

1 **ORDR**

2 MARGARET A. MCLEATCHIE, Nevada Bar No. 10931

3 **MCLEATCHIE LAW**

4 602 South Tenth St.

Las Vegas, Nevada 89101

5 Telephone: (702) 728-5300; Fax: (702) 425-8220

Email: maggie@nvlitigation.com

6 *Counsel for Defendant Jesse Law*

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

8 **WRIGHT MARSH, LEVY**

300 S. Fourth St., Ste 701

9 Las Vegas, NV 89101

10 Telephone: (702) 382-4004; Fax: (702) 382-800

Email: Rick@wmlawlv.com

11 *Counsel for Defendant James McDonald*

12 MONTI JORDANA LEVY, ESQ. Nevada Bar No. 8158

13 **WRIGHT MARSH, LEVY**

300 S. Fourth St., Ste 701

14 Las Vegas, NV 89101

15 Telephone: (702) 382-4004; Fax: (702) 382- 4800

Mlevy@wmlawlv.com

16 *Counsel for Defendant Eileen Rice*

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19 **DISTRICT COURT**
20 **CLARK COUNTY**

21 STATE OF NEVADA,

22 Plaintiff,

23 vs.

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

27 Defendants
28

CASE NO.: C-23-379122-1

C-23-379122-2

C-23-379122-3

C-23-379122-4

C-23-379122-5

C-23-379122-6

DEPT. NO.: XVIII

PROPOSED ORDER

1 This matter came before the Court on February 2, 2026, and subsequently on April
2 10, 2026, before the Honorable Mary Kay Holthus, for hearing on the following Petitions for
3 Writ of Habeas Corpus, Memorandum of Points and Authorities, supplemental briefing, and
4 joinders thereto, addressing whether the State presented sufficient evidence to establish the
5 essential elements of the offenses charged under NRS 239.330 and NRS 205.110:

6 1. Petition for Writ of Habeas Corpus and Memorandum of Points and
7 Authorities, filed January 29, 2024, by Defendant Michael McDonald;

8 2. Petition for Writ of Habeas Corpus and Memorandum of Points and
9 Authorities filed January 29, 2024, by Defendant Eileen Rice;

10 3. Petition for Writ of Habeas Corpus and Memorandum of Points and
11 Authorities, filed January 29, 2024, by Defendant Jesse Law;

12 4. Petition for Writ of Habeas Corpus and Joinder in Memorandum of Points
13 and Authorities, filed January 29, 2024, by Defendant James Walter DeGraffenreid, III;

14 5. Defendant Durward James Hindle, III's Petition for Writ of Habeas Corpus
15 and Joinder in Memorandum of Points and Authorities, filed January 29, 2026;

16 6. Pretrial Petition for Writ of Habeas Corpus and Memorandum of Points and
17 Authorities filed January 29, 2024, by Defendant Shawn Michael Meehan;

18 7. Joint Memorandum of Points and Authorities in support of Defendants'
19 Petition for Writ of Habeas Corpus filed January 29, 2024, by Defendants Michael
20 McDonald, Jesse Law, and Eileen Rice, and the joinders thereto filed by Defendants James
21 Walter DeGraffenreid, III, Durward James Hindle, III, and Shawn Michael Meehan;

22 8. Joint Reply to State's Return and Return and Response to Petition for Writ
23 of Habeas Corpus (Pre-Trial) filed May 15, 2024, by Defendants Michael McDonald, Jesse
24 Law, and Eileen Rice, and the joinders thereto filed by Defendants James Walter
25 DeGraffenreid, III, Durward James Hindle, III, and Shawn Michael Meehan; and

26 9. Supplemental Authorities for Pretrial Petition for Writ of Habeas Corpus
27 filed January 27, 2026, by Defendants Michael McDonald, Jesse Law, and Eileen Rice, and
28

the joinders thereto filed by Defendants James Walter DeGraffenreid, III, Durward James Hindle, III, and Shawn Michael Meehan; and,

10. Supplemental Memorandum of Points and Authorities filed March 2, 2026, by Defendant Jesse Law, and the joinders thereto filed by Defendants James Walter DeGraffenreid, III, Durward James Hindle, III, Michael McDonald, Eileen Rice, and Shawn Michael Meehan, following the Court's request that the parties submit supplemental briefing addressing whether the State presented sufficient evidence to establish the essential elements of the offenses charged under NRS 239.330 and NRS 205.110.

The Court, having carefully reviewed all papers and pleadings on file in this matter (including but not limited to the above and the State's February 8, 2024, Return and Response to Petition for Writ of Habeas Corpus (Pre-Trial), and its March 2, 2026, Supplement thereto)¹, entertained the arguments of counsel, considered the points and authorities thereof, carefully considered the evidence, and for good cause appearing, hereby makes the following conclusions of law, findings of fact and evidentiary determinations:

I. INSUFFICIENT EVIDENCE

1. The State contends that the evidence presented to the Clark County Grand Jury justified their finding that probable cause exists to hold the Defendants for trial as to both Count 1 and 2 of the Indictment because the State presented sufficient evidence to establish the essential elements of the offenses charged under NRS 239.330 and NRS 205.110.

2. However, for the reasons set forth below, the State failed to establish by substantial and competent evidence that there is probable cause to believe that an offense has been committed and that the Defendants committed it, and the State failed to present

¹ On January 29, 2024, Defendant Eileen Rice filed a motion to dismiss the indictment based on improper venue which was joined by the other Defendants. The February 13, 2024, joint reply to the motion contained discussion of the Defendants' intent at pages 10-14 which was also considered by the Court in ruling on the instant matter. The Court granted the motion by order dated July 26, 2024, but the order was reversed on grounds unrelated to the Petitions (the case was remanded by a November 12, 2025, Order of the Nevada Supreme Court, Case No. 89064).

1 sufficient evidence to the Grand Jury establishing the essential elements of the offenses
2 charged under NRS 239.330 and NRS 205.110.

3 **A. Legal Standard**

4 1. Before a defendant may be held to answer in District Court, the State is
5 required to establish by “substantial and competent evidence” that there is probable cause to
6 believe that an offense has been committed and that the defendant committed it. *Sheriff v.*
7 *Medberry*, 96 Nev. 202, 204, 606 P.2d 181, 182 (1980); NRS 172.155. NRS 172.095(2)
8 requires the State to “inform the grand jury as to the law” of the specific elements of the
9 offenses that the grand jurors are being asked to consider. *Chasing Horse v. Eighth Jud. Dist.*
10 *Ct. in & for Cnty. of Clark*, 140 Nev. Adv. Op. 63, 555 P.3d 1205, 1212 (2024) (citing *Clay*
11 *v. Eight Jud. Dist. Ct.*, 129 Nev. 445, 451, 305 P.3d 898, 902 (2013)).

12 2. Probable cause to support a criminal charge may be based on “slight or even
13 marginal evidence...because it does not involve a determination of the guilt or innocence of
14 the accused.” *Sheriff v. Hodes*, 96 Nev. 184, 186, 606 P.2d 178, 180 (1980) (citations
15 omitted).

16 3. Although intent is ordinarily a question of fact, factual issues do not reach
17 the jury unless the State presents sufficient evidence to support a reasonable inference that
18 the accused committed the charged offense. *See Kinsey v. Sheriff*, 87 Nev. 361, 363, 487 P.2d
19 340, 341 (1971) (citations omitted) (“To commit an accused for trial, the State is not required
20 to negate all inferences which might explain his conduct, but to present enough evidence to
21 support a reasonable inference that the accused committed the offense.”)

22 4. An inference is unreasonable if it is so remote as to be unwarranted. *State*
23 *v. Von Brincken*, 86 Nev. 769, 773, 476 P.2d 733, 735 (1970). Although probable cause may
24 be based on slight or marginal evidence, probable cause also requires that the evidence be
25 weighed toward guilt. *Sheriff v. Dhadda*, 115 Nev. 175, 180, 980 P.2d 1062, 1065 (1999)
26 (citations omitted).

27 5. The State has the obligation to present known exculpatory evidence to the
28 grand jury and a prosecutor must not present a distorted or misleading factual picture by

1 withholding material evidence bearing on an essential element of the charged offense.
2 *Chasing Horse v. Eighth Judicial District Court*, 140 Nev. Adv. Op. 63, 555 P.3d 1205,
3 1213-1214 (2024).

4 6. The question for the Court is whether the State established by substantial
5 and competent evidence that there is probable cause to believe that an offense has been
6 committed and that the defendants committed it, which in turn requires the Court to
7 determine whether the State presented sufficient evidence to establish the essential elements
8 of the offenses charged under NRS 239.330 and NRS 205.110 based on the evidence
9 presented to the Clark County grand jury.

10 7. Fraudulent intent and/or effort to pass off a writing as something other than
11 what it is an essential element of the offenses charged under both NRS 239.330 and NRS
12 205.110, and evidence bearing directly on that element was material to the grand jury's
13 determination of probable cause in the instant case.

14 8. Count 2 (NRS 205.110, "Uttering forged instruments: Forgery") requires
15 that the defendant, with specific intent to defraud, forge a document or "have in his or her
16 possession with intent so to utter, offer, dispose of or put off any forged writing, instrument
17 or other thing, the false making, forging or altering of which is punishable as forgery. . . ."

18 9. More specifically, NRS 205.110 requires a specific intent to deceive by
19 passing a document off as something other than what it purports to be. Pursuant to NRS
20 205.085(2):

21 The words "forge," "forgery," "forged," and "forging," shall include false
22 making, "counterfeiting" and the alteration, erasure or obliteration of a
23 genuine instrument in whole or in part, the false making or counterfeiting
24 of the signature of a party or witness, real or fictitious, and the placing or
connecting together with intent to defraud, of different parts or the whole of
several genuine instruments.

25 10. Nevada statutory law makes further clear that forgery is the effort to have a
26 document accepted as signed or endorsed by someone other than who the maker or utterer
27 says it was endorsed or signed by. *See* NRS 205.115 (titled "True writing signed by
28 wrongdoer's name or name of person not in existence") (explaining that forgery requires "the

1 pretense that such subscription or endorsement is the act of another person of the same name,
2 or that of a person not in existence”). While Count 1 (NRS 239.330) is a general intent crime,
3 it still requires the general intent to knowingly submit a false document for filing as if it were
4 genuine, which is what NRS 239.330 prohibits.

5 **B. Factual Findings: Insufficient Evidence of Intent to Defraud or Pass Off a**
6 **Writing Off as Something Other than What It Purports to Be.**

7 11. Having carefully reviewed all the evidence and after giving the State an
8 additional opportunity to list the evidence submitted to the grand jury that it purports supports
9 a reasonable inference of intent under either count, the Court concludes the State failed to
10 present sufficient evidence from which the grand jury could reasonably infer that Defendants
11 acted with the requisite intent to defraud or pass off a writing as something other than what
12 it actually was.

13 12. Considering the totality of the evidence before the Court, including the
14 evidence identified by Defendants as having been omitted from the grand jury proceedings
15 (although the evidence submitted to the grand jury alone is insufficient), the record does not
16 support a reasonable inference of fraudulent intent.

17 13. Rather than attempting to deceive government officials into recognizing the
18 GOP Certificate as Nevada’s official electoral vote, the evidence only reflects that
19 Defendants sent in a non-official, separate certificate. That Defendants publicized their
20 conduct does not support a reasonable inference that they were trying to deceive anyone or
21 have the GOP Certificate accepted as the real thing.

22 14. The evidence that the State did not present to the grand jury further
23 reinforces the conclusion that Defendants acted openly and consistently with their stated
24 purpose of preserving ongoing election challenges, rather than with an intent to deceive.

25 ***1. The Evidence that the State Submitted to the Grand Jury***
26 ***Does Not Support a Reasonable Inference as to Intent.***

27 15. The Court’s factual findings regarding insufficient evidence as to intent,
28 both specific (NRS 205.110) and general (NRS 239.330) are based on the evidence the State
presented to the grand jury.

1 16. While the State relied on the fact that Defendants, as the 2020 GOP electors,
2 sent in their own electoral certificate (the “GOP Certificate”) with different results than the
3 official Nevada results to the Secretary of State and certain federal offices, the fact they did
4 so alone does not support a reasonable inference of intent under either charge in light of the
5 nature of what was in fact sent.

6 17. Testimony presented to the grand jury established that the GOP Certificate
7 was not treated as Nevada’s official electoral certificate and was not accepted for filing or
8 acted upon by the receiving agencies.

9 18. Rather, the evidence demonstrated that the documents were recognized for
10 what they were, and either set aside as not genuine or returned because they could not be
11 accepted.

12 19. The differences between the official Nevada documents (Grand Jury
13 Exhibit (“GJE”) 5) and the GOP documents (GJE 4) are myriad and do not reflect an effort
14 to have the GOP documents accepted as the official Nevada documents or to submit
15 documents that could, if genuine, be acted upon.

16 20. For example, while the GOP Certificate of the Votes and related records
17 were sent with a return address for Defendant McDonald and the Nevada Republican Party
18 (GJE 4, GJ 000021; *see also* Grand Jury Transcript Volume I (“GJT I”) 26), the official
19 Nevada Certificate of the Votes and related documents were sent by the Nevada Secretary of
20 State (as she had overseen the ascertainment of votes pursuant to 3 U.S.C. § 5) (GJE 5; *see*
21 *also* GJT I 16-17, 28). Likewise, the GOP documents did not have the Nevada State Seal
22 (GJE 4, GJ 000002-21; *see also* GJT I 23-24), while the official Nevada documents clearly
23 did (GJE 5, GJ 000020-25), providing further evidence that Defendants did not represent the
24 GOP documents as being official. Likewise, Defendants did not prepare or attach a
25 Certificate of Ascertainment or a Certificate of Final Determination with the GOP
26 documents. (*Compare* GJE 4, GJ 000002-21 *with* GJE 5, GJ 000023-25 and GJT I 14-15,
27 28:7-19.)
28

1 21. These differences, and others, made plain that there was no intent by the
2 Defendants to deceive anyone into accepting the GOP documents as the official Nevada
3 electoral documents, and the State failed to show that the GOP documents could even
4 actually be filed, registered, or recorded in a public office, or that Defendants attempted to
5 create documents that could be mistaken for the Nevada official documents

6 22. Testimony from Deputy Secretary of State Mark Wlaschin, and Miriam
7 Vincent, reflected that the documents were not capable of being processed as Nevada's
8 official electoral certificate. (Grand Jury Transcript Vol III ("GTJ III") 93-94 (Wlaschin);
9 GJT I 28 (Vincent).) As Mr. Wlaschin told the grand jury, they were "bizarro documents"
10 which the Nevada Secretary of State considered "essentially invalid," about which she said
11 "these aren't even real," and that they did not meet the statutory requirements for filing. (GJT
12 III 90, 91, 93-94.)

13 23. It was also obvious to Ms. Vincent from National Archives that the GOP
14 "Certificate of the Votes" was not intended to be the official Nevada Certificate of the Votes
15 for multiple reasons clear from the document itself and fact it was sent by the Republican
16 Party, not the State. (GJT I 17-22, 28.)

17 24. Contrary to the State's false representation in its Response, this was obvious
18 to Ms. Vincent; Mr. Wlaschin did not have to call the Archives to alert her to anything. Ms.
19 Vincent did not even mention Mr. Wlaschin in her testimony. This evidence further
20 undermines any reasonable inference that Defendants intended to deceive government
21 officials into acting upon the submitted documents.

22 **2. The Public Nature of Conduct**

23 25. The Court further finds the public and political nature of Defendants'
24 conduct significant in evaluating whether the evidence supports an inference of fraudulent
25 intent.

26 26. Defendants repeatedly publicly revealed what they were doing and
27 explained the purpose of their actions during the televised ceremony and in contemporaneous
28

1 communications, consistently asserting they believed they were following a process
2 necessary to preserve their legal rights to pursue election law challenges.

3 27. The Court finds that the fact that Defendants openly announced both their
4 actions and their asserted purposes does not show intent to commit forgery or have the GOP
5 Certificate filed or acted upon.

6 28. Defendants held a televised ceremony, publicly executed the GOP
7 Certificate, and consistently represented that their purpose was to preserve their ability to
8 pursue pending election challenges and obtain meaningful judicial relief should those
9 challenges ultimately prove successful.

10 29. Contemporaneous communications in the record likewise reflected that
11 stated purpose and did not suggest an effort to secretly induce governmental reliance upon
12 the submitted documents.

13 ***3. The Evidence Only Shows First Amendment Activity***
14 ***Relating to Challenging the Official Election Results.***

15 30. While the Court need not resolve Defendants' constitutional arguments, the
16 Court references the First Amendment considerations regarding Defendants' efforts to
17 challenge the election results publicly and to preserve the ability to challenge them in the
18 courts because they provide important context for evaluating Defendants' asserted purpose
19 and whether the evidence supports an inference of fraudulent intent.

20 31. The Court finds that the fact that Defendants openly announced both their
21 actions and their asserted purpose, rather than concealing their conduct or attempting to
22 secretly induce governmental reliance, weighs against a reasonable inference that they acted
23 to deceive, with fraudulent intent, and/or with intent to have the GOP Certificate filed or
24 acted upon.

25 32. Accordingly, the Court concludes the evidence is insufficient to support a
26 reasonable inference that Defendants acted with the requisite intent to defraud (NRS
27 205.110) or knowingly submitted the document to be filed, registered, or recorded as if it
28 were genuine (NRS 239.330).

1 **C. The Legislative Context Additionally Supports Granting the Petitions and**
2 **Dismissal of the Indictment**

3 33. Nevada's Attorney General publicly recognized that existing Nevada law
4 did not expressly criminalize the conduct at issue and thereafter supported legislation
5 specifically intended to criminalize the submission of alternate electoral certificates.

6 34. Although those statements and the legislative history are not dispositive,
7 they provide additional context supporting the Court's conclusion that the statutes relied
8 upon by the State were not plainly intended to encompass the conduct alleged in the
9 indictment.

10 35. The fact that other statutes do not govern the election law crimes the State
11 claims Defendants committed is reinforced by the fact that NRS 239.330(2) states that "[t]he
12 provisions of subsection 1 do not apply to a person who is punishable pursuant to NRS
13 293.800." NRS 293.800 in turn governs "[u]nlawful acts concerning registration of voters;
14 violations of laws governing elections; crimes by public officers."

15 **D. Conclusion as to Intent**

16 36. For all of the foregoing reasons, together with the analysis set forth in
17 Defendants' Petitions and Joint Memorandum. Reply, supplemental briefing, and argument,
18 the Court concludes that the State failed to present sufficient evidence supporting a
19 reasonable inference as to the essential elements of the offenses charged under NRS 239.330
20 and NRS 205.110, and this failed to establish that there is probable cause to believe that an
21 offense has been committed and that each of the Defendants committed it.

22 37. Moreover, even considering the totality of the evidence presented to the
23 grand jury and the State's Supplemental Briefing, the Court concludes the State failed to
24 present sufficient evidence from which a reasonable grand jury could infer the requisite intent
25 to defraud.

26 38. Accordingly, the Indictment cannot stand and must be dismissed.

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

1 **II. INDEPENDENT BASIS FOR DISMISSAL OF THE NRS 239.330**
2 **CHARGES.**

3 40. Even apart from the lack of evidence establishing the requisite intent, the
4 Court concludes dismissal of the charges pursuant to Count 1 (NRS 239.330) is
5 independently warranted.

6 **A. Legal Standard**

7 41. *Vaughn v. State*, 141 Nev. Adv. Op. 6, 563 P.3d 295 (2025), controls the
8 analysis under NRS 239.330. The statute concerns documents having the present ability to
9 be filed under state or federal law, but that are forged or contain false information. *Id.*, 563
10 P.3d at 301. The purpose of the statute is to prevent public officials from acting upon such
11 documents in the mistaken belief that they are genuine. *Id.* This echoes *People v. Bel Air*
12 *Equipment Corp.*, 39 N.Y.2d 48, 54, 382 N.Y.S.2d 728, 731, 346 N.E.2d 529, 532 (1976)
13 (recognizing that forgery statutes are intended to prevent reliance upon false documents
14 believed to be genuine, and noting the purpose of a similar statute “is to guard against the
15 possibility that officers of the State or its political subdivisions would act upon false or
16 fraudulent instruments that had been filed with their offices in the belief that such documents
17 were accurate and true”) (internal quotation marks omitted).

18 **B. Factual Findings**

19 42. Here, the evidence presented to the grand jury demonstrated that the GOP
20 Certificate and associated documents were not documents that could legally be accepted,
21 filed, registered, or recorded under Nevada or federal law.

22 43. Deputy Secretary of State Mark Wlaschin told the grand jury that the GOP
23 Certificate and associated documents were “essentially invalid” “bizarro documents” that did
24 not meet the statutory requirements for filing. (GJT III 91, 93-94.)

25 44. Likewise, Miriam Vincent from the National Archives testified as follows
26 when she was asked why the GOP documents were not determined to be official or
27 determined to be official:

28 They did not come from a State office. It was not the Secretary of State's
 office, it was not the governor’s office, it was not an office within the State

1 legislature. They were not paired with the original Certificate of
2 Ascertainment as is required by the statute and the names of the purported
3 electors did not match the names of the individuals who were formally
pointed as electors in the Certificate of Ascertainment and then confirmed
with the Certificate of Final Determination.

4 (GJT I 28:10-19; *see also* GJT I 23:23-24:1 (“ . . . Because they are not official state records
5 pertaining to the Electoral College. They did not come from the State of Nevada. They are
6 lacking the State seal.”).)

7 45. Nor was there evidence that any other public official believed the GOP
8 Certificate to be Nevada’s official electoral certificate or was induced to act upon it in the
9 mistaken belief that it was genuine.

10 **C. Conclusion as to NRS 239.330**

11 46. Accordingly, the Court concludes the State failed to present sufficient
12 evidence establishing one or more essential elements of the offense charged under NRS
13 239.330 because the GOP Certificate did not have the present ability to be filed or recorded
14 under state or federal law.

15 47. This is an independent basis on which the Court dismisses the NRS 239.330
16 charges against all Defendants.

17 **III. INDEPENDENT BASIS FOR DISMISSAL OF ALL CHARGES: FAILURE**
18 **TO PRESENT EXCULPATORY EVIDENCE**

19 48. Defendants also contend that the Indictment must be dismissed because the
20 State failed to present certain evidence they claim is exculpatory to the grand jury. The State
21 contends that the evidence Defendants pointed to as exculpatory evidence was cumulative
22 and thus was not required to be produced to the grand jury.

23 49. As an independent basis to grant the Petitions separate and apart from the
24 State’s failure to present sufficient evidence as to intent for either charge, the Court finds that
25 the State also failed to present material exculpatory evidence to the grand jury, and thus the
26 indictments must thus be dismissed.

1 **A. Legal Standard**

2 50. In its recent decision in *Chasing Horse v. Eighth Judicial District Court*,
3 140 Nev. Adv. Op. 63, 555 P.3d 1205, 1213-1214 (2024), the Nevada Supreme Court
4 reaffirmed the State's obligation to present known exculpatory evidence to the grand jury
5 and emphasized that a prosecutor must not present a distorted or misleading factual picture
6 by withholding material evidence bearing on an essential element of the charged offense.

7 51. Guided by *Chasing Horse*, this Court has considered not only the evidence
8 presented to the grand jury, but also the evidence identified in Defendants' supplemental
9 briefing as having been omitted from those proceedings, which this Court finds to be
10 exculpatory.

11 **B. Factual Findings**

12 52. The omitted evidence exculpatory evidence identified by Defendants bears
13 directly on Defendants' asserted purpose in executing and submitting the GOP Certificate
14 and, therefore, on the issue of intent, and is also exculpatory in other respects. Moreover, by
15 failing to present the exculpatory evidence the Defendants pointed to, the State presented a
16 distorted or misleading factual picture to the grand jury.

17 53. The exculpatory evidence cited by the Defendants that was not presented to
18 the grand jury was material, and withholding it created a distorted factual picture concerning
19 the continuing availability of a challenge in the U.S. Supreme Court.

20 54. The State failed to present a December 21, 2023, letter from Defendants'
21 counsel. (See Exhibit A to January 29, 2024, Joint Memorandum.) That letter explained in
22 part that, at the time of the vote of the electors on December 14, 2020, the time within which
23 to challenge the December 8, 2020, Order of Affirmance by the Nevada Supreme Court in
24 the United States Supreme Court had not run, and also further explained that there was
25 precedent for alternate electors voting related to the 1960 Presidential Election in Hawaii.
26 (See GJE 22, GJ 000082-88 (Nevada Supreme Court Order).)²

27 ² A challenge to the Nevada Supreme Court's Order by petition for writ of certiorari could
28 arguably have been made within 90 days of the order under Supreme Court Rule 13(1), *i.e.*,
by March 8, 2021.

1 55. Contrary to this and creating a distorted picture by being presented without
2 the related exculpatory evidence, the State presented evidence such as testimony from Mr.
3 Grosz that the Nevada Supreme Court's December 8, 2020, Order of Affirmance was the end
4 of the road. (GJT III 57-62; *see id.* at 62:3-5 ("It affirmed the lower court ruling and would
5 have ended the legal challenges at that point that were made by the Republican electors.")).

6 56. The State did the same with Mr. Chesebro. (*Compare* Grand Jury Transcript
7 Vol. II ("GJT II") 44:24-46:5 (Chesebro grand jury testimony, "Q: Is it fair to say that your
8 view was if there was no litigation pending then there was no way to reverse the result and
9 therefore no way that these alternate votes would become meaningful or be counted
10 correctly? A: Yes, because if on December 14th all the lawsuits are over and the governor
11 has said Biden won and there's nothing more that's going to happen in court then its over.
12 And so there's no reason to file the paperwork because there's no reason to give another
13 three weeks to win the lawsuit."), *and* 36:5-15 (Q: Did you think -- the question of whether
14 there was pending litigation, was that a significant fact to you? A: Yes, it was. Q: And why
15 was that? A: Because the whole point of the alternate elector plan that we derived at in
16 Wisconsin is the idea is to make sure that we have the extra three weeks to try to win the
17 lawsuit. If there isn't any lawsuit then there's no need for this to be done because there's no
18 lawsuit that would be won before January 6th.") (emphasis added) *with* Chesebro proffer
19 testimony, March 2, 2026, Supplement to Petition, Exhibit I at 3:1-18 (Mr. Chesebro
20 describing legal challenges to Wisconsin election specifically referencing relief continuing
21 to U.S. Supreme Court), 6:14-18, 10:1-12, 12:20-13:16, 17-18 (discussing relief from U.S.
22 Supreme Court available beyond December of 2020 and January 6, 2021, including by way
23 of an alternative route of litigation involving the U.S. Senate), 30:15-21 (inquiring whether
24 attorney Jesse Binnall, who represented the GOP in Nevada and had a legal challenge in
25 Nevada, was "planning to file a cert petition."), *and with* January 29, 2024, Memorandum to
26 Petition, Exhibit G (Mr. Chesebro's own December 29, 2020, certiorari petition to the U.S.
27 Supreme Court in the Wisconsin election case).

1 57. Mr. Chesebro also explained in his proffer testimony that there was
2 precedent for alternate electors voting as this was the procedure that took place in the Hawaii
3 1960 election between Kennedy and Nixon, and repeatedly referred to this case in his proffer
4 testimony. (March 2, 2026, Supplement to Petition, Exhibit I at 6:19-25, 38:22-39:2, 40:2-3;
5 *id.*, Exhibit J at 22:12-16, 26:10-12.) This information was not provided to the grand jury.

6 58. Additionally, during his proffer testimony, Mr. Chesebro discussed his
7 response to an email about Jesse Binnall's legal challenge in Nevada and he was wondering
8 if he was "planning on filing a cert petition." (See March 2, 2026, Supplement to Petition,
9 Exhibit I at 30:13-36:23.) While Mr. Chesebro discussed with many individuals that if there
10 was no challenge in Nevada there was no reason to vote with the Trump campaign, he never
11 informed the Nevada electors of this information. (*Id.*) This information was not provided to
12 the grand jury.

13 59. Similarly, Mr. Chesebro discussed at length in his proffer the conditional
14 language³ that he added to the Certificate of Votes for the Republican electors in
15 Pennsylvania and New Mexico, and explained how he suggested that the language should be
16 added for the electors challenging elections in the other states including Nevada, but was told
17 not to inform the Nevada electors of this, and that that Mike Roman (from the Trump
18 campaign) told him not to and said "fuck these guys." (See March 2, 2026, Supplement to
19 Petition, Exhibit I at 32:17-35:5, 36:1-23; *see also id.*, Exhibit J at 26:1-12.) He therefore
20 never communicated the concerns that prompted the use of the conditional language to the
21 Defendants. (See *id.*, Exhibit I at 36:1-23.) Moreover, Mr. Chesebro stated that he was giving
22 the electors "legal background," not legal advice, that he had no duty to look out for the
23 Nevada electors, that he was just telling them what the Trump campaign wanted them to

24 ³ The Certificate of Votes for Nevada that Mr. Chesebro provided to Nevada stated, "we, the
25 undersigned, being the duly elected and qualified Electors...." (GJE 4, GJ 000002; March 2,
26 2026, Supplement to Petition, Exhibit J at 21:25-22:9.) The Certificate of Votes Mr.
27 Chesebro provided to Pennsylvania and New Mexico stated, "We, the undersigned, on the
28 understanding that it might later be determined that we are the duly elected and qualified
Electors...." (See January 29, 2024, Joint Memorandum, Exhibit F, pg. 6 (New Mexico
language); March 2, 2026, Supplemental Memorandum, Exhibit I, at 34:27-36:23 (Mr.
Chesebro noting he drafted identical language for New Mexico and Pennsylvania).)

1 know, that he had no authority to contact the electors or look out for them because then he
2 might be going against the advice of his actual client. (*See id.*, Exhibit K at 1:4-2:3.) None
3 of this information was ever communicated to the grand jury.

4 60. In addition to the exculpatory proffer statements of Mr. Chesebro that
5 contradicted his grand jury testimony, the State possessed two emails of Mr. Chesebro (that
6 the Defendants did not have) that likewise contradicted his grand jury testimony and were
7 likewise not presented to the grand jury.

8 61. First, the State had in its possession an email from Mr. Chesebro dated
9 December 11, 2020, addressed to various members of the Trump campaign: Joshua Findlay;
10 Justin Clark; Matthew Morgan; Jason Miller; Nick Trainer; and Boris Epshteyn which
11 discusses whether Nevada had litigation pending in December, 2020, prior to the ceremony
12 held by the Republican Electors on December 14, 2020. In this email Mr. Chesebro,
13 commenting on the Nevada Supreme Court rejecting the Trump campaign appeal on
14 December 8, 2020, opines, “it seems plausible for Nevada to seek cert. in the Supreme Court
15 on the same basis on which Jack Wilenchick apparently plans to seek cert. from the AZ Sup.
16 Ct. Dismissal....” (*See* Ex. A to Defendants’ May 15, 2024, Joint Reply.)

17 62. The email further states, “perhaps there is a plan to file for cert from the
18 Nevada decision.” (*Id.*) This information was withheld from the grand jury. The grand jury
19 was (mis)led to believe that the Nevada Supreme Court decision on December 8, 2020, ended
20 any potential challenge to the election. (GJT III 62:1-5, 81:12-82:1.) The grand jury was
21 never informed that a Certiorari Petition to the United States Supreme Court was still a
22 plausible avenue by which the election could have been challenged as Mr. Chesebro stated
23 in the email.

24 63. Second, the State also possessed an email from Mr. Chesebro to “Judge”
25 Troupis dated December 8, 2022, where he discusses the alternative electors and explains
26 that, “Court challenges pending on Jan 6 really not necessary.” Mr. Chesebro says, “I think
27 having the electors send in alternate slates of votes on Dec. 14 can pay huge dividends *even*
28 *if there is no litigation pending on Jan. 6....*” (*See* Ex. B to Defendants’ May 15, 2024, Joint

1 Reply.) This email contradicts the testimony of Mr. Chesebro before the grand jury. Mr.
2 Chesebro testified that pending litigation was absolutely necessary for there to be any reason
3 for the contingent electors to vote. (GJT II 44-46.)

4 64. The State allowed Mr. Chesebro to testify that he asked Mr. DeGraffenreid
5 whether all court challenges in Nevada were final and that he received no response. (GJT II
6 35-36.) This testimony was false; Mr. DeGraffenreid responded to Mr. Chesebro that he had
7 forwarded the question to the party's lead attorney, Jesse Binnall as the attorney would be
8 more knowledgeable as to the status of the litigation in Nevada. While this email was buried
9 in an exhibit provided to the Grand Jury, the Attorney General allowed the grand jury to
10 believe that there was no response to Mr. Chesebro's question on pending litigation. (GJE
11 27, 000195.)

12 65. In addition, the State presented a distorted picture by only providing some
13 of the footage from the December 14, 2020, voting by the GOP electors. The full video from
14 Right Side Broadcasting containing approximately an hour of footage and included an
15 interview with Defendant Law where he discussed the purpose of the Republican electors'
16 vote, stating, "We want to pull this right back into the courts...." (*See* raw footage, Exhibit B
17 to January 29, 2024, Joint Memorandum at 1:09:00; *see also* GJT II 7-10 (Grosz testimony
18 as to video).) The State only presented an edited version of the video that was approximately
19 39 minutes long to the grand jury which omitted Mr. Law's statement, rather than the entirety
20 of the footage. (*Id.*)

21 66. Because fraudulent intent and knowingly submitting a document that is of
22 the type that can be filed as if it were genuine are essential elements of the offenses charged
23 under both NRS 239.330 and NRS 205.110, evidence bearing directly on these elements was
24 material to the grand jury's determination of probable cause.

25 67. The evidentiary significance of the exculpatory evidence is heightened
26 because the State's evidence of fraudulent intent and/or deceptive intent and/or intent to have
27 the GOP Certificate accepted as the official results was, at best, minimal. Where the evidence
28 supporting an essential element is already limited, the failure to present exculpatory evidence

1 addressing that same element has a particularly substantial impact on the integrity of the
2 grand jury's determination.

3 **C. Conclusion as to Failure to Present Exculpatory Evidence.**

4 68. The Court therefore concludes that the State failed to present material
5 exculpatory evidence to the grand jury, thereby independently undermining the integrity of
6 the Indictment under the principles articulated in *Chasing Horse* and thus requiring dismissal
7 under the principles articulated in *Chasing Horse*.

8
9 **ORDER**

10 1. In light of the foregoing, IT IS ORDERED that the Petitions for Writ of
11 Habeas Corpus filed by Defendants Eileen A. Rice, Michael James McDonald, Jesse Reed
12 Law, Durward James Hindle III, Shawn Michael Meehan, and James Walter DeGraffenreid,
13 III are hereby GRANTED.

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

16
17
18 IT IS SO ORDERED.

19 Dated this 2nd day of October, 2026

20 

21

DISTRICT COURT JUDGE

22 Respectfully submitted by,

23 /s/ Margaret A. McLetchie

24 Margaret A. McLetchie

25 **MCLETCHIE LAW**

Counsel for Jesse Reed Law

26 /s/ Richard A. Wright

27 Richard A. Wright

WRIGHT MARSH, LEVY

28 *Counsel for Michael James McDonald*

7D7 C0F 630F D74C
Mary Kay Holthus
District Court Judge

1 /s/ Monti Jordana Levy

Monti Jordana Levy

2 **WRIGHT MARSH, LEVY**

3 *Counsel for Eileen A. Rice*

4 /s/ Brian R. Hardy

Brian R. Hardy

5 **MARQUIS AURBACH CHTD.**

6 *Counsel for Durward James Hindle, III*

7 /s/ Harry L. Arnold

8 **MARQUIS AURBACH CHTD.**

Counsel for Shawn Michael Meehan

9
10 /s/ George P. Kelesis

George P. Kelesis

11 **COOK & KELESIS, LTD**

12 *Counsel for James Walter DeGraffenreid, III*

13
14 **Approved as to form and content,**

15 **ATTORNEY GENERAL, AARON D. FORD**

16 **By:**

17 /s/ Alissa C. Engler

Alissa C. Engler

18 Matthew J. Rashbrook

19 *Attorneys for the State of Nevada*