

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name**: State full name (include any former names used).

Cristina Dionne Silva

2. **Position**: State the position for which you have been nominated.

United States District Court Judge for the District of Nevada

3. **Address**: List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Regional Justice Center
200 Lewis Avenue
11th Floor
Las Vegas, Nevada 89155

4. **Birthplace**: State year and place of birth.

1979; El Paso, Texas.

5. **Education**: List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

2004 – 2007, American University Washington College of Law; J.D., 2007

1997 – 2001, Wellesley College; B.A., 2001

6. **Employment Record**: List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2019 – present
State of Nevada, Eighth Judicial District Court
200 Lewis Avenue, 11th Floor
Las Vegas, Nevada 89155

District Court Judge, Department IX

2011 – 2019

United States Attorney's Office for District of Nevada

501 Las Vegas Boulevard South, Suite 1100

Las Vegas, Nevada 89101

Chief, Criminal Division (2018 – 2019)

Deputy Chief, Organized Crime Strike Force (2013 – 2018)

Assistant United States Attorney (2011 – 2019)

2007 – 2010

Miami Dade State Attorney's Office

1350 Northwest 12th Avenue

Miami, Florida 33136

Assistant Chief of Litigation for the Domestic Violence Unit (2010)

Assistant State Attorney (2007 – 2010)

January 2007 – April 2007 (approximately)

Ayuda, Inc.

1707 Kalorama Road, Northwest

Washington, DC 20005

Legal Extern

August 2006 – November 2006 (approximately)

Legal Momentum Immigrant Women's Program

32 Broadway, Suite 1801

New York, NY 10004

Legal Intern

2005 – 2007

American University Washington College of Law

4300 Nebraska Avenue, Northwest

Washington, DC 20016

Dean's Fellow

Summer 2006

District of Columbia Court of Appeals

Chambers of the Honorable Vanessa Ruiz (Retired)

500 Indiana Avenue, Northwest, 6th Floor

Washington, DC 20005

Intern

2003 – 2005

National Association of Women Judges

P.O. Box 3363

Warrenton, Virginia 20188

Consultant (2004 – 2005)
Director of Programs and Outreach (2003 – 2004)

2001 – 2003
Association of Reproductive Health Professionals (defunct)
Development Associate

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I did not serve in the military. I was not required to register for the selective service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Crushing Stigma and Silos Award (2021)

Legal Elite – Government Attorney (2019)

Hispanic National Bar Association – Top 40 Lawyers Under 40 Awardee (2019)

National Latino Peace Officers Association Community Impact Award (2016)

Department of Homeland Security’s Certification of Appreciation (2013)

IRS Excellence Award (2011)

Sigma Delta Pi Spanish Honor Society (2000 – 2001)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

Clark County Bar Association (2018 – present)

Eighth Judicial District Court, Executive Committee (2021– present)

Federal Bar Association (2017 – 2018)

Hispanic National Bar Association (2019 – present)

Howard McKibben Inn of Courts (2019 – present)

Nevada Latino Bar Association (formerly known as the Las Vegas Latino Bar Association) (2017 – present)
President-Elect, 2021
Board of Director at Large, 2020
Vice-President of Finance, 2019
Vice-President of Membership, 2018
Chair, Inspira Awards Ceremony planning committee (2019, 2020, and 2021)
Member, planning committee to expand and rebrand the organization from the Las Vegas Latino Bar Association to the Nevada Latino Bar Association
Member, planning committee, Latinx in the Law series (3 part series, 2021)
Member, planning Committee, Help Understanding Las Vegas Courts During COVID (3-part virtual series presentation, April 2021)
Member, planning Committee, Eviction Moratorium CLE (September 2020)
Member, planning Committee, How to Become a Judge CLE (October 2018)
Member, planning committee for a Women in the Law Roundtable (approximately Spring 2018)

Southern Nevada Association of Women Attorneys (2018 – present)

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Florida, 2007 (inactive, April 2020)
Nevada, 2015

There have been no lapses in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

United States Court of Appeals for the Ninth Circuit, 2012
United States District Court for the District of Nevada, 2011

I am unaware of any lapses in membership.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees,

conferences, or publications.

Hispanics in Politics (2015 – present)

Las Vegas Metropolitan Police Department's Hispanic Outreach Council (2021 – present)

Las Vegas Metropolitan Police Department's Multicultural Advisory Council (2014 – present)

Latin Chamber of Commerce (2019 – 2020)

National Association of Latino Peace Officers, Honorary Member (approximately 2015 – 2019)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To the best of my knowledge, none of these organizations currently discriminate or formerly discriminated on the on the basis of race, sex, religion, or national origin either through formal membership requirements or the practical application of membership policies.

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

Five Practical Reminders When Preparing for Court Appearances, Especially Before a New Judge, Communiqué, Clark County Bar Association, January 2020. Copy supplied.

Students Join the NAWJ Ranks, Counterbalance, National Association of Women Judges, Spring 2006. Copy supplied.

I worked for the National Association of Women Judges on a full-time basis from 2003 to 2004, and on a part-time basis, during my first year of law school (2004 to 2005). Part of my duties as a full-time employee was to produce, write articles

for, and disseminate their quarterly newsletter titled *Counterbalance*. My part-time work with the organization was on *Counterbalance* during my first year of law school. I have retrieved and supplied as many archived copies of the publication I could locate on the internet.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

I have searched my files and electronic databases in an effort to locate all testimony, official statements, or other communications responsive to this question. I have located some material, but it is possible that additional items exist that I can neither recall or locate.

I gave oral reports, such as membership updates, financial statements, and information about the Nevada Latino Bar Association's *Inspira* awards ceremony, in my various capacities as board member for the Nevada Latino Bar Association. Copies of the meeting minutes provided.

I have also located two statements issued by the Latino Bar Association for which I provided limited input, noting the statements must be consistent with 501(c)(6) requirements and the organization's mission.

Statement of LBA, Jan. 7, 2021. Copy supplied.

Statement of LBA past-president Mayra Salinas-Menjivar June 1, 2020. Copy supplied.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

None.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes

from which you spoke.

I have searched my files and electronic databases in an effort to identify all events responsive to this question. I have located the events listed below, but it is possible that there are a few events I have no record or recollection of and therefore I am unable to identify.

June 17, 2021: Presenter, *Racial Bias and Prejudice in the Legal System*, State Bar of Nevada Annual Conference, Coronado Island, California. PowerPoint supplied. (My part of the presentation is located at slides 8–16.)

April 23, 2021: Administrator of Oath, Hope for Prisoners, Las Vegas Metropolitan Police Department, Las Vegas, Nevada. I administered the Oath of promise to a new class of Hope for Prisoners re-entry program participants and gave brief remarks about the importance of their decision to participate in the program. I have no notes, transcript, or recording. The address for the Las Vegas Metropolitan Police Department is 400 South Martin Luther King, Jr., Las Vegas, Nevada 89106.

April 10, 2021: Keynote Speaker, University of Nevada at Las Vegas William S. Boyd School of Law, Virtual Student Bar Association's Barrister's Ball. Draft speech supplied.

April 6, 2021: Presenter, University of Nevada at Las Vegas William S. Boyd School of Law, Virtual Presentation on Courtroom and Trial Procedures to 1L students. I spoke to 1L students at the Boyd School of Law about my experiences as a trial attorney, as well as my expectations for courtroom presentations and legal writing. I have no notes, transcript, or recording. The address for the Williams S. Boyd School of Law is 4505 South Maryland Parkway, Las Vegas, Nevada 89154.

March 23, 2021: Presenter, *Overdose Prevention For Difficult to Engage Populations: Jail Based Interventions*, American Association for the Treatment of Opioid Dependence (AATOD), virtual presentation. PowerPoint supplied. (My part of the presentation is located at slides 17–20.)

February 27, 2021: Guest Judge, University of Nevada at Las Vegas William S. Boyd School of Law Mock Trial Competition, virtual event. I was a guest judge for the law school's annual 1L mock trial competition. I have no notes, transcript, or recording. The address for the Williams S. Boyd School of Law is 4505 South Maryland Parkway, Las Vegas, Nevada 89154.

January 21, 2021: Mistress of Ceremonies for the 2nd Annual *Inspira Awards Ceremony*, Nevada Latino Bar Association, virtual event. Video available at <https://www.facebook.com/nevadalatinobarassociation/videos/3464802610311846>.

November 17, 2020: Panel Presenter, *Racial Bias & Prejudice in the Legal Profession*, Howard McKibben Inn of Courts Meeting, virtual event. I used the same PowerPoint that was provided for the presentation on June 17, 2021.

November 2020: Presenter, *Judicial Ethics: Transitioning from the Bar to the Bench*, Administrative Office of the Courts, Supreme Court of Nevada, recorded virtual training. Video available at <https://youtu.be/phvx-8RuOyk>.

November 6, 2020: Keynote Speaker, William S. Boyd School of Law La Voz (Latino Student Organization) Huellas Kick-Off Ceremony, virtual event. I gave welcoming remarks to the 2020 to 2021 group of participants in the Huellas mentorship program, where an attorney is matched up with a high school student, a college student, and a law student. I have no notes, transcript, or recording. The address for the Williams S. Boyd School of Law is 4505 South Maryland Parkway, Las Vegas, Nevada 89154.

August 23, 2020: Guest Speaker, Line of Sight, Line of Mind Question and Answer Session, virtual event. Video available at <https://www.facebook.com/RichSCarreon/videos/10157702197473412>.

June 12, 2020: Speaker, MAT Court Graduation, Las Vegas Recovery Center (now known as Sierra Sage Recovery Center). I delivered congratulatory remarks at the Las Vegas Recovery Center to celebrate two MAT Court graduates. I have no notes, transcript, or recording. The address is 3321 North Buffalo Drive, Suite 125, Las Vegas, Nevada 89129.

March 8, 2020: Guest Judge, Frank A. Schreck Gaming Law Moot Court, University of Nevada at Las Vegas William S. Boyd School of Law, Las Vegas, Nevada. I was a guest judge for the law school's annual gaming moot court competition. I have no notes, transcript, or recording. The address for the Williams S. Boyd School of Law is 4505 South Maryland Parkway, Las Vegas, Nevada 89154.

June 21, 2019: Speaker, Judicial Investiture for my appointment to the Eighth Judicial District Court Bench, Las Vegas, Nevada. Draft speech supplied.

May 7, 2019: Keynote Speaker, Andre Agassi's Democracy Prep School, Commencement. I delivered keynote remarks to the 2019 graduating class of Andre Agassi's Democracy Prep School. The graduation took place at the Fifth Street School in Las Vegas, Nevada. I have no notes, transcript, or recording. The address for Democracy Prep is 1201 West Lake Mead Boulevard, Las Vegas, Nevada 89106.

April 20, 2019: Guest Judge, Clark County Bar Association's Annual Moot Court Competition, Las Vegas, Nevada. I was a guest judge for the local Bar

Association's moot court competition. I have no notes, transcript, or recording. The address for the Clark County Bar Association is 717 South 8th Street, Las Vegas, Nevada 89101.

November 1, 2018: Guest Lecturer, University of Nevada at Las Vegas William S. Boyd School of Law Mock Trial Class. I presented on trial techniques and strategies to Boyd law students. I have no notes, transcript, or recording. The address for the Williams S. Boyd School of Law is 4505 South Maryland Parkway, Las Vegas, Nevada 89154.

July 2018 (approximate): Faculty Presenter, National Advocacy Center, Columbia, South Carolina. I was a faculty presenter on the United States Attorney's Office for the District of Nevada's response to the Route 91 Mass Shooting during the National Security Symposium on Reacting to and Managing the Potential Terrorist Event. I have no notes, transcript, or recording. The training took place at 1620 Pendleton Street, Columbia, South Carolina 29201.

February 22, 2018: Guest Speaker, City of Las Vegas Employees, Las Vegas, Nevada. I presented on Human and Labor Trafficking investigations. The training took place in a conference room at a City of Las Vegas office building. I have no notes, transcript, or recording. The training took place at the Las Vegas City Office, 333 North Rancho Drive, Las Vegas, Nevada 89106.

December 2017 (approximate): Presenter, association of private investigators, Las Vegas, Nevada. I spoke at a luncheon to an association of private investigators regarding the U.S. Attorney's Office for the District of Nevada's involvement with Project Safe Neighborhood (PSN) and Project Safe Childhood (PSC). I have no notes, transcript, or recording. I do not recall the name of the sponsoring organization.

April and November 2017 (approximate): Guest Lecturer (Prosecution Team), University of Nevada at Las Vegas William S. Boyd School of Law Trial Practice Clinic, Las Vegas, Nevada. I was asked to prepare Boyd law students for their final examination, a mock trial, by providing critiques and constructive criticism of their presentation. I have no notes, transcript, or recording. The class was held on the campus of the UNLV William S. Boyd School of Law, located at 4505 South Maryland Parkway, Las Vegas, Nevada 89154.

October 2016 (approximate): Presenter, University of Nevada at Las Vegas, Las Vegas, Nevada. I presented on human trafficking investigations and prosecutions to undergraduate students at the University of Nevada at Las Vegas. I have no notes, transcript, or recording. UNLV is located at 4505 South Maryland Parkway, Las Vegas, Nevada 89154.

April 2016 (approximate): Guest Judge, Frank A. Schreck Gaming Law Moot Court, University of Nevada at Las Vegas William S. Boyd School of Law, Las

Vegas, Nevada. I was a guest judge for the law school's annual gaming moot court competition. I have no notes, transcript, or recording. The address for the William S. Boyd School of Law is 4505 South Maryland Parkway, Las Vegas, Nevada 89154.

April 2016 (approximate): Guest Speaker, University of Nevada at Las Vegas, Osher Lifelong Learning Institute, Las Vegas, Nevada. I gave two separate presentations to the Osher Lifelong Learning Institute continuing education students on federal practice in general, federal sentencing guidelines, and various prosecutions that arose out of the United States Attorney's Office for the District of Nevada. I have no notes, transcript, or recording. The address for the Osher Lifelong Learning Institute is 851 East Tropicana, Building 500, Las Vegas, Nevada 89119.

November 2015 (approximate): Presenter, Association of Certified Fraud Examiners, Las Vegas, Nevada. I presented on money laundering and fraud investigations and prosecutions. I have no notes, transcript, or recording. The address for the association is 8337 West Sunset Road, Suite 320, Las Vegas, Nevada 89113.

September 2014 (approximate): Panel Presenter, Southern Nevada Human Trafficking Task Force Annual Conference, Las Vegas, Nevada. I sat on a panel who answered questions regarding human trafficking investigations and prosecutions. I have no notes, transcript, or recording. There is no current address for this Task Force.

May 2014 (approximate): Presenter, National Association of Latino Police Officers, Las Vegas, Nevada. I presented on effective firearms prosecutions and various legal issues that could arise during the course of investigations and prosecutions during the organization's annual conference. I have no notes, transcript, or recording. The mailing address for the National Association of Latino Peace Officers is 10040 West Cheyenne #170-179, Las Vegas, Nevada 89128

March 2014 (approximate): Presenter, Human Trafficking Presentation at University of Nevada at Las Vegas Criminal Justice Class, Las Vegas, Nevada. I co-presented regarding the sex and labor trafficking investigations and prosecutions. I have no notes, transcript, or recording. UNLV is located at 4505 Maryland Parkway, Las Vegas, Nevada 89154.

August 2012 (approximate): Presenter, Fourth Amendment Issues, Addressing Violent Crime in the 21st Century Conference, Las Vegas, Nevada. I sat on a panel with other prosecutors and law enforcement which discussed cases and prosecutions involving Fourth Amendment challenges, issues, and related subject matter. I have no notes, transcript, or recording. The address for the U.S.

Attorney's Office is 501 Las Vegas Boulevard South, Suite 1100, Las Vegas, Nevada 89101.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and a digital copy of the clips or transcripts of these interviews where they are available to you.

Marisa Rodriguez, Esq., *Exercise – A Powerful Tool for Brain Health*, Nev. Law. Mag., Aug. 2021. Copy supplied.

Marisa Rodriguez, Esq., *Meet Phillip Smith: Nevada Attorney Has Been Overcoming Obstacles Throughout His Life*, Nev. Law. Mag., Mar. 2021. Copy supplied.

Astrid Mendez, *Raising awareness of issues plaguing the Latino community*, KTNV Las Vegas, Sept. 22, 2020. Video available at <https://www.ktnv.com/positivelylv/raising-awareness-of-issues-plaguing-the-latino-community>.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

Since 2019, I have served as a judge in the State of Nevada, Eighth Judicial District Court, District Court Judge, Department IX, which is a trial court of general jurisdiction. I was appointed by Governor Steve Sisolak in March 2019 to the vacant District Court Judge seat in Department IX in the Eighth Judicial District Court, Clark County, Nevada. I was elected without opposition to a six-year term in 2020.

Upon taking the bench in April 2019, I was assigned a split docket involving criminal felonies and gross misdemeanor offenses, and civil controversies involving \$15,000 or more in damages. I also took over supervising the MAT (Medically Assisted Treatment) Re-Entry Court in November 2019. MAT is a specialty court program for individuals on parole or who meet other statutory requirements and have a diagnosed opioid and/or stimulant use disorder. In January 2021, I was asked by the Chief Judge to take over a homicide docket and now preside over felonies, gross misdemeanors, and homicide cases, as well as MAT Court. I also sit on the District Court's Executive Committee, and assisted in piloting the Court's electronic search warrant and proposed orders system that was created during the COVID pandemic.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment?

I have presided over fifteen trials: 14 jury trials, and 1 bench trial. I also started two other trials. In one case, the Defendant pled guilty the day after jury selection.

In the second case, I declared a mistrial following opening statements.

i. Of these cases, approximately what percent were:

jury trials:	93%
bench trials:	7%

ii. Of these cases, approximately what percent were:

civil proceedings:	40%
criminal proceedings:	60%

b. Provide citations for all opinions you have written, including concurrences and dissents.

State v. Uceda, 2020 Nev. Dist. LEXIS 604 (Nev. Dist. Ct. Sept. 11, 2020)

Accera Group Corp. v. Sentinel Ins. Co., Ltd., 2020 WL 3118194 (Nev. Dist. Ct. June 8, 2020)

Hotchkiss v. Robinson, 2020 Nev. Dist. LEXIS 1570 (Nev. Dist. Ct. Apr. 27, 2020)

Accera Group Corp. v. Sentinel Ins. Co., 2020 Nev. Dist. LEXIS 468 (Nev. Dist. Ct. Apr. 15, 2020)

Velasquez v. Silver Nugget Gaming, LLC, 2020 WL 3118138 (Nev. Dist. Ct. Feb. 7, 2020)

LN Management LLC Series 356 Desert Inn 206 v. Desert Inn Villas, 2019 WL 11837136 (Nev. Dist. Ct. Nov. 8, 2019)

State v. Reed, 2019 Nev. Dist. LEXIS 799 (Nev. Dist. Ct. July 30, 2019)

c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature of the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (4) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

1. *Moran v. United Servs. Auto. Ass'n et al.*, No. A-19-799348-C (Nev. Dist. Ct.).

This action involved a car accident and resulting insurance coverage issues. The parties did not dispute liability, only contract interpretation. Defendant filed a motion for summary judgment arguing it had properly performed under the policy

contracts because it paid Plaintiff up to the applicable policy limits. Plaintiff opposed the motion, arguing Defendant's interpretation of the contracts at issue was erroneous, and further that Ms. Moran was incapable of signing the waiver accepting the policy limits from Defendant due to questions regarding her competency at the time and allegations of fraud. I granted Defendant's motion for summary judgment, finding Defendant had satisfied its obligations in regards to policy coverage and further, that Plaintiff's countermotion for summary judgment failed as a matter of law. Because I granted Defendant's motion for summary judgment on other grounds, I did not reach a decision on the challenges to the Plaintiff's waiver or allegations of fraud. Decision supplied.

Plaintiff's Counsel

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5545 South Mountain Vista Street, Suite F
Las Vegas, NV 89120
(702) 384-8000

Defense Counsel

Priscilla L. O'Briant, Esq.
Lewis Brisbois Bisgaard & Smith LLP
6385 South Rainbow Boulevard, Suite 600
Las Vegas, NV 89118
(702) 893-3383

2. *Brady vs. Bennett-Haron et al.*, No. A-20-813259-W (Nev. Dist. Ct.).

Brady filed a Petition for Writ of Mandamus arguing the lower court assigned to his case erred in denying his request for a jury trial. He argued that if he was convicted at trial of simple battery, he would lose his Second Amendment right to bear arms because of the domestic relationship between himself and the alleged victim. The State argued that the Nevada Supreme Court's decision in *Andersen v. Eighth Judicial District Court*, which held individuals facing domestic battery offenses are entitled to a jury trial, only applied to individuals specifically charged with misdemeanor domestic violence under NRS 200.485, and not to persons charged with simple battery under NRS 200.481. I granted Brady's Petition for Writ of Mandamus and found he was entitled to a jury trial because the question of "whether a crime is one of 'domestic violence' depends on the identity of the victim rather than the elements of the offense." *United States v. Skoien*, 614 F.3d 638, 642 (7th Cir. 2010). Decision supplied.

Prosecutor

Deputy District Attorney Brianna Lamanna
200 Lewis Avenue
Las Vegas, NV 89101
(702) 671-2500

Defense Counsel

District Court Judge Erika Ballou (formerly a Clark County Public Defender)
Regional Justice Center
200 Lewis Avenue
Las Vegas, NV 89155
(702) 671-0591

3. *In the Matter of the Wrongful Conviction of Berry*, No. A-19-802857-P (Nev. Dist. Ct. July 6, 2020).

In 1995, Mr. Berry was convicted in Clark County, Nevada for first-degree murder, robbery, and burglary in connection with the alleged robbery and burglary of a Carl's, Jr. restaurant in Las Vegas. He was sentenced to life in prison. Another man, Mr. Jackson, later confessed to the murder. The newly-created Conviction Integrity Unit of the Clark County District Attorney's Office investigated and confirmed Jackson's confession. The State then vacated and dismissed the charges against Berry, releasing him from prison in 2017. I signed Berry's Certificate of Innocence and found that the parties entered into and reached a good faith settlement. He was awarded \$2.25 million in statutory damages for the more than 22-year prison term served following his wrongful incarceration.

Petitioners

John T. Wendland, Esq.
Weil & Drage, APC
861 Coronado Center Drive, Suite 231
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Nick Joel Brustin, Esq.
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Steven H. Bergman, Esq.
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P.O. Box 2465
Salt Lake City, UT 84110
(801) 531-2000

Respondent

Chief Deputy Attorney General Heather D. Procter

Nevada Attorney General's Office
100 North Carson Street
Carson City, NV 89701
(775) 684-1271

Deputy Attorney General Jaimie Stilz
555 East Washington Avenue, Suite 3900
Las Vegas, NV 89101
(702) 486-3130

4. *Salazar v. Eighth Jud. Dist. Ct. in & for Cty. of Clark*, 484 P.3d 952 (Nev. 2021), *State of Nevada v. Salazar*, No. C-13-289431-1 (Nev. Dist. Ct.).

Defendant was charged with lewdness with a child under the age of 14 and sexual assault of a minor. Defendant moved the Court to dismiss the prosecution based on allegations of prosecutorial misconduct after his request for a mistrial during his second trial was denied by the then-assigned trial judge. Defendant moved for the mistrial because the trial court judge had *ex parte* communications, mid-trial, regarding a trial witness and her testimony with a supervisor at the District Attorney's Office. I held a hearing on the motion, and thereafter issued a written order denying the motion to dismiss based on allegations of prosecutorial misconduct, finding that the actions of the supervisory prosecutor were ill-advised, and further finding the judge committed judicial misconduct. The timing of the improper *ex parte* communications was key to my decision to deny the motion. The witness at issue had finished testifying prior to the improper communications. I found the Defendant failed to demonstrate sufficient prejudice to dismiss the case. I also denied Defendant's request to dismiss the case based on cumulative error. In Nevada, the remedy is a reversal of the conviction and a remand for a new trial. The Defendant's case had already been reversed and remanded based on structural error during jury selection, so the Defendant had already received the requested remedy. Decision supplied. The defense then filed a petition for writ of mandamus asking the Nevada Supreme Court to dismiss the case based on the same allegations of prosecutorial misconduct, or to remand for an evidentiary hearing. The Court held that misconduct had occurred in the case and therefore issued a writ and remanded the case for an evidentiary hearing to determine what if any prejudice the Defendant suffered as a result of the misconduct. The case resolved via plea agreement before I conducted the evidentiary hearing. The Defendant pleaded guilty to amended charges of one count of battery with substantial bodily harm and one count of possession of a controlled substance, both felonies. The parties stipulated to a suspended prison sentence, with a total of three years of probation for both counts. The sole condition of probation was 364 days in the Clark County Detention Center.

Prosecutor
Chief Deputy District Attorney Alex Chen
200 Lewis Avenue

Las Vegas, NV 89101
(702) 671-2500

Defense Counsel

Chief Deputy Public Defender Nadia Hojjat
309 South 3rd Street
Las Vegas, NV 89101
(702) 455-0457

5. *Penly et al. vs. Commonspirit Health et al.*, No. A-19-799151-C (Nev. Dist. Ct.).

Plaintiffs brought a civil suit against a local hospital and several doctors, alleging medical malpractice and related claims. The complaint alleged that the negligent acts of the Defendants had contributed to the untimely death of the Plaintiffs' family member. Defendants filed a motion to dismiss and/or strike Plaintiffs' complaint, arguing that the complaint failed to comply with NRS 41A.071, that Plaintiffs improperly pled *res ipsa loquitur* and professional negligence, that certain social media evidence and reference to administrative code should be stricken, and that Plaintiffs were not entitled to certain types of damages. I granted in part and denied in part the motion. I held that the complaint complied with NRS 41A.071, that Plaintiffs were entitled to the challenged damages, that Plaintiffs properly pled *res ipsa loquitur*, and that the social media evidence should not be stricken. I granted Defendants' request to strike certain language of the complaint. Decision supplied. The case remains pending, and was reassigned to another judge when I was given a homicide docket in January 2021.

Plaintiff

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(702) 820-0000

Defense Counsel

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Michael D. Navratil, Esq.
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6. *Taylor v. Lhoist N. Am. of AZ, Inc., et al.*, No. A-18-776225-C (Nev. Dist. Ct. Feb. 26, 2020).

Plaintiff was injured on his first day of work when two tons of hot limestone fell on him. Defendants filed a motion for summary judgment wherein they argued they were entitled to summary judgment because Plaintiff qualified as a statutory employee, thereby invoking Nevada's worker compensation exclusive remedy provision, and second that the Plaintiff assumed the risk of injury when he began working at Lhoist's Apex Plant. I denied the motion, finding that there were outstanding genuine issues of material fact as to whether Plaintiff was a statutory employee under Nevada's Industrial Insurance Act, whether the Plaintiff assumed the risk of injury when he accepted the job, and the cause of Plaintiff's injuries. Decision supplied. The case is still pending but was reassigned to another judge when I was given a homicide docket in January 2021.

Plaintiff

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Kevin T. Strong, Esq.
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Defense Counsel

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7. *Brown v. State*, 485 P.3d 771, 2021 WL 1851856, (Nev. App. 2021), Findings of Fact, Conclusions of Law, & Ord., *State of Nevada v. Caroline Brown*, No. C-17-321063-1 (Nev. Dist. Ct. Jan. 13, 2020).

Prior to my appointment to the bench, the Nevada Court of Appeals (“COA”) issued an Order affirming in part, and reversing in part, a prior judge’s ruling denying Defendant Ms. Brown’s motion to withdraw her guilty plea. In its Order, the COA found that the district court abused its discretion when it concluded it could not consider Brown’s claim of innocence, and further directed the Court to consider the related ineffective assistance of counsel claim. I held an evidentiary hearing to resolve outstanding issues. Following the evidentiary hearing, I denied the motion, finding Brown failed to demonstrate a fair and just reason or reasons to grant her motion to withdraw her guilty plea. The totality of the circumstances revealed that she knowingly, intelligently, and voluntarily changed her plea to guilty pursuant to a plea agreement. I also found there was no evidence to support Brown’s argument that she should be relieved from her plea because of her past mental and psychiatric health issues. And finally, I found there was no evidence that any of Brown’s attorneys provided ineffective assistance to her during the case. Opinion supplied. The COA subsequently affirmed my decision.

Prosecutor

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Defense Counsel

Christopher Oram, Esq.
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8. *LN Mgmt. LLC, Series 356 Desert Inn 206 v. Desert Inn Villas Homeowners' Ass'n*, 478 P.3d 872 (Nev. 2021), No. A-19-788689-C (Nev. Dist. Ct.).

This action arose from a Homeowners' Association's foreclosure of a delinquent assessment lien against real property. Defendant, the Homeowners' Association, filed a motion to dismiss the complaint, arguing the Plaintiff's claims were time-barred. In the alternative, Defendant argued that even if the claims were not time-barred, the motion to dismiss should nonetheless be granted because Defendant did not have any duty pursuant to NRS Chapter 116 to inform Plaintiff that another entity had an interest in the underlying deed of trust, and that there was no breach of contract on behalf of the bank because no contract existed. Defendant further argued there was no civil conspiracy. I agreed with Defendant and granted the motion to dismiss. Decision supplied. My decision was affirmed by the Nevada Supreme Court.

Plaintiff

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(702) 301-3096

Defense Counsel

Sean L. Anderson, Esq.
T. Chase Pittsenbarger, Esq.
Leach Kern Gruchow Anderson Song
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(702) 538-9074

9. *State of Nevada v. Bacon*, No. C-18-332961-1 (Nev. Dist. Ct. Oct. 2, 2019).

Defendant Mr. Bacon was charged with numerous criminal offenses stemming from a home invasion and related criminal offenses. Counsel for Mr. Bacon filed a motion to suppress his custodial, post-*Miranda* statement to law enforcement, arguing that Bacon's waiver of his Fifth Amendment rights was not done knowingly, voluntarily, or intelligently because he was on pain medication and receiving other treatment at a local hospital at the time he made the statement. Mr. Bacon had been transported to the hospital following the incident that gave rise the charges. After holding an evidentiary hearing and considering the evidence, I found that Mr. Bacon's *Miranda* waiver was given knowingly, voluntarily, and intelligently. The evidence showed Mr. Bacon was able to answer questions coherently, demonstrating that he was not impaired by medication or other treatment. There was no evidence to suggest or demonstrate that Mr. Bacon's will was overborne. Decision supplied. Mr. Bacon subsequently pleaded guilty to multiple felony offenses and is currently awaiting sentencing.

State of Nevada

Chief Deputy District Attorney Agnes Botelho
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Defense Counsel

Donald Green, Esq.
4760 South Pecos Road
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10. *State v. Reed*, 2019 Nev. Dist. LEXIS 799 (Nev. Dist. Ct. July 30, 2019).

At issue was petitioner's post-conviction petition for a writ of habeas corpus. Before the case was assigned to me, the Nevada Supreme Court (NSC) had remanded a District Court judge's denial of a post-conviction writ of habeas corpus. Amongst other claims, Mr. Reed alleged his trial counsel was ineffective for failing to request the Court swear in the jury before voir dire pursuant to state law. The District Court denied this claim without conducting an evidentiary hearing, reasoning that a recent NSC case holding that failing to swear in the venire constituted structural error was not announced until after Reed's trial and therefore his counsel could not have anticipated it. The NSC disagreed and remanded for an evidentiary hearing. I took over the case when I joined the bench in April 2019. I held an evidentiary hearing as instructed by the NSC. Based upon my findings of fact and conclusions of law, I denied Mr. Reed's post-conviction petition.

Prosecutor

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Defense Counsel

Lucas Gaffney, Esq.
Gaffney Law
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Las Vegas, NV 89145
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- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

1. *State of Nevada v. Henley*, No. C-17-327585-1 (Nev. Dist. Ct. May 28, 2021).
Copy supplied.

Prosecutor

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Defense Counsel

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2. *Moran v. United Services Auto. Ass'n, et al.*, No. A-19-799348-C (Nev. Dist. Ct. July 27, 2020). Copy previously supplied in response to Question 13c.

Plaintiff

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Defense Counsel

Priscilla L. O'Briant, Esq.
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3. *Brady vs. Bennett-Haron and Graham et al.*, No. A-20-813259-W (Nev. Dist. Ct. June 15, 2020). Copy previously supplied in response to Question 13c.

Prosecutor

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Defense Counsel

District Court Judge Erika Ballou (former Clark County Public Defender)
Regional Justice Center
200 Lewis Avenue

Las Vegas, NV 89155
(702) 671-0591

4. *State of Nevada v. Salazar*, No. C-13-289-431-1 (Nev. Dist. Ct. May 4, 2020).
Copy previously supplied in response to Question 13c.

Prosecutor

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Defense Counsel

Chief Deputy Public Defender Nadia Hojjat
309 South 3rd Street
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(702) 455-0457

5. *Penly et al. vs. Commonspirit Health et al.*, No. A-19-799151-C (Nev. Dist. Ct. April 6, 2020). Copy previously supplied in response to Question 13c.

Plaintiff

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6. *Taylor v. Lhoist N. Am. of AZ, Inc., et al.*, No. A-18-776225-C (Nev. Dist. Ct. Feb. 26, 2020). Copy previously supplied in response to Question 13c.

Plaintiff

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7. *State of Nevada v. Brown*, No. C-17-321063-1 (Nev. Dist. Ct. January 13, 2020). Decision supplied.

Prosecutor

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Defense Counsel

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8. *LN Mgmt. LLC, Series 356 Desert Inn 206 v. Desert Inn Villas Homeowners' Ass'n*, No. A-19-788689-C (Nev. Dist. Ct. Nov. 8, 2019). Copy previously supplied in response to Question 13c.

Plaintiff

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Defense Counsel

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T. Chase Pittsenbarger, Esq.
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9. *State v. Bacon*, No. C-18-332961-1 (Nev. Dist. Ct. Oct. 2, 2019). Copy previously supplied in response to Question 13c.

Prosecutor

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Defense Counsel

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10. *State v. Reed*, 2019 Nev. Dist. LEXIS 799 (Nev. Dist. Ct. July 30, 2019).

Prosecutor

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Defense

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- e. Provide a list of all cases in which certiorari was requested or granted.

To the best of my knowledge, certiorari has not been requested or granted in any of my cases.

- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.

I have searched the Nevada appellate court records and found one case that was affirmed, but the Nevada Court of Appeals criticized my decision to admit certain trial testimony.

Warren-Hunt v. State, 2021 WL 4933424 (Nev. App. 2021). Mr. Warren-Hunt was convicted following a jury trial of one count of conspiracy to commit robbery, one count of burglary while in possession of a deadly weapon, and seven counts of robbery with use of a deadly weapon. Warren-Hunt appealed on several grounds. The appellate court affirmed the conviction and my decisions with one exception. The Nevada Court of Appeals criticized the admission of victim testimony regarding some personal items inside of the victim's purse that belonged to her and her deceased minor child. Those items were taken during the course of the robbery. Warren-Hunt objected to the testimony, claiming it was irrelevant and prejudicial, and moved for a mistrial. I overruled the objection and denied the motion for mistrial, finding the testimony was relevant to establishing the victim's ownership of the purse and its contents. The Court of Appeals disagreed and held I abused my discretion in admitting the testimony. The Court of Appeals held that the testimony was perhaps relevant but had little to no probative value, and therefore found that the unfair prejudice outweighed the probative value. While the Court of Appeals found I should have excluded the aforementioned testimony, they also held that I did not abuse my discretion in denying the motion for mistrial, finding that the prejudicial testimony did not deny Warren-Hunt a fair trial. Opinion supplied.

I have searched Nevada appellate court records and found the following cases where I was either reversed or a writ of mandamus was granted:

Crowe v. State, 460 P.3d 998 (Nev. App. 2020) (unpublished). Appellant filed a post-conviction motion to withdraw guilty plea. I denied the motion finding I lacked jurisdiction over the motion because the defendant had a pending appeal. The Court of Appeals reversed and remanded the case finding I should have construed Crowe's motion as a post-conviction petition for a writ of habeas corpus and then permitted Crowe a reasonable time period to cure any defects with respect to the procedural requirements of NRS chapter 34.

Matter of Tiffie, 137 Nev. Adv. Op. 20, 485 P.3d 1249 (2021). The Nevada Supreme Court found I erroneously denied a petition to seal criminal records. The panel held that I misapplied relevant statutes, noting that the offense was not precluded from being sealed pursuant to NRS 179.245(6) and further that there is a presumption in favor of sealing criminal records.

Salazar v. Eighth Jud. Dist. Ct. in & for Cty. of Clark, 484 P.3d 952 (Nev. 2021) (unpublished). As discussed in response to question 13c, the Defendant filed a motion to dismiss the case based on allegations of prosecutorial misconduct during the Defendant's second trial. The motion was filed after the Nevada Supreme Court had already reversed and remanded the case based on structural error during jury selection. I denied the motion to dismiss finding there was judicial misconduct, but the remedy was a new trial, which the Defendant had already received. The Nevada Supreme Court granted a petition for writ of mandamus directing me to hold an evidentiary hearing to determine the extent of prejudice the Defendant suffered as a result of the misconduct that had occurred during his second trial. The Defendant pleaded guilty to amended felony charges before I conducted the evidentiary hearing.

Aparicio v. State, 496 P.3d 592, 137 Nev. Adv. Op. 62 (2021). Aparicio appealed his sentence arguing that I erred when I considered dozens of impact letters, because they were written almost entirely by non-victims, and that I relied upon all of the letters when determining his sentence. The State opposed the appeal, arguing that I properly considered the impact statements, as the authors of each letter were victims under Nevada law, specifically NRS 176.015(5) and Article 1, Section 8A(7) of the Nevada Constitution, and further, that even if I did commit error, it was harmless. The Court of Appeals agreed with Aparicio, finding it was error to consider the letters without determining relevancy or reliability and that the error was not harmless. The State of Nevada filed a petition for en banc review which was granted. The Supreme Court of Nevada affirmed the Court of Appeals, noting I did not properly make a finding that the letters were relevant and reliable before considering them for sentencing purposes. The conviction was affirmed but the case has been remanded for resentencing.

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

As a state court trial judge, none of my written decisions and orders are published, though a few have been picked up by Lexis and Westlaw. My decisions and orders are filed and stored in a software system called Odyssey maintained by the Eighth Judicial District Court, Las Vegas, Nevada. Odyssey is accessible to registered users. Court docket information is pulled from Odyssey and available to the general public on the Court's website, www.clarkcountycourts.us.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

Brady vs. Bennett-Haron et al., No. A-20-813259-W (Nev. Dist. Ct.). Decision previously supplied in response to Question 13c.

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

I have not sat by designation on any federal court of appeals.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

When evaluating and deciding how and when to recuse myself, I adhere to the Nevada Code of Judicial Conduct and the American Bar Association's Model

Code of Judicial Conduct. In sum, I disqualify myself from any matter or proceeding where my impartiality may be reasonably questioned. *See* Nevada Code of Judicial Conduct 2.11; ABA Model Code of Judicial Conduct Rule 2.11. If I recuse in a homicide case, I contact the Criminal Chief Judge to arrange reassignment of a case. For all other recusals, the cases are randomly reassigned through the clerk's office.

In my previous position as a Deputy Chief, and later as Criminal Chief, at the U.S. Attorney's Office (USAO), I was familiar with a number of cases and individuals charged with criminal offenses. As a result, in handling cases, I often recall names of individuals who have been prosecuted by the USAO. Generally, I have not recused myself from such matters where I was not personally involved in the litigation and felt I could be fair and impartial. When I recall the name of a defendant where I might have played a role in reviewing the case, I do advise the parties in case either party wants to move for my recusal. To the best of my recollection, no one has moved for recusal based on my disclosure.

I am also personal friends with two prosecutors who appear before me. To the best of my knowledge, I have disclosed this information in every case where they have appeared before me as the assigned prosecutor. I advise that our friendship would not impact my ability to fair and impartial. With two exceptions, defendants and/or their counsel have not requested that I recuse myself after my disclosure.

The two exceptions were *State of Nevada v. Salazar*, No. C-13-289431-1 (Nev. Dist. Ct.), and *State of Nevada v. Ross*, No. 06221000-1 (Nev. Dist. Ct.). I declined to recuse myself in both actions. The defense later withdrew the request in the *Salazar* matter after another prosecutor took over the case. In *Ross*, the defendant's counsel filed a motion for recusal on his behalf. As required in the Eighth Judicial District Court, I filed an affidavit explaining why I felt I did not need to be recused. The motion for recusal was heard by the Chief Judge and was denied.

I have recused myself in the following cases:

State v. Eisenman, Nos. C-16-318112-1 and C-16-318257-1 (Nev. Dist. Ct). I sua sponte recused from these matters and requested they be reassigned when it was brought to my attention that I personally considered the defendant for criminal prosecution in my former job as an Assistant United States Attorney.

State v. Burton, No. C-18-331266-1 (Nev. Dist. Ct). I supervised the federal prosecutors working on his pending federal case and was familiar with the investigation. I sua sponte recused myself from the case because my impartiality could be reasonably questioned.

State v. Martinez, No. C-17-326611-1 (Nev. Dist. Ct.). I personally prosecuted

Mr. Martinez for a federal offense. I sua sponte recused myself and requested that the case be reassigned to a different department.

State v. Poblete, No. C-18-331080-1 (Nev. Dist. Ct.). I personally prosecuted Mr. Poblete for a federal firearms offense. I sua sponte recused myself and ordered the case reassigned to a different department.

State v. Howard, No. 03C189799 (Nev. Dist. Ct.). I was assigned this case when I took the bench. Two weeks prior, the Nevada Supreme Court had affirmed the denial of his post-conviction petition for writ of habeas corpus. Upon my assignment to the case, defendant filed a pro per motion to recuse for conflict of interest as I had personally prosecuted him in 2013. I recused myself and ordered the case reassigned to a different department.

State v. Jones, III, No. C-17-327149-1 (Nev. Dist. Ct.). I personally prosecuted Mr. Jones in a federal drug conspiracy case. I sua sponte recused myself and requested the case be reassigned to a different department.

Kenis v. MGM Resorts International, No. A-20-819125-C (Nev. Dist.Ct.). This matter was randomly assigned to me. Upon review of the complaint, I learned it was related to the 1 October shooting. Because of my involvement with the criminal investigation, I sua sponte recused myself and ordered the case reassigned to a different department.

I also sought to recuse myself from *State of Nevada v. Butler*, No. C-20-348173-1 (Nev. Dist. Ct.), because I had personally prosecuted Mr. Butler for a federal firearms offense. The matter was resolved, however, before Mr. Butler ever appeared before me.

I have also sua sponte recused myself of matters such as search warrants or wiretaps that require judicial authorization where I previously prosecuted one or more of the parties involved in the investigation. I do not have access to these items or case numbers.

15. Public Office, Political Activities and Affiliations:

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

None.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of

the campaign, including the candidate, dates of the campaign, your title and responsibilities.

During college, I volunteered in Fall 2000 for the campaign to re-elect Senator Ted Kennedy. I volunteered approximately 1 to 2 hours a week and performed minor administrative duties.

16. **Legal Career:** Answer each part separately.

a. Describe chronologically your law practice and legal experience after graduation from law school including:

i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I have not served as a law clerk.

ii. whether you practiced alone, and if so, the addresses and dates;

I have not practiced alone.

iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each;

2007 – 2010

Miami Dade State Attorney's Office

1350 Northwest 12th Avenue

Miami, Florida 33136

Assistant Chief of Litigation, Domestic Violence Unit (2010)

Assistant State Attorney (2007 – 2010)

2011 – 2019

United States Attorney's Office for District of Nevada

501 Las Vegas Boulevard South, Suite 1100

Las Vegas, Nevada 89101

Assistant United States Attorney (2011 – 2019)

Deputy Chief, Organized Crime Strike Force (2013 – 2018)

Chief, Criminal Division (2018 – 2019)

2019 – present

State of Nevada, Eighth Judicial District Court

200 Lewis Avenue

Las Vegas, Nevada 89155

District Court Judge, Department IX

iv. whether you served as a mediator or arbitrator in alternative dispute

resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have not served as a mediator or arbitrator.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

From the start of my legal career in August 2007, until I took the bench in April 2019, my practice was focused on criminal law. I started my career as an Assistant State Attorney (ASA) in Miami-Dade County, Florida. I was first assigned to work on domestic violence offenses. Several months after working as an ASA, I was asked to serve as a County Training Attorney (CTA), responsible for training incoming classes of prosecutors on litigation and case management skills. I then transitioned to felonies, where I prosecuted a variety of crimes from drug trafficking offenses to violent crimes. Several months before my departure from the office, I was asked to return to the Domestic Violence Unit as the Assistant Chief of Litigation. I left the Miami-Dade State Attorney's Office at the end of 2010 to move to Las Vegas, Nevada to begin my career as an Assistant United States Attorney (AUSA).

In January 2011, I joined the U.S. Attorney's Office for the District of Nevada (USAO) as an AUSA. I was assigned to the Organized Crime Strike Force (OCSF). I prosecuted firearms and violent offenses, as well as financial crimes based on Title 31 and money laundering violations. In 2013, I was selected to take over as Deputy Chief of the OCSF, where I continued to prosecute cases while also supervising a team of 4 to 7 attorneys and several support staffers. During my tenure as a Deputy Chief, I also worked closely with our state and local partners to create a task force to prosecute crimes against children. The goal of the task force was to identify serious offenders and determine if they should be prosecuted in state or federal court. I was tasked with that role because I had successfully led Project Safe Neighborhood (PSN), a task force that also worked with state and local partners to identify high-risk firearms cases and to prosecute them in the appropriate jurisdiction.

I worked as Deputy Chief for five years until I was promoted to Chief of the Criminal Division for the District of Nevada. As Criminal Chief, I oversaw the Criminal Division for the entire District (Las Vegas and Reno). I supervised approximately 35 attorneys and assisted in overseeing over 20 criminal support staffers. I held that position until I was appointed to the district court by Governor Steve Sisolak in March 2019.

- ii. your typical clients and the areas at each period of your legal career, if

any, in which you have specialized.

As a state prosecutor from 2007 to 2010, my client was the State of Florida. As a federal prosecutor from 2011 to 2019, my client was the United States. With very limited exceptions, my legal career focused on criminal prosecutions.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

As a state prosecutor in Miami-Dade County, Florida, I appeared in court on a daily basis, handling arraignments, changes of plea, sentencing, miscellaneous hearings, and trials.

As a federal prosecutor, I was in court on a regular basis. Even after becoming a supervisor, I carried a large case load. I was often in court handling initial appearances, arguing motions, addressing sentencing, and handling other various hearings. I also regularly assisted new or less experienced AUSAs with court appearances, evidentiary hearings, and at times, trials.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|-----|
| 1. federal courts: | 87% |
| 2. state courts of record: | 12% |
| 3. other courts: | 1% |
| 4. administrative agencies: | 0% |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|-----|
| 1. civil proceedings: | 1% |
| 2. criminal proceedings: | 99% |

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

To the best of my recollection, I tried 13 cases to verdict (12 jury trials and one bench trial) as a federal prosecutor. I was first chair on eight of them and second chair on the others. I tried the bench trial without the assistance of co-counsel.

I am unable to access the exact names and numbers of jury and bench trials I handled either as first or second chair while an Assistant State Attorney in Miami-Dade County. To the best of my recollection, I had, at a minimum, 20 jury trials and more than 40 bench trials. I was first chair on approximately half of the trials, and second chair on the remaining half.

- i. What percentage of these trials were:
 - 1. jury: 44%
 - 2. non-jury: 56%

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the Supreme Court of the United States.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

- 1. *United States v. Haig*, No. 2:18-cr-00256-JCM-VCF, 2019 U.S. Dist. LEXIS 108053 (D. Nev. Apr. 4, 2019)

While working as an Assistant United States Attorney, I, along with another prosecutor, were assigned to the investigation of the October 1, 2017, mass shooting, and, subsequently, of Mr. Haig. We filed the initial criminal complaint. The investigation into the mass shooting revealed that Mr. Haig sold armor piercing ammunition to Stephen Paddock, the shooter. Haig's fingerprints were found on ammunition left in Paddock's room. Evidence recovered from Haig's residence following the execution of a search warrant confirmed he was reloading armor piercing ammunition. Forensic analysis determined that two unfired armor piercing cartridges from Paddock's room had tool marks consistent with the reloading equipment recovered at Haig's residence. The case was later reassigned to another prosecutor after I became Criminal Chief. Haig ultimately pleaded guilty to engaging in the business of manufacturing ammunition without a license in violation of 18 U.S.C. § 922(a)(1)(B) after my appointment to the bench. He was sentenced on July 20, 2020 to a term of 13 months in the Federal Bureau of Prisons followed by a 3-year term of supervised release.

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Dates of Representation: 2018 – 2019

2. *United States v. Larkin*, No. 2:12-cr-00319-JCM-GWF, 2017 WL 955895 (D. Nev. Mar. 10, 2017), *aff'd*, 779 F. App'x 435 (9th Cir. 2019).

As an AUSA, I indicted this case and handled pre-trial litigation. It was reassigned to other prosecutors for trial when I became Criminal Chief in the spring of 2018. Defendant was charged with tax evasion and structuring. The defendant ran a home healthcare business and was behind on her taxes. Pre-trial litigation of this matter was significant. Of key importance to the prosecution was a discovery motion I wrote and ultimately prevailed on. I argued that evidence a defendant planned on using for cross-examination should be considered part of the defendant's "case-in-chief" and therefore subject to disclosure under Federal Rule of Criminal Procedure 16(b). The decision in that matter has been cited in multiple other cases across the United States. *See, e.g., United States v. Napout*, No. 15-252, 2017 WL 6375729, at *7 (E.D.N.Y. Dec. 12, 2017) (citing *Larkin* and holding that Rule 16 requires defendants to identify all non-impeachment exhibits they intend to use in their defense at trial, irrespective of whether the exhibits will be introduced through a government witness); *United States v. Aiyaswamy*, No. 15-568, 2017 WL 1365228, at *5 (N.D. Cal. Apr. 14, 2017) (citing *Larkin* and holding defendant must disclose and produce substantive, non-impeachment evidence under Rule 16(b), whether on cross-examination or after the Government rests); *United States v. Crowder*, 325 F. Supp. 3d 131, 136 (D.D.C. 2018) (same).

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Dates of Representation: 2012 – 2017

3. *United States v. Paulin*, No. 2:11-cr-00381-JCM-GWF

A doctor and his wife, Dr. and Ms. Paulin, were indicted for money laundering and structuring offenses related to the unlawful proceeds the doctor received from distributing controlled substances without a medical necessity. Dr. Paulin was also indicted for crimes related to the unlawful controlled substance distribution. Ms. Paulin brought a motion to dismiss the count in the indictment charging her with structuring the unlawful proceeds, alleging the indictment was defective because it did not properly advise her of the elements of the offense, and that the indictment failed to charge the proper unit of prosecution. I opposed the motion and successfully argued that the indictment properly set forth a violation of 31 U.S.C. § 5324(a)(3), as the indictment listed out the 69 transactions that constituted the Title 31 violation.

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Dates of Representation: 2011 – 2016

4. *United States v. Chandler*, No. 2:10-cr-00482-GMN-PAL, 619 F. App'x 641 (9th Cir. 2015).

I became lead counsel for the United States on this matter after joining the U.S. Attorney's Office in 2011. The defendant, a convicted felon, was indicted for a firearms offense after law enforcement responded to a domestic violence call. The victim advised law enforcement that the defendant had battered her and had pointed a firearm at her while threatening to kill her. The matter was set for trial. On the day the parties were set to pick a jury, the defendant pleaded guilty. This litigation was significant because, at the time, the defendant qualified under Armed Career Criminal Act (ACCA) and therefore faced a 15-year mandatory-minimum sentence. Because of a question as to whether his prior criminal convictions qualified him for ACCA designation, his sentence was

appealed to the Ninth Circuit and then the United States Supreme Court. The Supreme Court vacated the judgment and remanded the matter, finding that in light of *Johnson v. United States*, 576 U.S. 591 (2015), Chandler was possibly entitled to relief based on the Court's determination that ACCA's residual clause, 18 U.S.C. § 924(e)(2)(B)(ii), was void for vagueness. The defendant was resentenced to 100 months, or a little more than eight years, pursuant to the United States Sentencing Guidelines, with no ACCA enhancement.

Co-Counsel

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Dates of Representation: 2011 – 2016

5. *United States v. Walizer*, No. 2:10-cr-00124-KJD-RJJ, 487 F. App'x 374 (9th Cir. 2012); 600 F. App'x. 546 (9th Cir. 2015).

The defendant, a repeat sex offender, was charged with coercing and enticing a minor victim to come to Las Vegas to engage in sexual activity. Following the jury trial, the defendant was convicted of Count 1 of the indictment which charged him with Coercion and Enticement in violation of 18 U.S.C. § 2422(b). Pre-trial, there was an agreement that if the defendant was found guilty on Count 1, he would agree to plead guilty as to Count 2, which alleged a violation of 18 U.S.C. § 2260A, Commission of a Felony Sex Offense by an Individual Required to Register as a Sex Offender. Count 2 statutorily required a consecutive sentence to Count 1. The Ninth Circuit affirmed the conviction on Count 1 but remanded on Count 2, finding that the district court erred by usurping the jury's role in determining that Walizer violated 18 U.S.C. § 2260A. The defendant elected to have a bench trial on Count 2. He was convicted following the bench trial. I second chaired this case when it proceeded to jury trial in the spring of 2011. I was the sole attorney for the subsequent bench trial that took place after the Ninth Circuit Court of Appeals affirmed

his conviction on Count 1, but reversed and remanded on Count 2. The defendant was sentenced to 324 months for Count 1 and a consecutive 120 months for Count 2, for a total sentence of 444 months.

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Dates of Representation: 2011 – 2014

6. *United States v. Wetselaar*, No. 2:11-CR-00347-KJD, 2014 WL 1366722 (D. Nev. Apr. 7, 2014), *rev'd sub nom. United States v. Litwin*, 972 F.3d 1155 (9th Cir. 2020).

I was lead counsel for the United States for this case, which I handled from pre-indictment through trial. I was involved in significant pre-trial litigation and was first chair during the jury trial. Defendants Wetselaar, a formerly licensed medical doctor, and Litwin, his unlicensed assistant, were charged with the unlawful distribution of controlled substances. Defendant Smith was a pharmacist. Defendant Wetselaar was also charged with structuring and money laundering. Wetselaar was accused of distributing oxycodone, Xanax, Soma, and other controlled substances without a medical necessity. The evidence at trial revealed that Wetselaar and Litwin often met with groups of alleged patients at various homes or in their brick and mortar office location for less than five minutes at a time. Patients were charged by prescription, instead of for actual medical necessity and the treatment received. Financial records revealed Wetselaar made over \$1 million in a single year from his unlawful practice. The trial involved calling numerous former patients and cooperators who had previously pled guilty to related offenses. The trial occurred over the course of almost three months because the Court attempted to accommodate defendant Wetselaar's advanced age. The jury found defendants Wetselaar and Litwin guilty on all counts, and hung on defendant Smith. After I joined the bench, the Ninth Circuit issued a decision reversing the conviction, finding a juror had been

erroneously dismissed by the Judge during deliberations. While Wetselaar has since passed away, Defendant Litwin is set for a new trial.

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Dates of Representation: 2011 – 2019

7. *United States v. Andrade*, No. 2:12-CR-00237-APG, 993 F. Supp. 2d 1269 (2014).

I was lead counsel for the United States on this case from indictment through trial. The defendants were charged with interstate travel in furtherance of a racketeering activity, use of a firearm in relation to a crime of violence, and conspiracy. The defendants had traveled from Phoenix to North Las Vegas in order to commit an armed home invasion robbery at a family home. Two defendants, Andrade and Ramirez, were caught on scene and two others fled on foot. A third defendant, Gaytan, was later arrested in Arizona. The fourth defendant was a fugitive until the day after Andrade and Gaytan were convicted following a jury trial. The female co-conspirator (Ramirez) pleaded guilty and testified against Andrade and Gaytan during their jury trial. The case involved substantial litigation and motion practice, both before and during the ten-day trial. Defendants challenged the evidence, admissibility of post-*Miranda* statements given to law enforcement, jurisdiction of the case, and whether or not the indictment was multiplicitous. The day after Andrade and Gaytan were convicted, Duran, alleged to have been the fourth defendant, was arrested in Arizona. Duran's attorney then provided an

alibi for Duran and corroborating evidence in support of his alibi. Based on that evidence, and a follow up investigation, we moved to dismiss the case against Duran. To the best of my knowledge, the fourth defendant has never been positively identified or charged. Ramirez was sentenced to 19 months in prison, after a reduction for cooperation. Gaytan was sentenced to a term of 117 months in prison. Andrade was sentenced to a term of 108 months in prison. Their judgments were later vacated in 2018 of the Ninth Circuit's decision in *United States v. Begay*, 934 F.3d 1033 (9th Cir. 2017). On October 27, 2021, the Ninth Circuit granted a rehearing en banc, thereby vacating its prior decision.

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Dates of Representation: 2012 – 2014

8. *United States v. Combs*, No. 2:10-cr-00173-KJD-RJJ, 510 F. App'x 668 (2013), 2013 WL 815992 (D. Nev).

I was lead counsel for the United States during the jury trial in this case. The defendant

was charged with being a felon in possession of a firearm. He was arrested and charged after Nevada Parole and Probation conducted a search at his home and located a firearm and numerous stolen items. The evidence revealed the defendant had been involved in armed robberies in Colorado and New Mexico. The case proceeded to trial and the evidence introduced during the trial included the victim of the armed robbery in Colorado. The victim was able to positively identify the firearm recovered from the defendant's home as the same firearm used during the robbery by identifying unique marks on the side of the firearm. Combs was sentenced to 115 months in prison, 48 of which were to be served consecutive to an active State of Nevada sentence, and the remainder was to run concurrent with that sentence. On appeal, the defendant appealed his conviction, challenging the sufficiency of the evidence and the admission of evidence he argued was unfairly prejudicial. Combs also appealed his sentence, arguing the District Court judge erroneously applied sentencing enhancements. I argued the appeal before the Ninth Circuit. The conviction was affirmed but the case was remanded for resentencing. Specifically, the Ninth Circuit held that there was insufficient evidence to find Combs possessed a semi-automatic rifle that constituted the basis of a sentencing enhancement. The defendant was resentenced to the same sentence. The Ninth Circuit again remanded the case for resentencing finding that while the District Court specifically noted the evidence at trial showed his fingerprint on the semi-automatic rifle firearm at issue, that finding did not accord with their prior finding there was insufficient evidence to establish possession. Combs was resentenced to 63 months in prison, with 48 of those months to run consecutive to his state case. This second amended judgment of conviction was affirmed in 2018.

Co-Counsel

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Dates of Representation: 2011 – 2017

9. *United States v. Varagiannis*, No. 2:12-cr-00439-PMP-PAL (D. Nev.).

I was lead counsel for the United States from investigation through sentencing of this case. The case arose out of a structuring investigation into defendant's escort business, Midnight, Inc. The investigation revealed the defendant was violating 31 U.S.C. § 5324,

and that he failed to declare taxes owed for tax years 2009, 2010, and 2011 in violation of 26 U.S.C. § 7201. Eventually, the defendant pleaded guilty to one count of Evasion of Payment and agreed to the forfeiture of certain seized property. On April 9, 2014, after his plea and after his interview for his pre-sentence report with the United States Probation Office, I learned Varagiannis had created a new business with his wife and others also involved in Midnight, Inc. Essentially, his “new business” was part of a straw transaction, and he had failed to disclose to the Probation Office that he had created a new business, which was located right next door to his old business, and that he was listed as the President, Secretary, Treasurer, and Director of the business. At sentencing, I argued that the Court should either not grant the defendant the 2-level sentencing reduction for acceptance of responsibility, or in the alternative, impose a 2-level increase for obstruction of justice based on his failure to disclose his new business and source of income to the United States Probation Office. I argued that the defendant should receive a term of prison and his attorney argued he should be sentenced to three years of home detention with the requirement he complete 300 hours of community service. Varagiannis was ultimately sentenced to 15 months in the Bureau of Prisons.

Defense Counsel

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Dates of Representation: 2012 – 2015

10. *United States v. Ortega et al.*, No. 2:11-cr-00396-APG-PAL (D. Nev.).

I was lead counsel for the United States from pre-indictment through sentencings. The defendants were part of, or associated with, a drug-trafficking organization identified as “Rebels 13.” This organization was headquartered in Las Vegas and Mesquite, Nevada, and had ties to the Sureños and MS-13 criminal street gangs. Rebels 13 operated in at least five states distributing methamphetamine and marijuana. The organization focused on primarily small, remote communities where its members believe they were better able to intimidate citizens and law enforcement. The investigation took place over an almost two-year timeframe. Law enforcement used confidential informants and wiretaps to learn the organizational structure of the gang, and to recover methamphetamine, marijuana, and firearms. Given the length of the investigation, the amount of contraband recovered, and the use of Title III wiretaps, this case involved a significant amount of discovery. A vast majority of the intercepts were in Spanish. As a result, I worked with the public defender to provide a list of relevant intercepts to aid all of the defense attorneys in translating those intercepts in preparation for trial. Post-indictment, I proffered several defendants which provided additional evidence against the defendants. The investigation and evidence were strong, leading to a pre-trial resolution through pleas for all defendants. All defendants pleaded guilty to Title 21 violations for their role in distributing controlled substances and were sentenced terms of imprisonment ranging from 27 to 135 months.

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Dates of Representation: 2011 – 2014

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

Since January 2021, I have served on the Eighth Judicial District Court's Executive Committee. In this capacity, I and other members of the committee meet monthly to address any administrative and business needs of the Court. The Executive Committee has worked diligently this year to work on case flow and management issues, as well as training 15 new judges who joined the bench in January. In the early months of the pandemic, I assisted the Chief Judge and Chief of the Criminal Division in piloting a new electronic legal processing system. The system was developed to allow judges to e-review and e-sign legal process remotely.

Since November 2019, I have presided over the Eighth Judicial District Court's Medically Assisted Treatment (MAT) Court. The MAT Re-Entry program is a court supervised treatment program for individuals on parole, or who fall under NRS 209.4886 and have a diagnosed opioid or stimulant use disorder. Some participants also have mental health issues. The program's length varies, with a minimum of six months or until the participant reaches his or her parole date. It is designed to give the participants transitional housing, vocational/educational training, financial literacy training, and therapy to assist them to transition to a sober and healthy life once they are no longer on parole or under supervision.

Since 2017, I have been an active member of the Nevada Latino Bar Association (LBA). I have held several leadership positions on the Board of Directors. The LBA's mission is to support the professional advancement of its members. In the last several years, I contributed to the creation of a 5k Run/Walk that raises money to fund LSAT scholarships for Latinos interested in attending law school, and to the expansion of the organization from serving only Las Vegas, to serving the entire state of Nevada. In 2019, I also created the Inspira awards celebration. The Inspira award was created to recognize an individual or business in our community for their outstanding commitment to the Latino community and to fostering diversity in the legal community. In 2021, we added two additional awards, the Alianza and Estrella awards, which respectively recognize individuals who demonstrate extraordinary support of the LBA and commitment to acts of community service.

During my tenure as an AUSA, I was involved in a number of legal activities furthering the mission of the U.S. Attorney's Office and the Department of Justice. Just prior to my

appointment to the bench, I assisted in the creation of the first federal drug diversion court in Nevada, called the Recovery, Inspiration, Support and Excellence (RISE) Court. Through the collaboration of the Federal Judiciary, Federal Pre-Trial Services, United States Parole and Probation, and the Federal Public Defender's Office, we created the diversion program to identify qualified federal defendants with substance abuse disorders and divert them for treatment and rehabilitation through RISE Court. If they successfully complete the program and graduate, their cases are dismissed.

As an AUSA, I also co-led the investigation that ensued following the Route 91 Harvest Music Festival Shooting, the largest mass shooting in United States history. I worked at two command posts (one at the Las Vegas Metropolitan Police Department headquarters and one at the local FBI office), and attending briefings several times a day in the investigation that ensued after the shooting. Law enforcement worked 24 hours a day to determine if there were any other persons involved. As co-lead attorney, I was responsible for going through evidence, reading, reviewing, submitting legal process, and assisting agents in following up on investigative leads, amongst other responsibilities.

When I first joined the U.S. Attorney's Office, I was tasked with managing two programs: Project Safe Neighborhoods (PSN) and the Financial Crimes Task Force. Through my leadership with PSN, we established a successful working relationship with the Clark County District Attorney's Office and local and state law enforcement to help reduce violent crime and remove firearms from prohibited persons. On the Financial Crimes Task Force we worked with multiple law enforcement agencies to investigate numerous cases involving individuals who were structuring money in violation of Title 31 regulations, as well as committing other financial crimes such as tax evasion and money laundering. During my tenure at the U.S. Attorney's Office, I also reorganized the Project Safe Childhood (PSC) program to allow for local, state, and federal partners to come together on a weekly basis to evaluate cases involving child victims. The redesigned program allows law enforcement to consider cases to ensure that individuals victimizing children are prosecuted in the most appropriate venue.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I have not taught any courses.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

As a Clark County District Court Judge, I participate in a State deferred compensation

program. Aside from this program, I do not have any deferred income or expected future benefits from any financial or business interest.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

None.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See attached Financial Disclosure Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

If confirmed, I would list my husband, who is a Special Agent with the FBI, on my conflicts list. If he were assigned to a case or called to testify as a witness in a matter before me, I would automatically recuse myself and have the case reassigned. He is currently assigned to a fugitive task force working on mostly state cases.

Further, given my former employment as an Assistant United States Attorney, if any conflicts arise with respect to any individual that I previously prosecuted, I would continue, as I have in state court, to follow the applicable judicial codes of conduct, as well as standard court procedure, and recuse myself when necessary.

If any additional conflict were to arise, I would address it in the manner instructed by the Code of Conduct for United States Judges, Canon 3.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If confirmed as a district court judge, I would continue to resolve any potential conflict of interest by adhering to the Code of Conduct for United States Judges, 28 U.S.C. §§ 144, 455, and all other applicable policies and procedures of the United States Courts.

25. **Pro Bono Work**: An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

As a prosecutor and now as a judge, I have been restricted in providing pro bono legal services, but I have participated in "activities for improving the law, the legal system, or the legal profession" as called for by the Nevada Rules of Professional Conduct. I have served as a guest instructor for trial advocacy classes at the UNLV William S. Boyd School of Law. I also volunteered to judge various moot court and mock trial competitions at Boyd. Further, I joined the Nevada Latino Bar Association (LBA) and immediately became an active board member. Over the last four years, I have worked with my fellow board members to grow the bar association, not only in membership numbers, but in expanding our role in the legal community. In that time we have transformed from a small, social bar association, to a large, training and event driven organization. We have regularly organized CLE trainings, formed the Andale 5k race and LSAT scholarship program, established a pipeline for future LBA leaders, created the *Inspira* Award and Gala, hosted health and wellness events, and more. I also volunteered as a Transitioning to Practice (TIP) mentor in 2018, and a *Huellas* Mentor in 2018 to 2019.

26. **Selection Process**:

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

In June 2021, I was contacted by General Counsel for Senators Cortez-Masto and Rosen and was asked if I would be interested in applying to the open U.S. District Court position. I advised I was interested and, as requested, submitted my application. I was then contacted in early July to set up an interview with the Senators' Southern Nevada judicial selection committee, which occurred on July 21, 2021. I was advised shortly following the interview that the committee unanimously agreed to include my name, along with other names, for potential

nomination for the position. On July 22, 2021, I had a phone call with staff for Senators Cortez-Masto and Rosen during which they advised that the Senators were submitting my name, along with others, for potential nomination.

On July 27, 2021, I was contacted by an attorney from the White House Counsel's Office, and interviewed the next day with attorneys from that office. Since August 10, 2021, I have been in contact with officials from the Office of Legal Policy at the Department of Justice. On November 3, 2021, my nomination was submitted to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.