

EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

PATRICK JAMES DUFFY,

Defendant.

GJ No. 17AGJ116X

DC No. C330565

Taken at Las Vegas, Nevada

Tuesday, November 28, 2017

8:30 a.m.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

VOLUME 1

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

09:28 1 GRAND JURORS PRESENT ON NOVEMBER 28, 2017

2

3 MORGAN DEVLIN, Foreperson

4 SANDRA MOORE, Deputy Foreperson

09:28 5 RAELYNN CASTANEDA, Secretary

6 MARY ANDERSON

7 DOMINIQUE CARDENAS

8 IVAN CAYLOR

9 JANET COWLEY

09:28 10 JERRY DIVINCENZO

11 LISA EGGERT

12 MICHELLE FENDELANDER

13 BOBBI FLORIAN

14 AMY KNUDSON

09:28 15 GREGORY KORNILOFF

16 PATRICIA PRATHER

17 LATANIS WATTS

18

19 Also present at the request of the Grand Jury:

09:28 20 Daniel Westmeyer, Senior Attorney General

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22

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24

25

09:28

1

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Examined

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CATHERINE SMITH-MCINTOSH

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CLAY ABAJIAN

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FLEUR ABAJIAN

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DEBRA ALLISON COPENING

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NICOLE VEATER

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STUART VEAUDRY

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09:28

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JAMIE OSBURN

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09:28 1 LAS VEGAS, NEVADA, NOVEMBER 28, 2017

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3

4 DANETTE L. ANTONACCI,

09:28 5 having been first duly sworn to faithfully  
6 and accurately transcribe the following  
7 proceedings to the best of her ability.

8

9 THE FOREPERSON: Let the record reflect

09:28 10 that I have canvassed the waiting area and no one has  
11 appeared in response to Notice of Intent to Seek  
12 Indictment.

13 MR. WESTMEYER: Good morning ladies and  
14 gentlemen. My name is Daniel Westmeyer. I'm a  
09:37 15 prosecutor with the Nevada Attorney General's Office.

16 We are here today on case 17AGJ116, State of Nevada  
17 versus Patrick Duffy. The record should reflect that  
18 all the members of the Grand Jury here present today  
19 have a copy of an exhibit packet. Is there anyone

09:37 20 present who does not have an exhibit packet?

21 It looks like everyone has one of those.  
22 There should be four tabs on that exhibit packet. I'm  
23 going to ask you not to refer to any of the tabs until  
24 you're directed to do so.

09:37 25 At this time, having said that, let's start

09:37 1 with Exhibit 1 which is a copy of the proposed  
2 Indictment in this case. As you can see it's a seven  
3 page Indictment. On the last page, page 7 of the  
4 Indictment, there is a list of witnesses. I would ask  
09:37 5 the members of the Grand Jury to review that list and  
6 see if they recognize any of the names or know any of  
7 the people that may testify in this case. I also want  
8 to let the members of the Grand Jury know that there's  
9 an additional witness not currently listed on this  
09:38 10 version of the witness list. Her name is Cathy  
11 Smith-McIntosh and I would ask you to consider that name  
12 as well. I'll give the members of the Grand Jury a  
13 brief moment to look over those names.

14 Okay. Seeing no hands. If as we go you  
09:38 15 think of someone involved in this case, please feel free  
16 to raise your hand, let me know, but otherwise I'll  
17 assume that's not the case.

18 If you turn to Exhibit 2, these are the  
19 jury instructions. I'm required by law to advise you of  
09:38 20 the elements of the charges. Exhibit 2 contains a  
21 number of statutory references that are relevant to this  
22 case. For the purposes of context I've reproduced the  
23 entire statute. I'll not be reading those in their  
24 entirety today. On the original copy there were  
09:39 25 highlighted portions, I'm not sure they came through on

09:39 1 the copies that the members of the Grand Jury have, so I  
2 will just read the relevant portions, but again for the  
3 purposes of context and for the record I have provided  
4 the entire statute here.

09:39 5 NRS 205.125, misconduct in signing, filing  
6 or altering petition. 1. A person shall not willfully  
7 sign the name of another person. Each false or wrongful  
8 signature on a petition in violation of this subsection,  
9 whether related to a single petition or multiple  
09:39 10 petitions, constitutes a separate offense.

11 A person shall not, knowing that any  
12 petition contains any false or wrongful signature,  
13 statement or information, file the petition or cause the  
14 petition to be filed.

09:39 15 And Number 6. As used in this section,  
16 "petition" means a referendum or other petition  
17 circulated in pursuance of any law of this State or any  
18 municipal ordinance.

19 Moving to the next page. And again I'm  
09:40 20 skipping just to the relevant sections of the statutes  
21 in question.

22 NRS; 205.463, obtaining and using personal  
23 identifying information of another. 1. A person who  
24 knowingly obtains any personal identifying information  
09:40 25 of another person, and with the intent to commit an

09:40 1 unlawful act, uses the personal identifying information  
2 for any other unlawful purpose, is guilty of a category  
3 B felony.

4 Skipping ahead to the next page. NRS  
09:40 5 199.145. Statement made in declaration under penalty of  
6 perjury. A person who, in a declaration made under  
7 penalty of perjury, makes a willful and false statement  
8 in a matter material to the issue or point in question,  
9 is guilty of perjury.

09:40 10 Do any of the members of the Grand Jury  
11 have any questions about any of the elements of these  
12 offenses?

13 Okay. Seeing no hands. Our first witness  
14 will be Cathy Smith-McIntosh. I'll go get her.

09:41 15 THE FOREPERSON: Please raise your right  
16 hand.

17 You do solemnly swear the testimony you are  
18 about to give upon the investigation now pending before  
19 this Grand Jury shall be the truth, the whole truth, and  
09:41 20 nothing but the truth, so help you God?

21 THE WITNESS: Yes.

22 THE FOREPERSON: Thank you.

23 You are advised that you are here today to  
24 give testimony in the investigation pertaining to the  
09:42 25 offenses of misconduct in signing, filing or altering

09:42 1 petition, obtaining and using personal identifying  
2 information of another, and perjury, involving Patrick  
3 Duffy.

4 Do you understand this advisement?

09:42 5 THE WITNESS: Yes.

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

8 THE WITNESS: Catherine Smith-McIntosh.

9 C-A-T-H-E-R-I-N-E, Smith, S-M-I-T-H, hyphen,  
09:42 10 M-C-I-N-T-O-S-H.

11 CATHERINE SMITH-MCINTOSH,  
12 having been first duly sworn by the Foreperson of the  
13 Grand Jury to testify to the truth, the whole truth,  
14 and nothing but the truth, testified as follows:

09:42 15  
16 EXAMINATION

17  
18 BY MR. WESTMEYER:

19 Q. Good morning, Cathy. Thank you for coming  
09:42 20 in today.

21 A. Yes.

22 Q. How are you currently employed?

23 A. Clark County Election Department.

24 Q. And what is your job title?

09:42 25 A. Senior election operations supervisor.

09:42 1 Q. What do you do for the elections  
2 department?

3 A. I manage the registration and mail ballot  
4 division.

09:43 5 Q. Now does the election department allow for  
6 petitions to be filed by citizens?

7 A. Correct, yes.

8 Q. For what sorts of things can those be  
9 filed?

09:43 10 A. I'm sorry?

11 Q. Why would a person file a petition?

12 A. Oh, it's to, one, to put a question or to  
13 run for office, an independent candidate, to recall a  
14 public officer, there's certain different petitions that  
09:43 15 need to be filed in our department.

16 Q. If I wanted to add a person or a party to a  
17 ballot for an election, is that the type of thing I  
18 would file a petition to do?

19 A. Yes, sir.

09:43 20 THE FOREPERSON: Can we check it's on?

21 MR. WESTMEYER: Can you lean in closer to  
22 the mic?

23 THE WITNESS: Yes. Can you hear me now?

24 MR. WESTMEYER: Is that better or no?

09:44 25 THE WITNESS: Can you hear me?

09:44 1 BY MR. WESTMEYER:

2 Q. Okay. I was asking you about a petition to  
3 add someone to the ballot for a general election. So if  
4 I'm a member of a party do I have to file a petition  
09:44 5 with the election department to do that?

6 A. Yes.

7 Q. How does that process work? Can you take  
8 us through what I need to do and what the election  
9 department would do in response?

09:44 10 A. Yes. Depending on the election, well, the  
11 general election, prior to the number of registered  
12 voters, then the party has to get X amount of registered  
13 voters to have that party added to the ballot.

14 Q. Okay. So they have to go collect  
09:44 15 signatures, is that --

16 A. Yes. Yes.

17 Q. Okay. And then, so let's say if I wanted  
18 to put someone on the ballot, I have to go collect a  
19 certain number of signatures, I turn those into the  
09:45 20 election department, and then what happens?

21 A. Okay. Once they're received in our  
22 department, those petitions are gathered with our staff,  
23 we have a number of staff that will count the number of  
24 documents, once the number of documents have been  
09:45 25 counted, those pages are then date stamped, numbered,

09:45 1 then from there we go into the page entering, then from  
2 there we go into the signature verification.

3 Q. I want to ask you about that signature  
4 verification. But before I do, you said that when the  
09:45 5 documents are turned in, they receive a stamp from the  
6 election department; is that right?

7 A. Yes. Once the documents are counted we  
8 give the person a raw count, just counting the number of  
9 documents that the person submitted, and then from there  
09:45 10 those documents are then taken to another area in our  
11 department which we will date stamp and number those  
12 pages.

13 Q. Okay. And that's all done in the regular  
14 course of the election department's business; is that  
09:46 15 right?

16 A. Yes, sir.

17 Q. Now you mentioned about verifying the  
18 signatures. What's the procedure for that?

19 A. So once the pages have been entered and we  
09:46 20 get the okay usually from the Secretary of State to  
21 proceed with signature verification, then we will verify  
22 the signature that's indicated on the petition with our  
23 voter registration rolls and that person, that voter who  
24 signed the petition.

09:46 25 Q. Okay. So who's doing the verification?

09:46 1 How does that work?

2 A. Our staff. We have a staff of people who  
3 are, that are trained to verify the signatures and what  
4 we do is just verify the, cause the application that's  
09:46 5 in our system are scanned, the signature is scanned, so  
6 the signature is matched with the signature that's on  
7 the particular petition and if it matches it's okay and  
8 if it's questionable that's indicated as well and if it  
9 doesn't match it's rejected.

09:47 10 Q. Okay. So the comparison is between the  
11 signature that's used to register to vote against the  
12 one that's turned in with the petition?

13 A. Yes, sir.

14 Q. Okay. And you said there's, if I  
09:47 15 understand you, there's three sort of results, there  
16 could be a match, questionable or rejected; is that  
17 right?

18 A. Yes.

19 Q. What would be the reason for something  
09:47 20 being rejected or even being questionable?

21 A. If there's similarity to the signature  
22 that's on the petition and what we have on our records,  
23 then those are questionable. Then once the  
24 questionables are then turned over to our registrar,  
09:47 25 then that registrar will then make the determination

09:47 1 with different writings of the documents that we may  
2 have on that particular voter and if it doesn't match  
3 then it's rejected.

4 Q. Who is the person making the determination  
09:48 5 if it matches or not? Is that done through a computer  
6 program or is there a person making an eyeball guess?

7 A. It's an eyeball guess from the person who  
8 is doing the verification with the signature and looking  
9 at the name that's signed on the petition.

09:48 10 Q. So if a signature comes back as being  
11 questionable, then does it, is that same person  
12 contacted or how does that work?

13 A. No, that person isn't contacted.

14 Q. So what do you do with the questionable  
09:48 15 signature?

16 A. Those are given to the registrar of voters.  
17 That registrar of voters would then identify what the  
18 people in the lower end will determine okay, this is a  
19 questionable, and then copies are made of that person's  
09:48 20 say voter's registration, any documents that we have on  
21 file for that voter is then given to him along with a  
22 copy of the petition signature.

23 Q. Okay. And is there a policy in the  
24 election department about pulling random signatures to  
09:49 25 make sure they're accurate; is that how that works?

09:49 1 A. I'm sorry?

2 Q. Do you check ever signature that comes in  
3 on that signature page?

4 A. Yes. Yes.

09:49 5 Q. On some petitions is there like a cut off  
6 where it's like at least 500 or 5 percent of the total  
7 or is that not right?

8 A. Uh, I don't understand the question.

9 Q. You said you have staff that evaluates the  
09:49 10 signatures that come in; is that right?

11 A. Yes.

12 Q. Are they looking at each and every  
13 signature that comes in?

14 A. If the signature, if the line that was  
09:49 15 selected on the say petition --

16 Q. Let me stop you there. When you say the  
17 line that was selected, what does that mean?

18 A. So not, a lot of our petitions are not  
19 100 percent signature verified. What it is it's through  
09:50 20 a percentage and in the end it depends on the number of  
21 registered voters and how many signatures are required  
22 for say a question or a person to move onto the next  
23 step. And again that call is from Secretary of State,  
24 they'll let us know, okay, you can go ahead and do your  
09:50 25 5 percent random. So random is conducted, the computer

09:50 1 then just tells us okay, these are the lines you need to  
2 check.

3 Q. Okay. That's what I wanted to ask you  
4 about. You mentioned 5 percent.

09:50 5 A. Yeah.

6 Q. Is that 5 percent of the signatures that  
7 are submitted in the, whatever is turned in?

8 A. Yes. Yes.

9 Q. And it has to be at least 500 signatures as  
09:50 10 well; is that right?

11 A. Yes, sir.

12 Q. Okay. And if I understand properly from  
13 what you said, there's a computer that will randomly  
14 select those 500 or 5 percent, whatever it is?

09:50 15 A. Yes.

16 Q. And those are the ones that are being  
17 checked?

18 A. Yes.

19 Q. So I think you said that if there's enough  
09:51 20 questionable signatures it sort of moves up the chain  
21 for further investigation; is that fair to say?

22 A. That's correct.

23 Q. Okay. So now were you asked to review any  
24 documents in relation to the Green Party petition to be  
09:51 25 added to the ballot from the most recent general

09:51 1 election, the 2016?

2 A. If what? I'm sorry.

3 Q. Were you asked to review any documents  
4 regarding a Green Party petition?

09:51 5 A. I personally wasn't, but yes, there were  
6 documents that had to be looked at.

7 Q. There's a packet in front of you there. It  
8 stays State of Nevada versus Patrick Duffy, Grand Jury  
9 Exhibits. Do you see that?

09:51 10 A. Yes, sir.

11 Q. There should be four tabs on that one.

12 A. That's correct.

13 Q. I'd like you to pull up tab 3 if you would.

14 And ladies and gentlemen of the Grand Jury,

09:51 15 you can follow along as well.

16 A. Yes, I see that.

17 Q. Do you recognize what's depicted here at  
18 tab 3?

19 A. Yes.

09:51 20 Q. Okay. How do you recognize it?

21 A. Because this is the general pretty much  
22 layout of a petition page, they usually, anyone who  
23 wants to say start a petition, they will have to get an  
24 example from the Secretary of State's office or they can  
09:52 25 download it. Also on the top here right above where it

09:52 1 says State of Nevada, that is one of our date stamps and  
2 page numbers that's on top of here.

3 Q. Okay. So where it says 16 June 3?

4 A. Yes.

09:52 5 Q. That was put on there by the election  
6 department?

7 A. That's correct.

8 Q. So that's how you know that this is a copy  
9 of the petition that was submitted to your office?

09:52 10 A. Yes, sir.

11 Q. And is this a fair and accurate depiction  
12 of that?

13 A. Yes, sir.

14 Q. Now it looks like, if we go one page

09:52 15 further, and I'm going to refer to what is called bates  
16 numbers at the bottom. Do you see where it State, and  
17 there's some zeros and then 107.

18 A. Yes.

19 Q. I'm going to refer to those bates numbers.

09:53 20 If you would go to bates number 108 which should be the  
21 next page.

22 A. Yes.

23 Q. There appears to be a notary declaration on  
24 the bottom; is that right?

09:53 25 A. That is correct.

09:53 1 Q. Do you know why that's there?

2 A. In order for us to even consider any of the  
3 signatures on the page we have to have a circulator and  
4 a circulator signature has to be notarized by a notary.

09:53 5 Q. What is a circulator?

6 A. A circulator is the person who is going  
7 around collecting signatures for a petition.

8 Q. So when I collect all these signatures for  
9 my petition, I'm being a circulator, and then I have to  
09:53 10 verify that these signatures are accurate; is that fair  
11 to say?

12 A. Yes.

13 Q. And is that what is kind of depicted here  
14 on page 108?

09:53 15 A. Yes.

16 Q. And then if you go to page 109, which  
17 should be the next page, it looks like this kind of just  
18 continues, is that fair to say?

19 A. Yes.

09:54 20 Q. And then again on page 110 we have another  
21 verification of the circulator?

22 A. Yes.

23 Q. And then I think that continues on for the  
24 next, I don't know, 20 or so pages. Could you turn to

09:54 25 page 135 please.

09:54 1 A. Okay. Yes, I have that.

2 Q. Do you recognize what's depicted on 135?

3 A. Yes. 135 is considered a raw count and  
4 that's, for us that's just the number of signatures that  
09:54 5 are claimed to be turned in for this petition.

6 Q. And is this part of the document that was  
7 submitted?

8 A. To our office.

9 Q. It was?

09:55 10 A. Yes.

11 Q. The next page is 136. Again do you  
12 recognize what's depicted here?

13 A. Yes.

14 Q. How do you recognize it?

09:55 15 A. Cause once we start a petition then we have  
16 to of course give the Secretary of State the raw count  
17 and the Secretary of State give us the okay to do the  
18 signature verification and then once the signature  
19 verification is complete we then have to provide  
09:55 20 Secretary of State a certificate of results of the  
21 examination.

22 Q. Okay. And is that what's depicted here?

23 A. That is correct.

24 Q. And again this is a true and accurate copy  
09:55 25 of the one that's on file with the election department?

09:55 1 A. That's correct.

2 Q. And moving ahead to page 137 which should  
3 be the next page. Again is this part of the petition  
4 that was received by the election department?

09:55 5 A. Yes.

6 Q. And do you recognize this document?

7 A. Yes.

8 Q. And again is this kept in the regular  
9 course of business just like the other documents we've  
09:56 10 been talking about?

11 A. Yes, sir.

12 Q. And this is a true and accurate copy of the  
13 one that's on file with the election department?

14 A. Yes.

09:56 15 Q. I just have a couple more pages I want to  
16 go over with you. The next page is 138. Can you tell  
17 us if you recognize what's depicted there?

18 A. Yes. Once we're finished with the petition  
19 we have to get the statistics report and it breaks down  
09:56 20 the signatures pretty much.

21 Q. And that's what is depicted in this case  
22 with this particular petition?

23 A. Yes.

24 Q. And again this is a fair and accurate copy  
09:56 25 of the one that's kept in the regular course of business

09:56 1 at the election department?

2 A. That's correct.

3 Q. And then the next page is 139. It actually  
4 continues onto 140. Is that sort of part of the same  
09:57 5 thing?

6 A. Yes, it is. It's a breakdown of our  
7 statistic codes.

8 Q. And 141, sort of the same thing; is that  
9 right?

09:57 10 A. Yes, it's just, this one is just a summary  
11 of how the signatures or the line status code.

12 Q. And then the last few pages I kind of want  
13 to talk about all together, so 142 through I guess 147.  
14 Can you tell us if you recognize what's depicted there?

09:57 15 A. Yes. This is a signature detail report  
16 that we run after a petition has been complete and it  
17 will tell us the status per line, per page per line, and  
18 the voter's name, if we accepted it and if it was  
19 rejected or, and that's what the SR means, signature  
09:58 20 rejected, or if you see NR that means that person was  
21 not registered in our data base.

22 Q. And I guess the last page of Exhibit 3 is  
23 148. Is this sort of a summary of what we talked about?

24 A. Yes, it is.

09:58 25 Q. And again everything that we've gone

09:58 1 through in tab 3, Exhibit 3, these are fair and accurate  
2 copies of records that are kept in the course of  
3 business at the election department; is that right?

4 A. Yes.

09:58 5 Q. And again at the very front of Exhibit 3 on  
6 the very first page, we know that that was turned into  
7 the election department because there's that date stamp  
8 on it, is that, or the time stamp? And that should be  
9 page 107?

09:58 10 A. Yes, that is correct.

11 Q. Okay. So in reviewing a petition like the  
12 one that's depicted in Exhibit 3, if there were  
13 questionable signatures, that would -- you're not really  
14 involved in that portion, but that would ultimately be  
09:59 15 sort of sent up the chain of command for investigation  
16 if there were sufficient I guess suspicion that it  
17 wasn't genuine; is that fair to say?

18 A. Yes.

19 Q. Do you now if that's what happened here?

09:59 20 A. Yes.

21 MR. WESTMEYER: I don't have any additional  
22 questions for this witness. Do any members of the Grand  
23 Jury have any questions?

24 THE FOREPERSON: By law, these proceedings  
09:59 25 are secret and you are prohibited from disclosing to

09:59 1 anyone anything that has transpired before us, including  
2 evidence and statements presented to the Grand Jury, any  
3 event occurring or statement made in the presence of the  
4 Grand Jury, and information obtained by the Grand Jury.

09:59 5 Failure to comply with this admonition is a  
6 gross misdemeanor punishable up to 364 days in the Clark  
7 County Detention Center and a \$2,000 fine. In addition,  
8 you may be held in contempt of court punishable by an  
9 additional \$500 fine and 25 days in the Clark County  
09:59 10 Detention Center.

11 Do you understand this admonition?

12 THE WITNESS: Yes.

13 THE FOREPERSON: Thank you. You're  
14 excused.

10:00 15 MR. WESTMEYER: The next witness is Clay  
16 Abajian.

17 THE FOREPERSON: Please raise your right  
18 hand.

19 You do solemnly swear the testimony you are  
10:01 20 about to give upon the investigation now pending before  
21 this Grand Jury shall be the truth, the whole truth, and  
22 nothing but the truth, so help you God?

23 THE WITNESS: Yes.

24 THE FOREPERSON: Please be seated.

10:01 25 THE WITNESS: Thank you.

10:01 1 THE FOREPERSON: You are advised that you  
2 are here today to give testimony in the investigation  
3 pertaining to the offenses of misconduct in signing,  
4 filing or altering petition, obtaining and using  
10:01 5 personal identifying information of another, and  
6 perjury, involving Patrick Duffy.

7 Do you understand this advisement?

8 THE WITNESS: Yep.

9 THE FOREPERSON: Please state your first  
10:01 10 and last name and spell both for the record.

11 THE WITNESS: Clay, C-L-A-Y, Abajian,  
12 A-B-A-J-I-A-N.

13 CLAY ABAJIAN,  
14 having been first duly sworn by the Foreperson of the  
10:02 15 Grand Jury to testify to the truth, the whole truth,  
16 and nothing but the truth, testified as follows:

17

18 EXAMINATION

19

10:02 20 BY MR. WESTMEYER:

21 Q. Good morning, Mr. Abajian. Thank you for  
22 coming in today. Are you a registered voter in Clark  
23 County?

24 A. I am.

10:02 25 Q. Did you in 2016 sign a petition to get the

10:02 1 Green Party added to the ballot?

2 A. No.

3 Q. There's a book of exhibits in front of you

4 there. It should say State of Nevada versus Patrick

10:02 5 Duffy, Grand Jury Exhibits. Do you see that?

6 A. I got it, yep.

7 Q. I'd like you to open to tab 3. There

8 should be tabs there on the side. Do you see that?

9 At the bottom of that page it says State

10:02 10 107. Do you see that number down there?

11 A. Yes, sir.

12 Q. I'm going to refer to those numbers as

13 bates number. It's like a page number.

14 What I'd like you to do is turn to page

10:02 15 number 121. Looking at that page specifically at line

16 94, do you see what I'm referring to?

17 A. I'm looking right at it.

18 Q. Do you see your name there?

19 A. I do.

10:03 20 Q. Do you see your address?

21 A. I do.

22 Q. Is that your correct address?

23 A. That is my correct address.

24 Q. And just for the record what is that?

10:03 25 A. 8353 Snowmass Drive, Las Vegas, Nevada.

10:03 1 Q. Do you see your signature in 94?

2 A. It's not my signature.

3 Q. But there is --

4 A. There is a signature there, yes.

10:03 5 Q. And it's signed with your name; is that

6 right?

7 A. Correct.

8 Q. Did you ever sign this petition?

9 A. No.

10:03 10 Q. Drawing your attention four pages later to

11 page 125. Looking specifically at line 121.

12 A. I see it.

13 Q. And again do you see your name there?

14 A. Yes, sir.

10:03 15 Q. And your address?

16 A. Yes, sir.

17 Q. Is that your signature underneath your

18 name?

19 A. No, sir.

10:04 20 Q. Okay. And I'm sorry, I meant to ask you

21 this on the other one. What is the purported date you

22 supposedly signed this?

23 A. It likes like 5/22/16. No, wait. Wrong

24 line. 5/26/16.

10:04 25 Q. And I'm sorry, I'd like you to go back to

10:04 1 page 121 because I wanted to ask you about the same  
2 thing there.

3 A. Okay.

4 Q. On line 94.

10:04 5 A. Yep.

6 Q. Is there a date that supposedly has your  
7 signature?

8 A. It looks like 5/28/16. It's a little  
9 choppy.

10:04 10 Q. Okay. But to the best of your recollection  
11 you never signed either one of these; is that right?

12 A. That is correct, I did not sign this in  
13 either spot.

14 Q. Can you pull up tab 4 on that exhibit  
10:04 15 packet. There appears to be a picture of a man there.

16 A. Yep.

17 Q. Have you ever met this person?

18 A. No.

19 MR. WESTMEYER: Okay. I have no further

10:05 20 questions for this witness. Do any of the members of  
21 the Grand Jury have any questions for this witness?

22 THE FOREPERSON: By law, these proceedings  
23 are secret and you are prohibited from disclosing to  
24 anyone anything that has transpired before us, including  
10:05 25 evidence and statements presented to the Grand Jury, any

10:05 1 event occurring or statement made in the presence of the  
2 Grand Jury, and information obtained by the Grand Jury.

3 Failure to comply with this admonition is a  
4 gross misdemeanor punishable up to 364 days in the Clark  
10:05 5 County Detention Center and a \$2,000 fine. In addition,  
6 you may be held in contempt of court punishable by an  
7 additional \$500 fine and 25 days in the Clark County  
8 Detention Center.

9 Do you understand this admonition?

10:05 10 THE WITNESS: I do.

11 THE FOREPERSON: Thank you. You're  
12 excused.

13 THE WITNESS: All right. Thank you.

14 MR. WESTMEYER: Thank you.

10:05 15 Our next witness is Fleur Abajian.

16 THE FOREPERSON: Please raise your right  
17 hand.

18 You do solemnly swear the testimony you are  
19 about to give upon the investigation now pending before  
10:06 20 this Grand Jury shall be the truth, the whole truth, and  
21 nothing but the truth, so help you God?

22 THE WITNESS: Yes, I do.

23 THE FOREPERSON: Please be seated.

24 You are advised that you are here today to  
10:06 25 give testimony in the investigation pertaining to the

10:06 1 offenses of misconduct in signing, filing or altering  
2 petition, obtaining and using personal identifying  
3 information of another, and perjury, involving Patrick  
4 Duffy.

10:06 5 Do you understand this advisement?

6 THE WITNESS: Yes.

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

9 THE WITNESS: Fleur Abajian. F-L-E-U-R,

10:06 10 A-B-A-J-I-A-N.

11 FLEUR ABAJIAN,

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

10:06 15

16 EXAMINATION

17

18 BY MR. WESTMEYER:

19 Q. Good morning, Miss Abajian. Thank you for  
10:07 20 joining us today.

21 A. Good morning.

22 Q. Are you a registered voter in Clark County?

23 A. Yes.

24 Q. Were you so registered in 2016?

10:07 25 A. Yes.

10:07 1 Q. And do you recall what address you used to  
2 register?

3 A. Yes, I believe there's two addresses. My  
4 home address and then a mailing address.

10:07 5 Q. What was the home address that you used?

6 A. 8353 Snowmass Drive, Las Vegas, Nevada,  
7 89128.

8 Q. In May of last year did you sign a petition  
9 to add the Green Party to the general election ballot?

10:07 10 A. No.

11 Q. In front of you there should be a packet of  
12 exhibits. It says State of Nevada versus Patrick Duffy,  
13 Grand Jury Exhibits. Do you see that?

14 A. Yes.

10:07 15 Q. If you could, would you open that up to tab  
16 3.

17 A. Okay.

18 Q. And if you look at the bottom right there's  
19 it says State and some zeros and a number, it says 107.

10:07 20 Do you see that?

21 A. Yes, I do.

22 Q. That's what I'm going to refer to as bates  
23 number. It's like page numbers. What I want you to do  
24 in tab 3, turn to bates number page 121.

10:08 25 A. Okay.

10:08 1 Q. And you can see there there's numbers along  
2 the left, there's various line numbers. I'd like to  
3 draw your attention to line number 95. Do you see that?

4 A. Yes.

10:08 5 Q. Is that your name listed at line number 95?

6 A. That is my name, yes.

7 Q. Is your address that you registered to vote  
8 with depicted there?

9 A. Yes.

10:08 10 Q. Is there a signature there?

11 A. Yes.

12 Q. Is that your signature?

13 A. No.

14 Q. Did you ever sign this document?

10:08 15 A. No.

16 Q. Is there a date listed next to the  
17 signature that purports to be yours?

18 A. Yes.

19 Q. What is the date?

10:08 20 A. 5/28/16.

21 Q. But you did not sign this; is that correct?

22 A. That's not my signature, no.

23 Q. If you could now pull up tab 4 in that same  
24 document book. There is a picture depicted there. Do

10:09 25 you recognize the person depicted there?

10:09 1 A. No.

2 Q. Do you recall ever meeting this person?

3 A. No.

4 MR. WESTMEYER: I have no additional

10:09 5 questions for this witness. Do any of the members of

6 the Grand Jury have any questions for this witness?

7 THE FOREPERSON: By law, these proceedings

8 are secret and you are prohibited from disclosing to

9 anyone anything that has transpired before us, including

10:09 10 evidence and statements presented to the Grand Jury, any

11 event occurring or statement made in the presence of the

12 Grand Jury, and information obtained by the Grand Jury.

13 Failure to comply with this admonition is a

14 gross misdemeanor punishable up to 364 days in the Clark

10:09 15 County Detention Center and a \$2,000 fine. In addition,

16 you may be held in contempt of court punishable by an

17 additional \$500 fine and 25 days in the Clark County

18 Detention Center.

19 Do you understand this admonition?

10:09 20 THE WITNESS: I do.

21 THE FOREPERSON: Thank you. You're

22 excused.

23 THE WITNESS: Thank you.

24 MR. WESTMEYER: Thank you.

10:10 25 Our next witness is Debra Allison Copening.

10:10 1 THE FOREPERSON: Please raise your right  
2 hand.

3 You do solemnly swear the testimony you are  
4 about to give upon the investigation now pending before  
10:10 5 this Grand Jury shall be the truth, the whole truth, and  
6 nothing but the truth, so help you God?

7 THE WITNESS: Yes.

8 THE FOREPERSON: Please be seated.

9 You are advised that you are here today to  
10:10 10 give testimony in the investigation pertaining to the  
11 offenses of misconduct in signing, filing or altering  
12 petition, obtaining and using personal identifying  
13 information of another, and perjury, involving Patrick  
14 Duffy.

10:11 15 Do you understand this advisement?

16 THE WITNESS: I do.

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

19 THE WITNESS: Debra Allison Copening.

10:11 20 D-E-B-R-A, A-L-L-I-S-O-N, C-O-P-E-N-I-N-G.

21 DEBRA ALLISON COPENING,

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

10:11 25

EXAMINATION

BY MR. WESTMEYER:

Q. Thank you for coming today. Are you a registered voter in Clark County?

A. I am.

Q. Do you recall what address you used to register to vote?

A. 1821 Montvale Court, Las Vegas, Nevada, 89134.

Q. Is that still your residence?

A. It is.

Q. In May of 2016 did you sign a petition to add the Green Party to the Nevada electoral ballot?

A. No.

Q. There's a packet in front of you that says State of Nevada versus Patrick Duffy, Grand Jury Exhibits. Do you see that?

A. I do.

Q. I'd like you to open that packet to tab 3. There should be some tabs on the side there. Do you see those?

A. Yes.

Q. On tab 3 there's a number at the bottom, it says State, it has some zeros and then has 107.

10:12 1 A. Yes.

2 Q. Those are bates numbers, they're like page  
3 numbers. I'm going to refer to those as bates numbers.

4 I'd like you to open this packet to bates

10:12 5 number 113. It looks like everybody's at that page. Do  
6 you see along the left side there, there are some line  
7 numbers?

8 A. Yes.

9 Q. I'd like to draw your attention to line

10:12 10 number 44. Is there a name depicted there?

11 A. Yes.

12 Q. And is that the address that you used to  
13 register to vote?

14 A. Yes.

10:12 15 Q. Does there appear to be a signature  
16 underneath your name?

17 A. Yes.

18 Q. Is that your signature?

19 A. No.

10:13 20 Q. Did you sign that?

21 A. No.

22 Q. Is there a date depicted next to that  
23 signature?

24 A. Yes.

10:13 25 Q. What is that?

10:13 1 A. May 27, 2016.

2 Q. And then I'd like to draw your attention  
3 now to bates number page 133. It would be towards the,  
4 about halfway through I guess.

10:13 5 And specifically on that page, again we  
6 have the line numbers, I'd like to draw your attention  
7 to line number 175. Is your name depicted there?

8 A. Yes.

9 Q. And again is your address depicted there?

10:13 10 A. Yes.

11 Q. And is there a signature underneath your  
12 name?

13 A. Yes.

14 Q. Is that your signature?

10:13 15 A. No.

16 Q. Is there a date depicted next to that  
17 signature?

18 A. Yes.

19 Q. What is that date?

10:13 20 A. May 27, 2016.

21 Q. Did you sign this document at line 175?

22 A. No.

23 Q. Do you know a person named Patrick Duffy?

24 A. No.

10:14 25 Q. I'd like you to open up to tab number 4.

10:14 1 There should be a photograph there. Do you recognize  
2 the person depicted there?

3 A. No.

4 Q. Do you recall ever meeting that person?

10:14 5 A. No.

6 MR. WESTMEYER: I have no additional  
7 questions for this witness. Do any of the members of  
8 the Grand Jury have any questions for this witness?

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

10:14 15 Failure to comply with this admonition is a  
16 gross misdemeanor punishable up to 364 days in the Clark  
17 County Detention Center and a \$2,000 fine. In addition,  
18 you may be held in contempt of court punishable by an  
19 additional \$500 fine and 25 days in the Clark County  
10:14 20 Detention Center.

21 Do you understand this admonition?

22 THE WITNESS: Yes.

23 THE FOREPERSON: Thank you. You're  
24 excused.

10:15 25 THE WITNESS: Thank you.

10:15 1 MR. WESTMEYER: Thank you.

2 Our next witness is Nicole Veater.

3 THE FOREPERSON: Please raise your right

4 hand.

10:16 5 You do solemnly swear the testimony you are

6 about to give upon the investigation now pending before

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

8 nothing but the truth, so help you God?

9 THE WITNESS: I swear.

10:16 10 THE FOREPERSON: Please be seated.

11 You are advised that you are here today to

12 give testimony in the investigation pertaining to the

13 offenses of misconduct in signing, filing or altering

14 petition, obtaining and using personal identifying

10:16 15 information of another, and perjury, involving Patrick

16 Duffy.

17 Do you understand this advisement?

18 THE WITNESS: Yes.

19 THE FOREPERSON: Please state your first

10:16 20 and last name and spell both for the record.

21 THE WITNESS: Nicole Veater. N-I-C-O-L-E,

22 V-E-A-T-E-R.

23 ///

24 ///

10:17 25 ///

10:17 1 NICOLE VEATER,  
2 having been first duly sworn by the Foreperson of the  
3 Grand Jury to testify to the truth, the whole truth,  
4 and nothing but the truth, testified as follows:

10:17 5  
6 EXAMINATION

7

8 BY MR. WESTMEYER:

9 Q. Good morning, Nicole. Thank you for  
10:17 10 joining us today.

11 A. Good morning.

12 Q. I know it wasn't easy so I appreciate you  
13 coming in.

14 A. No problem. You're welcome.

10:17 15 Q. Are you a registered voter in Clark County?

16 A. Yes, I am.

17 Q. Do you recall what address you used to  
18 register to vote?

19 A. Yes, I do.

10:17 20 Q. What was that?

21 A. 2201 Bonnie Brae Avenue, Las Vegas, Nevada,  
22 89102.

23 Q. In May of 2016 did you sign a petition to  
24 add the Green Party to the ballot here in Nevada?

10:17 25 A. No, sir.

10:17 1 Q. Do you know a person named Patrick Duffy?

2 A. No, sir.

3 Q. There should be a packet in front of you,  
4 it says State of Nevada versus Patrick Duffy, Grand Jury

10:17 5 Exhibits. Do you see that?

6 A. Yes.

7 Q. Would you please open that up to tab  
8 number 3. There should be some tabs there.

9 Now at the bottom right on tab number 3 it

10:18 10 says State and it has some numbers there, ends with 107.

11 Do you see that?

12 A. No. I'm sorry. Where am I looking?

13 Q. If you look in tab 3 in the exhibit book.

14 A. Right.

10:18 15 Q. On the bottom right of the first page it  
16 stays State000107.

17 A. Yes, it does.

18 Q. That's what I'm going to call a bates  
19 number, it's like a page number so they're numbered

10:18 20 sequentially. So I'm going to refer to specific pages  
21 but those numbers on the bottom right is what I'm  
22 referring to.

23 A. Thank you.

24 Q. I'd like you to open to page 113, bates

10:18 25 number 113.

10:18 1 Oh, I'm sorry, I gave you the wrong number.  
2 116. I'm sorry. I was looking at the wrong note.  
3 On the left side there's some line numbers.  
4 Do you see those?

10:19 5 A. Yes.  
6 Q. And drawing you specifically to line number  
7 63. Do you see your name depicted there?

8 A. Yes, I do.  
9 Q. Is your address depicted at line number 63?

10:19 10 A. Yes, it is.  
11 Q. Below your name, still in block 63, is  
12 there a signature?

13 A. Yes, there is.  
14 Q. Is that your signature?

10:19 15 A. No, sir.  
16 Q. Did you sign that?  
17 A. No, sir.  
18 Q. Is there a date depicted next to the  
19 signature?

10:19 20 A. 1/27/16.  
21 Q. And again you did not sign what's depicted  
22 at 63; is that correct?

23 A. That is not my signature, no.  
24 Q. I'd like you to move ahead to the bates  
10:20 25 number page 131 please.

10:20 1 And drawing your attention specifically to  
2 line number 160. Do you see your name depicted there?

3 A. Sort of.

4 Q. What do you mean?

10:20 5 A. I do, yes. Well, I, the first, I can  
6 tell -- well, it looks like someone tried to sign my  
7 last name Veater, but the first name looks like Hicks.

8 Q. But that does appear to be your last name  
9 depicted there?

10:21 10 A. It does appear to be, but it is not my  
11 signature.

12 Q. I was going to get to that in a second.  
13 But also the address is depicted there as well, right,  
14 the address you used to register?

10:21 15 A. Yes, it is.

16 Q. Okay. And you've already sort of answered  
17 this, but there is a signature there, but is that your  
18 signature?

19 A. No, it is not.

10:21 20 Q. And it doesn't look like there's a date  
21 depicted there; is that correct?

22 A. No, sir.

23 Q. If you could now pull up tab 4. That  
24 should be the last tab in the little book in front of

10:21 25 you. It's just a one page photograph.

10:21 1 Can you tell me if you recognize the person  
2 depicted in that photograph?

3 A. No, I do not.

4 Q. Have you ever met that person before?

10:21 5 A. No, sir.

6 Q. Do you know a person named Patrick Duffy?

7 A. No, sir.

8 MR. WESTMEYER: I have no additional  
9 questions for this witness. Do any of the members of  
10 the Grand Jury have a question for this witness?

11 THE FOREPERSON: By law, these proceedings  
12 are secret and you are prohibited from disclosing to  
13 anyone anything that has transpired before us, including  
14 evidence and statements presented to the Grand Jury, any  
15 event occurring or statement made in the presence of the  
16 Grand Jury, and information obtained by the Grand Jury.

17 Failure to comply with this admonition is a  
18 gross misdemeanor punishable up to 364 days in the Clark  
19 County Detention Center and a \$2,000 fine. In addition,  
10:22 20 you may be held in contempt of court punishable by an  
21 additional \$500 fine and 25 days in the Clark County  
22 Detention Center.

23 Do you understand this admonition?

24 THE WITNESS: Absolutely.

10:22 25 THE FOREPERSON: Thank you. You're

10:22 1 excused.

2 THE WITNESS: You're welcome.

3 MR. WESTMEYER: Thank you.

4 Our next witness is Stuart Veaudry.

10:23 5 THE FOREPERSON: Please raise your right  
6 hand.

7 You do solemnly swear the testimony you are  
8 about to give upon the investigation now pending before  
9 this Grand Jury shall be the truth, the whole truth, and  
10:23 10 nothing but the truth, so help you God?

11 THE WITNESS: Yes, I do.

12 THE FOREPERSON: Please be seated.

13 You are advised that you are here today to  
14 give testimony in the investigation pertaining to the  
10:23 15 offenses of misconduct in signing, filing or altering  
16 petition, obtaining and using personal identifying  
17 information of another, and perjury, involving Patrick  
18 Duffy.

19 Do you understand this advisement?

10:24 20 THE WITNESS: Yes, I do.

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

23 THE WITNESS: My name is Stuart Veaudry.  
24 That's S-T-U-A-R-T, V-E-A-U-D-R-Y.

10:24 25 ///

10:24 1 STUART VEAUDRY,  
2 having been first duly sworn by the Foreperson of the  
3 Grand Jury to testify to the truth, the whole truth,  
4 and nothing but the truth, testified as follows:

10:24 5  
6 EXAMINATION

7  
8 BY MR. WESTMEYER:

9 Q. Good morning. Thank you for joining us  
10:24 10 today, sir. Are you registered to vote in Clark County?

11 A. Yes, I am.

12 Q. Do you recall what address you used to  
13 register to vote?

14 A. Yes, I do. It's 9421 Sundial Drive, Las  
10:24 15 Vegas.

16 Q. Did you, in May of last year did you sign a  
17 petition to add the Green Party to the general election  
18 ballot?

19 A. No, I did not.

10:24 20 Q. In front of you there is a packet of  
21 papers. It says State of Nevada versus Patrick Duffy  
22 and it's got some tabs on the side. Do you see that?

23 A. Yes, sir.

24 Q. I'd like you to open up to tab number 3  
10:24 25 please. On the bottom right of the page it has State

10:25 1 and some numbers and it ends in 107. Do you see that?

2 A. Yes, sir.

3 Q. That's what I call bates numbers so I'm  
4 going to refer to them.

10:25 5 A. Yes, sir.

6 Q. I'd like to draw your attention to bates  
7 number page 116. No, sorry, I did it again wrong.  
8 Sorry. Go back one page, 115. I apologize.

9 A. Yes, sir.

10:25 10 Q. I keep getting those two mixed up.

11 Do you see that there's line numbers kind  
12 of on the left side there?

13 A. Yes, sir.

14 Q. Okay. And drawing your attention

10:25 15 specifically to line number 56. Do you see your name  
16 depicted there?

17 A. Yes, sir, I do.

18 Q. And do you see your address depicted there?

19 A. Yes, I do.

10:25 20 Q. Is there a signature underneath your name?

21 A. Yes, there is.

22 Q. Is that your signature?

23 A. Absolutely not, sir.

24 Q. Did you sign this document?

10:26 25 A. No, I did not.

10:26 1 Q. Is there a date depicted next to the  
2 signature?

3 A. Yes, sir. 5/27/16.

4 Q. Okay. And then if you could move ahead to  
10:26 5 bates number page 131.  
6 And drawing your attention specifically to  
7 line number 159. Do you see your name there?

8 A. I see my first and middle name, sir, not my  
9 last name.

10:26 10 Q. Is your address depicted there as well?

11 A. Yes, sir.

12 Q. And is there a signature underneath your --

13 A. Yes, it is.

14 Q. Is that your signature?

10:26 15 A. No, sir, it is not.

16 Q. Did you sign this document?

17 A. No, I did not.

18 Q. Is there a date depicted next to the  
19 signature?

10:26 20 A. Yes, sir. It is 5/20 of 16. Maybe 5/26.  
21 I can't actually read it.

22 Q. It's very small print. So either 20 or 26,  
23 is that --

24 A. Yes, sir.

10:27 25 Q. Okay. And I'd like to have you turn now to

10:27 1 tab 4 in that exhibit book.

2 Do you recognize the person depicted in the  
3 photograph that is Exhibit 4?

4 A. No, I do not.

10:27 5 Q. Have you ever met this person?

6 A. Not to my knowledge, sir.

7 Q. Okay. And you don't know a person named  
8 Patrick Duffy?

9 A. No, sir, I do not.

10:27 10 MR. WESTMEYER: I have no additional  
11 questions for this witness. Do any members of the Grand  
12 Jury have any questions for this witness?

13 THE FOREPERSON: By law, these proceedings  
14 are secret and you are prohibited from disclosing to  
10:27 15 anyone anything that has transpired before us, including  
16 evidence and statements presented to the Grand Jury, any  
17 event occurring or statement made in the presence of the  
18 Grand Jury, and information obtained by the Grand Jury.

19 Failure to comply with this admonition is a  
10:27 20 gross misdemeanor punishable up to 364 days in the Clark  
21 County Detention Center and a \$2,000 fine. In addition,  
22 you may be held in contempt of court punishable by an  
23 additional \$500 fine and 25 days in the Clark County  
24 Detention Center.

10:27 25 Do you understand this admonition?

10:28 1 THE WITNESS: Yes, I do.

2 THE FOREPERSON: Thank you. You're

3 excused.

4 MR. WESTMEYER: Thank you.

10:28 5 Our last witness for today is going to be

6 Jamie Osburn.

7 THE FOREPERSON: Please raise your right

8 hand.

9 You do solemnly swear the testimony you are

10:29 10 about to give upon the investigation now pending before

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

12 nothing but the truth, so help you God?

13 THE WITNESS: I do.

14 THE FOREPERSON: Please be seated.

10:29 15 You are advised that you are here today to

16 give testimony in the investigation pertaining to the

17 offenses of misconduct in signing, filing or altering

18 petition, obtaining and using personal identifying

19 information of another, and perjury, involving Patrick

10:30 20 Duffy.

21 Do you understand this advisement?

22 THE WITNESS: I do.

23 THE FOREPERSON: Please state your first

24 and last name and spell both for the record.

10:30 25 THE WITNESS: Jamie Osburn. J-A-M-I-E,

10:30 1 last of O-S-B-U-R-N.

2 JAMIE OSBURN,

3 having been first duly sworn by the Foreperson of the  
4 Grand Jury to testify to the truth, the whole truth,

10:30 5 and nothing but the truth, testified as follows:

6  
7 EXAMINATION

8  
9 BY MR. WESTMEYER:

10:30 10 Q. Thank you for joining us today, Mr. Osburn.  
11 How are you currently employed?

12 A. I'm with the Nevada Secretary of State's  
13 office.

14 Q. In what capacity?

10:30 15 A. Criminal investigator.

16 Q. And can you give us just a brief summary of  
17 your background to become a criminal investigator?

18 A. Prior to working for the Secretary of  
19 State's office as a criminal investigator I worked for

10:30 20 the Eureka County Sheriff's office in Central Nevada.

21 Also worked for Clark County School District Police, Las  
22 Vegas Deputy City Marshals and worked as a federal  
23 officer for the National Park Service in the Bureau of  
24 Reclamation.

10:30 25 Q. So are you a peace officer?

10:30 1 A. I am.

2 Q. What sorts of things do you investigate in  
3 the Secretary of State's office?

4 A. We do securities and also elections,  
10:30 5 anything pertaining to elections.

6 Q. And at some point last year were you asked  
7 to investigate signatures in regards to a petition?

8 A. I was.

9 Q. What was that petition in regards to?

10:31 10 A. It was for the Green Party to get their  
11 candidate on the Nevada ballot.

12 Q. Do you recall how that case came to you?

13 A. I was notified by our elections division in  
14 Carson City that there was a petition that contained  
10:31 15 possible signatures that were altered or forged.

16 Q. So what steps did you take in your  
17 investigation?

18 A. Contacted the Clark County Elections  
19 Department which had the petition, met with them,  
10:31 20 obtained the petition, and we did a signature  
21 verification comparison, what they gave us, we looked at  
22 the full petition page and their statistic page.

23 Q. And after doing that what conclusions did  
24 you draw?

10:31 25 A. Noticed that some signatures were different

10:32 1 than what we had on file from the Nevada Department of  
2 Motor Vehicles, we did a signature comparison on that,  
3 and then we went to certain individuals, we just  
4 randomly selected individuals, talked to them, showed  
10:32 5 them the signatures and they verified that the  
6 signatures were not theirs.

7 Q. Okay. And again I want to caution the  
8 members of the Grand Jury at this point to consider what  
9 other people told Mr. Osburn not for the truth of the  
10:32 10 matter asserted in the statements but just in answer to  
11 my question what he did in the investigation. So with  
12 that admonishment.

13 You did talk to the people whose signatures  
14 were randomly selected?

10:32 15 A. Correct.

16 Q. And were some of those the folks that were  
17 here that you saw outside?

18 A. They were.

19 Q. And then after conducting your  
10:32 20 investigation -- well, let me ask you this. What  
21 further steps did you take after that?

22 A. Just continued to verify the signatures,  
23 went that route, talked to the individuals, and we did  
24 a, got the information on the individual that turned in  
10:33 25 the petition page.

10:33 1 Q. Who was that individual if you recall?

2 A. We identified him as Patrick Duffy.

3 Q. Were you asked to prepare a photograph of  
4 Mr. Duffy?

10:33 5 A. It was.

6 Q. And there is an exhibit packet in front of  
7 you. It says State of Nevada versus Patrick Duffy. Do  
8 you see that with four tabs on it?

9 A. I do.

10:33 10 Q. Would you look at tab number 4 please?

11 Do you recognize what's depicted in tab  
12 number 4?

13 A. I do. That's the individual that we  
14 identified as Patrick Duffy.

10:33 15 Q. Where did this picture come from?

16 A. From the Nevada Department of Motor  
17 Vehicles page, what we did a records check on.

18 Q. So other than this being a black and white  
19 version, is this a fair and accurate depiction of that  
10:33 20 photograph?

21 A. It is.

22 Q. After identifying Mr. Duffy, did you then  
23 submit the case for prosecution; is that --

24 A. Correct.

10:34 25 MR. WESTMEYER: I have no additional

10:34 1 questions for this witness at this time. Do any members  
2 of the Grand Jury have any questions for Mr. Osburn?

3 THE FOREPERSON: By law, these proceedings  
4 are secret and you are prohibited from disclosing to  
10:34 5 anyone anything that has transpired before us, including  
6 evidence and statements presented to the Grand Jury, any  
7 event occurring or statement made in the presence of the  
8 Grand Jury, and information obtained by the Grand Jury.

9 Failure to comply with this admonition is a  
10:34 10 gross misdemeanor punishable up to 364 days in the Clark  
11 County Detention Center and a \$2,000 fine. In addition,  
12 you may be held in contempt of court punishable by an  
13 additional \$500 fine and 25 days in the Clark County  
14 Detention Center.

10:34 15 Do you understand this admonition?

16 THE WITNESS: I do.

17 THE FOREPERSON: Thank you. You're  
18 excused.

19 THE WITNESS: All right. Thank you.

10:34 20 MR. WESTMEYER: Thank you.

21 Ladies and gentlemen, I do have one  
22 additional witness to present, however due to a current  
23 medical issue she was not able to come to the courthouse  
24 today. Her name is Loretta Riccardelli. So I'm going  
10:35 25 to ask you not to deliberate on this case today to

10:35 1 accommodate her medical issue. I think we'll try to  
2 have her appear either in person or telecommunication  
3 next week. So that will conclude the proceedings for  
4 today. I'm sorry we're finished a little early. We  
10:35 5 anticipated having one other witness like I said. We'll  
6 try to get to her testimony next week and allow you time  
7 to deliberate at that time. So that's all for today.  
8 So we'll see you next week. Thank you.

9 (Proceedings adjourned, to reconvene at a later,  
10:35 10 undetermined time.)

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**REPORTER'S CERTIFICATE**

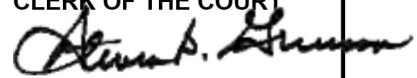
**STATE OF NEVADA**           )  
                                  :   ss  
**COUNTY OF CLARK**        )

I, Danette L. Antonacci, C.C.R. 222, do  
hereby certify that I took down in Shorthand (Stenotype)  
all of the proceedings had in the before-entitled matter  
at the time and place indicated and thereafter said  
shorthand notes were transcribed at and under my  
direction and supervision and that the foregoing  
transcript constitutes a full, true, and accurate record  
of the proceedings had.

Dated at Las Vegas, Nevada,  
January 13, 2018.

/s/ Danette L. Antonacci

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



EIGHTH JUDICIAL DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA, )  
 )  
 Plaintiff, )  
 )  
 vs. ) GJ No. 17AGJ116X  
 ) DC No. C330565  
 PATRICK JAMES DUFFY, aka James )  
 Patrick Duffy, )  
 )  
 Defendant. )

Taken at Las Vegas, Nevada

Tuesday, March 13, 2018

1:27 p.m.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

VOLUME 2

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

12:00 1 GRAND JURORS PRESENT ON MARCH 13, 2018  
2  
3 MORGAN DEVLIN, Foreperson  
4 SANDRA MOORE, Deputy Foreperson  
12:00 5 JANIS ROGERS, Secretary  
6 AMY KNUDSON, Assistant Secretary  
7 BERNADINE BOUKNIGHT  
8 DOMINIQUE CARDENAS  
9 IVAN CAYLOR  
12:00 10 JANET COWLEY  
11 JERRY DIVINCENZO  
12 LISA EGGERT  
13 MICHELLE FENDELANDER  
14 BOBBI FLORIAN  
12:00 15 GREGORY KORNILOFF  
16 PATRICIA PRATHER  
17 LATANIS WATTS  
18 GUSTAVO ZAVALA  
19  
12:00 20 Also present at the request of the Grand Jury:  
21 Daniel Westmeyer, Senior Deputy Attorney General  
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INDEX OF WITNESSES

Examined

JAMIE OSBURN

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12:00

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INDEX OF EXHIBITS

2

3

Grand Jury ExhibitsIdentified

4

3 - PETITION, PETITION RAW COUNT, CERTIFICATE OF  
RESULTS OF SIGNATURES, PETITION RECEIPT AND  
PETITION STATISTICS REPORT 9

12:00

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4 - PHOTOGRAPH OF PATRICK DUFFY 8

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12:00 1 LAS VEGAS, NEVADA, MARCH 13, 2018

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4 DANETTE L. ANTONACCI,

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

9 MR. WESTMEYER: Good afternoon ladies and  
01:27 10 gentlemen. We're back on case 17AGJ116, State of Nevada  
11 versus Patrick Duffy. I can see that all the members of  
12 the Grand Jury appear to have a copy of the exhibit pack  
13 that was presented last time we were here on  
14 November 28, 2017. Does anybody not have a copy of the  
01:28 15 exhibit pack?

16 Okay. I see no hands.

17 And I understand there were I think two  
18 members of the Grand Jury that were not present on the  
19 November 28th date. If there is anybody who wasn't  
01:28 20 present and who has not read the transcript please let  
21 me know. I think everybody is up to speed on this case.  
22 So at this point we have one more witness to present.  
23 That witness is Jamie Osburn. We're recalling him from  
24 last time.

01:28 25 THE FOREPERSON: Please raise your right

01:28 1 hand.

2                   You do solemnly swear the testimony you are  
3 about to give upon the investigation now pending before  
4 this Grand Jury shall be the truth, the whole truth, and  
01:28 5 nothing but the truth, so help you God?

6                   THE WITNESS: I do.

7                   THE FOREPERSON: Please be seated.

8                   You are advised that you are here today to  
9 give testimony in the investigation pertaining to the  
01:29 10 offenses of misconduct in signing, filing or altering  
11 petition, obtaining and using personal identifying  
12 information of another, and perjury, involving Patrick  
13 Duffy.

14                   Do you understand this advisement?

01:29 15                   THE WITNESS: I do.

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

18                   THE WITNESS: Jamie Osburn. J-A-M-I-E,  
19 O-S-B-U-R-N.

01:29 20                   JAMIE OSBURN,  
21 having been first duly sworn by the Foreperson of the  
22 Grand Jury to testify to the truth, the whole truth,  
23 and nothing but the truth, testified as follows:

24

01:29 25                   ///

01:29 1 EXAMINATION

2

3 BY MR. WESTMEYER:

4 Q. Good afternoon, Mr. Osburn.

01:29 5 A. Good afternoon.

6 Q. Can you remind the members of the Grand

7 Jury what you do for a living?

8 A. I'm a criminal investigator for the

9 Secretary of State's office.

01:29 10 Q. Does that mean you're a peace officer?

11 A. Correct.

12 Q. And how long have you been with the

13 Secretary of State's office as a peace officer?

14 A. Two years.

01:29 15 Q. Do you have any law enforcement experience

16 prior to that?

17 A. I do.

18 Q. What is that?

19 A. I worked with the federal government as a

01:29 20 law enforcement officer from 1999 and then in 2006 was

21 transferred over to the State of Nevada, worked as a

22 deputy city marshal and school police officer and a

23 deputy sheriff in Eureka County.

24 Q. Now you testified for us before in this

01:30 25 case regarding Mr. Duffy. Do you recall that testimony?

01:30 1 A. I do.

2 Q. And there's a packet of exhibits there in  
3 front of you. Could you turn to tab number 4 please.  
4 Do you recognize the person depicted there?

01:30 5 A. I do.

6 Q. How do you recognize that person?

7 A. That's the individual known as Patrick  
8 Duffy.

9 Q. And have you ever met this person?

01:30 10 A. I have.

11 Q. Can you tell us how you met Mr. Duffy?

12 A. I went to his residence and spoke to him.

13 Q. When was that?

14 A. That was last Thursday around 11:55 in the  
01:30 15 morning.

16 Q. Okay. And can you tell us the  
17 circumstances of that meeting?

18 A. I went to his residence to speak to him  
19 about the petition that he filed.

01:30 20 Q. Okay. Did he answer the door?

21 A. He did.

22 Q. And did you explain to him the purpose for  
23 being there?

24 A. I did. I told him that we were conducting  
01:31 25 an investigation on the petition filed.

01:31 1 Q. When you say we, were you by yourself or  
2 with --  
3 A. I had another investigator with me.  
4 Q. Who was that?  
01:31 5 A. That was Aaron Neff.  
6 Q. Did you in fact talk with Mr. Duffy at his  
7 residence?  
8 A. We did.  
9 Q. Was Mr. Duffy restrained at any time?  
01:31 10 A. He was not.  
11 Q. Did you explain to him that he was free to  
12 end the interview?  
13 A. I did.  
14 Q. And he did nevertheless speak to you about  
01:31 15 this case; is that right?  
16 A. Yes, correct.  
17 Q. Did you show him the petition that you  
18 filed in this case?  
19 A. Yes, I showed him that, the pages that was  
01:31 20 attached to it.  
21 Q. So I'd like to ask you about that. So  
22 turning to tab number 3 in the packet in front of you.  
23 Do you recognize what's depicted here and the pages that  
24 follow?  
01:32 25 A. I do.

01:32 1 Q. How do you recognize it?

2 A. This is the petition page that Mr. Duffy

3 turned in.

4 Q. And you can see at the bottom there's a

01:32 5 number at the bottom I'm going to refer to as a bates

6 number. Do you see that?

7 A. I do.

8 Q. And I think that one starts at 107. Is

9 that right?

01:32 10 A. Yes.

11 Q. Now did you show Mr. Duffy these bates

12 number pages up through I want to say 134?

13 A. Yes, I did.

14 Q. Did he acknowledge signing those pages?

01:32 15 A. Yes, he did.

16 Q. Are the pages -- actually I want you to

17 take a minute to go through Exhibit 3, pages 107 through

18 134. Look through those and let me know when you've had

19 a chance to do that.

01:33 20 A. Okay.

21 Q. Have you had a chance to review those

22 pages?

23 A. I have.

24 Q. Are the pages that are depicted at 107

01:33 25 through 134 fair and accurate copies of the pages that

01:33 1 you went over with Mr. Duffy?

2 A. They are.

3 Q. And what did Mr. Duffy say about these  
4 particular pages that you showed him?

01:33 5 A. I showed Mr. Duffy these pages, showed him  
6 the pages that were notarized, asked him if these were  
7 the pages he turned in, if these were his signatures,  
8 which he stated that they all were.

9 Q. So as to each page that has the notary  
01:33 10 stamp he acknowledged signing them?

11 A. Yes.

12 Q. Did Mr. Duffy say anything else during your  
13 interview with him?

14 A. When we told him what we were there for and  
01:34 15 him acknowledging that he signed all these pages he  
16 stated that the signatures on this petition were forged.

17 Q. Did he admit to forging them?

18 A. He did.

19 MR. WESTMEYER: I have no additional  
01:34 20 questions for this witness. Do any of the members of  
21 the Grand Jury have any questions for Mr. Osburn?

22 THE FOREPERSON: By law, these proceedings  
23 are secret and you are prohibited from disclosing to  
24 anyone anything that has transpired before us, including  
01:34 25 evidence and statements presented to the Grand Jury, any

01:34 1 event occurring or statement made in the presence of the  
2 Grand Jury, and information obtained by the Grand Jury.

3 Failure to comply with this admonition is a  
4 gross misdemeanor punishable up to 364 days in the Clark  
01:34 5 County Detention Center and a \$2,000 fine. In addition,  
6 you may be held in contempt of court punishable by an  
7 additional \$500 fine and 25 days in the Clark County  
8 Detention Center.

9 Do you understand this admonition?

01:34 10 THE WITNESS: I do.

11 THE FOREPERSON: Thank you. You're  
12 excused.

13 THE WITNESS: Thank you.

14 MR. WESTMEYER: State has no further  
01:35 15 witnesses or evidence to present at this time. The  
16 matter is now submitted for your deliberation.

17 (At this time, all persons, other than  
18 members of the Grand Jury, exit the room at 1:35 p.m.  
19 and return at 1:37 p.m.)

01:37 20 THE FOREPERSON: Mr. District Attorney, by  
21 a vote of 12 or more grand jurors a true bill has been  
22 returned against defendant Patrick Duffy charging the  
23 crimes of misconduct in signing, filing or altering  
24 petition, obtaining and using personal identifying  
01:37 25 information of another, and perjury, in Grand Jury case

01:37 1 number 17AGJ116X. We instruct you to prepare an  
2 Indictment in conformance with the proposed Indictment  
3 previously submitted to us.

4 MR. WESTMEYER: I'll do so. Thank you.

01:38 5 (Proceedings concluded.)

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01:38

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**REPORTER'S CERTIFICATE**

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**STATE OF NEVADA** )

: ss

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**COUNTY OF CLARK** )

01:38

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6

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

7

hereby certify that I took down in Shorthand (Stenotype)

8

all of the proceedings had in the before-entitled matter

9

at the time and place indicated and thereafter said

01:38

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shorthand notes were transcribed at and under my

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direction and supervision and that the foregoing

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transcript constitutes a full, true, and accurate record

13

of the proceedings had.

14

Dated at Las Vegas, Nevada,

01:38

15

March 20, 2018.

16

17

/s/ Danette L. Antonacci

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

01:38

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01:38

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## AFFIRMATION

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Pursuant to NRS 239B.030

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4

The undersigned does hereby affirm that the  
preceding TRANSCRIPT filed in GRAND JURY CASE NUMBER  
17AGJ116X:

01:38

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

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01:38

10

-OR-

11

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

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

14

-OR-

01:38

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

17

18

/s/ Danette L. Antonacci

19

Signature

3-20-18

Date

01:38

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21

Danette L. Antonacci

Print Name

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Official Court Reporter

Title

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