] 10/9 24/22 24/24 25/18 25/20 27/14 33/3 69/19 96/24 year [7] 6/4 16/1 16/4 65/7 66/8 67/7 98/9 years [1] 65/14 yep [3] 15/2 85/24 104/19 yes [105] 7/6 9/25 10/21 15/10 15/13 16/5 17/4 17/9 18/2 18/15 18/17 19/8 19/18 20/8 20/20 21/6 23/8 23/20 24/19 24/19 25/6 25/13 25/22 26/18 26/21 28/19 29/5 29/21 30/10 30/13 30/22 31/5 31/10 31/11 33/10 34/4 34/10 36/11 36/24 37/16 37/17 37/18 37/19 38/8 39/4 40/11 40/22 40/24 41/3 41/22 42/4 42/7 44/7 45/6 45/10 45/21 46/5 46/10 46/21 47/4 47/10 47/14 48/12 49/25 50/8 51/15 51/25 53/10 55/15 57/9 57/21 61/14 62/22 66/15 74/16 76/14 77/7 78/17 79/2 79/12 79/22 79/25 80/9 80/21 81/2 81/7 84/21 85/7 86/11 89/18 89/21 90/25 94/25 95/4 95/12 95/14 96/20 97/3 97/19 100/15 103/15 104/3 105/16 105/19 108/4 yesterday [1] 15/25 yet [1] 71/21 York [1] 103/13 you [388] you find [1] 36/9 you'll [1] 17/7 you're [17] 6/19 6/24 18/1 20/10 25/15 38/9 38/17 38/22 63/14 63/19 92/4 92/5 95/13 104/12 105/4 105/18 107/14 you've [4] 9/9 16/3 71/22 79/21 your [57] 5/11 6/16 7/7 7/24 8/5 8/14 9/10 9/10 9/12 10/5 10/7 10/8 10/20 11/14 14/18 14/18 14/18 14/20 14/24 15/7 17/5 17/17 19/6 22/13 23/2 24/2 25/4 25/14 25/16 38/14 39/5 39/21 39/25 40/6	43/11 44/5 46/11 47/1 62/2 63/11 64/2 64/24 65/16 65/16 78/24 80/11 81/13 84/7 84/19 92/19 95/11 97/2 98/9 98/17 98/25 100/6 107/19 Yvanna [1] 77/25 Z zip [6] 8/11 8/11 28/25 30/18 32/3 33/4 Zoom [5] 69/6 72/12 72/13 72/16 72/19
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EXHIBIT 4

CERTIFICATE OF VOTE

EXHIBIT 4



State of Nevada
Certificate of Vote

December 14, 2020
Carson City, Nevada

WE THE UNDERSIGNED, Electors for President and Vice President of the United States of America for the respective terms beginning at noon on the twentieth day of January, two thousand twenty one, being Electors duly and legally appointed and qualified by and for the State of Nevada, as appears by the annexed Certificate of Ascertainment, having met and convened, agreeably to the provision of law, in said state of Nevada at eight thirty a.m. on the first Monday after the second Wednesday in December of the year two thousand twenty one, being the fourteenth day of said month;


DO HEREBY CERTIFY, that being so assembled and duly organized, we proceeded to vote by ballot, and balloted first for President and then Vice President, so cast as aforesaid:

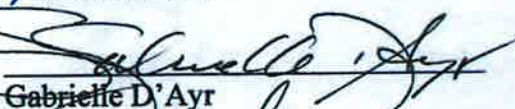
JOSEPH R. BIDEN received six (6) votes

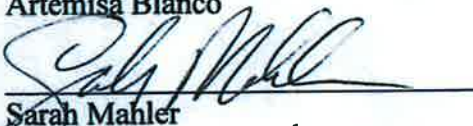
KAMALA D. HARRIS received six (6) votes

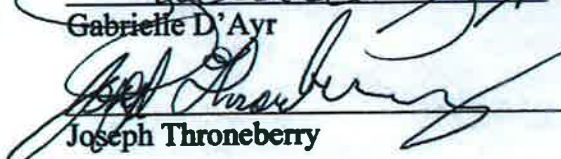
IN TESTIMONY WHEREOF, we have hereunto set our hands, on the third Monday of December, two thousand twenty, being the fourteenth day of said month, and the first Monday after the second Wednesday therein.

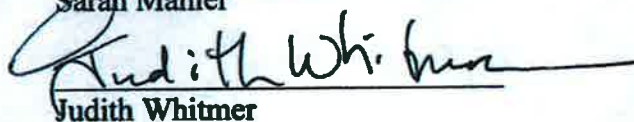

Yvanna Cancela


Artemisa Blanco


Gabrielle D'Ayr


Sarah Mahler


Joseph Throneberry


Judith Whitmer



Certificate of Ascertainment

To All Whom These Presents Shall Come, Greetings:

Know All Persons, That, Whereas, at the General Election of Nevada on the third day of November, two thousand twenty:

INDEPENDENT AMERICAN PARTY ELECTORS

LYNN CHAPMAN received 3,138 votes,
RICHARD ENGEL received 3,138 votes,
JOEL HANSEN received 3,138 votes,
SUSAN HOGE received 3,138 votes,
CAROL PETERSEN received 3,138 votes,
LINDA VICKERS received 3,138 votes;

LIBERTARIAN PARTY ELECTORS

DAVID COLBORNE received 14,783 votes,
DEBRA PAYNE DEDMON received 14,783 votes,
TIM HAGAN received 14,783 votes,
DAVE JONES received 14,783 votes,
LOUIS POMBO received 14,783 votes,
JASON G. SMITH received 14,783 votes;

REPUBLICAN PARTY ELECTORS

JAMES DeGRAFFENREID received 669,890 votes,
DURWARD JAMES HINDLE III received 669,890 votes,
JESSE LAW received 669,890 votes,
MICHAEL J. McDONALD received 669,890 votes,
SHAWN MEEHAN received 669,890 votes,
EILEEN RICE received 669,890;

DEMOCRATIC PARTY ELECTORS

ARTEMISA BLANCO received 703,486 votes,
YVANNA CANCELA received 703,486 votes,
GABRIELLE D'AYR received 703,486 votes,
SARAH MAHLER received 703,486 votes,
JOSEPH THRONEBERRY received 703,486,
JUDITH WHITMER received 703,486;

As Electors for President and Vice President of the United States of America, as appears by the official returns of the votes cast at said election and the certificate of canvass thereof made by the legally constituted and qualified Board of Canvassers as the same now appears on file in the office of the Secretary of State of Nevada, Carson City.

Now, therefore, in pursuance of, and compliance with, the laws of the United States of America, and of the State of Nevada, in such cases made and provided, I, STEVE SISOLAK Governor of the State of Nevada, do Certify that

ARTEMISA BLANCO, YVANNA CANCELA, GABRIELLE D'AYR, SARAH MAHLER, JOSEPH THRONEBERRY, AND JUDITH WHITMER

have received the highest number of votes cast for Electors for President of the United States of America, for the State of Nevada.

Each of these nominees for presidential elector shall serve as a presidential elector unless a vacancy occurs in the position of presidential elector held by that nominee before the conclusion of the meeting of presidential electors held pursuant to 3 U.S.C. § 7. In the case of such vacancy, a person will be appointed to fill that vacancy pursuant to Nevada Revised Statutes § 298.065, and the Secretary of State will submit an amended certificate of ascertainment to the Archivist.



In Testimony Whereof, I have hereunto
set my hand and caused to be affixed
The Great Seal of the State of Nevada.
Prepared on this second day of
December, two thousand twenty.

STEVE SISOLAK, GOVERNOR

Barbara K. Cegavsko

BARBARA K. CEGAVSKO, SECRETARY OF STATE



Certificate of Final Determination of Contests Concerning Presidential Electors

To All Whom These Presents Shall Come, Greetings:

Know All Persons, That:

Whereas, on December 2, 2020, I did execute a Certificate of Ascertainment pursuant to Section 6 of Title 3 of the United States Code;

Whereas, said Certificate of Ascertainment certified that Artemisa Blanco, Yvanna Cancela, Gabrielle D'Ayr, Sarah Mahler, Joseph Throneberry, and Judith Whitmer received the highest number of votes case for Electors for President of the United States of America, for the State of Nevada;

Whereas, an election contest was filed pursuant to Nevada law against the above-mentioned Electors;

Whereas, the First Judicial District Court for the State of Nevada denied all of the plaintiffs' requests for relief in that contest;

Whereas, on December 8, 2020, the Nevada Supreme Court affirmed the district court's judgment *in toto*. A copy of that order is attached;

Now, therefore, I hereby certify that the above-mentioned contest has been finally determined in favor of Electors Artemisa Blanco, Yvanna Cancela, Gabrielle D'Ayr, Sarah Mahler, Joseph Throneberry, and Judith Whitmer. As previously certified in my December 2, 2020 Certificate of Ascertainment, these Electors have received the highest number of votes and have been elected the Presidential Electors for the State of Nevada, in compliance with the laws of the State of Nevada. Pursuant to the safe harbor provisions of United States Code Title 3, Section 5, the final determination of said contest in favor of these Electors is conclusive, and governs in the counting of the electoral votes as provided in the United States Constitution.



In Testimony Whereof, I have hereunto
set my hand and caused to be affixed
The Great Seal of the State of Nevada.
Prepared on this tenth day of
December, two thousand twenty.

STEVE SISOLAK, GOVERNOR

Barbara K. Cegavske
BARBARA K. CEGAVSKE, SECRETARY OF STATE

EXHIBIT 5

EMAIL RE: CORRECTED
ELECTOR FORMS

EXHIBIT 5

Subject: Re: Corrected elector forms for tomorrow

From: Jim DeGraffenreid <jim@nevadagop.org>

Date: 12/13/2020, 9:44 PM

To: D James Hindle <djhthree@gmail.com>

CC: Shawn Meehan <airlifter2@gmail.com>, Michael McDonald <mcdonaldnv@gmail.com>, Jessica Hanson <jessica.hanson@nevadagop.org>, Wesley Rice <tahoerice@charter.net>, Jesse Law <jesse.law@gmail.com>, Jeremy Hughes - Political <JHughes@gop.com>

Jesse Law has offered to print all the documents. Final versions are attached. Nobody but Jesse needs to print....thank you!

Jim DeGraffenreid

National Committeeman

Nevada Republican Party

jim@nevadagop.org

On Mon, Dec 14, 2020 at 12:39 AM D James Hindle <djhthree@gmail.com> wrote:

Jim are you printing out hard copies? I was going to. Jessie L was also going to print based on your previous doc versions. Sounds like you are doing some edits. So hope you're planning on printing.

D. James Hindle III

Virginia City, NV

T: 775-847-0796

M: 206-399-5588

E: djhthree@gmail.com

On Dec 13, 2020, at 21:18, Jim DeGraffenreid <jim@nevadagop.org> wrote:

Agreed...the language is very clear. I will make that change.

On Sun, Dec 13, 2020, 20:45 Shawn Meehan <airlifter2@gmail.com> wrote:

Question,

12th Amendment says to prepare distinct ballots and distinct lists. The ballots you sent are separate (distinct), individual sheets of paper / ballots. The lists (two) are on one sheet of paper. Should they also, being required to be "distinct" also be two separate sheets of paper?

As we're paying attention to details here, such could be important.

Shawn

"The electors shall meet in their respective states and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in **distinct ballots** the person voted for as Vice-President, and they shall make **distinct lists** of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate...."

— 12th Amendment

On December 13, 2020, at 4:22 AM, Jim DeGraffenreid <jim@nevadagop.org> wrote:

Attached are the corrected elector ballots and forms for tomorrow - primarily I changed "Arizona" to "Nevada" everywhere it appeared, and corrected Chairman of the College to Michael J.

Please advise of any other needed changes.

Jim DeGraffenreid

National Committeeman

Nevada Republican Party

jim@nevadagop.org

<Cover Memo for Electoral Votes.docx><Individual Vice Presidential Ballots for Electors.docx><NV Certificate of the Votes of Trump-Pence electors.docx><Individual Presidential Ballots Electors.docx><COA Nevada 2020.pdf><Vacancy Certification Dec 14 2020.docx>

— Attachments: —

Cover Memo for Electoral Votes.docx	21.4 kB
NV Certificate of the Vote for President Dec 14 2020.docx	24.5 kB
Individual Presidential Ballots Electors.docx	64.0 kB
NV Certificate of the Vote for Vice President Dec 14 2020.docx	24.5 kB
Individual Vice Presidential Ballots for Electors.docx	64.3 kB
Vacancy Certification Dec 14 2020.docx	21.9 kB

MEMORANDUM

TO: President of the Senate (By Registered Mail)
United States Senate
Washington, D.C. 20510

Archivist of the United States (By Registered Mail)
700 Pennsylvania Avenue, NW
Washington, DC 20408

Secretary of State (By Certified Mail)
State of Nevada
101 North Carson Street, Suite 3
Carson City, NV 89701

Chief Judge, U.S. District Court (By Certified Mail)
District of Nevada
Lloyd D. George Courthouse
333 Las Vegas Blvd. South
Las Vegas, NV 89101

FROM: Michael J. McDonald, Chairperson, Electoral College of Nevada

DATE: December 14, 2020

RE: Nevada's Electoral Votes for President and Vice President

Pursuant to 3 U.S.C. § 11, enclosed please find duplicate originals of Nevada's electoral votes for President and Vice President, as follows: two (2) duplicate originals for the President of the Senate and the Archivist, and one (1) duplicate original for the Secretary of State and Chief Judge.

[sign; no need for separate signature line]

STATE OF NEVADA

NEVADA PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR PRESIDENT OF THE UNITED STATES

I hereby cast my vote for _____
for President of the United States.

Signed _____
James DeGraffenreid

STATE OF NEVADA

NEVADA PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR PRESIDENT OF THE UNITED STATES

I hereby cast my vote for _____
for President of the United States.

Signed _____
Michael J. McDonald

STATE OF NEVADA

NEVADA PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR PRESIDENT OF THE UNITED STATES

I hereby cast my vote for _____
for President of the United States.

Signed _____
Jesse Law

STATE OF NEVADA

NEVADA PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR PRESIDENT OF THE UNITED STATES

I hereby cast my vote for _____
for President of the United States.

Signed _____
Shawn Meehan

STATE OF NEVADA

NEVADA PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR PRESIDENT OF THE UNITED STATES

I hereby cast my vote for _____
for President of the United States.

Signed _____
Durward James Hindle III

STATE OF NEVADA

NEVADA PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR PRESIDENT OF THE UNITED STATES

I hereby cast my vote for _____
for President of the United States.

Signed _____
Eileen Rice

STATE OF NEVADA

NEVADA PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR PRESIDENT OF THE UNITED STATES

I hereby cast my vote for _____
for President of the United States.

Signed _____
James Marchant

STATE OF NEVADA

NEVADA PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR PRESIDENT OF THE UNITED STATES

I hereby cast my vote for _____
for President of the United States.

Signed _____
Joseph Burdzinski

STATE OF NEVADA

NEVADA PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR PRESIDENT OF THE UNITED STATES

I hereby cast my vote for _____
for President of the United States.

Signed _____

Print Name: _____

STATE OF NEVADA

NEVADA VICE PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR VICE PRESIDENT OF THE UNITED STATES

I hereby cast my vote for _____
for Vice President of the United States.

Signed _____
James DeGraffenreid

STATE OF NEVADA

NEVADA VICE PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR VICE PRESIDENT OF THE UNITED STATES

I hereby cast my vote for _____
for Vice President of the United States.

Signed _____
Michael J. McDonald

STATE OF NEVADA

NEVADA VICE PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR VICE PRESIDENT OF THE UNITED STATES

I hereby cast my vote for _____
for Vice President of the United States.

Signed _____
Jesse Law

STATE OF NEVADA

NEVADA VICE PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR VICE PRESIDENT OF THE UNITED STATES

I hereby cast my vote for _____
for Vice President of the United States.

Signed _____
Shawn Meehan

STATE OF NEVADA

NEVADA VICE PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR VICE PRESIDENT OF THE UNITED STATES

I hereby cast my vote for _____
for Vice President of the United States.

Signed _____
Durward James Hindle III

STATE OF NEVADA

NEVADA VICE PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR VICE PRESIDENT OF THE UNITED STATES

I hereby cast my vote for _____
for Vice President of the United States.

Signed _____
Eileen Rice

STATE OF NEVADA

NEVADA VICE PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR VICE PRESIDENT OF THE UNITED STATES

I hereby cast my vote for _____
for Vice President of the United States.

Signed _____
James Marchant

STATE OF NEVADA

NEVADA VICE PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR VICE PRESIDENT OF THE UNITED STATES

I hereby cast my vote for _____
for Vice President of the United States.

Signed _____
Joseph Burdzinski

STATE OF NEVADA

NEVADA VICE PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR VICE PRESIDENT OF THE UNITED STATES

I hereby cast my vote for _____
for Vice President of the United States.

Signed _____

Print Name: _____

CERTIFICATE OF THE VOTES OF THE 2020 ELECTORS FROM NEVADA

WE, THE UNDERSIGNED, being the duly elected and qualified Electors for President and Vice President of the United States of America from the State of Nevada, do hereby certify the following:

- (A) That we convened and organized at the State Capitol, in Carson City, Nevada, at 12:00 noon on the 14th day of December, 2020, to perform the duties enjoined upon us;
- (B) That being so assembled and duly organized, we proceeded to vote by ballot, and balloted first for President and then for Vice President, by distinct ballots; and
- (C) That the following are two distinct lists, one, of all the votes for President; and the other, of all the votes for Vice President, so cast as aforesaid:

FOR PRESIDENT

Names of the Persons Voted For	Number of Votes
DONALD J. TRUMP of the State of Florida	6

IN WITNESS WHEREOF, we, the undersigned, have hereunto, at the Capitol, in Carson City, in the State of Nevada, on this 14th day of December, 2020, subscribed our respective names.

Michael J. McDonald, Chairperson

James DeGraffenreid, Secretary

Durward James Hindle III

Jesse Law

Shawn Meehan

Eileen Rice

CERTIFICATE OF FILLING VACANCY OF THE 2020 ELECTORS FROM NEVADA

Upon the call of the roll, a vacancy became known due to the absence of
Elector

Thereupon, by nomination duly made and seconded,

Was elected by the Electors present, as an Elector of President and Vice President of the
United States of America for the State of Nevada to fill the vacancy in the manner provided
by law. This Elector participated in the proceedings as set forth in the record of the
Electoral College.

IN WITNESS WHEREOF, the undersigned
Chairperson and Secretary of the
Electoral College of Nevada hereunto
Subscribe their names this 14th day
of December, 2020.

Michael J. McDonald, Chairperson

James DeGraffenreid, Secretary

**CERTIFICATE OF THE VOTES OF THE
2020 ELECTORS FROM NEVADA**

WE, THE UNDERSIGNED, being the duly elected and qualified Electors for President and Vice President of the United States of America from the State of Nevada, do hereby certify the following:

- (A) That we convened and organized at the State Capitol, in Carson City, Nevada, at 12:00 noon on the 14th day of December, 2020, to perform the duties enjoined upon us;
- (B) That being so assembled and duly organized, we proceeded to vote by ballot, and balloted first for President and then for Vice President, by distinct ballots; and
- (C) That the following are two distinct lists, one, of all the votes for President; and the other, of all the votes for Vice President, so cast as aforesaid:

FOR VICE PRESIDENT

Names of the Persons Voted For	Number of Votes
MICHAEL R. PENCE of the State of Indiana	6

IN WITNESS WHEREOF, we, the undersigned, have hereunto, at the Capitol, in Carson City, in the State of Nevada, on this 14th day of December, 2020, subscribed our respective names.

Michael J. McDonald, Chairperson

James DeGraffenreid, Secretary

Durward James Hindle III

Jesse Law

Shawn Meehan

Eileen Rice

CERTIFICATE OF FILLING VACANCY OF THE 2020 ELECTORS FROM NEVADA

Upon the call of the roll, a vacancy became known due to the absence of
Elector

Thereupon, by nomination duly made and seconded,

Was elected by the Electors present, as an Elector of President and Vice President of the
United States of America for the State of Nevada to fill the vacancy in the manner provided
by law. This Elector participated in the proceedings as set forth in the record of the
Electoral College.

IN WITNESS WHEREOF, the undersigned
Chairperson and Secretary of the
Electoral College of Nevada hereunto
Subscribe their names this 14th day
of December, 2020.

Michael J. McDonald, Chairperson

James DeGraffenreid, Secretary

CERTIFICATE OF FILLING VACANCY OF THE 2020 ELECTORS FROM NEVADA

Upon the call of the roll, a vacancy became known due to the absence of
Elector

[NAME 1]

Thereupon, by nomination duly made and seconded,

[NAME 2]

Was elected by the Electors present, as an Elector of President and Vice President of the United States of America for the State of Nevada to fill the vacancy in the manner provided by law. This Elector participated in the proceedings as set forth in the record of the Electoral College.

IN WITNESS WHEREOF, the undersigned
Chairperson and Secretary of the
Electoral College of Nevada hereunto
Subscribe their names this 14th day
of December, 2020.

Michael J. McDonald, Chairperson

James DeGraffenreid, Secretary

EXHIBIT 6

CERTIFICATE OF CUSTODIAN OF RECORDS

EXHIBIT 6

CERTIFICATE OF CUSTODIAN OF RECORDS

I, Miriam E Vincent, the Declarant, state the following, based upon
(First and Last Name)
my knowledge, information and belief:

1. I am the Custodian of Records and serve in the capacity as the custodian of
records for Office of the Federal Register, NARA
(Name of Employer)

2. That on the 09 day of February of 2022, I was provided
with a request for information calling for the production of records described as follows:

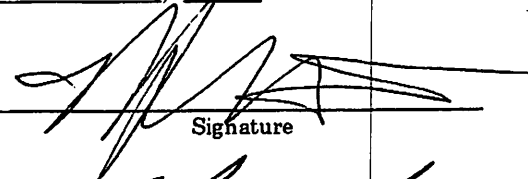
copies of the documents received by the National Archives purportedly from electors
of the State of Nevada, submitting their votes to the electoral college

3. I have examined the original of those records and have made or caused to be
made a true and exact copy of them and that the reproduction of them attached hereto is
true and complete, as provided to the State of Nevada, Office of the Attorney General.

4. That the original of those records was made at or near the time of the act,
event, condition, opinion, or diagnosis recited therein by or from information transmitted
by a person with knowledge, in the course of a regularly conducted activity of the office or
company in which I am engaged.

Pursuant to NRS 53.045, I hereby declare under penalty of perjury under the law
of the State of Nevada that the foregoing is true and correct.

Executed on this 11 day of February, 2022


Signature

RICHARD D. BENNETT
Witness Name (print)


Witness Signature

**CERTIFICATE OF THE VOTES OF THE
2020 ELECTORS FROM NEVADA**

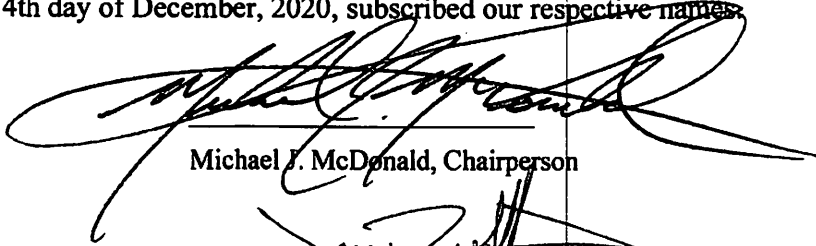
WE, THE UNDERSIGNED, being the duly elected and qualified Electors for President and Vice President of the United States of America from the State of Nevada, do hereby certify the following:

- (A) That we convened and organized at the State Capitol, in Carson City, Nevada, at 12:00 noon on the 14th day of December, 2020, to perform the duties enjoined upon us;
- (B) That being so assembled and duly organized, we proceeded to vote by ballot, and balloted first for President and then for Vice President, by distinct ballots; and
- (C) That the following is a list of all the votes for President, so cast as aforesaid:

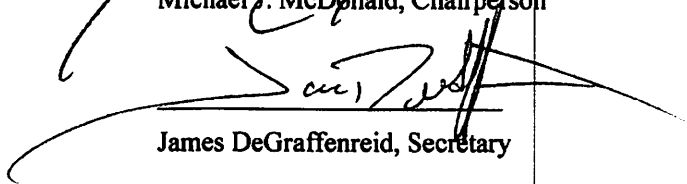
FOR PRESIDENT

<u>Names of the Persons Voted For</u>	<u>Number of Votes</u>
DONALD J. TRUMP of the State of Florida	6

IN WITNESS WHEREOF, we, the undersigned, have hereunto, at the Capitol, in Carson City, in the State of Nevada, on this 14th day of December, 2020, subscribed our respective names.



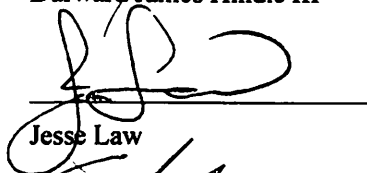
Michael J. McDonald, Chairperson



James DeGraffenreid, Secretary



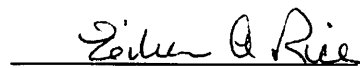
Durward James Hindle III



Jesse Law



Shawn Meehan



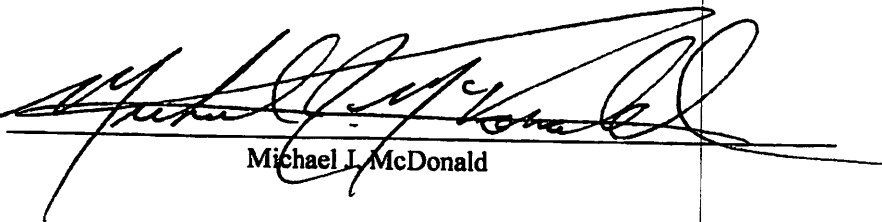
Eileen Rice

STATE OF NEVADA

NEVADA PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR PRESIDENT OF THE UNITED STATES

I hereby cast my vote for DONALD J. TRUMP
for President of the United States.

Signed



Michael J. McDonald

STATE OF NEVADA

NEVADA PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR PRESIDENT OF THE UNITED STATES

I hereby cast my vote for DONALD J. TRUMP
for President of the United States.

Signed

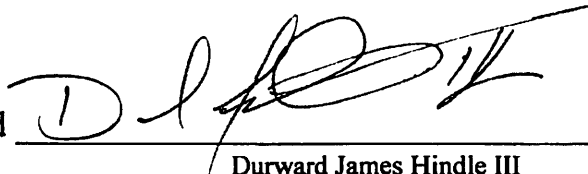

James DeGraffenreid

STATE OF NEVADA

NEVADA PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR PRESIDENT OF THE UNITED STATES

I hereby cast my vote for Donald J. Trump
for President of the United States.

Signed



Durward James Hindle III

STATE OF NEVADA

NEVADA PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR PRESIDENT OF THE UNITED STATES

I hereby cast my vote for Donald J. Trump
for President of the United States.

Signed

A handwritten signature in black ink, appearing to read "Jesse Law", is written over a horizontal line.

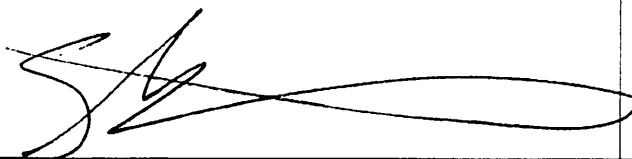
Jesse Law

STATE OF NEVADA

NEVADA PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR PRESIDENT OF THE UNITED STATES

I hereby cast my vote for DONALD J. TRUMP
for President of the United States.

Signed

A handwritten signature in black ink, appearing to be 'Shawn Meehan', written over a horizontal line.

Shawn Meehan

STATE OF NEVADA

NEVADA PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR PRESIDENT OF THE UNITED STATES

I hereby cast my vote for DONALD J. TRUMP
for President of the United States.

Signed Eileen A. Rice
Eileen Rice

**CERTIFICATE OF THE VOTES OF THE
2020 ELECTORS FROM NEVADA**

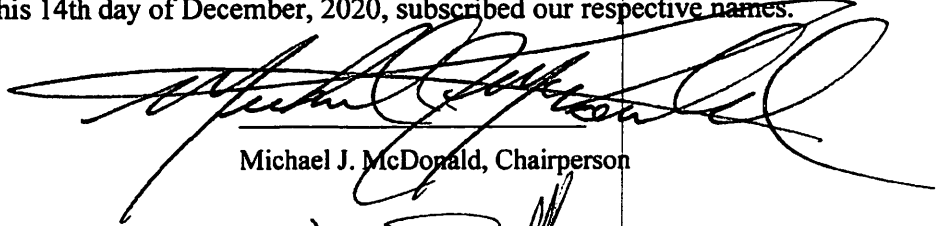
WE, THE UNDERSIGNED, being the duly elected and qualified Electors for President and Vice President of the United States of America from the State of Nevada, do hereby certify the following:

- (A) That we convened and organized at the State Capitol, in Carson City, Nevada, at 12:00 noon on the 14th day of December, 2020, to perform the duties enjoined upon us;
- (B) That being so assembled and duly organized, we proceeded to vote by ballot, and balloted first for President and then for Vice President, by distinct ballots; and
- (C) That the following is a distinct list of all the votes for Vice President, so cast as aforesaid.

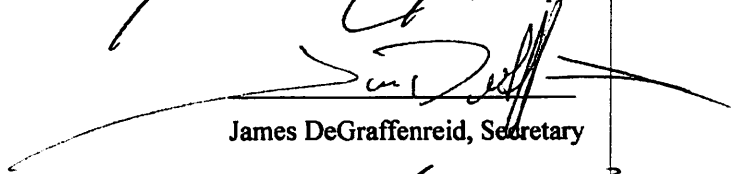
FOR VICE PRESIDENT

<u>Names of the Persons Voted For</u>	<u>Number of Votes</u>
<u>MICHAEL R. PENCE of the State of Indiana</u>	<u>6</u>

IN WITNESS WHEREOF, we, the undersigned, have hereunto, at the Capitol, in Carson City, in the State of Nevada, on this 14th day of December, 2020, subscribed our respective names.

A large, stylized cursive signature in black ink, written over a horizontal line.

Michael J. McDonald, Chairperson

A cursive signature in black ink, written over a horizontal line.

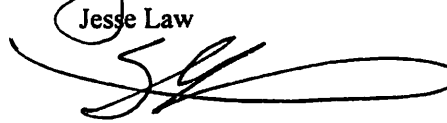
James DeGraffenreid, Secretary

A cursive signature in black ink, written over a horizontal line.

Durward James Hindle III

A cursive signature in black ink, written over a horizontal line.

Jesse Law

A cursive signature in black ink, written over a horizontal line.

Shawn Meehan

A cursive signature in black ink, written over a horizontal line.

Eileen Rice

STATE OF NEVADA

NEVADA VICE PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR VICE PRESIDENT OF THE UNITED STATES

I hereby cast my vote for Michael R. Pence
for Vice President of the United States.

Signed


Michael J. McDonald

STATE OF NEVADA

NEVADA VICE PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR VICE PRESIDENT OF THE UNITED STATES

I hereby cast my vote for MICHAEL R PENCE
for Vice President of the United States.

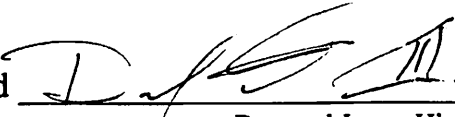
Signed _____


James DeGraffenreid

STATE OF NEVADA

NEVADA VICE PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR VICE PRESIDENT OF THE UNITED STATES

I hereby cast my vote for Michael R. Pence
for Vice President of the United States.

Signed 
Durward James Hindle III

STATE OF NEVADA

NEVADA VICE PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR VICE PRESIDENT OF THE UNITED STATES

I hereby cast my vote for Michael R Pence
for Vice President of the United States.

Signed _____

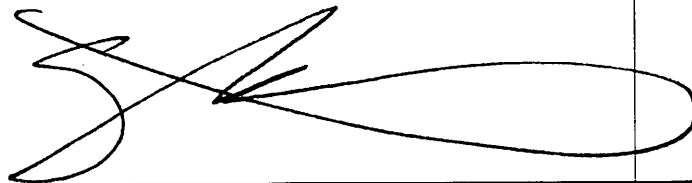

Jesse Law

STATE OF NEVADA

NEVADA VICE PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR VICE PRESIDENT OF THE UNITED STATES

I hereby cast my vote for MICHAEL R. DENCE
for Vice President of the United States.

Signed

A handwritten signature in black ink, appearing to read 'Shawn Meehan', written over a horizontal line.

Shawn Meehan

STATE OF NEVADA

NEVADA VICE PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR VICE PRESIDENT OF THE UNITED STATES

I hereby cast my vote for MICHAEL R. PENCE
for Vice President of the United States.

Signed

Eileen A. Rice

Eileen Rice

MEMORANDUM

TO: President of the Senate (By Registered Mail)
United States Senate
Washington, D.C. 20510

Archivist of the United States (By Registered Mail)
700 Pennsylvania Avenue, NW
Washington, DC 20408

Secretary of State (By Certified Mail)
State of Nevada
101 North Carson Street, Suite 3
Carson City, NV 89701

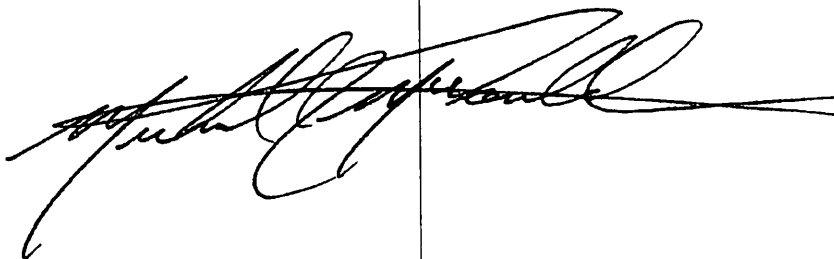
Chief Judge, U.S. District Court (By Certified Mail)
District of Nevada
Lloyd D. George Courthouse
333 Las Vegas Blvd. South
Las Vegas, NV 89101

FROM: Michael J. McDonald, Chairperson, Electoral College of Nevada

DATE: December 14, 2020

RE: Nevada's Electoral Votes for President and Vice President

Pursuant to 3 U.S.C. § 11, enclosed please find duplicate originals of Nevada's electoral votes for President and Vice President, as follows: two (2) duplicate originals for the Nevada Secretary of State and the Archivist of the United States, and one (1) duplicate original for the President of the US Senate and Chief Judge of the US District Court, District of Nevada.



VOTES OF THE STATE OF NEVADA
FOR PRESIDENT OF THE UNITED STATES

PER

3 U.S.C. SEC. 10

NOTES OF THE STATE OF NEVADA
FOR VICE-PRESIDENT OF THE UNITED STATES

PER

3 U.S.C. Sec. 10

MICHAEL J. McDONALD
NEVADA REPUBLICAN PARTY
840 S. RANCHO DR. 4-800
LAS VEGAS, NV 89106



U.S. POSTAGE PAID
PO BOX 811
MENDEN, NV
89423
DEC 4, 20
AMOUNT
\$17.60
R2305H126631-16

ARCHIVIST OF THE UNITED STATES
700 PENNSYLVANIA AVENUE NW
WASHINGTON, D.C. 20408



EXHIBIT 7

SSA TRANSACTION AND TENDER

EXHIBIT 7

SSA Transaction and Tender

Report Filter:

({Retail Unit} {{Unit Finance Number}} = "3158400423") And (Date (ID) Between 12/14/2020 and 12/14/2020) And ((Sale Type) (ID) <> 99)

Minden PO - 3158400423

Date	SSA	Clerk Number	RDM Visit ID Number	Line Item	Tender Type	Account Number	Product	Stamp Flag	Serial Number	Transaction Start Date	Transaction End Date	Transaction Start Time	Transaction End Time	Total Walk-In Rev	Total Face Value	Total Tender Amount
12/14/20	FKQ2G0	16	104075776346	1	MasterCard	8255	First Class Large Envelope 1003	0		12/14/20	12/14/20	4:05:09 PM	4:16:02 PM	\$ 2.20		\$ 51.00
12/14/20	FKQ2G0	16	104075776346	2	MasterCard	8255	Domestic Certified 1008	0	7019297000 0065258638	12/14/20	12/14/20	4:05:09 PM	4:16:02 PM	\$ 3.55		\$ 51.00
12/14/20	FKQ2G0	16	104075776346	3	MasterCard	8255	Domestic Return 1010	0	9590940261 6602200158	12/14/20	12/14/20	4:05:09 PM	4:16:02 PM	\$ 2.85		\$ 51.00
12/14/20	FKQ2G0	16	104075776346	4	MasterCard	8255	PVI 0109	0	72	12/14/20	12/14/20	4:05:09 PM	4:16:02 PM		\$ 8.60	\$ 51.00
12/14/20	FKQ2G0	16	104075776346	13	MasterCard	8255	First Class Large Envelope 1003	0		12/14/20	12/14/20	4:05:09 PM	4:16:02 PM	\$ 1.60		\$ 51.00
12/14/20	FKQ2G0	16	104075776346	14	MasterCard	8255	Domestic Certified 1008	0	7019297000 0065258645	12/14/20	12/14/20	4:05:09 PM	4:16:02 PM	\$ 3.55		\$ 51.00
12/14/20	FKQ2G0	16	104075776346	15	MasterCard	8255	Domestic Return 1010	0	9590940261 6602200157	12/14/20	12/14/20	4:05:09 PM	4:16:02 PM	\$ 2.85		\$ 51.00
12/14/20	FKQ2G0	16	104075776346	16	MasterCard	8255	PVI 0109	0	97	12/14/20	12/14/20	4:05:09 PM	4:16:02 PM		\$ 8.00	\$ 51.00
12/14/20	FKQ2G0	16	104075776346	17	MasterCard	8255	First-Class Package Service 1003	0		12/14/20	12/14/20	4:05:09 PM	4:16:02 PM	\$ 4.20		\$ 51.00
12/14/20	FKQ2G0	16	104075776346	18	MasterCard	8255	Domestic Registered with Insurance 1007	0	RB36276270 3US	12/14/20	12/14/20	4:05:09 PM	4:16:02 PM	\$ 12.60		\$ 51.00
12/14/20	FKQ2G0	16	104075776346	19	MasterCard	8255	PVI 0109	0		12/14/20	12/14/20	4:05:09 PM	4:16:02 PM		\$ 16.80	\$ 51.00
12/14/20	FKQ2G0	16	104075776346	20	MasterCard	8255	First-Class Package Service 1003	0		12/14/20	12/14/20	4:05:09 PM	4:16:02 PM	\$ 5.00		\$ 51.00
12/14/20	FKQ2G0	16	104075776346	21	MasterCard	8255	Domestic Registered with Insurance 1007	0	RB36276269 4US	12/14/20	12/14/20	4:05:09 PM	4:16:02 PM	\$ 12.60		\$ 51.00
12/14/20	FKQ2G0	16	104075776346	22	MasterCard	8255	PVI 0109	0		12/14/20	12/14/20	4:05:09 PM	4:16:02 PM		\$ 17.60	\$ 51.00

Label ID	PTS Event Code		PTS Event ZIP Code		PTS Event Date / Timestamp	Event Date
9590940261660220015797	GC	Return Receipt Associated	89423	MINDEN NV	12/14/2020 4:05:39 PM	12/14/2020
	OA	ORIGIN ACCEPTANCE	89423	MINDEN NV	12/16/2020 7:32:08 PM	12/16/2020
	10	PROCESSED THROUGH USPS FACILITY	89199	LAS VEGAS NV	12/16/2020 8:47:08 PM	12/16/2020
					12/16/2020 10:24:30 PM	12/16/2020
					12/17/2020 4:21:03 AM	12/17/2020
	EF	DEPART USPS FACILITY	89199	LAS VEGAS NV	12/17/2020 8:43:37 AM	12/17/2020

Label ID	PTS Event Code		PTS Event ZIP Code		PTS Event Date / Timestamp	Event Date
RB362762703US	03	ACCEPT OR PICKUP	89423	MINDEN NV	12/14/2020 4:13:33 PM	12/14/2020
	SF	DEPART POST OFFICE	89423	MINDEN NV	12/14/2020 5:30:48 PM	12/14/2020
	10	PROCESSED THROUGH USPS FACILITY	89510	RENO NV	12/14/2020 10:42:13 PM	12/14/2020
	RB	LISTED ON REGISTERED MAIL DISPATCH BILL	89510	RENO NV	12/14/2020 10:46:16 PM	12/14/2020
	10	PROCESSED THROUGH USPS FACILITY	94188	SAN FRANCISCO CA	12/15/2020 8:36:43 PM	12/15/2020
	RB	LISTED ON REGISTERED MAIL DISPATCH BILL	94188	SAN FRANCISCO CA	12/16/2020 12:43:22 AM	12/16/2020
	07	ARRIVAL AT UNIT	20101	DULLES VA	12/17/2020 5:47:31 PM	12/17/2020
	RB	LISTED ON REGISTERED MAIL DISPATCH BILL	20101	DULLES VA	12/17/2020 8:29:09 PM	12/17/2020
	10	PROCESSED THROUGH USPS FACILITY	20066	WASHINGTON DC	12/18/2020 10:33:02 AM	12/18/2020
	07	ARRIVAL AT UNIT	20066	WASHINGTON DC	12/18/2020 3:47:34 PM	12/18/2020
	01	DELIVERED	20510	WASHINGTON DC	12/21/2020 11:39:53 AM	12/21/2020

Label ID	PTS Event Code		PTS Event ZIP Code		PTS Event Date / Timestamp	Event Date
RB362762694US	03	ACCEPT OR PICKUP	89423	MINDEN NV	12/14/2020 4:13:33 PM	12/14/2020
	SF	DEPART POST OFFICE	89423	MINDEN NV	12/14/2020 5:30:48 PM	12/14/2020
	10	PROCESSED THROUGH USPS FACILITY	89510	RENO NV	12/14/2020 10:42:13 PM	12/14/2020
	RB	LISTED ON REGISTERED MAIL DISPATCH BILL	89510	RENO NV	12/14/2020 10:46:24 PM	12/14/2020
	10	PROCESSED THROUGH USPS FACILITY	94188	SAN FRANCISCO CA	12/15/2020 8:36:43 PM	12/15/2020
	RB	LISTED ON REGISTERED MAIL DISPATCH BILL	94188	SAN FRANCISCO CA	12/16/2020 12:43:32 AM	12/16/2020
	07	ARRIVAL AT UNIT	20101	DULLES VA	12/17/2020 5:47:31 PM	12/17/2020
	RB	LISTED ON REGISTERED MAIL DISPATCH BILL	20101	DULLES VA	12/17/2020 8:29:01 PM	12/17/2020
	10	PROCESSED THROUGH USPS FACILITY	20066	WASHINGTON DC	12/18/2020 10:33:02 AM	12/18/2020
	07	ARRIVAL AT UNIT	20066	WASHINGTON DC	12/18/2020 3:29:14 PM	12/18/2020
	PC	SORTING/PROCESSING COMPLETE	20408	WASHINGTON DC	12/19/2020 6:00:00 AM	12/19/2020
	01	DELIVERED	20408	WASHINGTON DC	12/22/2020 6:20:28 AM	12/22/2020

Label ID	PTS Event Code		PTS Event ZIP Code		PTS Event Date / Timestamp	Event Date
70192970000065258638	03	ACCEPT OR PICKUP	89423	MINDEN NV	12/14/2020 4:05:39 PM	12/14/2020
	SF	DEPART POST OFFICE	89423	MINDEN NV	12/14/2020 5:30:48 PM	12/14/2020
	10	PROCESSED THROUGH USPS FACILITY	89510	RENO NV	12/14/2020 9:44:10 PM	12/14/2020
					12/15/2020 12:58:22 AM	12/15/2020
	07	ARRIVAL AT UNIT	89701	CARSON CITY NV	12/15/2020 8:25:19 AM	12/15/2020
	PC	SORTING/PROCESSING COMPLETE	89701	CARSON CITY NV	12/15/2020 8:26:19 AM	12/15/2020
	OF	OUT FOR DELIVERY	89701	CARSON CITY NV	12/15/2020 8:36:19 AM	12/15/2020
	01	DELIVERED	89701	CARSON CITY NV	12/15/2020 9:19:59 AM	12/15/2020
	04	REFUSED	89701	CARSON CITY NV	12/16/2020 5:18:22 PM	12/16/2020
	01	DELIVERED	89106	LAS VEGAS NV	12/23/2020 12:43:45 PM	12/23/2020

Label ID	PTS Event Code		PTS Event ZIP Code		PTS Event Date / Timestamp	Event Date
9590940261660220015872	GC	Return Receipt Associated	89423	MINDEN NV	12/14/2020 4:05:39 PM	12/14/2020
	OA	ORIGIN ACCEPTANCE	89423	MINDEN NV	12/17/2020 7:07:30 PM	12/17/2020
	10	PROCESSED THROUGH USPS FACILITY	89199	LAS VEGAS NV	12/17/2020 8:22:30 PM	12/17/2020
					12/18/2020 3:38:35 AM	12/18/2020
	EF	DEPART USPS FACILITY	89199	LAS VEGAS NV	12/18/2020 8:48:08 AM	12/18/2020

Label ID	PTS Event Code		PTS Event ZIP Code		PTS Event Date / Timestamp	Event Date
70192970000065258645	03	ACCEPT OR PICKUP	89423	MINDEN NV	12/14/2020 4:05:39 PM	12/14/2020
	SF	DEPART POST OFFICE	89423	MINDEN NV	12/14/2020 5:30:48 PM	12/14/2020
	10	PROCESSED THROUGH USPS FACILITY	89510	RENO NV	12/14/2020 9:46:24 PM	12/14/2020
			89199	LAS VEGAS NV	12/15/2020 3:43:16 PM	12/15/2020
	EF	DEPART USPS FACILITY	89199	LAS VEGAS NV	12/15/2020 5:54:59 PM	12/15/2020
	10	PROCESSED THROUGH USPS FACILITY	89199	LAS VEGAS NV	12/15/2020 8:22:41 PM	12/15/2020
	01	DELIVERED	89101	LAS VEGAS NV	12/16/2020 11:45:51 AM	12/16/2020

EXHIBIT 8

EMAIL RE: ELECTOR MEETING
DOCUMENTATION

EXHIBIT 8

Subject: Fwd: Elector meeting documentation
From: Jim DeGraffenreid <jim@nevadagop.org>
Date: 12/14/2020, 8:16 PM
To: private@bernardkerik.com
CC: Michael McDonald <mcdonaldnv@gmail.com>

Chairman McDonald asked me to forward a copy of this email to you....thank you!

Jim DeGraffenreid

National Committeeman
Nevada Republican Party
jim@nevadagop.org

----- Forwarded message -----

From: **Jim DeGraffenreid** <jim@nevadagop.org>
Date: Mon, Dec 14, 2020 at 8:12 PM
Subject: Elector meeting documentation
To: Kenneth Chesebro <kenchesebro@msn.com>, Michael McDonald <mcdonaldnv@gmail.com>
Cc: Jeremy Hughes - Political <JHughes@gop.com>, Jessica Hanson <jessica.hanson@nevadagop.org>, Jolette Gowens NVGOP <jo@nevadagop.org>, Shawn Meehan <airlifter2@gmail.com>, Wesley Rice <tahoerice@charter.net>, DJames & Carlyn Hindle <djhthree@gmail.com>, Jesse Law <jesse.law@gmail.com>

Attached is a copy of the elector meeting documentation for Nevada, along with the tracking info for the mailings sent. Also attached is the instructions we were given for the mailing which we followed exactly.

Please advise if you have any questions - thank you!

Jim DeGraffenreid

National Committeeman
Nevada Republican Party
jim@nevadagop.org

— Addressed outer envelopes Dec 14 2020.jpg —

MICHAEL J. McDONALD
NEVADA REPUBLICAN PARTY
840 S. RANCHO DR. 4-800
LAS VEGAS, NV. 89106

SECRETARY OF STATE
STATE OF NEVADA
101 N. CARSON ST., SUITE 3
CARSON CITY, NV. 89701

MICHAEL J. McDONALD
NEVADA REPUBLICAN PARTY
840 S. RANCHO DR. 4-800
LAS VEGAS, NV 89106

HONORABLE MIRANDA M
CHIEF JUDGE, U.S. D
DISTRICT OF NEV
LLOYD D. GEORGE
333 LAS VEGAS
LAS VEGAS, N

MICHAEL J. McDONALD
NEVADA REPUBLICAN PARTY
840 S. RANCHO DR. 4-800
LAS VEGAS, NV 89106

PRESIDENT OF THE SENATE
UNITED STATES SENATE
WASHINGTON, DC 20510

MICHAEL J. McDONALD
NEVADA REPUBLICAN PARTY
840 S. RANCHO DR. 4-800
LAS VEGAS, NV 89106

ARCHIVIST OF T
700 PENNSYLVAN
WASHINGTON, D.

— Attachments:

Elector process instructions Dec 2020.pdf	98.9 kB
USPS Receipt Nevada Dec 14 2020.pdf	923 kB
Cover Memo for Electoral Votes Dec 14 2020.pdf	553 kB
Tracking Forms Elector Mailings Dec 14 2020.pdf	1.4 MB
Vice Presidential Elector Certificate and Ballots Dec 14 2020.pdf	2.3 MB
Presidential Elector Certificate and Ballots Dec 14 2020.pdf	2.2 MB
Addressed outer envelopes Dec 14 2020.jpg	2.5 MB

MEMORANDUM

TO: President of the Senate (By Registered Mail)
United States Senate
Washington, D.C. 20510

Archivist of the United States (By Registered Mail)
700 Pennsylvania Avenue, NW
Washington, DC 20408

Secretary of State (By Certified Mail)
State of Nevada
101 North Carson Street, Suite 3
Carson City, NV 89701

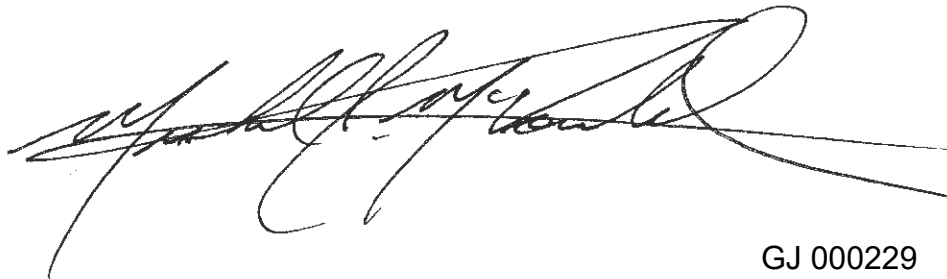
Chief Judge, U.S. District Court (By Certified Mail)
District of Nevada
Lloyd D. George Courthouse
333 Las Vegas Blvd. South
Las Vegas, NV 89101

FROM: Michael J. McDonald, Chairperson, Electoral College of Nevada

DATE: December 14, 2020

RE: Nevada's Electoral Votes for President and Vice President

Pursuant to 3 U.S.C. § 11, enclosed please find duplicate originals of Nevada's electoral votes for President and Vice President, as follows: two (2) duplicate originals for the President of the Senate and the Archivist, and one (1) duplicate original for the Secretary of State and Chief Judge.



GJ 000229

MEMORANDUM

TO: James R. Troupis
FROM: Kenneth Chesebro
DATE: December 9, 2020
RE: **Statutory Requirements for December 14 Electoral Votes**

Here is a summary of the requirements under federal law, and under the law of the six States in controversy, concerning what is required for presidential electors to validly cast and transmit their votes. Obviously, there are party leaders and/or officials in each State who are familiar with the relevant details who would deal with the logistics, most of whom have handled such details in past elections. This memo merely supplies a general overview.

It appears that even though none of the Trump-Pence electors are currently certified as having been elected by the voters of their State, most of the electors (with the possible exception of the Nevada electors) will be able to take the essential steps needed to validly cast and transmit their votes, so that the votes might be eligible to be counted if later recognized (by a court, the state legislature, or Congress) as the valid ones that actually count in the presidential election. (On why this could work, see here and here.) And, they can do so without any involvement by the governor or any other state official (except, in some States, where access to the Capitol Building is or might be needed, or where the Governor must approve a substitute elector or, in Nevada, where the Secretary of State is involved).

It is important that the Trump-Pence Campaign focus carefully on these details, as soon as possible, if the aim is to ensure that all 79 electoral votes are properly cast and transmitted – each electoral vote being potentially important if the election ultimately extends to, and perhaps past, January 6 in Congress. The National Archives has a very helpful checklist, here.

I. FEDERAL LAW

The federal-law requirements for the December 14 electors' meeting are set out in 3 U.S.C. §§ 6-11 (copy here).

- Under federal law, the Trump-Pence electors must all meet, together, on December 14, “at such place in each State as the legislature of such State shall direct.” 3 U.S.C. § 7.

- In most States there is no requirement that they meet in public. It might be preferable for them to meet in private, if possible, to thwart the ability of protesters to disrupt the event. Witness, via this video, what happened when the Trump-Pence electors met in public in Wisconsin in 2016, even though the Trump-Pence victory had not been contested. Even if held in private, perhaps print and even TV journalists would be invited to attend to cover the event.

- Preferably all electors who were on the ballot in the particular State would be in attendance. But if some are unwilling (due to intimidation) or unable to make it, at least four of the States permit the electors who do attend to fill the empty slots with alternates. However, it is vital that any party stalwarts who are on hand to fill in if necessary be constitutionally eligible to serve – i.e., per Art. II, § 1, cl. 2, not a federal official or federal employee (not even having reserve status in the military).

- The electors would then all vote for Trump for President, and Pence for Vice President, separately. 3 U.S.C. § 8.

- The electors would then prepare and sign six identical sets of papers – “certificates” – listing under separate headings their votes, indicating that each of them has voted for Trump for President, and Pence for Vice President. 3 U.S.C. § 9. (For examples, see [here](#) the 2016 certificate signed in Wisconsin by its ten electors; images of the certificates submitted in 2016 are archived [here](#)).

- The only thing ordinarily contemplated by § 9 that the Trump-Pence electors would not be able to do is include with their certificates the certificate of ascertainment that the governor is directed to give the winning electors pursuant to 3 U.S.C. § 6. But, as the Hawaii 1960 example shows (see [here](#) and [here](#)), this is hardly fatal; proof that the Trump-Pence electors are the validly appointed ones can be furnished to Congress before it meets on January 6.

- Next, the electors would place each certificate in a separate envelope, seal up the envelopes, and indicate on the outside of the envelopes that they contain the votes of the State for President and Vice President. 3 U.S.C. § 10.

- Finally, the electors would transmit the six envelopes containing identical originals of their votes as follows:

- 1 to the President of the Senate, by registered mail, on the same day (“forthwith”).

- 2 to the Secretary of State of the State, one to be held in reserve for the President of the Senate, and the other to be preserved as a public record.

- 2 to the National Archives, one to be held in reserve for the President of the Senate, and the other to be preserved as a public record, also by registered mail (“[o]n the day thereafter”).

- 1 to the federal district court where the electors meet.

II. STATE LAW

A. Arizona: 11 electors

The most straightforward State is Arizona, whose statutory provision regarding presidential elections lists no additional requirements beyond the federal-law requirements set out above. **Ariz. Rev. Stats. § 16-212** ([here](#)).

Assuming it is confirmed that there are no additional requirements (check carefully; perhaps there are regulations, for example, issued by the Secretary of State), the Trump-Pence electors presumably could meet and cast their votes anywhere in Arizona, anytime on December 14.

One concern: if one or more electors are absent from the meeting, **is there a procedure under Arizona law for filling vacancies?** The other five States make provision for that contingency. In the absence of any guidance, the electors present should simply vote to fill any vacancy.

B. Georgia: 16 electors

Georgia has two statutory provisions:

Ga. Code Ann. § 21-2-11 ([here](#)) requires that the electors “assemble at the seat of government of this state at 12:00 Noon” on December 14. But what does “seat of government” mean? See [here](#). At minimum, they must meet somewhere in Atlanta – must they meet in the Capitol Building?

Ga. Code Ann. § 21-2-12 ([here](#)) supplies a mechanism for replacing one or more of the 16 electors if someone dies or fails to attend. In that event, the electors in attendance “shall proceed to choose by voice vote a person of the same political party . . . to fill the vacancy”

However, there’s a wrinkle. Unlike in other States, where that choice is automatically effective, in Georgia a choice must be ratified: “immediately after such choice the name of the person so chosen shall be transmitted by the presiding officer of the college to the Governor, who shall immediately cause notice of his or her election in writing to be given to such person.”

Could the Governor, in the current situation, refuse to ratify the choice, on the ground that this slate of electors is not the one the voters elected on Nov. 3 (according to the official canvass)? Given this statutory provision, **it seems imperative that every effort be made to secure the participation of all 16 electors, and to avoid making a substitution if at all possible.**

C. Michigan: 16 electors

The relevant provisions of Michigan law are **Mich. Comp. Laws §§ 168.41 & 168.47** ([here](#)).

Michigan is much more specific about the location in which electors must meet, which could be a bit awkward.

Under § 168.47, the electors “shall convene in the senate chamber at the capitol of the state at 2 p.m., eastern standard time” However, there is no requirement that they convene on the senate floor where, presumably, the Biden-Harris electors will convene. Presumably they could convene in the senate gallery.

Replacement of any absent elector is much easier than in Georgia: the electors who show up “shall proceed to fill such vacancy by ballot, by a plurality of votes.”

However, the qualifications for such replacement are more stringent than the federal requirements: under § 168.41, a Michigan elector must have been a U.S. citizen for at least 10 years, and a resident of Michigan for at least a year prior to Nov. 3.

D. Nevada: 6 electors

Nevada is an extremely problematic State, because it requires the meeting of the electors to be overseen by the Secretary of State, who is only supposed to permit electoral votes for the winner of the popular vote in Nevada. **Nev. Rev. Stats. §§ 298.065, 298.075** (see [here](#)).

These provisions are designed to thwart the “faithless elector.” They make no sense when applied to this situation, in which we are trying to have an alternate slate vote, in hopes that its legitimacy will be validated before January 6. Therefore, perhaps arguably the Nevada electors could simply meet and cast their votes, without the involvement of the Secretary of State. After all if, as in the Hawaii example in 1960, an alternate slate can meet and vote without the Governor’s certificate in hand, and the votes can later be deemed valid, then why should it matter that the alternate slate in Arizona, when voting on December 14, did not have the Secretary of State overseeing their voting?

It bears notice that in any scenario in which Trump and Pence might have a possibility of winning Nevada’s electoral votes, the failure to have the Secretary of State oversee the vote would hardly seem like a significant hurdle. If there were a vote in Congress to take Nevada away from Biden and Harris, presumably along with it would come a vote to overlook this procedural detail.

E. Pennsylvania: 20 electors

The statutory provisions in Pennsylvania parallel those in Georgia.

25 Pa. Stats. § 3192 ([here](#)) states that the electors “shall assemble at the seat of government of this Commonwealth, at 12 o'clock noon of” December 14. Again, does “seat of government” mean somewhere in Harrisburg, or does it instead mean the Capitol Building, specifically?

25 Pa. Stats. § 3194 ([here](#)) supplies a mechanism for replacing one or more of the 20 electors if someone dies or fails to attend. In that event, the electors in attendance “shall proceed to choose viva voce a person of the same political party . . . to fill the vacancy”

However, just as in Georgia, there is a wrinkle: the choice must be ratified: “immediately after such choice the name of the person so chosen shall be transmitted by the presiding officer of the college to the Governor, who shall forthwith cause notice in writing to be given to such person of his election” Given this statutory provision, **it seems imperative that every effort be made to secure the participation of all 20 electors, and to avoid making a substitution if at all possible.**

F. Wisconsin: 10 electors

Under Wisconsin law, the electors “shall meet at the state capitol,” which presumably means the Capitol Building (“state capitol” being a term more specific than “seat of government”), “at 12:00 noon.” Wis. Stat. § 7.75(1) ([here](#)).

Any absent elector may readily be replaced. *Id.* (“if there is a vacancy in the office of an elector due to death, refusal to act, failure to attend or other cause, the electors present shall immediately proceed to fill by ballot, by a plurality of votes, the electoral college vacancy.”).

* * *

In conclusion, it appears that voting by an alternate slate of electors is unproblematic in Arizona and Wisconsin; slightly problematic in Michigan (requiring access to the senate chamber); somewhat dicey in Georgia and Pennsylvania in the event that one or more electors don't attend (require gubernatorial ratification of alternates); and very problematic in Nevada (given the role accorded to the Secretary of State).

K.C.

**CERTIFICATE OF THE VOTES OF THE
2020 ELECTORS FROM NEVADA**

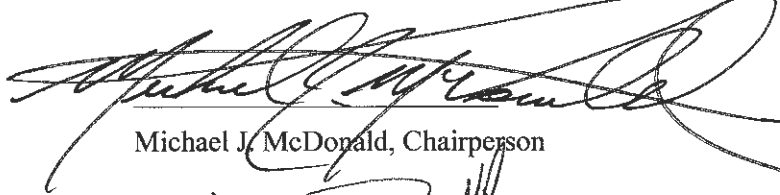
WE, THE UNDERSIGNED, being the duly elected and qualified Electors for President and Vice President of the United States of America from the State of Nevada, do hereby certify the following:

- (A) That we convened and organized at the State Capitol, in Carson City, Nevada, at 12:00 noon on the 14th day of December, 2020, to perform the duties enjoined upon us;
- (B) That being so assembled and duly organized, we proceeded to vote by ballot, and balloted first for President and then for Vice President, by distinct ballots; and
- (C) That the following is a list of all the votes for President, so cast as aforesaid:

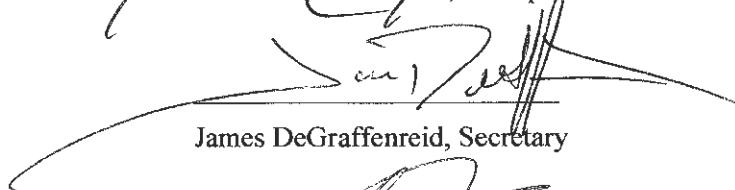
FOR PRESIDENT

Names of the Persons Voted For	Number of Votes
DONALD J. TRUMP of the State of Florida	6

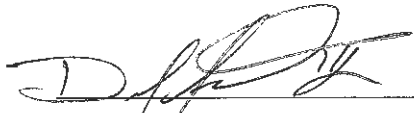
IN WITNESS WHEREOF, we, the undersigned, have hereunto, at the Capitol, in Carson City, in the State of Nevada, on this 14th day of December, 2020, subscribed our respective names



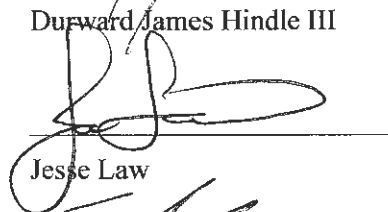
Michael J. McDonald, Chairperson



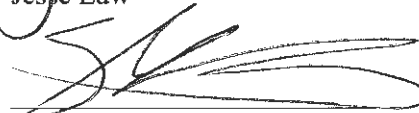
James DeGraffenreid, Secretary




Duward James Hindle III



Jesse Law



Shawn Meehan



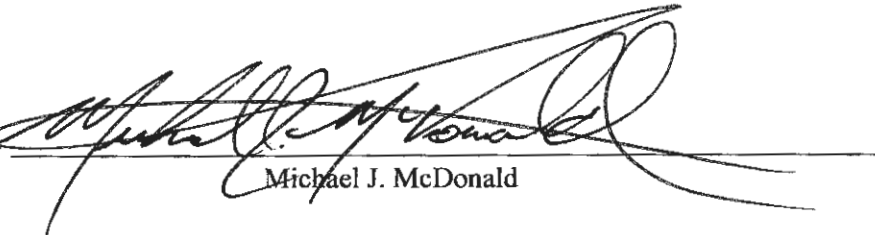
Eileen Rice

STATE OF NEVADA

NEVADA PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR PRESIDENT OF THE UNITED STATES

I hereby cast my vote for Donald F. Trump
for President of the United States.

Signed



Michael J. McDonald

STATE OF NEVADA

NEVADA PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR PRESIDENT OF THE UNITED STATES

I hereby cast my vote for DONALD J. TRUMP
for President of the United States.

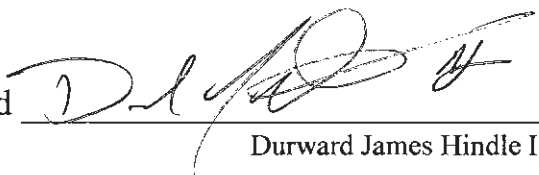
Signed


James DeGraffenreid

STATE OF NEVADA

NEVADA PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR PRESIDENT OF THE UNITED STATES

I hereby cast my vote for Donald J. Trump
for President of the United States.

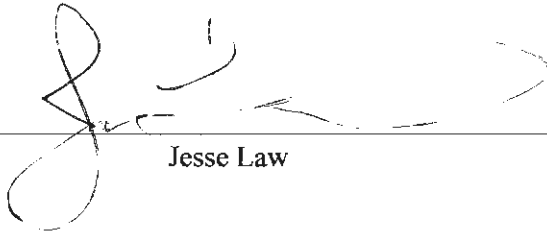
Signed 
Durward James Hindle III

STATE OF NEVADA

NEVADA PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR PRESIDENT OF THE UNITED STATES

I hereby cast my vote for Ronald J. Trump
for President of the United States.

Signed

A handwritten signature in black ink, appearing to read "Jesse Law", is written over a horizontal line.

Jesse Law

STATE OF NEVADA

NEVADA PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR PRESIDENT OF THE UNITED STATES

I hereby cast my vote for DONALD J. TRUMP
for President of the United States.

Signed

A handwritten signature in black ink, appearing to read 'Shawn Meehan', written over a horizontal line.

Shawn Meehan

STATE OF NEVADA

NEVADA PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR PRESIDENT OF THE UNITED STATES

I hereby cast my vote for DONALD J. TRUMP
for President of the United States.

Signed Eileen M. Rice
Eileen Rice

Registered No. RB362762703US

Date Stamp

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By Post Office

Reg. Fee	\$4.20	
Handling Charge	\$12.60	Return Receipt
Postage	16.80	Restricted Delivery
Received by	dfp	\$16.80

Customer Must Declare Full Value \$0.00 Domestic Insurance up to \$25,000 is included based upon the declared value. International Indemnity is limited. (See Reverse).

OFFICIAL USE

To Be Completed By Customer
(Please Print)
All Entries Must Be In Ballpoint or Typed

FROM	MICHAEL J. McDONALD NEVADA REPUBLICAN PARTY 840 S. RANCHO DR. 4-800 LAS VEGAS, NV 89106
TO	PRESIDENT OF THE SENATE UNITED STATES SENATE WASHINGTON, DC 20510

PS Form 3806, Receipt for Registered Mail Copy 1 - Customer
May 2007 (7530-02-000-9051) (See Information on Reverse)
For domestic delivery information, visit our website at www.usps.com

Registered No. RB362762694US

Date Stamp

To Be Completed
By Post Office

Reg. Fee	\$5.00	
Handling Charge	\$12.60	Return Receipt
Postage	17.80	Restricted Delivery
Received by	dfp	\$17.60

Customer Must Declare Full Value \$0.00 Domestic Insurance up to \$25,000 is included based upon the declared value. International Indemnity is limited. (See Reverse).

OFFICIAL USE

To Be Completed By Customer
(Please Print)
All Entries Must Be In Ballpoint or Typed

FROM	MICHAEL J. McDONALD NEVADA REPUBLICAN PARTY 840 S. RANCHO DR. 4-800 LAS VEGAS, NV 89106
TO	ARCHIVIST OF THE UNITED STATES 700 PENNSYLVANIA AVE NW WASHINGTON, D.C. 20408

PS Form 3806, Receipt for Registered Mail Copy 1 - Customer
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For delivery information, visit our website at www.usps.com

Las Vegas, NV 89101

Certified Mail Fee	\$3.55
Extra Services & Fees (check box, add fee as appropriate)	\$2.85
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$1.60

Total Postage and Fees \$8.00

Sent To MIRANDA DU, CHIEF JUDGE, US DIST. CT.
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333 LAS VEGAS BL. SOUTH
City, State, ZIP+4® LAS VEGAS, NV. 89101

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

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Carson City, NV 89701

Certified Mail Fee	\$3.55
Extra Services & Fees (check box, add fee as appropriate)	\$2.85
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

Postage \$2.20

Total Postage and Fees \$8.60

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101 S. CARSON ST., SUITE 3
City, State, ZIP+4® CARSON CITY, NV. 89701

PS Form 3800, April 2015 PSN 7530-02-000-9047

See Reverse for Instructions

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Receipt #: 840-58900082-2-3342874-2
Clerk: 16



MINDEN
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(800)275-8777

12/14/2020

04:16 PM

Product	Qty	Unit Price	Price
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First-Class Mail® Large Envelope	1		\$2.20
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Carson City, NV 89701
Weight: 0 lb 6.90 oz
Estimated Delivery Date
Thu 12/17/2020

Certified Mail®			\$3.55
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Tracking #: 70192970000065258638

Return Receipt			\$2.85
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Tracking #: 9590 9402 6166 0220 0158 72

Total			\$8.60
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First-Class Mail® Large Envelope	1		\$1.60
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Las Vegas, NV 89101
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Estimated Delivery Date
Fri 12/18/2020

Certified Mail®			\$3.55
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Tracking #: 70192970000065258645

Return Receipt			\$2.85
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Tracking #: 9590 9402 6166 0220 0157 97

Total			\$8.00
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First-Class Mail® Package	1		\$4.20
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Washington, DC 20510
Weight: 0 lb 4.00 oz
Estimated Delivery Date
Fri 12/18/2020

Registered Mail®			\$12.60
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Amount: \$0.00

Tracking #: RB362762703US

Total			\$16.80
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First-Class Mail® Package	1		\$5.00
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Washington, DC 20408
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Estimated Delivery Date
Fri 12/18/2020

Registered Mail®			\$12.60
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Amount: \$0.00

Tracking #: RB362762694US

Total			\$17.60
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Grand Total:			\$51.00
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Credit Card Remitted			\$51.00
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Card Name: MasterCard
Account #: XXXXXXXXXXXX8255
Approval #: 065342
Transaction #: 696
AID: A0000000041010
AL: MASTERCARD
PIN: Not Required

Chip

CAPITAL ONE

GJ 000244

**CERTIFICATE OF THE VOTES OF THE
2020 ELECTORS FROM NEVADA**

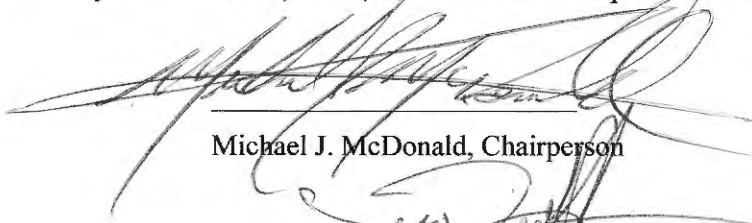
WE, THE UNDERSIGNED, being the duly elected and qualified Electors for President and Vice President of the United States of America from the State of Nevada, do hereby certify the following:

- (A) That we convened and organized at the State Capitol, in Carson City, Nevada, at 12:00 noon on the 14th day of December, 2020, to perform the duties enjoined upon us;
- (B) That being so assembled and duly organized, we proceeded to vote by ballot, and balloted first for President and then for Vice President, by distinct ballots; and
- (C) That the following is a distinct list of all the votes for Vice President, so cast as aforesaid.

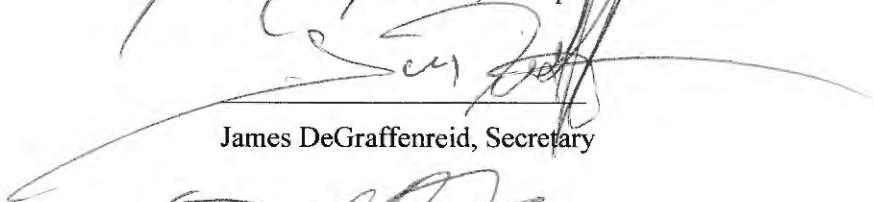
FOR VICE PRESIDENT

Names of the Persons Voted For	Number of Votes
MICHAEL R. PENCE of the State of Indiana	6

IN WITNESS WHEREOF, we, the undersigned, have hereunto, at the Capitol, in Carson City, in the State of Nevada, on this 14th day of December, 2020, subscribed our respective names.



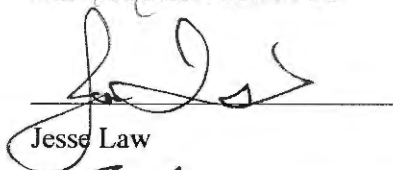
Michael J. McDonald, Chairperson



James DeGraffenreid, Secretary



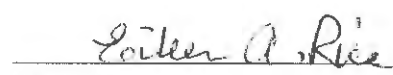
Durward James Hindle III



Jesse Law



Shawn Meehan



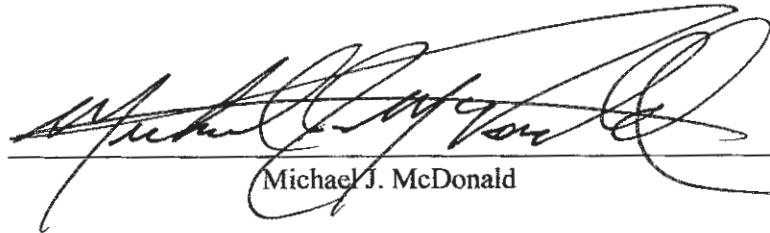
Eileen Rice

STATE OF NEVADA

NEVADA VICE PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR VICE PRESIDENT OF THE UNITED STATES

I hereby cast my vote for MICHAEL R. PENCE
for Vice President of the United States.

Signed


Michael J. McDonald

STATE OF NEVADA

NEVADA VICE PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR VICE PRESIDENT OF THE UNITED STATES

I hereby cast my vote for Michael R. Pence
for Vice President of the United States.

Signed _____


James DeGraffenreid

STATE OF NEVADA

NEVADA VICE PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR VICE PRESIDENT OF THE UNITED STATES

I hereby cast my vote for Michael R. Pence
for Vice President of the United States.

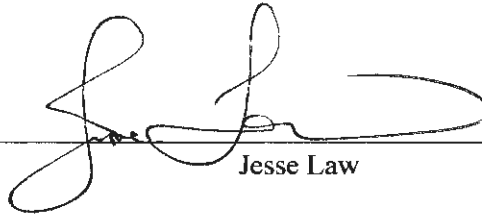
Signed  _____
Durward James Hindle III

STATE OF NEVADA

NEVADA VICE PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR VICE PRESIDENT OF THE UNITED STATES

I hereby cast my vote for Michael R Pence
for Vice President of the United States.

Signed

A handwritten signature in black ink, appearing to read "Jesse Law", is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke at the end.

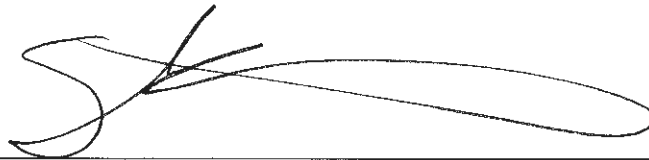
Jesse Law

STATE OF NEVADA

NEVADA VICE PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR VICE PRESIDENT OF THE UNITED STATES

I hereby cast my vote for MICHAEL R. PENCE
for Vice President of the United States.

Signed

A handwritten signature in black ink, appearing to be 'Shawn Meehan', written over a horizontal line.

Shawn Meehan

STATE OF NEVADA

NEVADA VICE PRESIDENTIAL ELECTOR OFFICIAL BALLOT FOR VICE PRESIDENT OF THE UNITED STATES

I hereby cast my vote for MICHAEL R. PENCE
for Vice President of the United States.

Signed Eileen W. Rice
Eileen Rice

Subject: Re: Elector meeting documentation

From: Kenneth Chesebro <kenchesebro@msn.com>

Date: 12/14/2020, 8:21 PM

To: Jim DeGraffenreid <jim@nevadagop.org>, Michael McDonald <mcdonaldnv@gmail.com>

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Really appreciate the update. Glad this went so well!

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Sent: Monday, December 14, 2020 10:12:55 PM

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National Committeeman

Nevada Republican Party

jim@nevadagop.org

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Subject: Re: Elector meeting documentation

From: Kenneth Chesebro <kenchesebro@msn.com>

Date: 12/14/2020, 8:58 PM

To: Jim DeGraffenreid <jim@nevadagop.org>

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Yeah, usually not the best thing!

In Nevada, six Republicans met in the capital, Carson City, to cast their faux vote before an audience of 15.

“There’s still legal action pending in all these states, so what we’re doing here is complying with the requirement to vote on this day, in the state capital in the event court cases are resolved favorably,” said Jim DeGraffenreid, who was set to be one of Trump’s electors before Biden won the state.

“You could say this is our howdy-doodo to the system,” said Shawn Meehan, another Republican who

Meehan, another Republican who
took part.

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From: Jim DeGraffenreid <jim@nevadagop.org>
Sent: Monday, December 14, 2020 10:55:08 PM
To: Kenneth Chesebro <kenchesebro@msn.com>
Cc: Michael McDonald <mcdonaldnv@gmail.com>; Jeremy Hughes - Political <JHughes@gop.com>; Jessica Hanson <jessica.hanson@nevadagop.org>; Jolette Gowens NVGOP <jo@nevadagop.org>; Shawn Meehan <airlifter2@gmail.com>; Wesley Rice <tahoerice@charter.net>; DJames & Carlyn Hindle <djhthree@gmail.com>; Jesse Law <jesse.law@gmail.com>
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National Committeeman

GJ 000257

10/21/2023, 1:41 PM

Nevada Republican Party

jim@nevadagop.org

Subject: Re: Elector meeting documentation

From: Shawn Meehan <airlifter2@gmail.com>

Date: 12/14/2020, 9:12 PM

To: Kenneth Chesebro <kenchesebro@msn.com>

CC: Jim DeGraffenreid <jim@nevadagop.org>, Michael McDonald <mcdonaldnv@gmail.com>, Jeremy Hughes - Political <JHughes@gop.com>, Jessica Hanson <jessica.hanson@nevadagop.org>, "Jolette \"Jo\" McDonald" <jo@nevadagop.org>, Wesley Rice <tahoerice@charter.net>, Jim Hindle <djhthree@gmail.com>, Jesse Law <jesse.law@gmail.com>

Shocking. She completely took me out of context. Surprise.

SMM

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<Image.jpeg>

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National Committeeman
Nevada Republican Party
jim@nevadagop.org

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From: Jesse Law <jesse.law@gmail.com>

Date: 12/14/2020, 9:13 PM

To: Shawn Meehan <airlifter2@gmail.com>

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Oh Shawn. That might be the most impassioned turn of a phrase i have ever heard out of you.

Best Regards,

Jesse Law

JL Offerings

202-643-2244

jlaw@jlofferings.com

On Dec 14, 2020, at 9:12 PM, Shawn Meehan <airlifter2@gmail.com> wrote:

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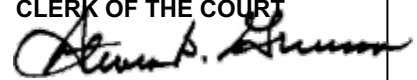
Nevada Republican Party

jim@nevadagop.org

EXHIBIT 9

INDICTMENT

EXHIBIT 9



1 **IND**
2 AARON D. FORD (Bar No. 7704)
3 Attorney General
4 Office of the Attorney General
5 555 E. Washington Ave., Ste. 3900
6 Las Vegas, Nevada 89101-1068
7 P: (702) 486-3420
8 F: (702) 486-3768
9 *Attorney for the State of Nevada*

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

8 THE STATE OF NEVADA,

9 Plaintiff,

10 v.

11 MICHAEL JAMES MCDONALD,
12 **JAMES WALTER DEGRAFFENREID III,**
13 JESSE REED LAW,
14 DURWARD JAMES HINDLE III,
15 SHAWN MICHAEL MEEHAN, and
16 EILEEN A. RICE,

17 Defendants.

Case No.: C-23-379122-1

Dept. No.: XVIII

16 **INDICTMENT**

17 The above-named Defendants, MICHAEL JAMES MCDONALD, JAMES WALTER
18 DEGRAFFENREID III, JESSE REED LAW, DURWARD JAMES HINDLE III, SHAWN MICHAEL
19 MEEHAN, and EILEEN A. RICE, are accused by the Clark County Grand Jury of the crime(s) of:
20 OFFERING FALSE INSTRUMENT FOR FILING OR RECORD, a Category "C" felony in violation of
21 NRS 239.330, NOC [52399], and UTTERING FORGED INSTRUMENTS: FORGERY, a Category "D"
22 felony in violation of NRS 205.110, NOC [50462], committed on or between December 8, 2020 through
23 December 22, 2020, within the County of Clark, State of Nevada, as follows:

24 ///

25 ///

26 ///

27 ///

28 ///

COUNT I
OFFERING FALSE INSTRUMENT FOR FILING OR RECORD
Category "C" Felony - NRS 239.330

That the Defendants, MICHAEL JAMES MCDONALD, JAMES WALTER DEGRAFFENREID III, JESSE REED LAW, DURWARD JAMES HINDLE III, SHAWN MICHAEL MEEHAN, and EILEEN A. RICE, did knowingly procure or offer a false or forged instrument to be filed, registered or recorded in a public office, which instrument, if genuine, might be filed, registered or recorded in a public office under any law of this State or of the United States, to wit:

The Defendants knowingly offered a false or forged instrument titled, "CERTIFICATE OF THE VOTES OF THE 2020 ELECTORS FROM NEVADA" to be filed, registered or recorded in the office of the President of the United States Senate, and/or the Archivist of the United States, and/or the Nevada Secretary of State, and/or the Chief Judge of the District Court for the District of Nevada, the Defendants being criminally liable under one or more of the following principles of criminal liability, to wit: (1) by directly committing this crime; and/or (2) pursuant to a conspiracy to commit this crime, with the intent that this crime be committed.

All of which constitutes the crime of Offering False Instrument for Filing or Record, a category "C" felony, in violation of NRS 239.330.

COUNT II
UTTERING FORGED INSTRUMENTS: FORGERY
Category "D" Felony - NRS 205.110

That the Defendants, MICHAEL JAMES MCDONALD, JAMES WALTER DEGRAFFENREID III, JESSE REED LAW, DURWARD JAMES HINDLE III, SHAWN MICHAEL MEEHAN, and EILEEN A. RICE, knowing the same to be forged or altered, and with intent to defraud, uttered, offered, disposed of or put off as true, or had in his possession with intent so to utter, offer, dispose of or put off, a forged writing, instrument or other thing, the false making, forging or altering of which is punishable as forgery, to wit:

The Defendants uttered, offered, disposed of or put off as true a forged writing, instrument or other thing titled, "CERTIFICATE OF THE VOTES OF THE 2020 ELECTORS FROM NEVADA" to the President of the United States Senate, and/or the Archivist of the United States, and/or the Nevada

1 Secretary of State, and/or the Chief Judge of the District Court for the District of Nevada, with the intent to
2 defraud, the Defendants being criminally liable under one or more of the following principles of criminal
3 liability, to wit: (1) by directly committing this crime; and/or (2) pursuant to a conspiracy to commit this
4 crime, with the intent that this crime be committed.

5 All of which constitutes the crime of Uttering Forged Instruments, a category "D" felony, in
6 violation of NRS 205.110.

7 All of which is contrary to the form, force and effect of the statutes in such cases made and
8 provided, and against the peace and dignity of the state of Nevada.

9 DATED this 5th day of December 2023.

10 SUBMITTED BY

11 By: 

12 AARON D. FORD
13 Attorney General
14 *Attorney for the State of Nevada*

15 ENDORSEMENT: A True Bill

16 By: 

17 Foreperson, Clark County Grand Jury
18 GJ# 23AGJ164X
19
20
21
22
23
24
25
26
27
28

WITNESS LIST

Miriam Vincent
Staff Attorney, National Archives
c/o Office of the Attorney General
555 E. Washington Ave., Ste. 3900
Las Vegas, Nevada 89101-1068

Mark Wlaschin
Deputy Secretary of State for Elections
Nevada Secretary of State
101 N Carson Street
Suite 3
Carson City, NV 89701

Todd Grosz
AG Criminal Investigator
c/o Office of the Attorney General
555 E. Washington Ave., Ste. 3900
Las Vegas, Nevada 89101-1068

Warren Heister
United States Postal Service
c/o Office of the Attorney General
555 E. Washington Ave., Ste. 3900
Las Vegas, Nevada 89101-1068

Kenneth John Chesebro
c/o Robert L. Langford & Associates
1925 Village Center Cir., Suite 150
Las Vegas, Nevada 89138

EXHIBIT 10

ORDER

EXHIBIT 10

ORDER

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

WRIGHT MARSH, LEVY

300 S. Fourth St., Ste 701

Las Vegas, NV 89101

Telephone: (702) 382-4004; Fax: (702) 382-800

Email: Rick@wmllawlv.com

Counsel for Defendant James McDonald

MONTI JORDANA LEVY, ESQ. Nevada Bar No. 8158

WRIGHT MARSH, LEVY

300 S. Fourth St., Ste 701

Las Vegas, NV 89101

Telephone: (702) 382-4004; Fax: (702) 382- 4800

Mlevy@wmllawlv.com

Counsel for Defendant Eileen Rice

MARGARET A. MCLEATCHIE, Nevada Bar No. 10931

MCLEATCHIE LAW

602 South Tenth St.

Las Vegas, Nevada 89101

Telephone: (702) 728-5300; Fax: (702) 425-8220

Email: maggie@nvlitigation.com

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
(Office) 702-382-4004
(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.
Importance: High

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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Leo Wolpert

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

You can use my e signature.

Thank you for all of your work on this Maggie!

Sent from my iPhone

On Jul 18, 2024, at 12:47 PM, Maggie <maggie@nvlitigation.com> wrote:

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

<image001.png>

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<LAW - Draft Order On MTD.2024.7.18 FINAL FOR APPROVAL.docx>

<LAW - Draft Order On MTD.2024.7.18 FINAL FOR APPROVAL.pdf>

Leo Wolpert

From: Brian R. Hardy <bhardy@maclaw.com>
Sent: Thursday, July 18, 2024 1:49 PM
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

Brian R. Hardy, Esq.

10001 Park Run Drive
Las Vegas, NV 89145
t | 702.207.6097
f | 702.382.5816
bhardy@maclaw.com
maclaw.com



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From: George Kelesis <GKelesis@bckltd.com>
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

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@wmlawlv.com>; Leo Wolpert <leo@nvlitigation.com>

Subject: State v Degraffenreid et al. - PROPOSED ORDER

Importance: High

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Maggie McLetchie



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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.

Thank you for all of your work on this Maggie!

Sent from my iPhone

On Jul 18, 2024, at 12:47 PM, Maggie
<maggie@nvlitigation.com> wrote:

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
<image001.png>
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APPROVAL.docx>

<LAW - Draft Order On MTD.2024.7.18 FINAL FOR
APPROVAL.pdf>

<image001.png>

Leo Wolpert

From: George Kelesis <GKelesis@bckltd.com>
Sent: Thursday, July 18, 2024 1:49 PM
To: Maggie; Brian R. Hardy; 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

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

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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>
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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

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Maggie McLetchie



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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
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