IN THE SUPREME COURT OF THE STATE OF NEVADA

PETER JASON HELFICH Appellant, vs. THE STATE OF NEVADA, Respondent.	**Supreme Court No. 88789** Electronically Filed Aug 08 2024 07:58 AM Elizabeth A. Brown Clerk of Supreme Court District Court Case No. CR20-0145

RECORD ON APPEAL
CR20-0145
Volume 1
Pages 001 – 249

PETER J. HELFRICH
c/o: General Delivery
Mount Shasta, California Republic
Zip Code Exempt

IN PROPER PERSON

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Docket 88789 Document 2024-27866

ALPHABETICAL INDEX OF RECORD ON APPEAL DISTRICT COURT CASE NO. CR20-0145		
DATE	**DESCRIPTION**	**PAGE NO.**
September 18, 2023	AFFIANT'S OPPOSITION /&./ RESPONSE TO RESPONDENT'S ANSWER TO PETITION FOR WRIT OF HABEAS CORPUS FILED 7/10/2023	2687 – 2735 (Vol. 14)
December 09, 2022	AFFIDAVIT IN SUPPORT OF PETITION FOR WRIT OF MANDAMUS	555 – 585 (Vol. 3)
February 21, 2023	AFFIDAVIT OF AMENDED INDIGENT PETITION FOR WRIT OF HABEAS CORPUS	853 – 864 (Vol. 4)
December 29, 2022	AFFIDAVIT OF EMERGENCY MOTION	630 – 637 (Vol. 3)
February 01, 2023	AFFIDAVIT OF EMERGENCY MOTION (SUBMITTED BY DEFENDANT, PETER JASON HELFRICH, IN PROPER PERSON)	795 – 800 (Vol. 4)
February 21, 2023	AFFIDAVIT OF EMERGENCY MOTION FOR A PRELIMINARY INJUNCTION & A TEMPORARY RESTRAINING ORDER	843 – 846 (Vol. 4)
September 10, 2021	AFFIDAVIT OF INDIGENT PETITION FOR WRIT OF HABEAS CORPUS SEEKING AN ORDER TO CORRECT & AMEND FACTUAL ERRORS CONTAINED IN PSI REPORT (SEE ATTACHED) PURSUANT TO NRS 176.156(1)(B), 28 USC1746(1) & PUBLIC LAW 116 CONGRESS, SES. 92 & JUDICIAL NOTICE	374 – 450 (Vol. 2)
July 08, 2021	AFFIDAVIT OF JUDICAIAL NOTICE OF MOTION TO WITHDRAW "PLEA" & NOTICE THAT I AM FIRING DAVID NEELY	265 – 269 (Vol. 2)

April 07, 2023	AFFIDAVIT OF JUDICAL NOTICE	1600 – 1799 (Vol. 9)
April 07, 2023	AFFIDAVIT OF JUDICAL NOTICE (CONTINUED)	1800 – 1849 (Vol. 9)
April 07, 2023	AFFIDAVIT OF JUDICAL NOTICE (CONTINUED)	1850 – 1966 (Vol. 10)
January 05, 2023	AFFIDAVIT OF JUDICAL NOTICE OF COVID DEPOPULATION FAKE VACCINE EXPOSED	752 – 753 (Vol. 4)
November 14, 2022	AFFIDAVIT OF JUDICIAL NOTICE	529 – 530 (Vol. 3)
November 17, 2022	AFFIDAVIT OF JUDICIAL NOTICE	531 – 535 (Vol. 3)
December 27, 2022	AFFIDAVIT OF JUDICIAL NOTICE	618 – 622 (Vol. 3)
December 29, 2022	AFFIDAVIT OF JUDICIAL NOTICE	625 – 629 (Vol. 3)
December 29, 2022	AFFIDAVIT OF JUDICIAL NOTICE	638 – 650 (Vol. 3)
January 23, 2023	AFFIDAVIT OF JUDICIAL NOTICE	776 (Vol. 4)
January 23, 2023	AFFIDAVIT OF JUDICIAL NOTICE	777 – 779 (Vol. 4)
January 23, 2023	AFFIDAVIT OF JUDICIAL NOTICE	780 – 781 (Vol. 4)
January 30, 2023	AFFIDAVIT OF JUDICIAL NOTICE	786 – 787 (Vol. 4)
February 07, 2023	AFFIDAVIT OF JUDICIAL NOTICE	806 – 807 (Vol. 4)
February 10, 2023	AFFIDAVIT OF JUDICIAL NOTICE	824 – 825 (Vol. 4)
February 21, 2023	AFFIDAVIT OF JUDICIAL NOTICE	835 – 842 (Vol. 4)
March 06, 2023	AFFIDAVIT OF JUDICIAL NOTICE	1059 – 1062 (Vol. 5)
March 06, 2023	AFFIDAVIT OF JUDICIAL NOTICE	1063 – 1070 (Vol. 5)
March 13, 2023	AFFIDAVIT OF JUDICIAL NOTICE	1080 – 1082 (Vol. 5)

March 20, 2023	AFFIDAVIT OF JUDICIAL NOTICE	1083 – 1084 (Vol. 5)
March 24, 2023	AFFIDAVIT OF JUDICIAL NOTICE	1085 (Vol. 5)
March 24, 2023	AFFIDAVIT OF JUDICIAL NOTICE	1086 – 1101 (Vol. 5)
March 24, 2023	AFFIDAVIT OF JUDICIAL NOTICE	1102 – 1106 (Vol. 5)
March 24, 2023	AFFIDAVIT OF JUDICIAL NOTICE	1107 – 1251 (Vol. 6)
March 27, 2023	AFFIDAVIT OF JUDICIAL NOTICE	1252 – 1451 (Vol. 7)
March 27, 2023	AFFIDAVIT OF JUDICIAL NOTICE	1549 – 1558 (Vol. 8)
March 31, 2023	AFFIDAVIT OF JUDICIAL NOTICE	1559 – 1592 (Vol. 8)
April 07, 2023	AFFIDAVIT OF JUDICIAL NOTICE	1594 – 1599 (Vol. 8)
February 21, 2023	AFFIDAVIT OF JUDICIAL NOTICE #2	865 – 1038 (Vol. 5)
May 08, 2023	AFFIDAVIT OF JUDICIAL NOTICE #5 NDOC-HDSP VETERANS SERVICE UNIT RICO FRAUD SCAM EXPOSED, ETC.	2142 – 2204 (Vol. 11)
March 27, 2023	AFFIDAVIT OF JUDICIAL NOTICE (CONTINUED)	1452 – 1548 (Vol. 8)
February 01, 2023	AFFIDAVIT OF JUDICIAL NOTICE (SUBMITTED BY DEFENDANT, PETER JASON HELFRICH, IN PROPER PERSON)	789 – 794 (Vol. 4)
December 12, 2022	AFFIDAVIT OF JUDICIAL NOTICE CON ARTISTS ALBERTO FLORES, DENISE BLAIR, LNU "MIKE", ET. AL. PERFORMANCE AUTO AND MORE EXPOSED	586 – 589 (Vol. 3)
January 03, 2023	AFFIDAVIT OF JUDICIAL NOTICE IN SUPPORT OF 1/25/2023 PAROLE HEARING	739 – 751 (Vol. 4)

December 16, 2022	AFFIDAVIT OF JUDICIAL NOTICE NORTH KOREAN CONCENTRATION CAMP LEVEL OF DENTAL CARE AT HIGH DISASTER SATANIC PURGATORY, A BIDEN & SISOLAK COMMUNIST PARTY GULAG-BREAKING NEWS: IF I DON'T GET MY 1ST PAROLE & DENTAL CARE BECAUSE THE CLERK WON'T PUT MY HABEAS TO CORRECT FACTUAL ERRORS ON MY PSI REPORT ON THE CALENDAR FOR AN EVIDENTIARY HEARING, JUST WAIT TILL I GET BACK ON THE RADIO, ETC. (I'M GOOD AT EXPOSING INJUSTICE).	603 – 608 (Vol. 3)
February 22, 2021	AFFIDAVIT OF JUDICIAL NOTICE OF CONSPIRACY TO COMMIT FRAUD/THEFT OF $ & PROPERTY BY WITNESS MARIA SANCHEZ & CON ARTIST DOUG DAVIS/ CERTIFICATE OF SERVICE	180 – 184 (Vol. 1)
January 03, 2023	AFFIDAVIT OF JUDICIAL NOTICE OF CONSTITUTIONALLY ROGUE NDOC/HDSP(ETC) OFFICIALS EXPOSED ON THIS PUBLIC RECORD WHICH MAKES THEM LIABLE	659 – 738 (Vol. 3)
February 03, 2023	AFFIDAVIT OF JUDICIAL NOTICE OF CONTINUED EFFORTS TO PROGRAMS	801 – 805 (Vol. 4)
December 24, 2020	AFFIDAVIT OF JUDICIAL NOTICE OF DEMAND OF 60 DAY SPEEDY TRIAL PURSUANT TO THE 6TH AMENDMENT AND REQUEST FOR SUBMISSION AND HEARING	026 (Vol. 1)
January 11, 2021	AFFIDAVIT OF JUDICIAL NOTICE OF EMERGENCY TERMINATION OF APPOINTMENT OF POWER OF ATTORNEY	172 – 174 (Vol. 1)

February 08, 2023	AFFIDAVIT OF JUDICIAL NOTICE OF FRAUD	808 – 813 (Vol. 4)
June 27, 2023	AFFIDAVIT OF JUDICIAL NOTICE OF FURTHER EVIDENCE OF STATE/GOVERNMENT/NDOC-HDSP) CREATED IMPEDIMENTS ='S LEGAL DOCUMENT(S) STOLEN, ETC	2287 – 2297 (Vol. 12)
March 29, 2021	AFFIDAVIT OF JUDICIAL NOTICE OF INVOKING THE RIGHT TO SPEEDY TRIAL PURSUANT TO THE 6TH AMENDMENT &28 U.S.C 1746(1); W/O U.S.A. & REQUEST FOR SUBMISSION/&/HEARING/&/	185 – 187 (Vol. 1)
December 15, 2021	AFFIDAVIT OF JUDICIAL NOTICE OF MAIL THEFT/&/TAMPERING BY NDOC/HDSP OFFICIALS IN CR20-0145 20CR01449	463 – 464 (Vol. 2)
January 25, 2021	AFFIDAVIT OF JUDICIAL NOTICE OF MITIGATING FACTS CONTAINED IN DEPUTY REPORT FOR CASE #20NY-1730 PURSUANT TO 28U.S.C. 1746(1); W/O U.S.A	177 (Vol. 1)
April 21, 2021	AFFIDAVIT OF JUDICIAL NOTICE OF MITIGATING FACTS CONTAINED IN PRELIMINARY HEARING TRANSCRIPTS CASE #20CR01449	231 – 234 (Vol. 1)
January 17, 2023	AFFIDAVIT OF JUDICIAL NOTICE OF NDOC/HDSP	768 – 775 (Vol. 4)
June 27, 2023	AFFIDAVIT OF JUDICIAL NOTICE OF NEVADA COMMISSION ON JUDICIAL DISCIPLINE VERIFIED STATEMENT OF COMPLAINT CC: AARON FORD A.G. OF NEVADA ATTORNEY FOR RESONDENTS, EX REL. ET. AL.	2243 – 2250 (Vol. 11)

April 26, 2021	AFFIDAVIT OF JUDICIAL NOTICE OF OBJECTION TO KIRK VITTO PROSECUTING/SENTENCING BECAUSE OF JERALD KENDRICKS 2012 QUI TAM 1893 TO WHICH KIRK VITTO WAS A DEFENDANT & PETER HELFRICH WAS A PLAINTIFF='S CONFLICT OF INTEREST	237 (Vol. 1)
January 05, 2021	AFFIDAVIT OF JUDICIAL NOTICE OF PLEA COUNTEROFFER & MITIGATING FACTS IN SUPPORT OF ALFORD PLEA TO BINDING 2 TO 5 & REQUEST FOR SUBMISSION & HEARING ON TBD; AT TBD AM/PM IN DEPT 2 OF SAID COURT	160 – 164 (Vol. 1)
February 09, 2023	AFFIDAVIT OF JUDICIAL NOTICE OF SERVICE OF DENTAL KITE	814 – 815 (Vol. 4)
February 09, 2023	AFFIDAVIT OF JUDICIAL NOTICE OF SERVICE OF: LAW LIBRARY APPOINTMENT	816 – 818 (Vol. 4)
November 17, 2021	AFFIDAVIT OF JUDICIAL NOTICE OF SUPPLEMENTAL ADDENDUM TO PETITION FOR WRIT OF HABEAS CORPUS	456 – 458 (Vol. 2)
December 16, 2020	AFFIDAVIT OF JUDICIAL NOTICE OF THE ONLY KNOWN ADDRESS (GOOGLE ADDRESS, JOY DEVINE CHURCH, PAHRUMP) & DAYS/TIMES (FRIDAYS 9:AM TO NOON, SUNDAYS 10-11AM) TO SERVE SUBPOENA TO TESTIFY TO ILLEGAL ALIEN WITNESS MARIA SANCHEZ WHO IS DELIBERATLY & UNLAWFULLY AVOIDING SERVICE OF SUBPOENA TO TESTIFY (SUBMITTED BY DEFENDANT, PETER JASON HELFRICH)	020 – 022 (Vol. 1)

April 26, 2021	AFFIDAVIT OF JUDICIAL NOTICE OF: 1. NUMEROUS REQUESTS OF (FOR) COPY/COPIES OF (A) DISCOVERY (STOLEN=ORIGINAL COPY STOLEN) B. TRANSCRIPT REQUESTS = PRELIMINARY HEARING AND ORDER OF PROTECTION HEARING VS ALVIN & ALTERIO THORNTON & IZEL CARMEN DE NINO=NUMEROUS REQUESTS VIA PHONE & MAIL/EMAIL TO DANIEL MARTINEZ	235 – 236 (Vol. 1)
January 26, 2023	AFFIDAVIT OF JUDICIAL NOTICE OF: INFORMAL GRIEVANCE RE: PUS INFECTED FOOT AND DENIAL OF ACCESS TO LAW LIBRARY	782 – 783 (Vol. 4)
October 13, 2022	AFFIDAVIT OF JUDICIAL NOTICE THAT FEDERAL WHISTLEBLOWER & EX MARINE STEW WEBBTIPPED OFF THE ALPHABET GANG VS CORRUPT SHARON WHERLEY & HER MARXISTS PSYCHOPHANTS-A DECLARATION OF WAR !	488 – 491 (Vol. 2)
November 23, 2022	AFFIDAVIT OF JUDICIAL NOTICE THAT HDSP CONSPIRING TO DENY ME ACCESS TO THE LAW LIBRARY BY INTERCEPTING &DESTROYING MY COMPLETED LAW LIBRARY REQUEST FORMS ON 10/31/2022 & 11/2/2022-I NEED AN ATTORNEY	538 – 540 (Vol. 3)
January 17, 2023	AFFIDAVIT OF JUDICIAL NOTICE TO CLERK OF COURT MARK F KAMPF	765 (Vol. 4)

January 05, 2021	AFFIDAVIT OF JUDICIAL NOTICE: 12/27/20 PHONE CALL TO ATTORNEY DOUG DAVIS = MARIA SANCHEZ TOLD MR DAVIS THAT IF SHE IS FORCED TO TESTIFY IN THIS CASE; SHE SHALL LIE, SLANDER, (ETC) PETER HELFRICH BECAUSE HE BROKE UP WITH HER & SHE IS AFRAID OF ALVIN THORNTON (ETC)	165 – 168 (Vol. 1)
June 29, 2021	AFFIDAVIT OF JUDICIAL NOTICE=ILLEGAL ALIEN CON ARTIST MARIA SANCHEZ FLED PAHRUMP AFTER PETE HELFRICH ALERTED IMMIGRATION/ICE OF HER ILLEGAL ALIEN STATUS & THE CRIMES SHE COMMITTED AGAINST PETE HELFRICH'S SELLLING $20,000 + IN PROPERTY, DESTROYING LEGAL EVIDENCE, IDENTITY THEFT, STEALING $1,295.95 IN SOCIAL SECURITY/DISABILITY WAGES, & VOWING TO LIE UNDER OATH AT TRIAL IN RETALIATION FOR PETE HELFRICH DUMPING/DIVORCING HER	259 – 264 (Vol. 2)
April 17, 2023	AFFIDAVIT OF MOTION FOR LEAVE	1972 - 2009 (Vol. 10)
June 27, 2023	AFFIDAVIT OF MOTION FPR LEAVE TO SUPPLEMENT "EXHIBIT:10"; IN SUPPORT OF PROOF OF EXHAUSTION OF STATE REMEDIES	2251 – 2259 (Vol. 11)
June 27, 2023	AFFIDAVIT OF MOTION TO RECUSE JUDGE DAVID R. GAMBLE &NOTICE OF NEVADA COMMISSION ON JUDICIAL DISCIPLINE	2235 (Vol. 11)

August 28, 2023	AFFIDAVIT OF NOTICE OF ATTEMPT TO SERVE VIA USPS MAIL EXHIBIT A PRESERVATION OF EVIDENCE OF ATTEMPTING TO EXHAUST STATE REMEDIES	2645 – 2646 (Vol. 13)
April 14, 2023	AFFIDAVIT OF NOTICE OF CONCESSION OF ERROR	1967 – 1971 (Vol. 10)
February 21, 2023	AFFIDAVIT OF NOTICE OF CONSESSION OF ERROR	833 – 834 (Vol. 4)
September 18, 2023	AFFIDAVIT OF NOTICE OF REQUEST FOR INTERSTATE PROCESSING TO SACRAMENTO CALIFORNIA OR HELFRICH'S HOME STATE OF BIRTH ROCHESTER, NEW YORK; OR IN THE ALTERNATIVE ; REQUEST TO TRANSFER INTO SERENITY MENTAL HEALTH'S FREE ONE (1) YEAR MENTAL HEALTH AND SUBSTANCE ABUSE PROGRAM	2669 – 2686 (Vol. 14)
March 06, 2023	AFFIDAVIT OF OPPOSITION TO SABRENA CLINTON/EX.RE., ET. AL, AARON FORD'S "ANSWER" TO "AFFIDAVIT OF INDIGNET PETITION FOR WRIT OF HABEAS CORPUS..." PURSUANT TO 28USC1746, (1) W/O USA"	1040 – 1058 (Vol. 5)
December 19, 2022	AFFIDAVIT OF PETITION FOR WRIT OF MANDAMUS	611 – 617 (Vol. 3)
April 06, 2021	AMENDED INFORMATION (PERSON / FELONY)	188 – 191 (Vol. 1)
September 10, 2021	APPLICATION TO WAIVE FEES	372 – 373 (Vol. 2)
December 09, 2020	BINDOVER ORDER	001 – 002 (Vol. 1)
May 31, 2024	CASE APPEAL STATEMENT	3324 – 3326 (Vol. 17)
October 15, 2021	CERTIFICATE OF SERVICE	452 (Vol. 2)

March 06, 2023	CERTIFICATE OF SERVICE BY MAILING	1039 (Vol. 5)
August 28, 2023	CERTIFICATE OF SERVICE BY MAILING	2647 (Vol. 13)
August 04, 2023	DEFENDANT'S MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD, REQUEST TO OBTAIN COPY OF DEFENDANT'S FILE, AND REQUEST TO HAVE COURT APPOINTED REPRESENTATION DURING POST CONVICTION RELIEF PROCESS	2419 – 2579 (Vol. 13)
November 16, 2021	DEMAND FOR COPY OF ENTIRE CASE FILES AND NOTICE OF MOTION	454 – 455 (Vol. 2)
December 09, 2020	DOCUMENTS RECEIVED FROM PAHRUMP JUSTICE COURT REF# 20CR01449; AFFIDAVIT AND APPLICATION FOR APPOINTMENT OF COUNSEL, AND ORDER APPOINTING COUNSEL, CRIMINAL COMPLAINT, AMENDED CRIMINAL COMPLAINT, ORDER OF RECUSAL, ORDER TO SHOW CAUSE, ORDER REVOKING OWN RECOGIZANCE RELEASE, ORDER TO CONTINUE, SECOND AMENDED CRIMINAL COMPLAINT	003 – 019 (Vol. 1)

August 21, 2023	EMERGENCY MOTION FOR A THIRTY DAY ENLARGEMENT OF TIME & PAGES (36) ; TO FILE AFFIANTS'S OPPOSITION & RESPONSE TO RESPONDENTS ANSWER TO PETITION FOR WRIT OF HABEAS CORPUS, DUE TO NDOC-HDSP AGENT BIAN WILLIAMS, FNU WIKOFF, EX. REL., ET AL. CAMPAIGN OF RETALIATION, ATTRITION, CONSPIRACY AGAINST RIGHTS (18 USC 241, ET SEQ.)	2593 – 2596 (Vol. 13)
December 08, 2022	EMERGENCY MOTION FOR AN EVIDENTIARY HEARING IN 90 DAYS OR LESS	548 – 553 (Vol. 3)
August 07, 2023	FINAL MOTION FOR PRODUCTION OF ALL TRANSCRIPTS /&/ MOTION FOR PRODUCTION OF DOCUMENTS, PAPERS, PLEADINGS AND TANGIBLE PROPERTY OF DEFENDANT	2580 – 2582 (Vol. 13)
July 02, 2024	FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER DENYING PETITION FOR WRIT OF HABEAS CORPUS	3330 – 3331 (Vol. 17)
December 12, 2022	HABEAS PETITION: EXPEDITIOUS JUDICIAL EXAMINATION	590 – 601 (Vol. 3)
December 01, 2023	HOLD HARMLESS AND INDEMNITY AGREEMENT	3034 – 3041 (Vol. 15)
February 26, 2024	INDIGENT MOTION FOR TRANSPPORTATION	3132 – 3139 (Vol. 16)
January 05, 2021	INFORMATION (FELONY/PERSON; FELONY/MOTOR VEHICLE-OTHER; FELONY/PERSON)	155 – 159 (Vol. 1)
July 28, 2021	JUDGMENT OF CONVICTION(FELONY/PERSON)	270 – 272 (Vol. 2)
July 23, 2024	JUDICIAL NOTICE (DMV PUBLIC NOTICE)	3338 – 3341 (Vol. 17)

December 15, 2021	JUDICIAL NOTICE OF #2 SUPPLEMENTAL ADDENDUM TO WRIT OF HABEAS CORPUS & DEMAND FOR FILE STAMPED COPIES OF TEMPORARY RESTRAINING ORDER/INJUNCTION, AMENDED HABEAS & MOTION FOR TRANSCRIPTS & A UPDATED CASE SUMMARY	459 (Vol. 2)
June 27, 2023	JUDICIAL NOTICE OF AFFIDAVIT OF MOTION FOR LEAVE TO SUPPLEMTN EXHIBIT:11; IN SUPPORT OF AFFIDAVIT OF PETITION FOR WRIT OF HABEAS CORPUS-NEW EVIDENCE 4/24/23	2298 – 2322 (Vol. 12)
August 14, 2023	JUDICIAL NOTICE OF CERTIFICATE OF SERVICE	2585 – 2589 (Vol. 13)
December 23, 2020	JUDICIAL NOTICE OF DISCOVERY DOCUMENTS STOLEN IN CASE NO.: 20CR01449; INCIDENT LIKELY TRANSPIRED DURING CELL SEARCH OR STOLEN BY CRIMINAL INFORMANT	023 – 025 (Vol. 1)
January 17, 2023	JUDICIAL NOTICE OF NORTH KOREAN CONCENTRARION CAMP LEVEL OF MEDICAL CARE AT NDOC-HDSP	766 – 767 (Vol. 4)
August 30, 2023	JUDICIAL NOTICE OF SERIAL DENIAL OF ACCESS TO HDSP'S LAW LIBRARY 8/8/23 TO PRESENT; IN SUPPORT OF THIS COURT GRANTING AFFIANT'S MOTION FOR WITHDRAWAL OF ATTORNEY(ALEXIS DUECKER WITHDREW AS COUNSEL ON 726/2023) OF RECORD AND REQUEST TO HAVE COMPETENT & EFFECTIVE COURT APPOINTED COUNSEL DURING POST CONVICTION PROCESS	2648 – 2652 (Vol. 13)

January 05, 2023	JUDICIAL NOTICE OF STATE OF NEVADA - NCDCL NDOC/HDSP OFFICIALS FORCED/COERCED CONSENT BEGAN OCTOBER 20TH 2020	754 – 756 (Vol. 4)
December 30, 2022	LEGAL ARGUMENT	651 – 658 (Vol. 3)
April 21, 2023	LEGAL ARGUMENT	2010 – 2141 (Vol. 11)
November 28, 2022	MOTION FOR AN EVIDENTIARY HEARING IN 90 DAYS OR LESS PURSUANT TO NRS 34.770 & 34.740 & I REQUEST THIS MOTION BE PUT ON THE CALENDAR ASAP	541 (Vol. 3)
December 15, 2021	MOTION FOR SENTENCING HEARING TRANSCRIPTS	460 – 462 (Vol. 2)
March 10, 2023	MOTION FOR SPEEDY TRIAL OR IN THE ALTERNATIVE DISMISSAL FOR LACK OF SPEEDY AND TIMELY PROSECUTION	1073 – 1079 (Vol. 5)
October 13, 2022	MOTION TO APPOINT COUNSEL	497 – 499 (Vol. 2)
February 26, 2024	MOTION TO APPOINT COUNSEL UNDER THE AMERICAN WITH DISABILITIES ACT	3141 – 3143 (Vol. 16)
July 26, 2023	MOTION TO WITHDRAW AS COUNSEL (BY ALEXIS DUECKER)	2411 – 2416 (Vol. 12)
November 16, 2021	MOTION TO WITHDRAW COUNSEL	453 (Vol. 2)
June 27, 2023	MOTION TO WITHDRAW COUNSEL (DAVID NEELY)	2220 (Vol. 11)
April 07, 2021	NO CONTEST PLEA AGREEMENT	192 – 206 (Vol. 1)
January 27, 2023	NOTICE IN LIEU OF REMITITTUR (SUPREME COURT CASE NO. 85792)	784 (Vol. 4)
March 31, 2023	NOTICE IN LIEU OF REMITTITUR	1593 (Vol. 8)
July 14, 2022	NOTICE IN LIEU OF REMITTITUR (SUPREME COURT CASE NO. 84816)	483 (Vol. 2)

July 05, 2023	NOTICE IN LIEU OF REMITTITUR (SUPREME COURT CASE NO. 85505)	2328 (Vol. 12)
December 15, 2022	NOTICE IN LIEU OF REMITTITUR (SUPREME COURT CASE NO. 85583)	602 (Vol. 3)
January 27, 2023	NOTICE IN LIEU OF REMITTITUR (SUPREME COURT CASE NO. 85793)	785 (Vol. 4)
February 01, 2023	NOTICE IN LIEU OF REMITTITUR (SUPREME COURT CASE NO. 85862)	788 (Vol. 4)
September 14, 2023	NOTICE IN LIEU OF REMITTITUR (SUPREME COURT CASE NO. 86686)	2658 (Vol. 13)
October 12, 2023	NOTICE IN LIEU OF REMITTITUR (SUPREME COURT CASE NO. 86881)	2847 (Vol. 14)
November 03, 2023	NOTICE IN LIEU OF REMITTITUR (SUPREME COURT CASE NO. 86882)	3007 (Vol. 15)
November 03, 2023	NOTICE IN LIEU OF REMITTITUR (SUPREME COURT CASE NO. 87233)	3006 (Vol. 15)
November 03, 2023	NOTICE IN LIEU OF REMITTITUR (SUPREME COURT CASE NO. 87328)	3008 (Vol. 15)
March 12, 2024	NOTICE IN LIEU OF REMITTITUR (SUPREME COURT CASE NO. 87832)	3173 (Vol. 16)
March 01, 2024	NOTICE IN LIEU OF REMITTITUR (SUPREME COURT CASE NO. 87833)	3152 (Vol. 16)
April 05, 2024	NOTICE IN LIEU OF REMITTITUR (SUPREME COURT CASE NO. 88133)	3318 (Vol. 17)
February 21, 2023	NOTICE OF AGENTS	847 – 852 (Vol. 4)
May 31, 2024	NOTICE OF APPEAL	3320 – 3323 (Vol. 17)
October 19, 2023	NOTICE OF APPEARANCE OF SUBSTITUTE COUNSEL JESSE A ROSS; AND NOTICE AND DEMAND FOR PAYMENT OF ALL BACK PAY/SOCIAL SECURITY/DISABILITY WAGES NUNC PRO TUNC 10/20/2020 TO 7/27/2021 INCLUDING ALL $3,200 IN STIMULUS PAYMENTS	2848 – 2868 (Vol. 14)
June 27, 2023	NOTICE OF CHANGE OF ADDRESS	2261 – 2286 (Vol. 12)

September 14, 2023	NOTICE OF CHANGE OF ADDRESS (PETER HELFRICH)	2659 – 2668 (Vol. 13)
January 22, 2024	NOTICE OF CHANGE OF ADDRESSS	3125 (Vol. 16)
September 14, 2023	NOTICE OF CURRENT ADDRESS - AKA- NOTICE OF CHANGE OF ADDRESS	2656 – 2657 (Vol. 13)
March 22, 2024	NOTICE OF EXPLANATORY STATEMENT PURSUANT TO SECTION 308, 341 (B) OF THE INA, AND 8 USC 1452 (B)	3297 – 3317 (Vol. 17)
March 05, 2024	NOTICE OF FOIA REQUEST	3153 – 3172 (Vol. 16)
September 21, 2023	NOTICE OF INTENT TO REPORT TAX EVASION & FRAUD (SUBMITTED BY DEFENDANT, PETER JASON HELFRICH, IN PROPER PERSON)	2835 – 2840 (Vol. 14)
December 15, 2021	NOTICE OF MOTION	465 – 468 (Vol. 2)
November 28, 2022	NOTICE OF MOTION	542 – 547 (Vol. 3)
December 08, 2022	NOTICE OF MOTION	554 (Vol. 3)
February 13, 2023	NOTICE OF MOTION	826 – 831 (Vol. 4)
August 07, 2023	NOTICE OF MOTION	2583 – 2584 (Vol. 13)
August 28, 2023	NOTICE OF MOTION & REQUEST FOR SUBMISSION & HEARING	2603 – 2644 (Vol. 13)
June 27, 2023	NOTICE OF MOTION & REQUEST FOR SUBMISSION (DATE TO BE DETERMINED)	2236 (Vol. 11)
June 27, 2023	NOTICE OF MOTION (AFFIDAVIT OF MOTION FOR LEAVE TO AMEND & SUPPLEMENT/ADDENDUM) (DATE TO BE DETERMINED)	2260 (Vol. 12)
June 27, 2023	NOTICE OF MOTION (DATE TO BE DETERMINED)	2221 – 2234 (Vol. 11)

June 30, 2023	NOTICE OF MOTION (TBD)	2327 (Vol. 12)
October 13, 2022	NOTICE OF MOTION AND MOTION FOR TRANSCRIPTS AT STATE EXPENSE & AN UP TO DATE COPY OF CASE SUMMARY	492 – 496 (Vol. 2)
February 28, 2024	NOTICE OF MOTION AND REQUEST FOR SUBMISSION AND HEARING	3144 – 3151 (Vol. 16)
November 07, 2022	NOTICE OF MOTION REQUEST FOR SUBMISSION & HEARING & PUT THIS ON CALENDAR	525 – 528 (Vol. 3)
November 20, 2023	NOTICE OF POWER OF ATTORNEY BETWEEN PRINCIPAL AND AGENTS OF NEVADA DISABILITY AND LAW CENTER	3009 – 3033 (Vol. 15)
June 27, 2023	NOTICE OF SPECIAL LIMITED APPEARANCE OF INMATE SUBSTITUTE COUNSEL JESSE ARON ROSS PURSUANT TO THE AMERICANS WITH DISIBILITIES ACT(ADA)	2237 – 2238 (Vol. 11)
September 20, 2023	NOTICE OF STATE OF NEVADA OFFICE OF THE ATTORNEY GENERAL IDENTITY THEFT, FRAUD AND THEFT OF SOCIAL SECURITY MONEY-COMPLAINT AND DEMAND FOR PROSECUTION PURSUANT TO NRS0.036, THE AMERICANS WITH DISIBILITIES ACT & TITLE 18 USC241, ET.SEQ.	2737 – 2834 (Vol. 14)

October 30, 2023	NOTICE PURSUANT TO UCC 1-202, 1-201, 2-721, 2-302, 2-207, 3-402(A)(B)(C), 1-304, 1-308, 1-302, 1-206, 2-103, 2-104, 2-105, 2-106 NOTICE OF TERMINATION OF ALL CONTRACTS DUE TO TAX EVASION, FRAUD, BAD FAITH, VIOLATION OF UCC 1-304 "OBLIGATION OF GOOD FAITH", & COLLUSION BETWEEN JUDGEES, PREOSECUTORS AND "PUBLIC DEFENDAERS"-AKA-"PRETENDERS" TO DENY 60 DAY SPEEDY TRIAL RIGHTS (ALL ABOVR CASES); TRIAL BY JURY(CR7145) =I.A.C.---> DENIED	2869 – 3004 (Vol. 15)
February 09, 2023	NOTICE TO AGENTS	819 – 823 (Vol. 4)
October 10, 2023	ORDER - DENYING PETITION (SUPREME COURT CASE NO. 87233)	2844 (Vol. 14)
August 22, 2023	ORDER (ENTIRE FILE MAILED TO DEFENDANT)	2597 – 2598 (Vol. 13)
June 20, 2023	ORDER (FOR RESPONSE TO PETITION FOR WRIT OF HABEAS CORPUS, 20 DAYS; SUPPLEMENTAL INFORMATION, 20 DAYS)	2218 – 2219 (Vol. 11)
June 14, 2022	ORDER (SUPREME COURT CASE NO. 84816)	480 (Vol. 2)
October 30, 2023	ORDER (SUPREME COURT CASE NO. 87233)	3005 (Vol. 15)
May 20, 2021	ORDER APPOINTING DAVID NEELY, ESQ.	238 – 239 (Vol. 1)
June 20, 2023	ORDER APPOINTING DAVID NEELY, ESQ. (TO REPRESENT PETER JASON HELFRICH, IN PETITION FOR WRIT OF HABEAS CORPUS)	2216 – 2217 (Vol. 11)

July 15, 2024	ORDER DENYING MOTION AND DIRECTING ENTRY AND TRANSMISSION OF WRITTEN ORDER (SUPREME COURT CASE NO. 88789)	3332 – 3333 (Vol. 17)
July 15, 2024	ORDER DENYING MOTION AND DIRECTING ENTRY AND TRANSMISSION OF WRITTEN ORDER (SUPREME COURT CASE NO. 88789)	3334 – 3335 (Vol. 17)
February 02, 2024	ORDER DENYING PETITION (SUPREME COURT CASE NO, 87833)	3128 – 3129 (Vol. 16)
June 22, 2022	ORDER DENYING PETITION (SUPREME COURT CASE NO. 84816)	481 – 482 (Vol. 2)
November 21, 2022	ORDER DENYING PETITION (SUPREME COURT CASE NO. 85583)	536 – 537 (Vol. 3)
January 05, 2023	ORDER DENYING PETITION (SUPREME COURT CASE NO. 85792)	759 – 760 (Vol. 4)
January 05, 2023	ORDER DENYING PETITION (SUPREME COURT CASE NO. 85793)	757 – 758 (Vol. 4)
January 09, 2023	ORDER DENYING PETITION (SUPREME COURT CASE NO. 85862)	761 – 762 (Vol. 4)
March 08, 2023	ORDER DENYING PETITION (SUPREME COURT CASE NO. 86102)	1071 – 1072 (Vol. 5)
October 05, 2023	ORDER DENYING PETITION (SUPREME COURT CASE NO. 87233)	2842 – 2843 (Vol. 14)
October 10, 2023	ORDER DENYING PETITION (SUPREME COURT CASE NO. 87328)	2845 – 2846 (Vol. 14)
February 15, 2024	ORDER DENYING PETITION (SUPREME COURT CASE NO. 87832)	3130 – 3131 (Vol. 16)
August 21, 2023	ORDER DENYING PETITION FOR EXTRAORDINARY WRIT RELIEF (SUPREME COURT CASE NO. 86686)	2590 – 2592 (Vol. 13)
January 11, 2023	ORDER DIRECTING ANSWER (SUPREME COURT CASE NO. 85505)	763 – 764 (Vol. 4)
July 31, 2023	ORDER DIRECTING ANSWER (SUPREME COURT CASE NO. 86881)	2418 (Vol. 12)

July 31, 2023	ORDER DIRECTING ANSWER (SUPREME COURT CASE NO. 86882)	2417 (Vol. 12)
June 11, 2024	ORDER DIRECTING ANSWER (SUPREME COURT CASE NO. 88705)	3328 – 3329 (Vol. 17)
July 22, 2024	ORDER DIRECTING TRANSMISSION OF RECORD AND REGARDING BRIEFING (SUPREME COURT CASE NO. 88789)	3336 – 3337 (Vol. 17)
September 14, 2023	ORDER DISMISSING PETITION (SUPREME COURT CASE NO. 86881)	2654 – 2655 (Vol. 13)
August 23, 2023	ORDER GRANTING MOTION (EMERGENCY MOTION FOR A THIRTY DAY EXTENSION OF TIME & PAGES (36); TO FILE "AFFIANTS OPPOSITION & RESPONSE TO RESPONDENTS ANSWER TO PETITION FOR WRIT OF HABEAS CORPUS)	2601 – 2602 (Vol. 13)
July 11, 2023	ORDER GRANTING MOTION AND APPOINTING COUNSEL (REMOVING DAVID NEELY, ESQ AND APPOINTING ALEXIS DUECKER, ESQ)	2409 – 2410 (Vol. 12)
August 23, 2023	ORDER GRANTING MOTION(MOTION TO WITHDRAW)	2599 – 2600 (Vol. 13)
June 12, 2023	ORDER GRANTING PETITION FOR WRIT OF MANDAMUS (SUPREME COURT CASE NO. 85505)	2206 – 2208 (Vol. 11)
January 06, 2021	ORDER OF RECUSAL (D2 TO D1)	169 – 171 (Vol. 1)
February 04, 2021	ORDER OF RECUSAL (SENDING TO SENIOR JUDGE)	178 – 179 (Vol. 1)
September 29, 2021	ORDER REGARDING APPLICATION TO WAIVE FEEES	451 (Vol. 2)
February 01, 2024	ORDER SETTING HEARING (MARCH 5, 2024 @ 10 AM)	3126 – 3127 (Vol. 16)
September 19, 2023	ORDER TO FILE DOCUMENT (SUPREME COURT CASE NO. 86882)	2736 (Vol. 14)

March 09, 2022	PETITION FOR WRIT OF MANDAMUS	469 – 478 (Vol. 2)
October 06, 2022	PETITION FOR WRIT OF MANDAMUS	484 – 487 (Vol. 2)
October 18, 2022	PETITION FOR WRIT OF MANDAMUS	500 – 508 (Vol. 3)
June 12, 2023	PETITION FOR WRIT OF MANDAMUS / DECLARATION IN SUPPORT OF AFFIANT'S EMERGENCY MOTION FOR A TEMPORARY RESTRAINING ORDER & PRELIMINARY INJUNCTION	2209 – 2215 (Vol. 11)
June 30, 2023	PETITION FOR WRIT OF MANDAMUS / PROHIBITION (NRS 34.150 THROUGH 34.320)	2323 – 2326 (Vol. 12)
November 07, 2022	PETITION FOR WRIT OF MANDAMUS/PROHIBITION	515 – 517 (Vol. 3)
November 07, 2022	PETITION FOR WRIT OF MANDAMUS/PROHIBITION	518 – 524 (Vol. 3)
June 10, 2021	PRESENTENCE INVESTIGATION REPORT (PREPARED 06/08/2021) **CONFIDENTIAL/ NON-PUBLIC** (SUBMITTED SEPARATE, SEALED)	240 – 249 (Vol. 1)
March 20, 2024	PUBLIC NOTICE AND DEMAND	3206 – 3296 (Vol. 17)
December 11, 2023	PUBLIC NOTICE OF HOLD HARMLESS AGREEMENT	3042 – 3122 (Vol. 16)
June 08, 2022	RECEIPT FOR DOCUMENTS (SUPREME COURT CASE NO. 84816)	479 (Vol. 2)
October 20, 2022	RECEIPT FOR DOCUMENTS (SUPREME COURT CASE NO. 85505)	509 (Vol. 3)
November 07, 2022	RECEIPT FOR DOCUMENTS (SUPREME COURT CASE NO. 85583)	510 (Vol. 3)
December 19, 2022	RECEIPT FOR DOCUMENTS (SUPREME COURT CASE NO. 85792)	609 (Vol. 3)
December 27, 2022	RECEIPT FOR DOCUMENTS (SUPREME COURT CASE NO. 85792)	623 (Vol. 3)
December 19, 2022	RECEIPT FOR DOCUMENTS (SUPREME COURT CASE NO. 85793)	610 (Vol. 3)

December 27, 2022	RECEIPT FOR DOCUMENTS (SUPREME COURT CASE NO. 85862)	624 (Vol. 3)
June 09, 2023	RECEIPT FOR DOCUMENTS (SUPREME COURT CASE NO. 86688)	2205 (Vol. 11)
July 07, 2023	RECEIPT FOR DOCUMENTS (SUPREME COURT CASE NO. 86881)	2329 (Vol. 12)
July 07, 2023	RECEIPT FOR DOCUMENTS (SUPREME COURT CASE NO. 86882)	2330 (Vol. 12)
September 11, 2023	RECEIPT FOR DOCUMENTS (SUPREME COURT CASE NO. 87233)	2653 (Vol. 13)
September 28, 2023	RECEIPT FOR DOCUMENTS (SUPREME COURT CASE NO. 87328)	2841 (Vol. 14)
January 08, 2024	RECEIPT FOR DOCUMENTS (SUPREME COURT CASE NO. 87832)	3123 (Vol. 16)
January 08, 2024	RECEIPT FOR DOCUMENTS (SUPREME COURT CASE NO. 87833)	3124 (Vol. 16)
February 26, 2024	RECEIPT FOR DOCUMENTS (SUPREME COURT CASE NO. 88133)	3140 (Vol. 16)
May 29, 2024	RECEIPT FOR DOCUMENTS (SUPREME COURT CASE NO. 88705)	3319 (Vol. 17)
June 11, 2024	RECEIPT FOR DOCUMENTS (SUPREME COURT CASE NO. 88789)	3327 (Vol. 17)
February 16, 2023	RECEIPT OF DOCUMENTS (SUPREME COURT CASE NO. 86102)	832 (Vol. 4)
June 27, 2023	REQUEST FOR PRODUCTION OF DOCUMENTS GOVERNMENT PERSONNEL/INMATES FILES, MINUTES, STATISTICS, AND/OR RECORDS AND REGULATIONS	2239 – 2242 (Vol. 11)
November 07, 2022	REQUEST FOR SUBMISSION & HEARING & PUT THIS ON CALENDAR NOTICE OF MOTION	511 – 514 (Vol. 3)

January 20, 2021	REQUEST FOR SUBMISSION; AFFIDAVIT OF JUDICIAL NOTICE; HAND TRANSCRIBED DISCOVERY IN SUPPORT OF PLEA COUNTEROFFER 2 TO 5 & AUTHORIZATION TO RELEASE PROTECTED CONFIDENTIAL INFORMATION SERENITY MENTAL HEALTH & REQUEST FOR A PSY. EVAL FOR MITIGATION OF SENTENCE & NOTICE THAT DISCOVERY DOCUMENTS STOLEN & REQUEST FOR HEARING	175 – 176 (Vol. 1)
July 10, 2023	RESPONDENT'S ANSWER TO PETITION FOR WRIT OF HABEAS CORPUS	2331 – 2408 (Vol. 12)
July 23, 2024	SEE UCC-1 FILING NUMBER(S) 207771564150, ETC. UCC 3 AMENDMENT IS PUBLIC RECORD (UNKNOWN)	3342 – 3488 (Vol. 18)
June 23, 2021	SUPPLEMENTAL PRESENTENCE INVESTIGATION REPORT (PREPARED 06/21/2021) **CONFIDENTIAL/ NON-PUBLIC** (SUBMITTED SEPARATE, SEALED)	250 – 258 (Vol. 2)
April 09, 2021	TRANSCRIPT OF ARRAIGNMENT HEARING (HRG 04/08/2021)	207 – 230 (Vol. 1)
August 04, 2021	TRANSCRIPT OF PROCEEDINGS SENTENCING (7/28/21)	306 – 338 (Vol. 2)
July 23, 2024	TRANSCRIPT OF PROCEEDINGS STATUS HEARINGS- (CONT'D)	3489 – 3498 (Vol. 18)
August 18, 2021	TRANSCRIPT OF PROCEEDINGS: SENTENCING (07/28/2021)	339 – 371 (Vol. 2)
March 12, 2024	TRANSCRIPT OF: HEARING ON WRIT-3/5/24	3174 – 3205 (Vol. 16)
December 29, 2020	TRANSCRIPT OF: PRELIMINARY HEARING (11/30/20)	027 – 154 (Vol. 1)
August 03, 2021	TRANSCRIPT OF: SENTENCING (07/28/21)	273 – 305 (Vol. 2)

PAHRUMP JUSTICE COURT

BY C. Tom

2020 DEC -9 PM 3:45

RECEIVED & FILED

PJC Case No.: 20CR01449
PJC Dept. A

CR20-0145A

IN THE JUSTICE COURT OF PAHRUMP TOWNSHIP
COUNTY OF NYE, STATE OF NEVADA
* * * * *

FILED
FIFTH JUDICIAL DISTRICT

DEC - 9 2020

Nye County Clerk
Deputy

STATE OF NEVADA,

Plaintiff

vs

PETER JASON HELFRICH,

Defendant(s). /

BINDOVER ORDER

IT APPEARS to the court that a public offense, namely, **COUNT I: BATTERY WITH USE OF A DEADLY WEAPON, in violation of NRS 200.481(e)(1), A CATEGORY 'B' FELONY; COUNT II: BATTERY WITH USE OF A DEADLY WEAPON, in violation of NRS 200.481(e)(1), A CATEGORY 'B' FELONY; COUNT III: DUTY TO STOP AT SCENE OF ACCIDENT INVOLVING DEATH OR PERSONAL INJURY, in violation of NRS 484E.010, A CATEGORY 'B' FELONY; COUNT IV: DUTY TO STOP AT SCENE OF ACCIDENT INVOLVING DEATH OR PERSONAL INJURY, in violation of NRS 484E.010, A CATEGORY 'B' FELONY; COUNT V: ASSAULT WITH A DEADLY WEAPON, in violation of NRS 200.471(2)(b), A CATEGORY 'B' FELONY,** has been committed and it further appearing to the court the defendant above-named, **PETER JASON HELFRICH**, has committed the same.

IT IS THEREFORE ORDERED that defendant, **PETER JASON HELFRICH,** be, and is hereby bound over to the Fifth Judicial District Court, and there held to answer to said charge(s).

IT IS FURTHER ORDERED that defendant, **PETER JASON HELFRICH**, appear in the District Courtroom of the Nye County Government Complex, 1520 E. Basin Road, Pahrump, Nevada for arraignment on said charge(s) on JANUARY 11, 2021 at 9:00 o'clock a.m., Dept. 2.

PAHRUMP JUSTICE COURT
1520 East Basin Avenue
Pahrump, NV 89060

IT IS FURTHER ORDERED that the Defendant be admitted to bail in the amount of twenty-five thousand ($25,000.00) cash or bond

DONE IN OPEN COURT this 30th day of November, 2020.

Gus Sullivan
Justice of the Peace

PAHRUMP JUSTICE COURT
1520 East Basin Avenue
Pahrump, NV 89060

PAHRUMP JUSTICE COURT
BY C. Jones
2020 DEC -2 PM 1:38
RECEIVED & FILED

Case No. 20CR01449

Department A

IN THE JUSTICE COURT OF PAHRUMP TOWNSHIP

COUNTY OF NYE, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

v. **SECOND AMENDED CRIMINAL COMPLAINT**

PETER J HELFRICH,

Defendant. /

NYE COUNTY DISTRICT ATTORNEY
P.O. BOX 39
PAHRUMP, NEVADA 89041
(775) 751-7080

The undersigned, Chris Arabia, District Attorney, County of Nye, State of Nevada, by and through his deputy, Michael D. Allmon, complains and charges the above named defendant, PETER J HELFRICH, with having committed the following offenses within said County of Nye, State of Nevada:

COUNT I

BATTERY WITH USE OF A DEADLY WEAPON, in violation of **NRS 200.481(2)(e)(1), A CATEGORY 'B' FELONY,** committed in the following manner, to wit: That **ON OR ABOUT MAY 27, 2020**, in Pahrump Township, Nye County, Nevada, said Defendant did willfully and unlawfully use force or violence upon the person of **ALTERIO THORNTON**, with a deadly weapon, by ramming a vehicle occupied by **ALTERIO THORNTON** with an Astro van;

COUNT II

BATTERY WITH USE OF A DEADLY WEAPON, in violation of **NRS 200.481(2)(e)(1), A CATEGORY 'B' FELONY,** committed in the following manner, to wit: That **ON OR ABOUT MAY 27, 2020**, in Nye County, Nevada, said Defendant did willfully and unlawfully use force or violence upon the person of **ISELA DEL CARMEN JARA NINO**, with a deadly weapon, by ramming a vehicle occupied by **ISELA DEL CARMEN JARA NINO** with an Astro van;

COUNT III

DUTY TO STOP AT SCENE OF ACCIDENT INVOLVING DEATH OR PERSONAL INJURY, in violation of **NRS 484E.010 (cf former NRS 484.219), A CATEGORY 'B' FELONY,** committed in the following manner, to wit: That **ON OR ABOUT MAY 27, 2020**, in Nye County, Nevada, said Defendant, the driver of an Astro van, having been involved in an crash resulting in bodily injury to **ALTERIO THORNTON**, in the area of SR-372 and Charleston Park, being a highway or premises to which the public has access, did willfully and unlawfully fail to stop his vehicle immediately at the scene of said crash, or as close thereto as possible, or did not forthwith return to and remain at the scene of said accident until he had fulfilled the requirements of NRS 484.030;

COUNT IV

DUTY TO STOP AT SCENE OF ACCIDENT INVOLVING DEATH OR PERSONAL INJURY, in violation of **NRS 484E.010 (cf former NRS 484.219), A CATEGORY 'B' FELONY,** committed in the following manner, to wit: That **ON OR ABOUT MAY 27, 2020**, in Nye County, Nevada, said Defendant, the driver of an Astro van, having been involved in an crash resulting in bodily injury to **ISELA DEL CARMEN JARA NINO**, in the area of SR-372 and Charleston Park, being a highway or premises to which the public has access, did willfully and unlawfully fail to stop his vehicle immediately at the scene of said crash, or as close thereto as possible, or did not forthwith return to and remain at the scene of said crash until he had fulfilled the requirements of NRS 484.030;

COUNT V

ASSAULT WITH A DEADLY WEAPON, in violation of **NRS 200.471(2)(b), A CATEGORY 'B' FELONY,** committed in the following manner, to wit: That **ON OR ABOUT MAY 27, 2020**, in Nye County, Nevada, said Defendant did willfully and unlawfully, with the use of a deadly weapon or the present ability to use a deadly weapon, intentionally place **ALTERIO THORNTON** in reasonable apprehension of immediate bodily harm, to wit: by driving directly at **ALTERIO THORNTON** and the car he was in for enough time that **ALTERIO THORNTON** was able to see the vehicle coming at him before being struck by the Defendant;

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NYE COUNTY DISTRICT ATTORNEY
P.O. BOX 39
PAHRUMP, NEVADA 89041
(775) 751-7080

All of which is contrary to the form, force and effect of the statutes in such cases made and provided, and against the peace and dignity of the State of Nevada. Said complainant makes this declaration under penalty of perjury.

DATED this 2 day of December, 2020.

CHRIS ARABIA
NYE COUNTY DISTRICT ATTORNEY

By _____
MICHAEL D. ALLMON
Deputy District Attorney

NYE COUNTY DISTRICT ATTORNEY
P.O. BOX 39
PAHRUMP, NEVADA 89041
(775) 751-7080

CERTIFICATE OF SERVICE

I, Renne McKeen, Executive Legal Secretary, of the Nye County District Attorney's Office, do hereby certify that I have served the following:

Second Amended Criminal Complaint
Case No. 20CR01449
STATE v. PETER J HELFRICH

upon said Defendant(s) herein by delivering a true and correct copy thereof on 12/2/20 to the following:

DANIEL E MARTINEZ ESQ.

Via hand deliver at the Nye county District Attorney's Office in Pahrump Nevada.

Doris M. St Clair For

Renne McKeen

NYE COUNTY DISTRICT ATTORNEY
P.O. BOX 39
PAHRUMP, NEVADA 89041
(775) 751-7080

PAHRUMP JUSTICE COURT

BY C Dunbar

2020 NOV -5 PM 3:46

RECEIVED & FILED

CASE NO. 20CR01449, 20TR01961
20CR01738, 20CR01739, 20CR03176
DEPT. A

IN THE JUSTICE COURT OF PAHRUMP TOWNSHIP

COUNTY OF NYE, STATE OF NEVADA

****

THE STATE OF NEVADA,

Plaintiff,

Vs.

ORDER TO CONTINUE

PETER JASON HELFRICH,

Defendant /

This Case was set for Preliminary/Status Hearing on Tuesday, November 24, 2020 at 2:00 p.m. with visiting Judge Whittaker.

IT IS HEREBY ORDERED that this matter be continued to **Monday, November 30, 2020, at 9:00 o'clock a.m. with visiting Judge Sullivan.**

DATED this 5th day of November 2021.

Justice of the Peace

PAHRUMP JUSTICE COURT
1520 East Basin Avenue
Pahrump, NV 89060

PAHRUMP JUSTICE COURT

BY C Dunbar

2020 OCT 28 AM 11:22

RECEIVED & FILED

CASE NO.: 20CR01449
DEPT. A

IN THE JUSTICE COURT OF PAHRUMP TOWNSHIP

COUNTY OF NYE, STATE OF NEVADA

*****

THE STATE OF NEVADA,

Plaintiff,

Vs.

PETER JASON HELFRICH,

Defendant /

ORDER REVOKING OWN RECOGNIZANCE RELEASE

On May 28, 2020, **PETER JASON HELFRICH**, defendant, was released from custody on his own recognizance with the conditions that he not have any alcohol and/or illegal drugs, that he make all his court appearances; and, that he have no further adverse contact with law enforcement.

On October 20, 2020 the defendant was arrested on new charges in LEA 20NY-3679. The defendant, having violated the conditions of his release, and good cause appearing therefore'

IT IS HEREBY ORDERED that **PETER JASON HELFRICH'S** O.R. release be revoked.

IT IS HEREBY ORDERED that **PETER JASON HELFRICH** be returned to the custody of Nye County Sheriff's Office and admitted to bail in the amount of $20,000.00 cash or bond.

IT IS SO ORDERED this 21st day of October 2020.

Margaret Whittaker
Senior Judge

PAHRUMP JUSTICE COURT
1520 East Basin Avenue
Pahrump, NV 89060

PAHRUMP JUSTICE COURT
BY C Dunbar
2020 SEP 23 P 1:34

Case No.: 20CR01449
Dept. A

IN THE JUSTICE COURT OF PAHRUMP TOWNSHIP
RECEIVED AND FILED
COUNTY OF NYE, STATE OF NEVADA

*****

STATE OF NEVADA,

Plaintiff,
vs.

ORDER TO SHOW CAUSE

PETER JASON HELFRICH,

Defendant, /

TO: **PETER JASON HELFRICH**
921 E FIRST ST
PAHRUMP, NV 89048

GREETINGS:

YOU ARE HEREBY ORDERED to appear before me at the Justice Court of Pahrump Township, Nye County, Nevada, at the hour of **10:00 AM on October 21, 2020** to show cause why you should not be held in contempt of court for FAILURE TO APPEAR FOR ARRAIGNMENT HEARING ON SEPTEMBER 23, 2020.

Your failure to appear will result in a warrant for your arrest.

DATED this 23rd day of September 2020.

Margaret Whittaker
Justice of the Peace

CERTIFICATE OF SERVICE BY MAIL

I, Savannah Smith, certify that I am over the age of 18 years old and an employee of the Pahrump Township Justice Court, 1520 East Basin Road, Suite 104, Pahrump, NV 89060. I hereby certify that I deposited for mailing an Order to Show Cause via prepaid first-class mail addressed to:

Case No. 20CR01449

PETER JASON HELFRICH
921 E FIRST ST
PAHRUMP, NV 89048

Dated: 9/24/2020

Savannah Smith

PAHRUMP JUSTICE COURT
BY P. Price
2020 AUG -6 PM 3:03
RECEIVED & FILED

Case No. 20CR01449
Dept. A

IN THE JUSTICE COURT OF PAHRUMP TOWNSHIP
COUNTY OF NYE, STATE OF NEVADA
* * * * *

THE STATE OF NEVADA,

Plaintiff

vs

ORDER OF RECUSAL

PETER HELFRICH,

Defendant(s). /

I, Judge Chamlee, have presided over hearings in Defendant Peter Helfrich's ("Defendant") matters at various times. On July 6, 2020, during a first appearance hearing in 20PC01961, Defendant demanded that I recuse myself immediately due to his filing of a lawsuit against me. I believe that Defendant's filing of this lawsuit and the specific allegations contained in Defendant's complaint are designed to intimidate me in my official capacity as judge.

Under Nevada Revised Code of Judicial Conduct 2.11(A), a judge shall disqualify herself in any proceeding in which the judge's impartiality might reasonably be questioned. Based on these facts, my impartiality might be reasonably questioned, and therefore I enter my disqualification pursuant to NCJC Rule 2.11.

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PAHRUMP JUSTICE COURT
1520 East Basin Avenue
Pahrump, NV 89060

GOOD CAUSE APPEARING THEREFOR,

IT IS ORDERED that this case be transferred to Senior Judge Margaret Whittaker, who shall preside over all future hearings in this matter and any other matter wherein Defendant is a party.

DATED this 6th day of July 2020.

Lisa Chamlee
Justice of the Peace

PAHRUMP JUSTICE COURT
1520 East Basin Avenue
Pahrump, NV 89060

PAHRUMP JUSTICE COURT
BY
2020 JUL 21 AM 11:23
RECEIVED & FILED

Case No. 20CR01449

Department A

IN THE JUSTICE COURT OF PAHRUMP TOWNSHIP

COUNTY OF NYE, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

v. **AMENDED CRIMINAL COMPLAINT**

PETER JAMES HELFRICH,

Defendant. /

NYE COUNTY DISTRICT ATTORNEY
P.O. BOX 39
PAHRUMP, NEVADA 89041
(775) 751-7080

The undersigned, Chris Arabia, District Attorney, County of Nye, State of Nevada, by and through his deputy, Michael D. Allmon, complains and charges the above named defendant, PETER JAMES HELFRICH, with having committed the following offenses within said County of Nye, State of Nevada:

COUNT I

BATTERY WITH USE OF A DEADLY WEAPON, in violation of **NRS 200.481(2)(e)(1), A CATEGORY 'B' FELONY,** committed in the following manner, to wit: That **ON OR ABOUT MAY 27, 2020**, in Pahrump Township, Nye County, Nevada, said Defendant did willfully and unlawfully use force and violence upon the person of ALTERION THORNTON, with a deadly weapon, by ramming a vehicle occupied by ALTERION THORNTON with an Astro van.

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COUNT II

BATTERY WITH USE OF A DEADLY WEAPON, in violation of **NRS 200.481(2)(e)(1), A CATEGORY 'B' FELONY,** committed in the following manner, to wit: That **ON OR ABOUT MAY 27, 2020**, in Pahrump Township, Nye County, Nevada, said Defendant did willfully and unlawfully use force and violence upon the person of **ISELA DEL CARMEN JARA NINO**, with a deadly weapon, by ramming a vehicle occupied by **ISELA DEL CARMEN JARA NINO** with an Astro van.

COUNT III

DUTY TO STOP AT SCENE OF ACCIDENT INVOLVING DEATH OR PERSONAL INJURY, in violation of **NRS 484E.010 (cf former NRS 484.219), A CATEGORY 'B' FELONY,** committed in the following manner, to wit: That **ON OR ABOUT MAY 27, 2020**, in Pahrump Township, Nye County, Nevada, said Defendant, having been involved in an accident resulting in personal injury to **ALTERION THORNTON**, while driving an Astro van, at and did willfully and unlawfully fail to stop his vehicle immediately at the scene of said accident, or as close thereto as possible, or did not forthwith return to and in no event remain at the scene of said accident until he had fulfilled the requirements of NRS 484.030;

COUNT IV

DUTY TO STOP AT SCENE OF ACCIDENT INVOLVING DEATH OR PERSONAL INJURY, in violation of **NRS 484E.010 (cf former NRS 484.219), A CATEGORY 'B' FELONY,** committed in the following manner, to wit: That **ON OR ABOUT MAY 27, 2020**, in Pahrump Township, Nye County, Nevada, said Defendant, the driver of an Astro van, having been involved in an accident resulting in personal injury to **ISELA DEL CARMEN JARA NINO**, in the area of SR-372 and Charleston Park, being a highway or premises to which the public has access, did willfully and unlawfully fail to stop his vehicle immediately

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NYE COUNTY DISTRICT ATTORNEY
P.O. BOX 39
PAHRUMP, NEVADA 89041
(775) 751-7080

at the scene of said accident, or as close thereto as possible, or did not forthwith return to and in no event remain at the scene of said accident until he had fulfilled the requirements of NRS 484.030;

All of which is contrary to the form, force and effect of the statutes in such cases made and provided, and against the peace and dignity of the State of Nevada. Said complainant makes this declaration under penalty of perjury.

DATED this 7th day of July, 2020.

CHRIS ARABIA
NYE COUNTY DISTRICT ATTORNEY

By _____ for
MICHAEL D. ALLMON
Deputy District Attorney

NYE COUNTY DISTRICT ATTORNEY
P.O. BOX 39
PAHRUMP, NEVADA 89041
(775) 751-7080

CERTIFICATE OF SERVICE

I, Kayla Campuzano, Executive Legal Secretary, of the Nye County District Attorney's Office, do hereby certify that I have served the following:

Amended Criminal Complaint
Case No. 20CR01449
STATE v. PETER JAMES HELFRICH

upon said Defendant(s) herein by emailing a true and correct copy thereof on 7/8/20 to the following:

DANIEL E MARTINEZ ESQ.
daniel@danielmartinezlaw.com

Kayla Campuzano

NYE COUNTY DISTRICT ATTORNEY
P.O. BOX 39
PAHRUMP, NEVADA 89041
(775) 751-7080

PAHRUMP JUSTICE COURT

BY A. Malone

2020 JUL -6 PM 3:40

RECEIVED & FILED

Case No. 20CR01449

Department A

LEA Case No(s). 20NY-1730

IN THE JUSTICE COURT OF PAHRUMP TOWNSHIP

COUNTY OF NYE, STATE OF NEVADA

THE STATE OF NEVADA,

Plaintiff,

v. **CRIMINAL COMPLAINT**

PETER JAMES HELFRICH,

Defendant. /

The undersigned, Chris Arabia, District Attorney, County of Nye, State of Nevada, by and through his deputy, Michael D. Allmon, complains and charges the above named defendant, PETER JAMES HELFRICH, with having committed the following offenses within said County of Nye, State of Nevada:

COUNT I

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COUNT II

BATTERY WITH USE OF A DEADLY WEAPON, in violation of **NRS 200.481(2)(e)(1), A CATEGORY 'B' FELONY,** committed in the following manner, to wit: That **ON OR ABOUT MAY 27, 2020**, in

NYE COUNTY DISTRICT ATTORNEY
P.O. BOX 39
PAHRUMP, NEVADA 89041
(775) 751-7080

Pahrump Township, Nye County, Nevada, said Defendant did willfully and unlawfully use force and violence upon the person of **ISELA DEL CARMEN JARA NINO**, with a deadly weapon, by ramming a vehicle she was in with

All of which is contrary to the form, force and effect of the statutes in such cases made and provided, and against the peace and dignity of the State of Nevada. Said complainant makes this declaration under penalty of perjury.

DATED this 6 day of July, 2020.

CHRIS ARABIA
NYE COUNTY DISTRICT ATTORNEY

By _____
MICHAEL D. ALLMON
Deputy District Attorney

NYE COUNTY DISTRICT ATTORNEY
P.O. BOX 39
PAHRUMP, NEVADA 89041
(775) 751-7080

Case No: 20PCD1449

Dept: A

PAHRUMP JUSTICE COURT

BY C. Tolo

IN THE JUSTICE COURT OF PAHRUMP TOWNSHIP
COUNTY OF NYE, STATE OF NEVADA

2020 JUN -1 PM 1:04

RECEIVED & FILED

THE STATE OF NEVADA

Plaintiff,

vs.

Peter Jason Helfrich
Defendant.

AFFIDAVIT AND APPLICATION FOR APPOINTMENT OF COUNSEL

Peter Helfrich, affirms under penalty of perjury, deposes and says:

1. That he/she is indigent, charged with a crime in the Justice Court of Pahrump Township, to wit: Pending Charges / 20NY-1730
2. That he/she is without means of employing an attorney.
3. That he/she has no money with which to employ counsel, that he/she has no property, real or personal, which could be sold or encumbered to provide funds for counsel; that he/she is unable to borrow funds with which to employ counsel.

WHEREFORE, affiant requests the above-entitled Court to appoint counsel to represent him/her at the expense of Nye County, State of Nevada.

In Custody ☐

Address 2300 Postal Drive
City/State/Zip Pahrump, Nevada Republic
Phone # 702-888-4560
Email petehelfrich2018@gmail.com

Defendant Signature :peter j. helfrich ucc1-207 Without Prejudice

ORDER APPOINTING COUNSEL

The petitioner above-named, having filed an application with the Court, requesting the appointment of an attorney to represent him/her and having filed an affidavit that he/she is without means of employing an attorney and having indicated the facts concerning his/her financial status and good cause appearing therefore,

IT IS HEREBY ORDERED that Daniel Martinez, ESQ. be appointed to represent the Defendant subject to the terms and conditions as set forth in "Procedure for Appointment of Attorney for Indigent Defendant", which rules are hereby incorporated by reference as if set forth in full, and such other rules and regulations which the Court, from time to time may promulgate pursuant to NRS 171.188 to determine the indigent status of the petitioner.

IT IS FURTHER ORDERED that the Defendant appear in Court on TBD, 20____ at _____ for _____.

DATED this 28 day of May, 20 20

Lisa Chamlee, Justice of the Peace

DC Case No. CR20-0145-A
Case No. 20CR01449
Indigent File Stamped Copy Requested

FILED
FIFTH JUDICIAL DISTRICT
DEC 16 2020
Nye County Clerk
Deputy

5th Judicial District Court of
Nye County, Nevada

State of Nevada Plaintiff v. :peter-jason:helfrich Defendant	Affidavit of Judicial Notice of the only Known address (Google Address Joy Divine Church, Pahrump) & days/times (Fridays 9:am to Noon, Sundays 10-11am) to Serve Subpoena to testify to illegal alien Witness: Maria Sanchez who is deliberatly & unlawfully avoiding Service of Subpoena to Testify

YOU WILL PLEASE TAKE JUDICIAL NOTICE THAT: i, :peter-j:helfrich declare under penalty of perjury THAT: i have been made aware that Maria Sanchez is actively avoiding Service of Subpoena to testify in this case at BAR. i know for a fact that she can easily be served a Subpoena any Friday from 9am-NOON ; & or Sundays 10am-11am at Joy Divine Church in Pahrump, Nevada because she is a voulenteer & evangelist & i used to voulenteer there with her.

Now that this Court is aware of the above facts, Justice as well as Maria Sanchez shall be served.

Notice to Agent is Notice to Principals; Notice to Principals is Notice to Agents. See Attached: General Request #'s 22037314, & ~~22073682~~ Pb (hand transcribed)

28 USC 1746(1); without the USA

Complete Indigent File Stamped Copy Requested

By: :peter-j:helfrich
Private Attorney General

NOTICE OF JUDICIAL NOTICE & REQUEST FOR SUBMISSION & HEARING

State of Nevada
Plaintiff
v.
peter-j:helfrich
Defendant

case No.: 20CR01449

YOU WILL PLEASE TAKE NOTICE THAT: The Affidavit of Judicial Notice shall be heard on N/A at N/A am/pm in Department __ of said court

COMPLETE INDIGENT FILE STAMPED COPY REQUESTED

Notice to Agent is Notice to Principals
Notice to Principals is Notice to Agents
E-Filing & E-Service to ALL Parties Required & Requested

Without Prejudice Nor Recourse

Dated: 12/13/2020

By: peter-jason:helfrich
UCC 1-207/1-308/3-402(b)
Private Attorney General

Hand Transcribed General Request # 22037314
9:08:57 AM

"Att. Captain Boruchowitz: Sir, I spoke to Attorney Doug Davis Saturday, and he recently spoke to my Ex-Wife Maria Sanchez (Text 702 542-42 44) by phone. Maria is an illegal alien & she admitted that: She moved out of 921 1st street Space 1, & is avoiding Service of Subpoena for Case No. 20CR01449 out of Fear. Maria Sanchez can easily be served a Subpoena (etc.) at Joy Divine Church (Google Address) in Pahrump any Friday from 9am to Noon as she feeds the homeless & is an evangelist. She can also be served any Sunday from 10am to 11am. She is the Key witness for the prosecution in my case. Please alert the DA, and the Deputies that serve Subpoenas that she can only be served at Joy Divine Church because she is trying to avoid service, which may be a crime that could get her deported (?)" ... "Final Response: Noted. Thanks for the information." 12/8/2020 11:59:46 AM

Affidavit of Certificate of Service: I, peter-J.:helfrich, declare under penalty of perjury that i served via mail the foregoing Judicial Notice on 12/13/2020 to:
Nye County Clerk of Court: 1520 E. Basin Pahrump, Nevada 89060
& requested a complete file stamped copy & E-Filing & Service to ALL Parties. 28 USC 1746(1); W/o USA

By: :peter-Jason:helfrich
UCC1-207/1-308/3-402(6)
Without Prejudice Nor Recourse

doug davis: (775) 291-0522
Maria Sanchez: (702) 542-4244 (Metro-T Mobile)

20CR01449
Case No.

5th Judicial District Court of Nevada

FIFTH JUDICIAL DISTRICT FILED
DEC 23 2020
Nye County Clerk
Deputy

State of Nevada Plaintiff	Complete Indigent File Stamped copy Required
V.	Judicial Notice of Discovery Documents
:Peter-Jason:helfrich	Stolen in Case No.: 20CR01449; incident likely Potential transpired during cell search or stolen by Criminal informant(s).

You WILL PLEASE TAKE JUDICIAL NOTICE THAT: i recently became aware that NUMEROUS Discovery Evidence has been stolen in the above case. Last week; we had 6 cell searches (J. Turek). Also; two inmates were seen on video by Deputy J. Turek in possession of one of my white manillia envelopes (Discovery) which Attorney Daniel Martinez, esq. provided. Deputy J. Turek logged the incident(s). If [redacted] Criminal Informants "testify" in the above named case at Trial; be advised that they likely did so out of hope of favors in their cases and the information gleened from info stolen is proof of a scheme and their testimony is scripted; not fact. This Affiant requests & requires a new Complete copy of said Discovery in the interests of Justice. (J. Turek = playing both sides???) pursuant to 28 USC 1746(1); Without the USA

By: :peter-Jason:helfrich; ucc1-207/1-308/3-402(6)

Dated: Dec. 15, 2020

NOTICE TO CLERK: PLEASE MAIL COMPLETE FILE STAMPED COPY TO: pete helfrich
In care of: 6 Cardone Lane
Yerrington, Nevada 89447

Certificate of Service

I, Peter-J:Helfrich, served the foregoing Judicial Notice Via mail to: Nye County Clerk: 1520 E. Basin Road Pahrump, Nevada 89060 on the date below. 28 USC 1746(1); Without the USA

Please file & Serve Electronically to ALL PARTIES.

By: Peter-J:Helfrich; ucc1-207/1-308/3-402(6)

Dated: Dec. 15, 2020

Certificate of Service

I, Peter-J:Helfrich, served the foregoing Judicial Notice Via mail to: Nye County Clerk: 1520 E. Basin Road Pahrump, Nevada 89060 on the date below. 28 USC 1746(1); Without the USA

Please file & Serve Electronically to ALL PARTIES.

By: Peter-J:Helfrich; ucc1-207/1-308/3-402(6)

Dated: Dec. 15, 2020

case#: CR20-0145A

FILED
FIFTH JUDICIAL DISTRICT

DEC 24 2020

Nye County Clerk
Deputy

State of Nevada Plaintiff v. : peter-jason: helfrich defendant	Affidavit of Judicial Notice of Demand of ~~60 Day Speedy Trial~~ Pursuant to the 6th Amendment; & Request for submission, & Hearing & Complete Indigent File Stamped Copy

YOU WILL PLEASE TAKE JUDICIAL NOTICE THAT: Private Attorney General: peter-jason: helfrich herein/hereby DEMANDS a SPEEDY TRIAL IN 60 DAYS in D.C. Case# CR20-0145A -aka- 20CR01449 pursuant to the 6th Amendment, etc.

YOU WILL PLEASE TAKE NOTICE THAT: This Judicial Notice shall be heard on T.B.D. at ____ AM/PM in Dept. ___ of said court. Notice to Agent is Notice to Principals, Notice to Principals is Notice to Agents: Complete Indigent File Stamped Copy Requested & E-Filing & E-service to ALL Parties Required 28 USC 1746(1), Without USA

Certificate of Service; i, : peter-J.: helfrich, declare under penalty of perjury that i served the above named Judicial Notice on: 12/18/2020 to: Nye County Clerk 1520 E. Basin Road Pahrump, Nevada 89060

ALL RIGHTS RETAINED & RESERVED

28 USC 1746(1); W/o USA; Without Prejudice Nor Recourse

By: : peter-jason: helfrich

UCC1-207/1-308/3-402(b)

Private Attorney General

c/o 6 Cardone Lane

Yerrington, Nevada [00000] Zip code exempt

Dear Clerk; Mail File Stamped Copy to 6 Cardone Lane, Yerrington, Nevada - NOT 1521 E. Siri Lane, Pahrump, Nevada [NCSO has a habit of giving my legal documents to other inmates]

CR20-0145 FILED
FIFTH JUDICIAL DISTRICT BY C. Todd

Case No. 20CR01449

DEC 29 2020

Nye County Clerk
Deputy

IN THE PAHRUMP JUSTICE COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF NYE

BEFORE GUS SULLIVAN, JUSTICE OF THE PEACE PRO TEM

STATE OF NEVADA,

Plaintiff,

vs.

PETER JASON HELFRICH,

Defendant.
_____/

JAVS-RECORDED TRANSCRIPT OF PROCEEDINGS

PRELIMINARY HEARING

MONDAY, NOVEMBER 30, 2020

PAHRUMP, NEVADA

Transcribed by: Shellie Loomis, RPR

APPEARANCES:

For the State: Michael Allmon,
Deputy District Attorney
Nye County, Nevada

For the Defendant: Daniel Martinez,
Public Defender
Nye County, Nevada

INDEX

STATE'S WITNESSES:	DIRECT	CROSS	REDIRECT	RECROSS
Alterion Thornton	6	37	56	59
Isela Nino	62	79	94	
Michael Connelly	98	104		

PAHRUMP, NEVADA, MONDAY, NOVEMBER 30, 2020

-o0o-

THE COURT: All right. Pahrump Justice Court Department A is back in session. This is the time set for a preliminary hearing on Case Number 20-CR-01449 entitled the State of Nevada, the Plaintiff, versus Peter James Helfrich, which was filed on the 21st day of July, 2020, by amended criminal complaint in the Justice Court of Pahrump Township.

This -- and this amended complaint alleges that the Defendant, Peter James Helfrich, has committed the crime of Count I, battery with the use of a deadly weapon in violation of NRS 200.481 Section 2.1, a Category B felony.

Count II, battery with the use of a deadly weapon in violation of NRS 200.481 Section 2.1, a Category B felony.

Count III, duty to stop at a scene of an accident involving death or personal injury in violation of NRS 484E.010, formerly NRS 484.219, a Category B felony.

Count IV, duty to stop at an accident or a scene of an accident involving death or personal injury in violation of NRS 484E.010, formerly 484.219, a Category B felony.

Let the record show the Defendant, Peter James Helfrich, was arraigned on October 28th, 2020, on this case.

Let the record further show that the Defendant is present in court being represented by Daniel Martinez from Nye County Public Defender's office and the State is being represented by Michael Allmon, Deputy District Attorney, Nye County.

And again, are both parties ready to proceed?

MR. ALLMON: We are, Your Honor.

THE COURT: Okay.

MR. MARTINEZ: We are, Judge. The Defense would invoke the Exclusionary Rule. Are you a witness, Mr. Gutara (phonetic)?

UNIDENTIFIED SPEAKER: No.

MR. MARTINEZ: All right. We're good, Judge.

THE COURT: Okay. All right. All right. State, you want to call your first witness?

MR. ALLMON: Yes, Your Honor. State calls Alterion Thornton.

THE BAILIFF: I'm going to ask you to remain standing, face our clerk, raise your right hand. She will swear you in.

ALTERION THORNTON,

called as a witness on behalf of the STATE, was duly sworn and testified as follows:

THE CLERK: Thank you.

THE COURT: Go ahead and have a seat. I'm going to ask that you speak into the microphone.

THE WITNESS: Okay.

DIRECT EXAMINATION

BY MR. ALLMON:

Q. Sir, if you would please state your full name and spell your last name for the record.

A. Alterion Thornton, T-H-O-R-N-T-O-N.

THE COURT: Mr. Allmon?

MR. ALLMON: Your Honor, what's your preference on the mask? Would you like the witness to keep it on or take it off during the --

THE COURT: We'll see how it goes and if we're starting to have trouble or if you're having trouble, we'll go ahead and pull it down for a few minutes.

MR. ALLMON: Thank you, Your Honor.

BY MR. ALLMON:

Q. All right. Mr. Thornton, do you live here in Pahrump?

A. Yes.

Q. Who is your father?

A. Alvin Thornton.

Q. Okay. Where does your father live?

A. 40 -- 25 -- I think it's 25 --

Q. Do you know the street?

A. Yeah, no. I've just been moving a lot so I'm trying to keep up with --

Q. Do you know what town it's in?

A. It's -- yeah, it's in Pahrump.

Q. Okay. And kind of explain your father's -- actually on May 27th -- yes, on May 27th, 2020, did your father call you asking for help?

A. Yeah, he actually called me. I was fixing something to eat, actually I was fixing spaghetti. I was going to go to Walmart to go get the french -- the garlic bread because I actually forgot to get that.

So when I was on my way, I was getting my car keys and my phone, and right there my dad called me and I just took off right then and there. I pretty much left everything else that I was supposed to take with me.

Q. And who was in the car with you?

A. My fianceé, Isela Nino.

Q. What's her last name?

A. Isela Nino.

Q. Isela Nino?

A. Yeah, N-I-N-O.

Q. Okay.

A. Nino, Nino, yeah.

Q. And who was driving?

A. I was driving -- no, wait, she was driving. I was calling at the time.

Q. Okay.

A. Yeah.

Q. And who were you calling?

A. I was actually calling 911. I was calling for the paramedics because it sounded like he was having a hard attack because he was breathing so heavily and I was just, you know, very concerned.

So I told him to meet me there and when we got there, little did I know, his face was red, his eyes were red. It looked like he had been pepper sprayed and he was telling me that he had been pepper sprayed by one of the people that was staying there, the guy.

And I was like, who -- who's the guy?

MR. MARTINEZ: I'm sorry.

THE COURT: Hold on just a minute.

MR. MARTINEZ: I'm going to object to hearsay there, Judge.

THE COURT: Okay.

MR. ALLMON: And the State's response is that it's for the impact on the listener. He's going to explain a

series of events that basically proceeded from this event based on his knowledge of what had happened. And so the impact on the listener is not hearsay, Your Honor.

MR. MARTINEZ: Okay. So why he did what he did next?

MR. ALLMON: Yes.

MR. MARTINEZ: Okay.

THE COURT: Overruled. Go ahead. And may I caution, just answer his questions.

THE WITNESS: Sorry.

THE COURT: You're getting into a lot of (indiscernible).

THE WITNESS: Sorry, sorry. Okay.

BY MR. ALLMON:

Q. Okay. So when you got to your dad's house?

A. Um-hum.

Q. He had called you asking for help; correct?

A. Yeah, yeah.

Q. And when you got there, what did you see?

A. Like I said, his face was red and everything. He was sitting down.

Q. Sorry. He is who?

A. My dad, Alvin Thornton. Alvin Thornton was sitting down, coughing, gasping for air. And I ran to him,

asked him if everything was okay and I went to go get him water.

Q. Did -- when you saw your dad, did someone show up after that?

A. The paramedics showed up like pretty much like five minutes after I pulled up.

Q. And then who else showed up?

A. Well, a couple minutes later or maybe an hour, a good hour, Peter Helfrich was in a van, he pulled up. I could hear him yelling, saying, I don't see no effing cop. I don't see no effing cop, who the ef is that?

Q. All right. Do you see Peter -- the person you've said is Peter Helfrich, do you see that person here today?

A. Yeah, he's right there.

Q. Can you identify the clothing that he's wearing for the Court? What color shirt is he wearing?

A. He's wearing the orange and white shirt.

Q. Okay.

MR. ALLMON: Your Honor, may the record reflect the witness identified the Defendant?

THE COURT: The record will so reflect.

MR. ALLMON: Can we have him pull his mask down just for a brief identification?

THE COURT: Sure. Will you pull your mask down,

Mr. Helfrich. There we go. Thank you.

BY MR. ALLMON:

Q. Is that the same person you saw?

A. Yeah.

Q. Okay. And that was a yes?

A. What was that -- he just -- oh, never mind, never mind.

MR. ALLMON: Your Honor, could you admonish the Defendant to not make any gestures to any of the witnesses? There was a brief gesture that could potentially be intimidating a witness that I would just like to be shut down from this point forward.

THE COURT: Okay. All right. Just please sit there; okay? All right. Go ahead.

BY MR. ALLMON:

Q. Okay. All right. And when you saw the Defendant, where -- how far was he from you at that moment?

A. He was like pretty much on the other side of the street. He -- like between me and the van is like two car lengths.

Q. All right. Speak up for me.

A. He was actually like two car lengths far from me. I could actually see his face. I seen a woman in the passenger seat and he was just yelling, like I was saying, he

saying I don't see the effing cops, who the ef is that and --

Q. And what kind of car was he driving?

A. It was some van. It was a burgundy van.

Q. Okay.

A. GMC, I guess, or Ford.

Q. All right. And --

A. Yeah.

Q. What did he do next, the Defendant?

A. I just -- like he was constantly yelling, but he hit the U-turn and he was driving away and -- which he was still on the side of the house, which you slow down. And I was just -- and I was just telling my dad, do you know the license plate so we could call the cops. I don't know --

Q. Did you know his name at that time?

A. No, I didn't know him at the time.

Q. Did you know -- and you asked your dad if he knew the license plate number and what did your dad say?

A. He said no. It was actually -- I think it was actually the lady's van, you know.

Q. Let's not go into that.

MR. MARTINEZ: (Indiscernible) speculation, yeah.

THE WITNESS: Sorry.

THE COURT: Just a minute; okay? Go ahead.

BY MR. ALLMON:

Q. So let's not go into kind of what we thought at the moment or anything like that; okay? When -- did you feel that it was important to get his license plate at that point?

A. Yeah, so I could call the cops. I don't know if he's going to come back. He was just about to leave to go to the store.

Q. All right. So did you have his identity at that point? Did you know his name?

A. No, I didn't know anything about him.

Q. Did you have his license plate at that point?

A. No not at that point, no.

Q. Okay. So then did you do anything to obtain that?

A. I just got in the car to take a picture of the license plates and was going to leave from there, was going to go to Walmart and go back home and --

Q. Okay. So describe how you tried to take a photo.

A. Like I said, I have my phone, my fianceé was driving. I just told her to stay far back from the car, which the car -- I mean, the van started to slow down and he started to brake check us, so I just told her to stay back. I was doing the video. I was trying to take a picture, but my phone was going to the video.

So I took a picture of it and I was like, okay,

look, let's just get out of here because this guy is driving crazy. So he was kind of like -- so when we get to the side from him from brake checking us, he's like trying to like take us off the road to the dirt.

MR. MARTINEZ: Your Honor, I'm going to object at this point. The witness is nonresponsive to the question. I think he's going off on a lot of tangents here. We need to keep it a little shorter.

THE COURT: Okay. I agree. So just answer the question; okay?

BY MR. ALLMON:

Q. Okay. So you were following him. Did his driving -- describe his driving behavior.

A. It was pretty much like a crazy driver, like a road rage driver. It was really scary, but yeah.

Q. And what kind of maneuvers was he doing with his vehicle that caused you concern?

A. First, it was the brake checking. It was pretty forceful. Then the second, it was just, you know --

Q. Okay. And what did you do in response to that?

A. I was pretty much holding the dash. I was trying to just, you know, relax and I was just telling her just -- you know, just like just slow down, you know. We was going slow as -- I think we was going like pretty much 25. We was

going slow. He was --

Q. Okay. Did you -- you said you took a photo. Did you -- did that photo save?

A. I think I still have it on my phone.

Q. You think you still have it on your phone?

A. Yeah, I've been clearing up photos and everything because I have full storage.

Q. So do me a favor, we're not going to look at your phone right now.

A. Okay.

Q. But don't delete that photo; okay?

MR. MARTINEZ: Did he say photo or video?

BY MR. ALLMON:

Q. Photo or video, which one?

A. I pretty much took a photo.

MR. MARTINEZ: No matter what he had.

MR. ALLMON: That's fair.

THE WITNESS: Okay.

MR. ALLMON: Could we have a moment off the record and give him instruction? Are you okay with this on the record if I give him an instruction about the evidence?

MR. MARTINEZ: Sure.

MR. ALLMON: Okay. Just both the State and Defense want to preserve that evidence. So whatever you have,

the photo, video, meet with our office and one of our investigators will make sure to get that from you; okay?

THE WITNESS: Okay.

BY MR. ALLMON:

Q. All right. So you're following behind. Did you try to get out of his way?

A. Yeah, we was just going around him, that's all.

Q. Okay. Describe how you went around him.

A. Like this is the van, which he was brake checking us, so we was just trying to slow down and we just go right here. And pretty much he was like trying to get us in the dirt.

Q. Okay. So let's pause for a second. We're going to get through all of it, but --

A. Okay.

MR. ALLMON: Okay. So for the record, the witness is identifying, his motion with two hands. He's got his right hand out in front his left hand to the rear.

THE WITNESS: Yeah.

BY MR. ALLMON:

Q. Your right hand in the front is indicating whose vehicle?

A. This is the one in the front, the right is Peter Helfrich driving the van. And this is me in a Volkswagen GTI.

Q. And what kind of car, is that like a sedan or is that a van?

A. The van?

Q. Your car?

A. Oh, no, it's like a -- it's just like a little hatchback, it's a little car, hatchback.

Q. Okay. Two or four door?

A. One door -- I mean, sorry, it's two door. I'm very nervous. I'm sorry. But like I said, he was brake checking us. When we went to the side to go past him, he put us to the dirt, which we actually went around because the car's a little faster than the van was obviously.

So as soon as we get around him, we are in front of him. We already left him. He's like -- I would say like maybe a bus far away from us, he's like far.

So I'm like -- I got the video or the picture or whatever I had in my phone. So I just told her, okay, just pull over, pull over. Let's call the cops, I got the license plates.

Q. Okay. And --

A. So not --

Q. And let me kind of direct you with a little more questions so we avoid a narrative objection; okay?

A. Okay.

Q. So you pulled over to the side of the road. Was the vehicle completely stopped or was it still kind of rolling? Describe that.

A. Our vehicle, it was completely stopped. We had our hazard lights on.

Q. You had your hazard lights on?

A. Yes, sir.

Q. Okay. And what was your purpose behind putting the hazard lights on?

A. Just let the person know that we on the side of the road, he could go around us.

Q. So --

A. Just like if a car broke down.

Q. Okay. So you --

A. Common sense.

Q. -- pulled to the side of the road. You intended -- and is it fair to say that you intended to indicate that you were not going to be entering the road or you were off to the side of the road?

A. Yeah, I'm just off to the side of the road.

Q. Okay.

A. I'm not going to enter on the road.

Q. All right. So you and Isela are in the vehicle, parked on the side of the road. And do you remember what

street that was on?

A. No, not really. We was actually right by the storage, some storage. I don't know.

Q. Were you in the area of 372?

A. I think so. I think it was 372. I was just really panicked at that moment and I was just trying to call the cops. That was my goal.

Q. Do you know if you were still in Pahrump at that time?

A. Yeah, I was still in Pahrump at that time, of course.

Q. In Nye County? Is that a yes?

A. Yes.

Q. Okay. Thank you. So you're parked on the side of the road, you're certain it's in Pahrump, Nye County, and what did you see next?

A. Like I said, I was on my phone. I was just about to call the cops, which my fianceé said, he's coming he's coming. And then I just looked at my side mirror and I just seen him like getting off the road.

Q. Speak up for me. I'm having a hard time hearing you.

A. Like I said, I was on my phone about to call 911 and -- which my fianceé, Isela Nino, she said, the car -- he's

going to hit us, he's going to hit us. I looked on the side of the mirror, my side, and I see the van. And he flashed his bright lights, he flashed at us while he was about to ram us, like for us to get ready or something like that. I --

MR. MARTINEZ: Objection, speculation, Judge.

THE COURT: Okay. Again --

THE WITNESS: So I --

THE COURT: Sustained.

THE WITNESS: Yeah, I'm sorry. I don't know why you --

THE COURT: Just answer his questions.

THE WITNESS: Yeah.

BY MR. ALLMON:

Q. Okay. We don't want to get into what you think he was doing.

A. Yeah.

Q. Right?

A. Right.

Q. In that moment when you saw the vehicle coming at you and you saw the lights?

A. Yes.

Q. And the high beams go on, how did you feel?

A. I was scared and -- I was scared. I don't know what to expect from that one.

Q. And what happened next after you saw the lights coming at you?

A. I just really tightened up. I really got stiff and I just feel like a real strong impact, like the car moved. It was like some type of speed, you know. It was -- like it was hard to control, but yeah, he pretty much hit us.

Q. All right. And was that the same vehicle that you saw the Defendant driving earlier why?

A. Yeah, same van. Yeah.

Q. Okay. And your vehicle, it was a VW what again?

A. It's a Volkswagen.

Q. A --

A. GTI.

Q. What is it?

A. A Volkswagen GTI.

Q. GTI. Okay. So this Volkswagen GTI, the two-door?

A. Hatchback.

Q. Hatchback, did that vehicle get pushed?

A. It definitely got pushed. It actually got like rammed pretty much.

Q. Did the vehicle -- describe how the vehicle got pushed. Describe where it ended up.

A. It ended up pretty much in the storage wall, like

through it. It went through, the front went through. It was scary. The car was totalled.

Q. Described that wall.

A. It was like a brick wall. It was like a brick wall, like a cement -- I mean, not cement, but it was like a brick wall with the cement blocks.

Q. (Indiscernible)?

A. Yeah, like cement blocks.

Q. So it was a brick of some sort wall?

A. Like cement, yeah, like cement blocks. It was like stacked up and stuff like that, yeah.

Q. Okay. And your vehicle impacted that?

A. It went through, yeah.

Q. And was that because of the force from the other vehicle hitting you?

A. Of course, of course.

Q. All right. And is it your vehicle or your fianceé's?

A. It was actually my fianceé's, yeah.

Q. Okay. Do you know the status of that vehicle? Is it still operable?

A. No, it was actually totalled.

MR. MARTINEZ: I'm going to object to foundation there, Judge.

THE COURT: Okay. Sustained. You want to (indiscernible).

BY MR. ALLMON:

Q. Do you know what happened with the vehicle?

A. To be honest, the insurance came --

Q. Just yes or no, do you know what happened to the vehicle?

A. Yeah, the insurance came and got the car, the --

Q. Okay.

A. Yeah.

Q. Has that -- have you seen that vehicle since this day?

A. No, no.

Q. Okay. Have you personally been involved in calls where the insurance company was involved?

A. I mean, I hear my girl, you know.

Q. Okay. No worries.

A. On -- you know, on speaker, talking to them.

Q. Okay. You heard them?

A. Because that's -- yeah, that was her car, so yeah.

Q. (Indiscernible)?

A. They're going to call her phone.

Q. Do you know if she received any money for the

vehicle?

A. Yeah, but it went straight to the car to finish paying it off.

Q. Okay. So you've never --

MR. MARTINEZ: Same objection there as to foundation.

THE COURT: I'm sorry?

MR. MARTINEZ: The same objection there as to foundation.

MR. ALLMON: I can go into it, but I think they -- he would know if his fianceé is paying off a car. I can go into it.

THE WITNESS: Of course.

THE COURT: Okay. Go ahead.

BY MR. ALLMON:

Q. Do you know if your -- these -- we're going to move on actually. I'm going to ask Isela these questions.

A. Okay.

Q. It's going to take much longer to do it this way.

All right. But you've never seen that vehicle again?

A. No.

Q. Okay. So kind of describe the damage that you saw to that vehicle that day.

A. The trunk, where the back of the trunk opens, the hatchback is completely caved in. It's -- it definitely would not open. The front, the bumper is gone. The -- like the right side of the front where I'm at, where like where I am is pretty much caved in. The battery's hanging out by the negative connection of the wire and it's just really bad. It was really bad. I'm sorry, I'm shaking.

Q. You're all right.

A. Just thinking about it.

Q. What kind of injuries did you get as a result of this?

A. I had like a little scar on my head from the air bag force and just a little bit of back pain from the impact of the -- you know, just colliding with the van and the car, front and back. It was just too much impact.

Q. So we're not talking about substantial bodily harm, but did you receive -- would you call those injuries?

A. Like what do you mean by that?

Q. Were you injured that day? Were you hit?

A. Yeah, we were hit. I was hit.

Q. Okay. Did you suffer any pain because of that?

A. Yeah, back pain, a little headache.

Q. Okay. How long did the headaches last?

A. Just for that day. I woke up. You know, I still

had a little back pain, but I was just worried about my fianceé because she got the most damage.

Q. We'll get into that later.

A. Sorry.

Q. And how did you feel the moment you got impacted or like right after the moment you got impacted?

A. I was just really -- I didn't know what to think. I didn't know what to expect from that. I was just --

Q. Let's just go physical.

A. Yeah.

Q. Did you feel the impact of the hit?

A. I feel it, I feel it.

Q. Okay.

A. Yeah.

Q. Okay. And you said you had a scratch?

A. Yes.

Q. And some whiplash to your lower back?

A. Pretty much, yeah.

MR. MARTINEZ: Object, misstates his testimony. He never said it was whiplash.

MR. ALLMON: I believe he did. But I can ask it again.

THE COURT: I wrote it down.

MR. ALLMON: You --

THE COURT: He said he received back pain.

MR. ALLMON: All right. Well --

THE COURT: Okay? So it's sustained.

MR. ALLMON: Thank you. Sometimes I mix up what I --

THE COURT: (Indiscernible) go ahead.

MR. MARTINEZ: Sometimes I mix up where I hear things.

BY MR. ALLMON:

Q. All right. Did you receive any whiplash?

A. Pretty much, yeah. I mean, just from the impact. It was just a lot going on.

Q. All right.

MR. MARTINEZ: I'm going to object to foundation on that, Judge.

THE COURT: Okay. Can you both hear him okay? Do you want him to remove his mask?

MR. ALLMON: I think we should have just for the --

THE COURT: Go ahead and pull your mask down.

MR. ALLMON: -- transcription.

MR. MARTINEZ: Yeah, because we will need the transcript on that.

THE COURT: And again, just answer the question.

THE WITNESS: Yes.

MR. ALLMON: Okay. You had an objection?

MR. MARTINEZ: My objection was to foundation about whether or not it was whiplash, Judge. Whiplash is -- it's a term that means something. It's a medical diagnosis. It's all those sorts of things. So that's my objection to foundation about whether or not he actually suffered whiplash.

THE COURT: Mr. Allmon?

MR. ALLMON: I think that whiplash is a term that's used commonly in everyday language. You know, he suffered whiplash from the injury. Of course, the weight of that is as minimal as it would be for a layperson.

A layperson can say whether or not someone was drunk or high even though that involves kind of a medical -- pseudo medical analysis. I think a lay person's observations can accurately describe whiplash.

THE COURT: Anything else?

MR. MARTINEZ: I disagree with that, Judge. I don't think a layperson can adequately describe whiplash so much as they can being drunk or high to use their analogy. The average person I think has had quite a bit of experience with people who are drunk or high and they can recognize the symptoms in order to be able to testify about that.

That's not the case necessarily with whiplash.

It's a medical terminology. It requires expert testimony and diagnosis to say that someone had suffered whiplash and we don't have that here.

THE COURT: Okay. I agree. Sustained. He really needs to have -- be diagnosed by a professional.

MR. MARTINEZ: Thank you, Your Honor.

BY MR. ALLMON:

Q. You said your back hurt?

A. Yeah, I had back pain.

Q. Okay. Was that as a result of this?

A. Yes.

Q. All right. So when you got hit, what happened next?

A. I looked over to my side to see if my fianceé was okay. The air bag went off on her side, just to make sure everything was okay on her end. And I see the van in the rear view -- in the rear view mirror, just a little glimpse of it.

And I could hear him trying to leave, like he was trying to hit and run. And I hear the motor, it was revving and -- which it was still moving, like he was trying to go, which he went around --

MR. MARTINEZ: Objection, speculation, Judge.

MR. ALLMON: I think he's saying like. It's -- he's observing his own visual observation. He's saying he saw

a vehicle like it was doing that. I think that's a fair observation (indiscernible).

THE WITNESS: No, that's what he was definitely doing.

THE COURT: Hold on.

THE WITNESS: Oh.

MR. ALLMON: Let us talk it out and the Judge will rule and then we'll go.

So I think that, you know, I saw a vehicle revving up like it was going to leave is a -- again, I think that's a pretty -- it's not speculation. That's a pretty obvious observation from what you're seeing.

MR. MARTINEZ: Judge, the witness just told us he was speculating about the intent of what was going on. Speculation of what he was doing.

THE COURT: I'm going to overrule it. Let's go ahead and go into it a little bit more; okay?

BY MR. ALLMON:

Q. You heard -- so did you come to the opinion that he was trying to leave?

A. He was definitely trying to leave.

Q. And how did you -- what do you base that on? I'll let you keep it. I'm not -- I'll let you keep it.

A. Wait. What are you trying to say? On the --

Q. What was he doing that led you to the opinion that he was trying to leave?

A. Well, he didn't stop the car, he was still going. He didn't get out of the car to see if I was okay. He was still in the car, going, which the car couldn't even move because --

Q. Did you see damage to the van?

A. The van -- the whole front end was caved in. I saw it from the side when he was trying to go. It was like -- it was like the whole front end, like the whole grill was really caved in.

Q. Okay. And that -- you saw that vehicle, did you hear any noises?

A. I heard the motor ticking. It was ticking really bad, but he was --

MR. MARTINEZ: I'm sorry to interrupt. Which motor because there's two vehicles?

MR. ALLMON: That's fine.

BY MR. ALLMON:

Q. Go ahead. Which motor?

A. Peter Helfrich, the van that he was in, that motor, it was revving it -- it was revving. He was trying to go, but it didn't want to go no more. So it was like pretty much coasting. It was coasting.

Q. And then what did you see the Defendant do next?

A. He stopped the van. He hopped and ran, which I was trying to go after him. I had my phone in my right hand. Soon I turned to the corner, he disappeared.

Q. So after he hit you, did you see him leave on foot?

A. Yes, he was running on foot.

Q. Did he leave anyone behind?

A. He left the lady behind.

Q. He left the lady behind?

A. Yeah, the lady behind.

Q. Okay. Did you see that lady any other time?

A. Yeah, she was in the passenger seat when I went around her.

Q. Do you know her?

A. No, I did not know her to be honest. I did not know her at that time.

Q. So when you got rammed by the Defendant in the van, just prior to that, you had seen a woman?

MR. MARTINEZ: I'm going to object there as to the description of him being rammed, Judge. I think that's a mischaracterization of what the testimony has been thus far.

THE COURT: You want to rephrase?

MR. ALLMON: Yes, Your Honor.

BY MR. ALLMON:

Q. Did the Defendant ram you with his vehicle?

MR. MARTINEZ: And I'm going to object to the leading.

THE WITNESS: Of course, yes, he did ram me.

THE COURT: Okay. Hang on. Once he objects, please stop. (Indiscernible) rephrase.

MR. ALLMON: On my question there?

MR. MARTINEZ: My objection is to leading, Judge. My objection's also to foundation. We've covered this already with this witness about what he observed prior to being hit. The State's now asking a leading question to try and get to the intent of what was going on inside the Defendant's head.

MR. ALLMON: I don't think that that's a leading question. A leading question suggests the answer itself: Isn't it true? You did this; correct? You did this; right?

There's a suggestive phrase at the end that indicates the answer that it wants in order to be a leading question, Your Honor.

MR. MARTINEZ: Also, foundational question, Your Honor, and speculation. (Indiscernible) my objections as well.

THE COURT: I'm going to overrule. Go ahead.

BY MR. ALLMON:

Q. Okay. Did the Defendant ram you with his vehicle?

A. Yes.

Q. Okay. After the Defendant rammed you with his vehicle, did he -- I say before that, did you see a woman in the vehicle?

A. Yes, on the passenger side.

Q. Okay. After the accident, did you see that same woman?

A. Yes.

Q. -- (indiscernible) listen. Did you see that same woman?

A. Yes.

Q. Okay. And did she leave the scene at any point or did she stay until the cops arrived?

A. She stayed until the cops arrived.

Q. Did you happen to see anyone else? It's okay if you didn't.

A. When -- I did when I ran back to make sure my fianceé was okay, I saw, I guess, another guy with glasses. I guess it was her son, I'm not sure.

Q. That's fine. Don't speculate --

A. Yes, sorry.

Q. -- for us; okay? So you saw another person, was

he near the person, was --

A. Yeah, he was right by the lady.

Q. Okay. But at that point, the Defendant, was he there or was he gone?

A. He was gone.

Q. Okay. Now, did you -- what did you do next?

A. Like I said --

Q. Let me direct you a little more. Did you attend to your fianceé?

A. Yes, I came back to her.

Q. Okay. How was your fianceé like physically reacting at the time?

A. She was just really hurt. She collapsed on the ground, she was on the ground. So I picked her up and that's when the ambulance and everything started to come.

Q. When you said she collapsed on the ground, was that inside or outside the vehicle?

A. Outside of the vehicle.

Q. Did you ever see the Defendant return to the scene?

A. No.

MR. ALLMON: Court's indulgence.

THE COURT: I'm sorry. Was there an answer there? I didn't pick it up.

MR. ALLMON: Can you -- I think -- I'll ask it to make sure it's on the record because I don't think it was.

THE COURT: Okay. Okay.

THE WITNESS: Yeah.

BY MR. ALLMON:

Q. Did you ever see the Defendant return to the --

A. No.

THE COURT: Okay. Thank you. I'm sorry.

MR. ALLMON: I'm going to bring this up now just because I have until closing, but I'm going to do it now so that I preserve it, I don't miss it, which can happen.

The State's going to move to amend the criminal complaint to add a count of ADW, assault with a deadly weapon. I just want to put that on the record so that I have the chance to address that in closing argument and I don't forget it.

MR. MARTINEZ: I mean, the State's free to amend it at any point, Judge.

THE COURT: Sure, sure.

MR. MARTINEZ: That's their right, so I can't object to that. I don't think there's been any evidence of it thus far and we'll argue about it at closing.

THE COURT: Okay. That's fine. Yeah, it's on record.

MR. ALLMON: No further questions, Your Honor.

THE COURT: Okay. Mr. Martinez.

MR. MARTINEZ: Thank you, Judge.

CROSS-EXAMINATION

BY MR. MARTINEZ:

Q. Mr. Thornton, I'll start here just because there's been a lot of testimony about your cell phone.

MR. MARTINEZ: Court's indulgence.

THE COURT: Um-hum.

BY MR. MARTINEZ:

Q. I don't want to put your phone number on the record.

A. Oh, please, no.

MR. MARTINEZ: May I approach the witness, Judge?

THE COURT: Yes, you may.

BY MR. MARTINEZ:

Q. Mr. Thornton?

A. Um-hum.

Q. Is that the correct phone number for you?

A. Um-hum.

Q. Is that a yes?

A. Yes.

Q. Thank you. Who's your cell phone planner?

A. T-Mobile.

Q. Okay. Thank you.

MR. ALLMON: Just for the record, the defense counsel is showing the witness a page from the police report.

MR. MARTINEZ: Correct.

BY MR. MARTINEZ:

Q. Now, Mr. Thornton, you don't live with your father; right?

A. No.

Q. Okay.

A. I'd like to take that other back. It's not T-Mobile, it's actually Metro PCS actually. Sorry.

Q. Okay.

A. Sorry.

Q. T-mobile or Metro PCS?

A. Yeah, I guess they're working together. I don't know, yeah.

Q. Okay. You said you do not live with your father; right?

A. No, I don't.

Q. But both of you live here in Pahrump?

A. Yes.

Q. How far do you live from your father?

A. I really don't live far. I live pretty much down the street from him, yeah.

Q. Now, you said -- now, did you say you were at home on May 27th when your father called you?

A. Yes. I was making spaghetti.

Q. Okay. So you weren't on your way to Walmart yet?

A. No, I was just getting ready.

Q. Okay. And your fianceé was there with you?

A. Yeah, she was just getting the keys.

Q. And you spoke to your father on the phone and you became concerned for his health, you said?

A. Yes, of course.

Q. So you called -- did you call 911?

A. I did on the way going there to him.

Q. And you asked just for the paramedics; right?

A. Yes.

Q. And you arrived at his house; correct?

A. Um-hum.

Q. How long did it take for the paramedics to get there?

A. Like I said, five minutes. They pulled in, so I pulled in, yeah.

Q. And at that point, you learned he had been pepper sprayed; right?

A. Yes.

Q. You didn't call the police at that point; right?

A. No, no.

Q. Did you or your father tell the paramedics that?

A. I actually told the paramedics he got pepper sprayed and is there anything that you all guys have or -- they told me to use water, so that's what we were using actually.

Q. Did you ever write anything down for the paramedics?

A. No.

Q. And now you said it wasn't until about an hour later that you saw Mr. Helfrich return back; right?

A. Yes.

Q. During that hour at some point, the paramedics left?

A. Of course, yeah, they did.

Q. Okay. How long were they with your father for?

A. Maybe like 13 minutes or 30 minutes. They were just making sure he was okay with his heart rate and everything.

Q. All right. 15 minutes to a half an hour?

A. Yeah, pretty much.

Q. Okay. He seemed fine when the paramedics left?

A. Yeah.

Q. When Mr. Helfrich showed up, you said he was

driving a burgundy van?

A. Yeah, it was a burgundy GMC Chevy or something.

Q. Had you ever met him before?

A. I didn't know him at all.

Q. Okay.

A. I didn't know his name.

Q. What about the female passenger within his car, did you know her at all?

A. Like I said, I only met her once when Dad was trying to introduce me. That was a while back when she was trying to refer him.

Q. Okay.

A. And that was it.

Q. So she rented the property from him?

A. Yes, of course.

Q. But you had only met her the one time?

A. Just one time, that was it.

Q. And you don't remember her name; right?

A. No, I'm not good with names. I'm not even sure. But I know he told me about -- told me the name.

Q. You said Mr. Helfrich was yelling things out of the car?

A. Yeah, he was saying, I don't see no effing police.

Q. Now, was he still inside the car?
A. He was still inside the car.
Q. When he arrived, were the windows rolled down?
A. Of course. I could hear him yelling.
Q. Okay. So the windows were rolled down?
A. Yelling and cussing.
Q. So he wasn't yelling at you necessarily, he was just yelling?
A. Yes, pretty much.
Q. Okay. And at that point when he showed up and he was yelling, you didn't call the police at that point; right?
A. I was just about to dial 911 until I asked my dad what is the license plates.
Q. Okay.
A. Which he did not know.
Q. Okay.
A. So that's --
Q. So you decided not to call 911?
A. I was going to. I --
Q. So you decided to though; right?
A. Of course.
Q. Okay. You're not a police officer; right?
A. No.
Q. Okay. You've never been through the police

academy?

A. No.

Q. Any training in pursuing suspects?

A. No.

Q. But you decided to do that anyway; right?

A. (No audible response.)

Q. Is that yes?

A. Yeah, yeah.

Q. Okay. And that was only after Mr. Helfrich drove the van away; right?

A. He was actually on a corner. He actually stopped right there, still yelling. I was just trying to go take a picture.

Q. And at some point, you drove away, though?

A. Yeah, he drove away.

Q. Is that how you got in the car to follow him?

A. No, we was actually leaving. But yeah, he was going the same way we was going to Walmart to be honest.

Q. So he was traveling towards Walmart?

A. I don't know if he was going to Walmart.

Q. (Indiscernible)?

A. But he was going that same way.

Q. Oh, just the general direction --

A. -- yes --

Q. -- of the (indiscernible) --

A. Pretty much, yes.

Q. Before he left, you were already in your car?

A. Yeah, my girl was out and I was just -- and I just had the phone. I was on the -- I was sitting down.

Q. Um-hum.

A. In the car with the door open.

Q. When you -- okay.

A. So just like --

Q. Your dad -- was your dad outside talking to you?

A. Yeah, he was talking to me. I was just making sure he was okay before I left.

Q. Okay. So when you drove up behind his van?

A. Yeah.

Q. How far away from the property were you?

A. We was pretty far, like a block away.

Q. Okay.

A. Yeah.

Q. And he didn't stop when you drove up behind him; right?

A. Brake checking pretty much.

Q. Okay. Well, he didn't stop; right?

A. No.

Q. And you said you were trying to get a picture or

a video of the license plate; right?

A. Yeah, my phone keep going to video. I was trying to get a picture.

Q. In order to get a clear picture, how close did you have to get to his car?

A. Not really. I mean, my phone could zoom in.

Q. Um-hum. It's not a smart phone?

A. It's just like any regular smart phone.

Q. What kind of phone is it?

A. It's an Android, a little LG.

Q. Okay. Were you one car length behind him?

A. Pretty much like maybe three and a half. We was pretty far away from him.

Q. Three and a half car lengths behind him?

A. Yeah. Until he started to slow down and did a brake check and we was trying to get around him.

Q. So you said he was driving erratically; right?

A. Yeah, like --

Q. But when he was brake checking you, you had your phone in your hand because you were trying to take a picture; right?

A. Yeah.

Q. You didn't call the police at that point, though?

A. I couldn't because I was trying to take a

picture.

Q. So you didn't switch to your phone to call the police; right?

A. Yeah.

Q. Okay. You didn't stop completely; right?

A. Wait. I wasn't driving. What do you mean?

Q. Right. The car didn't stop; right?

A. My car or his car?

Q. Your car?

A. No. We was still going, we was trying to get around him.

Q. You didn't tell your girlfriend, hey, stop, he's brake checking us; right?

A. Yeah, I just told her to slow down.

Q. Did you tell her to turn off, let's get away from this guy?

A. Yeah.

Q. You did?

A. Yeah. That's why she went around, she just went around. There was no other street that she could have turned. It was just still going straight at the time.

Q. So when he started brake checking you, though?

A. Yeah.

Q. You didn't tell her, stop the car, let him get

away from us; right?

A. No, I just told her to slow down.

Q. Now, the road that you were on, how many lanes is it?

A. It was only two lanes.

Q. So one lane each direction?

A. Of course.

Q. Was there a double yellow line down the middle?

A. Yeah, it was just like solid -- two solid lines.

Q. So two solid double yellow lines; right?

A. Yes.

Q. Okay. What does two solid double yellow lines mean?

A. To stay on your lane.

Q. It means no passing; right?

A. Okay.

Q. Right?

A. Yeah.

Q. Okay. You have your driver's license; right?

A. Yes, I have it.

Q. So you had to pass a driving test; right?

A. (No audible response.)

Q. And that's what they teach you, that's what you have to learn is what the lines on the road mean; right?

A. (Nodded head.)

Q. Is that a yes?

A. Yes.

Q. Now, you said your phone kept switching to video mode when you were trying to take a picture; right?

A. Yes.

Q. Did you eventually take a picture?

A. I -- yes, I did.

Q. Okay. Or was it a video as you were trying to do it?

A. I was just pushing the button, trying to get to picture and --

Q. So there might be multiple files in there?

A. Maybe just one, one picture. My phone's kind of slow.

Q. Now, you said you never met Mr. Helfrich, you've never met the female?

A. (No audible response.)

Q. Had you ever been inside of that van?

A. No.

Q. Okay. Never been for a ride in it; right?

A. No.

Q. Never driven it yourself; right?

A. No, I've never driven the van, no.

Q. Do you know if it had any mechanical problems?
A. Mechanical problems?
Q. Do you know if it was driving well?
A. No.
Q. Do you know if the steering was working properly?
A. No.
Q. Do you know if the brakes were working properly?
A. No, I didn't know nothing was wrong with the van.
Q. Don't know if the lights were working properly; right?
A. I saw the lights, yeah. I saw the taillights. It was working. Both of them was working good.
Q. What about the headlights? Do you know if they flickered?
A. Yeah, he actually flickered his high beams at the time --
Q. -- (indiscernible) if they were working properly or if there was an involuntary flicker; do you know that?
A. No, I don't know nothing about his van, but I know the taillights work. I definitely know the high beams work. And if it didn't work, why would --
Q. There's no question right now.
Q. So at some point your fianceé sped up to go around him; right?

A. Yes.

Q. And now the GTI, is it -- is everything in there stock or do you have anything aftermarket in it?

A. Everything is stock. It's just a -- pretty much stock 200 and what, 40 horsepower?

Q. Okay. Stick shift or automatic?

A. Automatic. She don't drive stick shift.

Q. Okay. And when she pulled up to go around him, did she floor it?

A. She was trying to floor it until he was trying to side swipe us.

Q. And now you said you were only going about 25 miles an hour, right in there; right?

A. Yeah.

Q. So he slid into your lane, you said he pushed you into the dirt?

A. Yeah, he was trying to, but we was --

Q. Not what he was trying to do, just what happened?

A. He was --

Q. You got pushed into the dirt; right?

A. Yeah, we going to the dirt pretty much. He was --

Q. But you did get past him?

A. We -- yeah, she finally floored it.

Q. All right. At the time you passed him, how far away from your dad's house were you?

A. Right now we was just like going a whole new block right there. We was on a whole new block right there.

Q. How long had you been in the car for?

A. For what, for maybe -- at -- when that was going on?

Q. After you left your dad's house until you passed?

A. Yeah.

Q. How long had you been in the car?

A. I'm not even sure. I didn't even look at the time, just so much going on.

Q. After you passed him, how long did you drive for before you pulled over to the side of the road?

A. She was flooring it for maybe like two minutes. We was far away. I looked in the side mirror, he was far away. So I -- she pulled over and I was like cut away past the lights. I'm about to call the cops. I already got the picture and everything.

Q. So she floored it for two minutes, you said?

A. Yeah, something like that, pretty much two minutes.

Q. Okay. And you when you looked -- on direct you said when you looked in your rear view mirror, he was about a

bus length behind you; is that right?

A. Yeah, a couple of like -- he was --

Q. How long is a -- how long is a bus? How many feet long is a bus?

A. I'm not sure, but he was pretty far back.

Q. And you said you pulled over to the side of the road; right?

A. Yeah.

Q. She put the hazards on; right?

A. Yeah.

Q. How long were you on the side of the road before you felt the impact?

A. Now, I'm in a good what, a good minute. I'm in a good minute. I was just about to --

Q. When you say "a good minute," do you mean a literal 60 seconds?

A. Pretty much.

Q. Or was it five seconds, was it ten seconds?

A. Like I would say maybe like 20 seconds.

Q. 20 seconds. And once you passed him, you had just testified you had the picture already so you were going to call 911; right?

A. Yeah.

Q. But you didn't call 911; right?

A. It was just -- she was going so fast, I couldn't really even control. I was just trying to hold on.

Q. She was driving so fast that you couldn't control your phone?

A. No, I was --

Q. Is that --

A. Yeah, pretty much.

Q. Okay.

A. Yeah, I couldn't really control my phone. My phone was acting stupid.

Q. Do you have a case on your phone?

A. I did put a case on it after I kind of dropped it.

Q. Okay. Well --

A. I was --

Q. At this time, on May 27th, when this happened?

A. Yeah, I had a case at the time, yeah.

Q. What color was the case?

A. It was pretty much black.

Q. It was a black case?

A. Yes. Yeah.

Q. So you got hit and you said you went through what you believe was a cinder block wall?

A. Yeah, pretty much.

Q. The air bag deployed on both the driver and the passenger side?

A. Yeah, yeah.

Q. All right. You said you did get a chance to look at the van too; right?

A. I did. When we was passing, I did, and I saw the front of the people.

Q. Did you see if the air bags were deployed on that car?

A. Their car?

Q. Yeah.

A. I don't know because they were behind us. I couldn't really even like even try to look inside their car, even do all that.

Q. Okay. So you didn't get a good look at the van inside at all; right?

A. No.

Q. Before you got out of the car after impact?

A. Um-hum.

Q. You didn't call 911; right?

A. I actually -- it was still down, it was still 91, all I had to do was press one and call, but no, I didn't.

Q. So you didn't?

A. I didn't call at the time. I was trying to chase

him.

Q. You got out of the car and you tried to chase him?

A. I was trying to chase him.

Q. And now when he was gone and you didn't find him?

A. Yeah.

Q. You didn't call 911 at that point; right?

A. I did actually dial the one and I called, which I ran back to her. The paramedics already came there as soon as I picked her up.

Q. Did you speak to a 911 operator when you called?

A. I did, but I hanged up because they was already there.

Q. Now, once the accident happened, did you take any pictures with your phone of the damage to the cars?

A. I did, I did took a picture of our car.

Q. Okay.

A. His van. They told us to stay away from the van.

Q. Okay.

A. Stay away from people, that's what the cops said.

Q. Okay.

A. I didn't want to try to --

Q. You still have those pictures on your phone?

A. I do.

Q. Okay. Same thing as before with the other pictures, when you get a chance, get with the DA --

A. Sure.

Q. -- and get those pictures over to him; okay?

A. Sure.

Q. I know the State asked you on direct a little bit about speaking to the insurance company and I know you mentioned your financeé did, but did you personally ever speak to an insurance company?

A. No. Yeah, the car was in her name.

Q. Okay.

A. Yeah.

Q. Once your -- once the car, your car that you were in --

A. Um-hum.

Q. -- hit the cinder block wall, was the car still running?

A. No, it wasn't able to run. It was pretty much totalled.

Q. Okay.

MR. MARTINEZ: Pass the witness, Your Honor.

THE COURT: Okay. State, Mr. Allmon.

MR. ALLMON: Thank you, Your Honor.

REDIRECT EXAMINATION

BY MR. ALLMON:

Q. Mr. Thornton?

A. Um-hum.

Q. You decided not to call 911 right away. Why did you think it was important to get the license plate first?

A. Because we didn't -- I didn't know how to like -- if I called the cops, I didn't know how to like -- to tell them, you know, the license plates or anything or about the van, you know. The only thing I could have told them was the color and -- you know, the color of the van.

Q. You told defense when he was asking you about the workings of the vehicle, the lights, everything, you said kind of with a little bit of gusto, I know the headlights or the high beams work?

A. Yes.

Q. Why did you say that?

A. Because when we was pulled over, we had our lights on, that we was pulled over. And when she told me, oh, he's coming, he's about to hit us. I already saw on my side of my mirror that the bright lights he flicked it, like he flicked it.

MR. MARTINEZ: I'm going to object there as to foundation, Judge. That's exactly what I was trying to ask

about. Is he saying he flicked it as though he intentionally did that, that's kind of the whole purpose of the line of questioning when I was asking about whether or not he knew the headlights were working.

But I think that's a common electrical problem, especially with old cars, that those lights will kind of flicker on and off at will.

THE COURT: Mr. Allmon?

MR. ALLMON: I can ask him more questions, Your Honor.

THE COURT: Okay. Go ahead.

BY MR. ALLMON:

Q. When you were driving the other times like when you were following behind him, did you notice that same flicker?

A. No, I didn't notice no flicker at all. The lights was actually working perfectly fine when I was going around him.

Q. So the only -- when was the only time you saw the flicker or the high beam flash?

A. When we pulled over, when he was coming straight at us.

Q. I think we all know what you meant, but I just want to make sure the record is clear. Defense asked you

after the accident, did you call 911, did you talk to a 911 operator, and then you said you hung up because they were already there?

A. Yeah, the only word I got in was, hi, hello, and I said never mind. That was it, I just hang it up.

Q. I think we all know who you mean, but who was "they"?

A. The 911, I called the 911. It was -- the personnel was on the other line.

Q. No, no, when you said, I hung up with the 911 operator because they were already there?

A. The paramedics and there was two cops, two cop cars and one fire truck, one fire truck.

Q. Okay.

MR. ALLMON: Nothing further, Your Honor.

THE COURT: Okay.

MR. MARTINEZ: Briefly, Judge.

THE COURT: Okay. Please.

RECROSS-EXAMINATION

BY MR. MARTINEZ:

Q. Mr. Thornton, the road that you were driving on, it's a paved road; right?

A. Say it one more time.

Q. It's a paved road?

A. Yes.

Q. Okay. So it's generally smooth?

A. Yeah, it's smooth.

Q. Okay. No big pot holes while you were driving; right?

A. A little bit of pot holes, here and there, but yes, it's black top.

Q. Okay. Nothing unusual; right?

A. No.

Q. And along the side of the road, it was like a desert area?

A. Yeah, just like rocks and dirt.

Q. When you pulled off to the side of the road, how far off of the road?

A. We was really off the road like -- we was really into the dirt. We was nowhere close to the road.

Q. Can you give me an estimate in feet? Was it ten feet, was it 50 feet, was it --

A. To be honest, when we was on the dirt, you could actually park your car and you would still be off the road.

Q. Okay.

A. That's how far away it was off, pretty much like a car wide length.

Q. Okay.

A. Yes.

Q. But the car was parallel to the road?

A. Yes, with his -- had his lights on. It was flickering. We just pulled over.

MR. MARTINEZ: Nothing further, Judge.

THE COURT: Okay. MR. Allmon, can he be excused?

MR. ALLMON: I'd like to keep him under subpoena, Your Honor.

THE COURT: Okay. Please wait outside. I want to caution you don't talk about the case to anybody other than the two attorneys.

THE WITNESS: Of course.

THE COURT: Sitting before you; okay?

THE WITNESS: Of course. Sorry, I'm just really nervous.

THE COURT: That's okay. That's okay. Go ahead and put your mask back on; okay? Thank you, bud.

THE WITNESS: Okay.

MR. ALLMON: Next witness for the State is Isela Nino.

THE COURT: Okay. I'm not blocking your view, am I?

THE CLERK: Oh, no.

THE BAILIFF: I'm going to ask you to remain

standing, face our clerk, raise your right hand. She'll swear you in.

ISELA NINO,

called as a witness on behalf of the STATE, was duly sworn and testified as follows:

THE CLERK: Thank you.

THE BAILIFF: All right. Go ahead and have a seat. I'm going to ask you to slide forward and talk into the microphone so everyone can hear you.

THE WITNESS: Okay.

THE COURT: Why don't you go ahead and pull your mask down so we can hear; okay? And the attorneys are okay with that; correct? Okay.

MR. MARTINEZ: Of course, Judge.

THE COURT: If you would please state your full name and spell your name for the record, please.

THE WITNESS: My name is Isela Nino, I-S-E-L-A, Nino, N-I-N-O.

THE COURT: Okay. Go ahead.

MR. ALLMON: Thank you, Judge.

DIRECT EXAMINATION

BY MR. ALLMON:

Q. Ms. Nino, do you know Alterion Thornton?

A. Yes.

Q. How do you know him?

A. He's my fiancé.

Q. Okay. Do you know Alvin Thornton?

A. Yes.

Q. And how do you know him?

A. He's my father-in-law.

Q. Do you remember some incidents of May 27th, 2020, that bring you here today?

A. Yes.

Q. Okay. Describe how you got involved with the events of that day.

A. We had -- me and Arterion Thornton received a phone call that afternoon by Alvin Thornton. When we received it, Arterion put it on speakerphone, which Alvin was gasping for air. So our instincts was he was having a heart attack.

At a time that we got off the phone, we were heading that way, we called the ambulance to head over there to see what was going on. We -- at that moment after we hanged up, we were immediately on our way to Alvin's house.

Once we got there, that's when Alvin had told us that he had gotten pepper sprayed by the people staying there, which in that moment, we didn't know who he was talking about. So we told him, can you tell us your name.

MR. MARTINEZ: Objection at this point, Your Honor. This is getting into a narrative.

THE COURT: Okay. Okay. Slow it down. Just answer his questions; okay?

THE WITNESS: Okay.

THE COURT: And try to keep it to short. Thank you.

BY MR. ALLMON:

Q. So do you see Alvin there?

A. Yes.

Q. And how was Alvin reacting when you saw him?

A. He basically was like panicking and gasping for air and his eyes were swollen. It was like he said, I couldn't breathe, I couldn't breathe and I can't see.

Q. Was he kind of like in an agitated state?

A. Not really.

Q. Okay. Did he seem like he was responding to his medical condition at that moment?

A. Yeah.

Q. Okay. Now, when that happened, did something else happen that kind of set off a chain of events?

A. He had then -- he mentioned that the lady, Maria, that was staying there had brought her boyfriend over, which is Peter, said that --

MR. MARTINEZ: Again, objection here, Judge. This is going to be hearsay.

MR. ALLMON: That's fair.

THE COURT: Okay. Rephrase.

BY MR. ALLMON:

Q. Without -- did you know his name that day?

A. No.

Q. Okay. So did he describe someone you should be looking for?

A. Hum-um.

Q. Okay. Did someone show up back at the house later?

A. They did.

Q. And did Alvin see that person?

A. Yes.

Q. And what did Alvin say when he saw that person?

A. That that was them, the person who had pepper sprayed him.

Q. Okay. And was he saying that while that person was in front of him?

A. Yeah, they were like basically pulling in front of the yard.

Q. Okay. Do you see that person here today?

A. Yes.

Q. Okay. Can you identify him for the Court? If you don't feel comfortable, that's okay.

A. That's him (indicating).

MR. ALLMON: Okay. Can the Defendant --

BY MR. ALLMON:

Q. First off, what color shirt is he wearing?

A. He's wearing an orange shirt.

Q. All right.

MR. ALLMON: Could we have the Defendant remove his mask to confirm the confirmation?

MR. MARTINEZ: Judge, we'll stipulate to the identity of --

THE COURT: Okay.

MR. MARTINEZ: Thank you.

THE COURT: The record will so indicate.

THE WITNESS: That's him.

BY MR. ALLMON:

Q. So what was that person driving that day?

A. A brown van.

Q. And what did you do next?

A. When they left, we basically immediately got in the car to go follow them.

Q. And who was driving?

A. Me.

Q. All right. And what was Alterion doing?

A. He was in the passenger seat, trying to videotape their license plate.

Q. So how did that series of events happen? Actually let me rephrase that question. How did you follow him to get the photo?

A. We were just driving behind the vehicle that Peter was driving.

Q. And what kind of car were you driving?

A. 2010 Volkswagen GTI.

Q. Describe the vehicle for me.

A. It was a black car, small economy car, I want to say.

Q. And so about how far behind him are you as you're trying to get this photo or video?

A. I want to say like not that far, half a mile, like we were like really close.

Q. Half a mile?

A. Like we --

Q. And you were trying to get a photo?

A. We were recording at the same time as well. So he was trying to take a picture, which it didn't work because it was blurry because of the movement, turned into taking a video.

Q. Were you always traveling at the same distance?
A. Yes.
Q. A pretty consistent distance?
A. Yeah.
Q. How far would you estimate a block is in Pahrump?
A. From here to the door.
Q. A block in Pahrump. Have you driven around the streets here much?
A. Not that much.
Q. All right. So you're driving behind, Alterion's trying to take some photos or a video. How was the Defendant driving at that moment?
A. He was swerving and braking at the same time. So it's like you can -- it was like if we were playing bumper cars, you can say that, without bumping into each other.
Q. What did you do to get out of the situation?
A. I tried to go -- I basically drove around them, tried to get in front of him. So when -- by the moment that I was driving, try to -- I pressed the gas to get on the side because I saw oncoming cars, so I pressed it as hard as I can to get in front of him. So basically like cut him off, that's what I did.
Q. And after you got in front of him and you cut him off, did you keep traveling or did you stop the vehicle? What

did you do?

A. Once I got in front of him, I got a pretty good distance, like I want to say two-car distance that I immediately pulled over into the parking space of the storage unit where I was basically hit after the -- after I had pulled over.

Q. When you pulled over into the storage unit, did you do anything with your lights?

A. I turned on my hazard lights.

Q. Why did you turn on your hazard lights?

A. Just to basically -- I just -- that was my instincts to just to turn them on to look like I was like, you know, pulling over for something. And that's when we were going to call 911.

Q. Did you think that you were -- would be more likely to be seen or less likely to be seen by turning on your hazard lights?

A. More likely because it was already getting dark.

Q. And so after you pulled over to the side of the road, you got your hazard lights on, how far from the road is your vehicle? Like where the pavement ends to your vehicle, what would your estimate be?

A. It was pretty -- I don't know how to tell by inches or feet. I couldn't tell you that.

Q. Tell me a car's length.

A. It was basically half a car length.

Q. Half a car length?

A. Yes, I was like already off the road. So imagine this is the street. I pulled in, it was a pretty good distance. Like it was just like basically me pulling into it. It was a pretty good distance from it.

Q. All right.

A. I wasn't -- I was away from the road if I can explain myself.

Q. Okay. And for the record, you were kind of indicating with two hands, your right and your left hand, your right kind of moving away from your left hand?

A. Correct.

Q. And when you were parked there with your flashers on, what happened next?

A. I had immediately told Alterion just call 911 to help us. Once he was in the process of unlocking his phone and calling, I immediately raised my head up and looked at the rear view mirror where I saw Peter like flash his high beam lights at us, and I told him, it's too late, like he's going to hit us.

And when I had immediately looked up, it was like already a good amount of distance where it was like I want to

say less than a minute where I -- we felt the hit from behind, and that's when we got pushed into the wall.

Q. So you knew -- did you know if you were going to be hit in the moment before you were hit?

A. No.

Q. Did you -- were you afraid that you would be, though?

A. Yes.

Q. And describe the impact that you felt.

A. When he hit us, it felt like a sharp hit from behind. I didn't expect that we were going go into the wall, I thought it was going to be just like a hit from the -- his front of the car hitting the trunk of my car. I thought we were just -- like I said, I thought it was just a normal hit from the back.

But from his hit, it felt like a double impact, like the car got squished because it was him hitting us and pushing us to the wall, where I felt like the front of the car, it felt just like it came inside of me, like hitting my legs.

Q. What hit your legs?

A. The -- I -- it felt like that, that's like the impact. It felt so hard where it felt like a big push in my chest and everything in front.

Q. What happened to the vehicle?

A. It was a total -- it was like a complete loss.

Q. Were you the owner of the vehicle?

A. Yes. I was actually financing it, not owning it.

Q. And so the vehicle was a total loss, you said?

A. Um-hum.

Q. All right. Describe the damage that you saw to the vehicle?

A. When I had got -- after I got out of the car, I just saw the whole wall in. So it felt like it had ripped the whole front from the image that I was looking at. But after looking at it, it was like basically everything torn apart from the front and the trunk was like dented in, and then with the rocks scraping the whole front and cracking the front window.

Q. That night, what happened to the vehicle from the moment of impact? Describe that.

A. It was like basically stuck in the wall. I don't remember much of the scene because at the moment when I got -- when we got hit, I got out the car. That's when I collapsed. I was -- some ladies had pulled in over that I don't know their name. They just pulled over to help.

I wasn't able to be like -- what happened with the car or anything, all I know is that Alterion had told the

towing people to take it to Alvin's property.

Q. Did the vehicle remain in place when it got hit?

A. Yes. It didn't get moved until they were like done searching it and taking photos from what Alterion was telling me. And then the cops said that we just need to like search it and then I can overhear while I was in -- at the hospital that they needed either to get towed or the car taken somewhere.

Q. Okay. That's not what I'm asking. What I'm asking is: The vehicle, when it got hit, did that impact move the vehicle?

A. Yes, it moved it forward. Sorry.

Q. Okay. About how far did it move the vehicle?

A. So we were parked right here (indicating). I don't know how far we were from the wall. I just -- I want to say it was like a good push like basically like a car moving from one spot to forward. So I want to say it was like a push.

Q. Okay. You said a wall?

A. Yeah.

Q. Where was the vehicle in relation to the wall at the end of this?

A. It was inside, inside the wall.

Q. Describe that wall.

A. It got -- it basically hit the whole side of it and my whole front of the car was inside of it. The front engine part was inside the wall.

Q. Was that a chain link fence wall? What kind of wall was it?

A. It was a -- I want to say a brick wall or a stone wall.

Q. And was that a result of the vehicle hitting you?

A. Yes.

Q. What did you see next, just -- did you see the Defendant there after that?

A. Hum-um, I didn't.

Q. What injuries did you get from that -- this incident?

A. Minor bruises from my right arm. I got the bruises in my stomach. Basically I had already had a prior accident, so it got -- I basically had more bruises on my right arm, which I had effected prior.

Q. So you had some injury before from a -- like a motor vehicle accident or --

A. Yes.

Q. Okay. And does it normally flare up like that?

A. A little bit. Like now it's -- this accident, it's just like more damage that I did to myself because I

didn't fully maintain getting therapy because it was just like -- it didn't get broken or anything. It was just like bruises with the nerves. So the nerves just like tingle from time to time. So it's like I added more pain to it basically.

Q. And is that different than just the normal everyday pain you would have had from the previous accident?

A. Yeah.

Q. All right. You had some kind of bruising. What kind of bruising did you have?

A. It -- the -- my front arms, they swelled up and then this part on my right elbow (indicating) it's just like -- it turned purple red.

Q. How about your stomach?

A. It had bruises from the seat belt, just red, which was -- it was a straight seat belt from the chest to the and abdomen -- abdominal.

Q. Say that last part again.

A. From the chest right here, the seat belt that caused the full -- it was a seat belt bruising it basically, but they were like light red.

Q. So you had some -- was it red or did it bruise later?

A. It reddened first and then it bruised.

Q. And that looked similar to where your seat belt

was?

A. Yes.

Q. Okay. Did that hurt?

A. Yes, it did.

Q. All right. How about your head?

A. It -- I didn't get bruising on the face. It just swelled up, that was about it. From a couple days later, the swelling went down and I want to say I feel like it was the impact of the air bag when it imploded in my face.

Q. Did you feel anything to your face that's --

A. Just the air bag, that was it.

Q. The air bag?

A. Yeah.

Q. Did you -- if I asked this, I don't remember, so feel free to do (indiscernible)?

MR. MARTINEZ: Don't (indiscernible).

BY MR. ALLMON:

Q. Did you see the Defendant there after the accident?

A. Hum-um.

Q. Did you hear any sounds prior to being hit?

A. I did. After he hit -- after the van hit us --

MR. MARTINEZ: I'm going to object there, Your Honor. I think the question was prior to being hit.

MR. ALLMON: Correct.

THE WITNESS: I did hear, yes.

MR. ALLMON: Stay on the prior to being hit.

THE WITNESS: Yes, I did.

MR. ALLMON: Sorry, Your Honor, I didn't mean to --

THE COURT: That's okay. That's okay.

BY MR. ALLMON:

Q. Okay. What sounds did you hear just prior to the moment of being hit?

A. Like the van was trying to ignite, but it's like when you press the gas, it's just heard like the engine running like (indicating), like it was trying to move, but it wasn't getting no movement.

Q. Was that before or after?

A. After when we got -- we got hit, so it was after.

Q. Okay. Let's just backtrack just a little bit. You're parked on the side of the road, I'm taking you back.

A. Okay. Okay.

Q. And I'm doing it out of order, so I'm getting a little confusing.

A. Okay.

Q. You're parked on the side of the road, you've got your forward flashers on. Did you hear any sounds at that

point?

A. Oh, no.

Q. Okay. The Defendant hit you with his vehicle, you talked about your injuries, then what sounds did you hear after that?

A. Like he hit another -- like he hit another -- he hit something. It sounded like a wire. And then after he hit, it sounded like he was trying to like, I guess, with him hitting something, his car didn't run, so --

Q. And did you see the Defendant there at any point after that?

A. Hum-um.

Q. And to clarify, did you actually see the vehicle coming at you beforehand?

A. After -- I didn't see it coming until I raised up my hands and I saw the high beam hit us.

Q. Did you see it even for a split second before?

A. Hum-um.

Q. You didn't see any high beams for a split second beforehand?

A. No, because my head was down. When I picked it up, that's when I saw him flashing. He had just turned them on.

Q. Okay. And when you saw the high beams flashing;

right?

A. Yes.

Q. You saw that before you got hit?

A. Yes -- oh, yes.

Q. Okay. In that moment that you saw the high beams before you got hit, what thought went through your head?

A. Basically --

Q. What did you say -- let's back up. What did you say to your boyfriend?

A. Call 911, we're going to get hit.

Q. Okay. And when you saw those high beams, what did you think?

A. That it was over, that it was just like -- we were just going to get hit regardless.

Q. Now, where you got hit, do you remember where that was?

A. It was on Charleston Park Avenue. I don't know the building on -- I know it was just a storage unit.

Q. Was that in Pahrump?

A. Yes.

MR. ALLMON: No further questions.

THE COURT: Mr. Martinez.

MR. MARTINEZ: Thank you, Judge.

CROSS-EXAMINATION

BY MR. MARTINEZ:

Q. Ms. Nino, you made a claim with the insurance company after this accident; right?

A. Correct.

Q. What insurance did you have on your car?

A. I had Allstate.

Q. Okay. Did you give -- have you ever given them a recorded statement?

A. No, I haven't.

Q. You haven't called to them and talked to them at all?

A. I -- oh, yeah, I did, yeah.

Q. Oh.

A. And I did a written statement for them, but it was through email.

Q. Okay. But you did do a written statement for them as well?

A. Yes.

Q. All right. Did you make any claim or talk to the insurance company for the van?

A. Not at the moment because they -- since I didn't have no records of them, so it was just basically I was just reporting to my insurance.

Q. Okay.

A. I was like all I have was their license plate. I didn't have much info on the other parties' insurance, so --

Q. Okay. So to date, as you stand here today, have you ever talked to the other insurance company?

A. I have.

Q. You have?

A. Yes.

Q. Do you know what insurance company that is?

A. Progressive.

Q. Progressive?

A. Yes.

Q. Now, you testified that when you and Alterion first got to Alvin's house, you learned that he had been pepper sprayed; right?

A. Um-hum.

Q. How long -- from the time that you got to his house, how long did it take the paramedics to get there?

A. Ten minutes.

Q. So not very long?

A. No.

Q. How long were they there with him for?

A. Less than five minutes.

Q. Real quick?

A. Because -- yes, it was real quick because they just asked him, do you need help, and he denied that he didn't want to get taken to the hospital.

Q. All right. Did you call the police at that point?

A. Alvin had made the call, we didn't.

Q. Alvin made the call to who?

A. To the sheriff's.

Q. So Alvin called the police?

A. Yes.

Q. All right. When you guys got to Alvin's house, I assume you got out of the car; right?

A. Yes.

Q. At some point you got back into the car; right?

A. Um-hum.

Q. When you got back into the car, did you immediately start following Mr. Helfrich?

A. Yes.

Q. So prior to following them, you weren't just hanging out in the car; right?

A. No.

Q. When you got in the car, had Mr. Helfrich already driven away from the property?

A. Yes.

Q. That road that you were on, how many roads did you have to drive on when all this happened? Let me ask you that.

A. Wilson and then Charleston Park. It was just --

Q. So it was just a couple?

A. Yes.

Q. When you caught up with Mr. Helfrich, was he still on Wilson?

A. So it's Charleston Park -- so it was Wood Chips, take it back, Wood Chips and then Charleston Park.

Q. Okay. So when you caught up to Mr. Helfrich, what street was he on?

A. Wood Chips.

Q. He was still on Wood Chips?

A. Yes.

Q. So before he turned onto Charleston Park?

A. Um-hum.

Q. When he turned onto Charleston Park, did he have to make a right or a left onto Charleston Park?

A. Left.

Q. To catch up to him --

A. Um-hum.

Q. -- how fast did you have to go to catch up to him?

A. We were doing 45 at --

Q. 45?

A. Yeah, because he wasn't that far away. So we basically -- when we got on to him, he was doing -- we were doing 45. We didn't speed up until we got onto Charleston.

Q. Okay. What's the speed limit on Charleston?

A. 45.

Q. 45?

A. (Nodded head.)

Q. Did you have your phone out with you at that time?

A. On me, no.

Q. You didn't? Okay. So Alterion was the only one with a phone in the car; right?

A. Yes.

Q. Now, you said when you got behind him, you had to be pretty close to him in order to get the video; right?

A. Correct.

Q. But then I think you also said you were about a half a mile behind him?

A. Um-hum.

Q. Which isn't pretty close. So let me ask it to you this way. In a number of car lengths, how many car lengths were you from him, do you think? Were you one car

length behind him?

A. No.

Q. How many?

A. So before we got on to him, there was a couple car lengths, but when we started videotaping, we were literally like -- you can say almost close to his bumper to try to get close.

Q. Oh, okay. So you were real close to his bumper?

A. Yes, trying to get --

Q. So shorter than one car length?

A. Yes.

Q. All right. You were tailgating him; right?

A. Um-hum.

Q. Because you had to get close enough to take a picture?

A. Right.

Q. Now, you said he was swerving and braking at the same time?

A. Correct.

Q. Did that happen once you got real close to him?

A. Um-hum.

Q. That's a yes?

A. Yes.

Q. Sorry.

A. Sorry.

Q. When we're (indiscernible) --

A. No, no, no, you're fine.

Q. People say "um-hum" and "uh-huh," sometimes it doesn't pick it up.

A. That's okay. Yes.

Q. Now, had you ever met Mr. Helfrich before?

A. No, I had not.

Q. Do you know if there was anyone else in the car with him?

A. He was the driver, there was Maria next -- on the passenger. That's the only two people that I knew that were in the car.

Q. Okay. Had you ever met Maria before?

A. No.

Q. Never hung out with them?

A. Hum-um.

Q. Never gone for a ride in that van?

A. No.

Q. You've never driven that van; right?

A. No.

Q. So you don't have any idea if everything was running correctly in that van?

A. Correct, I don't.

Q. And now he was swerving and braking before you passed them, you said; right? You said you pulled over to pass him?

A. When I was in the moment of passing him.

Q. Um-hum?

A. He tried to hit us on the passenger side.

Q. Okay.

A. And that's when I had a double -- press my gas because I saw an oncoming car, but I was also trying to pay my directions of the oncoming and him on one side. But basically when I was paying attention is like he almost tried to hit us, we almost got off the road and he almost hit another car in front of us. So I had to like immediately go in front to cut him off.

Q. So you almost got off the road, but didn't --

A. Yes.

Q. Okay. And there was a vehicle coming the other direction?

A. Um-hum.

Q. And now you said it was almost dark out at this time; right?

A. Correct.

Q. So did everybody have their headlights on?

A. Yes.

Q. When you got in front of them, were there any other cars in front of you?

A. No.

Q. Were there any cars behind you that you noticed?

A. Just him.

Q. Okay.

A. He was just the only one behind me.

Q. How about before you passed him, were there any cars behind him?

A. No, I would -- I wouldn't say.

Q. You're not sure because --

A. No.

Q. -- you did (indiscernible)?

A. Not sure, yeah.

Q. Okay. So you had to slam -- and at this point, when you were behind him and you got real close, how fast were you going? Did you guys slow down when he started braking?

A. Yes, we had to slow down. That's when he tried to like -- after we noticed that he kept braking on us, that's when we started slowing down and kept our distance.

I was like you're just going to have to like record and say what you see, like the numbers, because it was like with him recording and him like moving side to side, I was just like, just record and save the plate while you're

recording, because he wasn't going to let -- like with him slamming and swerving, it was just impossible to try to get it on videotape.

Q. Okay. So you slowed down. Would you say you were going 35 miles an hour?

A. Almost 35, 45.

Q. Okay.

A. The speed limit.

Q. So the 35 to 45 range. So you slowed down, but not very much?

A. Hum-um.

Q. And you slammed on the gas to get in front of him?

A. Correct.

Q. How fast did you speed up to?

A. 55, I want to say. I went up a little bit. I didn't go too fast.

Q. Once you were past him, how far did you go before you pulled over?

A. We were a couple cars, like I want to say two, three cars distance from -- away from him when we pulled over.

Q. And when you pulled over, did you slam on the brake?

A. No, I pulled slowly into the storage unit and I

had just like basically put my car in park and I just turned on the hazard.

Q. Okay. So you came to a regular stop?

A. Correct.

Q. How long was the car in park for before you felt the impact?

A. It was, I want to say, ten minutes tops or less than ten minutes.

Q. Ten minutes?

A. Less than ten minutes, so five minutes exactly. We weren't there -- never mind. Rephrase that.

Q. Okay.

A. Not five minutes. We were less than five minutes because when we had slowly parked and I had told him call, that's when we got hit. So less than five minutes.

Q. Now, so you said you passed him?

A. Um-hum.

Q. You drove about two or three car lengths and then pulled over, but then said you were sitting there for --

A. Five minutes.

Q. Five minutes or so before he impacted you?

A. Um-hum.

Q. Did you see if he drove by and then came back around?

A. No, he didn't. He just came up. He was actually speeding.

Q. Okay.

A. Because it's just like -- when we had pulled him, I was like we're just going to pull over and just call 911. After we pulled over, we were there sitting. While he was in the process of calling, that's when immediately he came, flashed his beams and hit us.

Q. Okay. Now, were you pregnant at the time?

A. I didn't know I was pregnant.

Q. Okay. You didn't know when the accident happened that you were pregnant?

A. I found out when I was taken to the ambulance, when they did my blood work, that's how I found out I was actually pregnant.

Q. Okay. Did you have that baby?

A. Yes, I did.

Q. All healthy?

A. Yes.

Q. Okay. Congratulations.

A. Thank you.

Q. Now, the injuries that you described to the State, did you take any pictures of your injuries?

A. No, I did not.

Q. Did you take any pictures of the bruises that you had?

A. Hum-um.

Q. Now, you had mentioned that you were in a previous car accident?

A. Um-hum.

Q. When did that occur?

A. In November 9, 2019.

Q. So --

A. And it was here in Pahrump as well.

Q. Okay. So a little bit more than a year ago from today's date?

A. Correct.

Q. After the impact happened, did you get out of the cart right away?

A. Yes.

Q. Did you walk around the car to kind of see the damage?

A. I did not.

Q. What did you do?

A. When I got -- when I got out the car, my immediate was like to try to sit down.

Q. Um-hum?

A. Because all I felt -- I was inhaling was the

smoke.

Q. Um-hum?

A. But the moment that -- the couple steps I took, like two steps.

Q. Um-hum?

A. I had fallen down. I just collapsed and all I heard was some lady running, she's all like just lay on my lap.

Q. Um-hum?

A. Until we -- paramedics come. And I just said I can't breathe, I can't breathe. So they helped me like try to open up my airway. Like I guess -- I think I was wearing a hoodie, I don't remember, and it wasn't helping this much. It was just like -- it was all the smoke I inhaled.

Q. Okay. Now, did you notice if Alterion ran away from the accident?

A. He got out the car and he went to go check on the van.

Q. Well, did (indiscernible) --

A. -- so he was the first one to -- no, just -- he just -- so --

Q. -- and after (indiscernible). If he told you that's what happened, that's one thing and we can't talk about that.

A. No.

Q. But did you see him go check on people in the van?

A. No, he just got out the car. That's all I saw.

Q. Okay. Did he come check on you at some point?

A. Yes, he did.

Q. How long did it take him to get to you?

A. One or two minutes.

Q. Okay.

A. Because when he -- when I had fallen down, he had came back, the lady said, come check on your wife.

Q. Okay.

A. And that's when he came and he was -- he transferred me from the lady's lap to his lap.

Q. Okay. So you didn't know what he was doing during that point?

A. No.

MR. MARTINEZ: I'll pass the witness, Your Honor.

THE COURT: Okay. Mr. Allmon.

MR. ALLMON: Thank you, Your Honor.

REDIRECT EXAMINATION

BY MR. ALLMON:

Q. All right. Ms. Nino, when you -- let's walk through the series of events. You're behind the Defendant;

right?

A. (No audible response.)

Q. You said you went to go past?

A. Um-hum.

Q. All right. You passed him. How long after you got in front of him did you pull over to the side of the road in time?

A. It's hard to tell in time because it happened so quickly. So when I got in front of him, I sped up a little bit, pulled over. I want to say tops four minutes, it was like -- it's hard to describe in time.

Q. How many car lengths do you think you were in front of him when you pulled over?

A. Two or three, I remember, because when I had -- when I passed him when I got in front of him, my instinct was just speed up and pull over. That was it. So like by the time of me speeding up, less than four minutes, and then we were sitting for the couple minutes to call 911.

Q. I think we need some clarification then. You said four minutes; right? What is the first event that starts your four minutes that you're counting?

A. As soon as I got in front of him to speed up.

Q. As soon as you got in front of him to speed up. Was he -- was his vehicle moving at that time?

A. Yes.

Q. Okay. So is it both vehicles are moving?

A. Um-hum.

Q. And you're saying it's four minutes from the time you started to pass or four minutes from when you got in front of him?

A. When I started to pass and I sped up.

Q. Okay. Are you -- when you start counting your four minutes, are you -- is your vehicle back in the safe travel lane?

A. Yes.

Q. Okay. Is that the start of your four minutes, then, is the moment you get back in the safe travel lane?

A. Okay. Let's rephrase it because now I'm confusing myself. Sorry. I'm so sorry.

Q. It's okay.

A. When I got in front of him, I started counting. Let's take away the four minutes because now I see the four minutes makes it look long. When I got in front of him, it was a couple minutes, not that long, just a couple minutes. When I got up, passed him, I pulled over a couple minutes after we make the call.

Q. Okay. And then after you make the call, what happens after you make the call or you -- did you make the

call?

A. We didn't make the call. We were in the process of making the call, but it didn't get -- and no time call, so we didn't make no call. We were in the process of calling.

Q. Okay. And why did you not make the call?

A. Because by the time that we pulled over and I parked it, I was just yelling at Alterion call 911, call 911. He has a lock on his phone, so he had to unlock it. While -- by the time that he starts dialing, that's when we get hit so fast.

Q. How many type of situations have you been in like this?

A. Never. This is my first time.

Q. Okay. Was your adrenaline going?

A. Yes.

Q. You said before that this happened -- actually let me not give you a leading question.

Where did this happen again?

A. On Charleston Park.

Q. Okay. Is that in Pahrump?

A. Yes.

Q. And when that vehicle came at you, what thought went through your head?

A. When it came at me, my thing was like I think

we're going to die.

MR. ALLMON: No further questions.

THE COURT: Mr. Martinez?

MR. MARTINEZ: Nothing further, Judge.

THE COURT: Okay. May she be excused?

MR. ALLMON: Yes, Your Honor.

THE COURT: Okay. Thank you for your testimony.

THE WITNESS: Thank you.

THE COURT: Your next witness?

MR. ALLMON: Yes, Your Honor. The State calls Detective Connelly.

THE COURT: Okay.

DETECTIVE MICHAEL CONNELLY,

called as a witness on behalf of the STATE, was duly sworn and testified as follows:

THE CLERK: Thank you.

THE WITNESS: Good morning, Judge.

THE COURT: Detective, if you'll please state your full name and spell your name for us.

THE WITNESS: Michael Connelly, M-I-C-H-A-E-L, Connelly, C-O-N-N-E-L-L-Y.

THE COURT: Okay. Thank you, sir. Go ahead.

DIRECT EXAMINATION

BY MR. ALLMON:

Q. Detective Connelly, how long have you been a Detective with the Nye County Sheriff's Office?

A. Approximately eight months.

Q. And how long have you been a deputy in total at Nye County Sheriff's Office?

A. Approximately nine years and two days.

Q. And were you working as a Nye County Detective on May 27, 2020?

A. I was.

Q. Okay. What were you assigned to do?

A. We -- Detective Anderson and I were going to assist on the traffic accident at Charleston Park and 372.

Q. And is that in Pahrump?

A. It is.

Q. Did you make it to the scene of the accident?

A. I did.

Q. Or the incident?

A. Yes.

Q. Okay. And what did you see there?

A. A car that was bashed into the side of the mini storage building there at the Quick-Sav, multiple people walking around, Deputy Sinnert and I believe it was Deputy

Beard and Sergeant McRae -- Lieutenant McRae, sorry.

Q. Did you get any information that made you then act as part of this investigation?

A. I did.

Q. What information did you receive?

A. That one of the drivers, Peter Helfrich, had fled the scene.

Q. Okay. And how did you come to the conclusion it was Peter Helfrich?

A. The male and female that was on scene stated it was Peter Helfrich.

MR. MARTINEZ: Object to hearsay, Judge.

MR. ALLMON: I think, again, impact on the listener. It was -- he then goes out and looks for Peter Helfrich is what he was going to say.

THE COURT: Anything else?

MR. MARTINEZ: The same objection, Your Honor. The entire identification of the Defendant to Detective Connelly here is based on the testimony of two witnesses who are not present.

MR. ALLMON: I think it could not be used to prove that it was -- those statements alone cannot be used to prove that Peter Helfrich was the person that did it, but then he took some investigative steps.

I went out and investigated Peter Helfrich is kind of the broad scope of -- or broad stroke of what he's going to say.

THE COURT: I think what you're looking for is like some foundation.

MR. ALLMON: Sure, Judge.

THE COURT: Okay. Let's go ahead and do some foundation first; okay?

MR. ALLMON: Thank you, Your Honor.

BY MR. ALLMON:

Q. What information did you receive on the scene?

A. That Peter Helfrich was the male driving one of the vehicles involved and the female and the male that were in the car with Peter Helfrich remained on scene.

Q. And who did you receive that information from?

A. I don't remember their names.

Q. Okay. Now, at that moment, you didn't know whether or not that was true?

A. I didn't.

Q. Okay. So it was basically an investigative lead; is that fair to say?

A. Yes.

Q. Okay. What did you do next with that information?

A. Detective Anderson and I got in the car and started patrolling the area to see if we can find Peter Helfrich.

Q. And do you know Peter Helfrich?

A. I do.

Q. How do you know him?

A. Multiple law enforcement encounters. He's actually a nice guy.

Q. So you knew this person from before?

A. I have.

Q. You know him by face?

A. Um-hum.

Q. Okay. Did you find Peter Helfrich?

A. We did.

Q. All right. Do you see Peter Helfrich here today?

A. I do.

Q. Can you identify him for the Court?

MR. MARTINEZ: Judge, I'll stipulate to the identification.

MR. ALLMON: I'd like to put it on the record, Your Honor.

THE COURT: Okay. Okay.

THE WITNESS: He's sitting to my right, wearing a white and orange jumpsuit.

MR. ALLMON: Okay. May the record reflect?

THE COURT: It will reflect.

MR. ALLMON: Thank you.

BY MR. ALLMON:

Q. What did you see him -- or where did you find him at?

A. It was in between on Charleston -- or not Charleston Park, State Route 372 between Big Five and Black.

Q. And how far is that from the scene of the accident in approximate terms?

A. Approximately half a mile.

Q. How did you find the Defendant?

A. He was just walking on the side of the road, traveling eastbound on foot.

Q. Did you stop him at that point?

A. We did.

Q. All right. So -- and "we" is you and Detective Anderson?

A. Yes.

Q. All right. Did you or Detective Anderson search him?

A. Detective Anderson did.

Q. All right. Did you see Detective Anderson do the search?

A. I did.

Q. Did you see any contents pulled out of his pocket that were of note?

A. One can of OC spray or bear spray. I can't remember exactly what it was, but it was a canister.

Q. Is that commonly called pepper spray? Is that the same thing?

A. Yes.

Q. All right.

MR. ALLMON: No further questions.

THE COURT: Okay. Mr. Martinez, cross?

CROSS-EXAMINATION

BY MR. MARTINEZ:

Q. Is that the first time you've encountered that bear spray, Detective?

A. What do you mean?

Q. Have you ever seen a can like that before?

A. I have.

MR. ALLMON: Court's indulgence, Judge.

THE COURT: Take your time.

MR. MARTINEZ: Thank you, Judge.

THE COURT: No problem. Go ahead.

BY MR. MARTINEZ:

Q. So, Detective, had you seen a can of bear spray

or pepper spray like that before?

A. I have.

Q. Is there a cap that goes on it?

A. There should be a cap. There's multiple different sizes and shapes.

Q. Okay. Do you remember if there was a cap on the one Mr. Helfrich had?

A. I don't remember seeing one.

Q. Okay. Are there ways to tell if it had been recently used?

A. I wasn't getting close to that thing.

Q. You wasn't getting close to it?

A. I hate them.

Q. All right. Understood.

So you didn't take any pictures of it?

A. I don't believe I did. I don't know if Detective Anderson did or not.

MR. MARTINEZ: Nothing further, Judge.

THE COURT: Okay. Mr. Allmon?

MR. ALLMON: Nothing, Your Honor.

THE COURT: Can he be released?

MR. ALLMON: Yes, Your Honor.

THE COURT: Thank you, Detective.

DETECTIVE CONNELLY: Thank you.

THE COURT: State, call your next witness, please.

MR. ALLMON: Court's indulgence.

THE COURT: You bet.

MR. ALLMON: The State rests, Your Honor.

THE COURT: Okay. Mr. Martinez?

MR. MARTINEZ: One moment, Your Honor.

THE COURT: Okay.

MR. MARTINEZ: Thank you, Judge.

THE COURT: No problem.

MR. MARTINEZ: Judge, I just went over with Mr. Helfrich his right to remain silent and also his right to testify at today's proceedings.

Upon the advice of counsel, he's going to invoke his right to remain silent and he is not going to testify. With that, the defense would rest today as well, Judge.

THE COURT: Okay. State, closing arguments?

MR. ALLMON: Yes, Your Honor.

THE COURT: Unless you have any rebuttals?

MR. ALLMON: No, Your Honor.

THE COURT: Okay.

MR. ALLMON: As mentioned before, before I get into the closing, the State would like to add two counts of assault with a deadly weapon, one count for each victim, the

first being Alterion Thornton, the second being Isela Nino. And as the defense mentioned, I am free to do that until the closing. So --

MR. MARTINEZ: Well, to clarify, Judge, that's my not my position that he's free to do that until the closing. The State's free to do that until they rest.

THE COURT: Um-hum.

MR. MARTINEZ: Which they've already done, so --

MR. ALLMON: That's fair, and I did put it on the record that I'd would be seeking to.

MR. MARTINEZ: And I -- and, Judge, perhaps you took better notes than I did. I thought it was just one count of assault with a deadly weapon that the State had said they were going to amend to include it.

MR. ALLMON: I think I did only mention the single one. However, I think there was evidence after I made that notice to defense. I went pretty in depth with Isela about the -- about what she saw as well. So I think the State -- or defense was on notice that that's what I was seeking too.

THE COURT: Okay.

MR. MARTINEZ: And, Judge, as he did say, the State did just mention one, so obviously they've amended the complaint to include one count, but then they had rested. So

I would object on that ground to them adding another count of assault with a deadly weapon.

I'm going to be arguing that neither of them should be bound over anyway, no matter what the Court does, but for purposes of this argument right now, that's my stance.

THE COURT: Okay. Fine. Let's go on.

MR. ALLMON: Thank you, Your Honor.

So in reference to the criminal complaint, starting on the amended criminal complaint, which is dated July 21st, the first count of battery with a deadly weapon.

So you -- the identity was not at issue, the jurisdiction was not at issue, the date were not at issue. Did willfully and unlawfully use force and violence upon the person.

He willfully, unlawfully did it by specifically veering the vehicle off at a high rate of speed, such a high rate of speed that it smashed in both vehicles, smashed it through a cinder block wall and both vehicles were left completely inoperable by that. That was an extreme amount of force that the Defendant had to apply to these people in their car.

So I think there is no doubt that that was willfully done, unlawfully, without justification. Use force or violence upon the person of Alterion Thornton with a deadly

weapon, that deadly weapon being the Astro van or any van. They described it as a van. I don't believe Astro was specifically said.

That -- those same arguments apply to Isela Nino. Multiple counts could be charged for each single occupant of the vehicle. They both suffered the injury and that's what the State is looking to protect is the actual injury to multiple victims.

As far as the duty to stop at the scene of the accident, I think the evidence was pretty clear on that. Regardless of what his argument is, there was an accident there.

The Defendant was supposed to report that, was supposed to seek help for an accident that he was involved in, whether or not he caused it. However, he did cause this accident, which makes his actions more egregious, yet not necessary to prove under the statute.

So he was involved in an accident regardless of whose fault it is. It resulted in personal injury to Alterion Thornton. Now, it's important to note personal injury, not substantial bodily harm.

There are many instances when the statutes say substantial bodily harm. Most statutes that we're used to dealing with say substantial bodily harm. However, the

statute is very clear, this uses the word "personal injury," death or personal injury and so that injury can be minimal.

The reason for that makes sense. The defendant can't say, you know, there was an injury and I left because I didn't think it was substantial. We want to make people stay and report things before they get worse. So it's not necessary to prove substantial bodily harm, just injury, personal injury.

Alterion, who I inaccurately called Alterion, but he is Alterion, Alterion described some minor back pain, some scratches to his face. That is personal injury that fits the statute. Isela describes a series of injuries, kind of some minor bruising from the seat belt to her stomach from the seat belt or impacting.

She described being hit by the air bag. She described the tingling in her arm that was agitated and it's important to remember, too, that defendants take people as they are.

The eggshell doctrine that we're all aware of, you can't say that, you know, someone had an injury before and now it's agitated so they're not responsible. You agitate it, you're responsible for it.

Now, my amended Counts V and VI that I would be asking the Court to add, the first being with Alterion, the

second being with Isela, they had mentioned that they saw the vehicle. It's important to remember that the statute says reasonable apprehension. It doesn't say reasonable fear.

And apprehension is just a simple point of noticing that something is going to happen to you and noticing that you need to react to it in some way. You either -- you know, fight or flight kind of instinct that kicks in from that. It doesn't mean that you necessarily felt fear.

So, for example, if we had, you know, an MMA fighter and someone took a swing at them, he doesn't have to necessarily be in fear, just has to apprehend he's about to be hit and that's what we have there. We have both say they saw the flicker of the headlights, that the vehicle sped up and he rammed into them. So they saw it coming even for the briefest moment.

And so the State would ask to add Counts V and VI. And it's important to remember, too, this is a probable cause hearing, slight or marginal evidence, you get that from Sheriff Washoe County v. Huff House (ph.) and Sheriff Clark County v. Vedillo. The first one is 196 Nevada 184, the second is 95 Nevada 593. Probable cause is a minimal showing and I think the State clearly showed by probable cause the six counts that it's alleging.

Thank you, Your Honor.

THE COURT: Thank you. Mr. Martinez.

MR. MARTINEZ: Thank you, Judge.

Judge, I will start here. The State just mentioned in their closing arguments that there's no doubt Peter Helfrich intentionally, willfully hit the Volkswagon GTI, that he intentionally ran off the road.

There's lots of doubt about that, Your Honor. Quite frankly, I would say the entirety of their driving conduct would suggest that that van wasn't operating properly, whether it was swerving all over the road, going from side to side.

The flicker of the headlights as I did mention, as I did mention and I asked and I argued that is a -- it's not a symptom because it's not a person, but that's a common sign that there's an electrical problem with the vehicle, especially when the car goes over bumps that the lights -- the headlights will start to flicker they'll go from their brights to not their brights and those sorts of things.

The State tried -- has said that the impact going through the brick wall, the damage done to the vehicles, everything along those lines shows how great of a force this was and it couldn't possibly have done intentional. Well, of course it could be done intentional. If the brakes aren't working on a vehicle and they can't slow down, that's how that