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DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,  
  
Plaintiff,  
  
vs.  
  
OCEAN FLEMING,  
  
Defendant.

CASE NO. C-11-276866  
DEPT NO.: 17

**DEFENDANT OCEAN FLEMING'S SUPPLEMENTAL BRIEF TO PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)**

Defendant Ocean Fleming, by and through his appointed counsel, Janiece Marshall, Esq. and Michael V. Cristalli, Esq. of the law firm of Gentile Cristalli Miller Armeni Savarese, submits the following Supplement to Defendant Ocean Fleming's Petition for Writ of Habeas Corpus filed in proper person on February 6, 2017 ("Petition").

In addition, to the grounds set forth in his Petition, Ocean Fleming moves this Court for a reversal of the Judgment of Conviction entered on November 26, 2012; the dismissal of the Second Amended Indictment filed November 15, 2012; or, in the alternative, a new trial based upon newly discovered evidence set forth herein establishing "outrageous government conduct" with respect to:

1. Improper and undisclosed sexual and romantic relationships by, between and among the lead LVMPD Detectives, their supervisory Lieutenant, the primary trial witness as well as the lead prosecutor during the investigation and prosecution of Ocean Fleming as well as the prosecutorial misconduct in failing to disclose the bias of these trial witnesses for trial cross-

1 examination;

2 2. The criminal conspiracy by, between and among the LVMPD officers and convicted  
3 felon Jamal Rashid aka "Mally Mall"--who has been and remains under criminal investigation  
4 since at early as 2010 for sex trafficking, money laundering and pandering—to "set up" Ocean  
5 Fleming as well as other defendants that Mally Mall felt threatened by or were his pimp  
6 competitors by coaching witnesses to falsify testimony and

7 3. The financial and other "inducements" paid by Jamal Rashid to bribe the LMVPD  
8 officers, including but not limited to monthly payments of \$10,000.00 to prosecute Jamal's  
9 alleged "competitor" pimps, providing prostitutes to pleasure the LVMPD officers at the  
10 Oquendo property, obtaining backstage passes front row seats at Justin Bieber concerts and  
11 Justin Bieber memorabilia for family gifts.

12 Furthermore, Ocean Fleming also moves for relief based upon:


13 1. The adverse inferences Ocean Fleming is entitled to take given Detective  
14 Baughman's invocation of his Fifth Amendment right against self-incrimination regarding the  
15 investigation and prosecution of Ocean Fleming;

16 2. The redundant convictions contained with Ocean's Twenty-Three Felony Conviction  
17 resulting in a life sentence, requiring reversal of the Judgment of Conviction as many are based  
18 on a single act and, therefore the multiple convictions do not comport with legislative intent and

19 3. The repeal of the NRS 201.300, Pandering by Force, requires overturning Ocean's  
20 conviction as to Counts 8 and 14.

21 Dated this 15 day of November, 2017.

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I.

**INTRODUCTION**

What started out as mere rumblings years ago about law enforcement corruption involving the Las Vegas Metropolitan Police Department's VICE unit and the Clark County District Attorney's Office by several defendants who were all convicted and sentenced to extraordinary harsh sentences for pandering by the same LVMPD Detectives and DA and whom no one took seriously has now resulted in:

1. Clark County Sheriff Joe Lombardo admitting that LVMPD's VICE unit is under investigation by the Federal Bureau of Investigation for public corruption;
2. Uncontroverted evidence set forth herein of unsavory and salacious sexual conduct by, between and among the LVMPD officers, the lead prosecutor, Witness Jessica Gruda as well as other prostitutes during the investigation and prosecution of Ocean Fleming,
3. Improper witness influencing and coaching by LVMPD Detective Christopher Baughman and his now wife, DA Liz Mercer;
4. An exposed criminal conspiracy by and between LMVPD officers and convicted felon Jamal Rashid, aka Mally Mall to "set up" Ocean Fleming and put him away for life in exchange for monthly payments of \$10,000.00 to the LVMPD officers, the sexual favors of Jamal's prostitutes and book publishing, television show, movie deal as well as notoriety for the high profile conviction of Ocean Fleming and life sentence;
5. Prosecutorial misconduct by DA Mercer for failing to disclose her sexual relationship with the lead detective and primary witness against Ocean Fleming, Detective Baughman, in order to permit cross-examination of his bias and
6. Witnesses coming forward to recant trial testimony and, most significantly, the adverse inferences resulting from Detective Baughman asserting his Fifth Amendment right against self-incrimination as to all questions regarding the investigation and prosecution of Ocean Fleming, the criminal conspiracy with Jamal Rashid, the sexual involvement of Detective Baughman and Detective Beas with Witness Jessica Gruda; the sexual involvement of Detective Baughman with

1 his supervisor, VICE Lt. Karen Hughes, and the sexual involvement of Detective Baughman  
2 with DA Mercer during the investigation and prosecution of Ocean Fleming.

3 For the reasons set forth below, Ocean Fleming requests that the grant Ocean Fleming's  
4 requests for relief because to do otherwise will allow a greater miscarriage of justice to occur that  
5 threatens the integrity of the judicial process. Regardless of this Court's personal opinion about  
6 Ocean Fleming as expressed at Ocean Fleming's sentencing in this case, even "bad men like  
7 good men, are entitled to be tried and sentenced in accordance with the law." See *Sorich v.*  
8 *United States*, 129 S. Ct. 1308, 1309, 1311 (2009) (Scalia, J.)(quoting *Green v. United States*,  
9 365 US 301, 309 (1961) (Black, J., dissenting).

## 10 II.

### 11 STATEMENT OF THE FACTS

#### 12 A. Statement of Procedural Facts

13 1. On November 26, 2012, a Judgment of Conviction was entered (Exhibit F), adjudicating  
14 Ocean Fleming guilty of TWENTY-THREE felonies involving five alleged victims:

##### 15 a. Britany Steiner:

- 16 1. Count 1: Pandering,
- 17 2. Count 2: Pandering: Furnishing Transportation
- 18 3. Count 3: Living from the Earnings of a Prostitute;
- 19 4. Count 4: Living with a Prostitute;

##### 20 b. Natalie Harper (Vineyard)

- 21 1. Count 5: Pandering
- 22 2. Count 6: Pandering: Furnishing Transportation;
- 23 3. Count 7: Living with a Prostitute

##### 24 c. Jessica Gruda

- 25 1. Count 8: Pandering with Force
- 26 2. Count 9: Pandering: furnishing Transportation;
- 27 3. Count 10: Living from the Earnings of a Prostitute;
- 28 4. Count 11: Living with a Prostitute

1 5. Count 12: Battery Constituting Domestic Violence;

2 6. Count 13: Coercion

3 7. Count 14: Second Degree Kidnapping

4 d. April Millard

5 1. Count 15: Pandering with Force

6 2. Count 16: Pandering: furnishing Transportation;

7 3. Count 17: Living from the Earnings of a Prostitute

8 4. Count 18: Living with a Prostitute

9 5. Count 19: Assault with a Deadly Weapon

10 6. Count 21: Preventing or Dissuading Witness or Victim from Reporting Crime or  
11 Commencing Prosecution

12 7. Count 22: First Degree Kidnapping

13 e. Sivan Kadosh

14 1. Count 20: Assault with a Deadly Weapon;

15 2. Count 23: Coercion

16 *See Second Amended Indictment.*

17 2. On February 6, 2017, Ocean Fleming filed his petition for writ of habeas corpus (post-  
18 conviction) in proper person, alleging, *inter alia*, that LVMPD detectives were having improper  
19 sexual and/or romantic relationships with the prostitute witnesses during the investigation and  
20 prosecution of his criminal case and that the lead detective(s) and lead prosecutor coached  
21 witnesses testimony to increase or enhance the charges and sentence. *See Ocean Fleming's*  
22 *Petition Filed in Proper Person February 6, 2017 ("Petition").*

23 3. In support of his Petition, Ocean Fleming referenced over 100 text messages between  
24 Detective Baughman and a witness, alleging that the text messages established that Detective  
25 Baughman had an improper sexual and/or romantic relationship with a witness prostitute and  
26 coached her testimony. *See Petition.*

27 4. Following this Court's review of Ocean Fleming's Petition, the Honorable Nancy Saitta  
28 appointed undersigned counsel ("Appointed Counsel") to represent Ocean Fleming. *See Court's*



1 *Order appointing Attorneys Janiece Marshall and Michael Cristalli.*

2 5. On May 24, 2017, the Clark County District Attorney's office voluntarily  
3 recused itself from further prosecution of Ocean Fleming in his post-conviction relief action,  
4 following allegations that the lead LVMPD Detective Christopher Baughman and the lead  
5 prosecutor, Clark County District Attorney Liz Mercer were involved in an undisclosed sexual  
6 and/or romantic relationship during the prosecution of Ocean Fleming. *See DA's Recusal, filed*  
7 *May 24, 2017.*

8 **B. Detective Baughman's Invocation of Fifth Amendment Right**

9 1. On October 19, 2017, Appointed Counsel deposed former LVMPD Detective Baughman.  
10 *Exhibit E, Deposition Testimony of Christopher Baughman ("Baughman Deposition").*

11 2. LVMPD Detective Baughman, on the advice of legal counsel, invoked his Fifth  
12 Amendment rights during the Deposition. *Exhibit E, at 15:24-25, 161-2.*

13 3. The Court determined the scope of Detective Baughman's invocation of his  
14 Fifth Amendment against self-incrimination included all questions concerning the investigation  
15 and prosecution of Ocean Fleming, instructing Appointed Counsel to cease any further questions  
16 relating to the investigation and prosecution of Ocean Fleming. *Exhibit E, at 23: 17-25, 24:1-3,*  
17 *26:5-12.*

18 4. The Court further stated that given it narrowed the scope of Detective Baughman's  
19 invocation to the investigation and prosecution of Ocean Fleming that if Detective Baughman  
20 later wishes to withdraw his invocation of the Fifth Amendment then it may be appropriate for  
21 the Court to take "severe remedial measures, such as preventing the invoking party from  
22 presenting material previously claimed to be protected by the privilege." *Exhibit E, at 23:17-23.*

23 5. Detective Baughman invoked his Fifth Amendment right regarding whether he was  
24 present when DA Liz Mercer attempted to coach a witness to lie about a domestic violence  
25 strangulation charge. *Exhibit E, at 27:9-13; 35:12-15.*

26 6. Detective Baughman invoked the Fifth Amendment with respect to whether Detective  
27 Beas told him that he had a sexual relationship with witness Jessica Gruda or whether Detective  
28 Beas had given Jessica Gruda money or rented a car for her. *Exhibit E, at 27:22-25; 28:1-2.*

1       7. Detective Baughman invoked the Fifth Amendment in response to whether he had an  
2 agreement with Jamal Rashid, aka Mally Mall, to put other pimp competitors out of business for  
3 Jamal Rashid and/or accepted money or other “inducements” from Jamal Rashid to prosecute  
4 other pimps in order to put them out of business. *Exhibit E, at 31:28-23.*

5       8. Detective Baughman invoked his Fifth Amendment right with respect to whether he was  
6 engaged in a romantic or sexual relationship with his Vice supervisor, Lt. Karen Hughes and  
7 whether he and Lt. Hughes traveled to New York together immediately following Ocean  
8 Fleming’s sentencing to meet with a producer about a movie deal. *Exhibit E, at 40:9-14.*

9       9. Detective Baughman invoked his Fifth Amendment right against self-incrimination with  
10 respect whether he was aware of whether recordings of witness interviews went missing from the  
11 LVMPD file. *Exhibit E, at 41:17-19.*

12       10. Detective Baughman invoked his Fifth Amendment right against self-incrimination when  
13 asked whether he was present when DA Mercer attempted to coach Angela Mullen to falsely  
14 testify to a charge of domestic violence strangulation and when Angela’s mother told DA Mercer  
15 that they were a good Christian family that would not lie. *Exhibit E, at 35: 12-15.*

16       **C. Statement of Relevant Facts**

17               **1. Clark County Sheriff Admitted that FBI Investigating LVMPD VICE Unit for**  
18               **Public Corruption**

19               a. On April 13, 2017, LVMPD admitted that its Vice Unit was under Investigation  
20 for public corruption by the Federal Bureau of Investigation. *See Exhibit F,*  
21 [http://www.lasvegasnow.com/news/i-team-fbi-probe-leads-to-changes-in-metros-vice-](http://www.lasvegasnow.com/news/i-team-fbi-probe-leads-to-changes-in-metros-vice-unit/691727488)  
22 [unit/691727488](http://www.baltimorepostexaminer.com/lasvegas-metropolitan-police-fbi-public-corruption-probe/2017/10/26). *See also Exhibit G, http://www.baltimorepostexaminer.com/lasvegas-metropolitan-*  
23 [police-fbi-public-corruption-probe/2017/10/26](http://www.baltimorepostexaminer.com/lasvegas-metropolitan-police-fbi-public-corruption-probe/2017/10/26).

24               b. LVMPD further admitted that LVMP has made “sweeping changes” to its  
25 VICE command and oversight of VICE detectives as a consequence of the conduct of the Vice  
26 Detectives. *Id.*

27               c. The same team of LVMPD detectives and the same DA, Liz Mercer (now married  
28 to Detective Baughman) who investigated and prosecuted Ocean Fleming, also investigated and

1 prosecuted other defendants, charging eerily similar factual allegations and charges. *Id. See*  
2 *Exhibits F-G. See also Exhibit H, [http://www.knpr.org/knpr/2017-06/why-fbi-investigating-](http://www.knpr.org/knpr/2017-06/why-fbi-investigating-metros-vice-unit)*  
3 *metros-vice-unit.*

4 **2. LVMPD Detectives Were Sexually Involved with Witness Jessica Gruda,**  
5 **Improperly Influencing and Coaching her Testimony**

6 a. The primary witness who testified against Ocean Fleming, Jessica Gruda, admits  
7 that she had sexual relations with both of the lead detectives. *Exhibit A, Gruda Affidavit. See*  
8 *also Exhibits B-C, Davy Affidavits. See also Exhibit E,*

9 d. Jessica Gruda had a sexual relationship with Detectives Beas  
10 during the trial of Ocean Fleming. *See Exhibits A-C. See also Exhibit E, Baughman Deposition,*  
11 *at 27:22-24.*

12 e. Jessica Gruda's friend, nanny and roommate was also aware of  
13 Jessica Gruda's sexual relationship with Detective Beas. *See also Exhibit B-C, Affidavits of*  
14 *Sarah Davey.*

15 f. Detective Beas personally gave Jessica Gruda money and rented a car  
16 for her while he was engaged in a sexual relationship with her, knowing that she continued to  
17 work as a prostitute and that she was addicted to drugs. *Exhibit A, Gruda Affidavit. See also*  
18 *Exhibit E, Baughman Deposition, 27:25, 28:1-2.*

19 g. Detectives Baughman and both knew that Jessica Gruda continued to work as a  
20 prostitute and that she was addicted to drugs at the time that she testified against Ocean Fleming.  
21 *Exhibit A, Gruda Affidavit.*

22 h. Detectives Baughman and Beas warned Jessica Gruda about prostitution  
23 enforcement sweeps ("sting operations") by their VICE colleagues to help Jessica evade arrests  
24 and prosecutions for prostitution before and after she testified against Ocean Fleming. *Exhibit A,*  
25 *Gruda Affidavit. See also Exhibit E, Baughman Deposition, at 42:12-21.*

26 **3. Detective Baughman and DA Mercer Coached Witness Jessica Gruda to Give**  
27 **False Testimony**

28 a. Jessica Gruda never told Detective Baughman or DA Mercer that Ocean Fleming

1 strangled her. *Exhibit A, Gruda Affidavit.*

2 b. DA Mercer and Detective Baughman coached Jessica Gruda's to testify that  
3 Ocean Fleming strangled her so that they could obtain a Domestic Violence—Strangulation  
4 conviction and put him away for a longer period of time. *Exhibit A, Gruda Affidavit.*

5 c. Baughman and Mercer coached Jessica Gruda hour after hour to ensure she  
6 remembered the story they wanted her tell. *See Exhibit A, Gruda Affidavit.*

7 d. Jessica Gruda was persuaded to provide false testimony by Detective Baughman  
8 and DA Mercer because Detectives Beas and Baughman fabricated stories about Ocean Fleming  
9 hurting other women, showing Jessica at their very first meeting photographs of women with  
10 terrible injuries, falsely representing that Ocean Fleming had caused the injuries and that Ocean  
11 would hurt Jessica too. *Exhibit A, Gruda Affidavit.*

12 e. Jessica Gruda's averments are supported by the practice and procedure of  
13 LVMPD VICE detectives to deceptively show photographs of injured women to witnesses,  
14 falsely representing that Ocean Fleming had injured the women and that he hurt Jessica too. *See*  
15 *Exhibit E, Baughman Deposition, 29:21-25, 30:6.*

16 f. Detective Baughman also plead the Fifth Amendment when asked whether he had  
17 ever represented to anyone that Ocean Fleming had murdered a prostitute or kept prostitutes in  
18 dog kennels. *Exhibit E, at 30:8-13.*

19 g. Detectives Beas and Baughman's lies about Ocean Fleming caused Jessica Gruda  
20 to become extremely and increasingly afraid of Ocean. *Exhibit A, Gruda Affidavit.*

21 h. Detectives Baughman and Beas continued to stoke Jessica's fear by telling her  
22 that Ocean had taken out a "hit" on Jessica while he was in the Clark County Detention Center  
23 awaiting trial. *Exhibit A, Gruda Affidavit.*

24 i. By the time trial came, Jessica was so afraid of Ocean, she testified to whatever  
25 Detective Baughman and DA Mercer asked, including but not limited to that Ocean had  
26 strangled Jessica. *Exhibit A, Gruda Affidavit.*

27 j. Jessica never told the Detectives or DA Mercer that Ocean strangled her.  
28 *Exhibit A, Gruda Affidavit.*

1 k. Jessica testified that Ocean Fleming strangled her because DA Mercer told her  
2 that Ocean had to have had his hands around her throat if he dragged her out of the bedroom. *Id.*

3 l. DA Mercer also told Jessica that she could put Ocean away for a longer period of  
4 time if Jessica testified that Ocean strangled her and that Jessica would not have to worry about  
5 Ocean ever getting out of prison. *Exhibit A, Gruda Affidavit.*

6 m. DA Mercer coached Witness Angela Mullen to testify that her pimp  
7 strangled her. *Exhibit E, Baughman Deposition, at 35:9-15.*

8 n. Angela Mullen's mother refused to allow Angela to lie, telling DA Mercer that  
9 they were a good Christian family and that Angela would not lie for DA Mercer. *Id.*

10 **4. DETECTIVE BAUGHMAN RECEIVED BRIBES AND CONSPIRED WITH**  
11 **CONVICTED FELON JAMAL RASHID TO "SET UP" OCEAN FLEMING**

12 a. LVMPD Detectives and other officers accepted financial and other  
13 "inducements" from Jamal Rashid, a convicted felon under investigation by both LVMPD and  
14 the FBI for pandering, human trafficking and money laundering, to set up Ocean Fleming to be  
15 arrested. *Exhibit D, Affidavit of Don Ramos. See also Exhibit E, Baughman Deposition, at*  
16 *31:18-23.*

17 b. Jamal Rashid made monthly payments to the LVMPD officers, including  
18 Detective Baughman, one payment was at \$10,000.00. *Exhibit D, Ramos Affidavit.*

19 c. The LVMPD officers would meet Jamal in parking lots, the Tryst Nightclub and  
20 at least one officer's home. *Exhibit D, Ramos Affidavit.*

21 o. Jamal Rashid's personal assistant and business manager, Jennifer Paonie, told  
22 Bodyguard Ramos that Jamal was conspiring with LVMPD officers to set up Ocean Fleming to  
23 be arrested. *Exhibit D, Ramos Affidavit.*

24 p. Following Ocean Fleming's arrest, Jennifer Paonie told Bodyguard  
25 Ramos: "I told you so." *Exhibit D, Ramos Affidavit.*

26 // // //

27 // // //

28 // // //



1 prosecution of Ocean Fleming, (2) Whether Detective Beas told Detective Baughman about his  
2 sexual relationship with witness Jessica Gruda, (3) Whether Detective Baughman was present  
3 when his now wife, DA Liz Mercer, attempted to coach a witness' testimony and (4) Whether  
4 Baughman accepted money or other financial inducements from Jamal Rashid, aka "Mally Mall"  
5 (also believed to be under investigation by the FBI), to set up Ocean Fleming.

6 The U.S. Supreme Court has determined that the assertion of the Fifth Amendment "does not  
7 forbid adverse inferences against parties to civil actions when they refuse to testify in response to  
8 probative evidence offered against them . . . ." See *Mitchell v. U.S.*, 526 U.S. 314, 328, 119 S.  
9 Ct. 1307, 143 L. Ed. 2d 424 (1999). Likewise, "an adverse inference can be drawn in a civil case  
10 when a witness refuses to answer a question on Fifth Amendment grounds." *Evans v. City of*  
11 *Chicago*, 513, F.3d 735, 740 (7<sup>th</sup> Cir. 2008). Furthermore, in *U.S. v. Solano-Godines*, 120 F.3d  
12 957, 962 (9<sup>th</sup> Cir. 1997), the Ninth Circuit concluded that in civil proceedings such as a  
13 deportation proceeding, the Fifth Amendment "does not forbid fact finders from drawing adverse  
14 inferences against a party who refuses to testify. . . ."

15 In this case, Ocean Fleming's post-conviction proceeding is a civil action, not a criminal  
16 action. As such, Ocean Fleming is entitled to all adverse inferences with respect to the  
17 investigation and prosecution of Ocean Fleming, the scope of Detective Baughman's Fifth  
18 Amendment invocation. Therefore, this Court must strike Detective Baughman's grand jury  
19 testimony, dismiss the Second Amended Indictment that was predicated upon Detective  
20 Baughman's testimony as well as the coached false testimony of Jessica Gruda and overturn the  
21 Judgment of Conviction against Ocean Fleming.

22 This Court was an unknowing participant in a farce that violated Ocean Fleming of his  
23 constitutional rights given that Detective Baughman invoked his Fifth Amendment right against  
24 self-incrimination, including but not limited to:

25 1. He and other LVMPD officers accepted bribes from and conspired with convicted felon  
26 Jamal Rashid to set up Ocean Fleming. *Exhibit E, at 18-23.*

27 2. Knowledge that Jamal Rashid was having a sexual relationship with Witness April  
28 Millard. *Exhibit E, at 31:24-25, 32:1.*

1           3. Knowledge that his partner, Detective Beas, was engaged in sexual relationship with  
2 Witness Jessica Gruda and whether Detective Beas personally gave Witness Jessica Gruda  
3 money or rented a car for her. *Exhibit E, at 27:22-25, 28:1-2.*

4           4. He is under investigation for public corruption by the FBI with respect to his employment  
5 at LVMPD in investigating and prosecuting Ocean Fleming. *Exhibit E, 15:8-23.*

6           5. He was having a sexual relationship with the lead prosecutor during Ocean Fleming's  
7 Trial that was not disclosed to the trial counsel or the Court, evidence of bias by Detective  
8 Baughman that trial counsel and the jury had the right to be advised of at trial. *Exhibit E,*

9           6. He was having a sexual relationship with his supervisor, Lt. Karen Hughes, during the  
10 Ocean Fleming investigation and prosecution and that immediately following Ocean Fleming's  
11 conviction on twenty-three felonies and sentenced to life, Detective Baughman and Lt. Hughes  
12 flew to New York to meet with a producer for a movie deal. *Exhibit E, at 40:9-14.*

13       **B. PROSECUTORIAL MISCONDUCT IN PRESENTING FALSE EVIDENCE AND**  
14       **FAILING TO DISCLOSE THE BIAS OF DETETIVE BAUGHAMN AT TRIAL**

15       In addition to the adverse inferences that must be taken as to Detective Baughman's grand  
16 jury and trial testimony against Ocean Fleming, witnesses have come forward to repudiate the  
17 false evidence presented at trial by Detectives Baughman and DA Mercer. First, Witness  
18 Jessica Gruda herself has recanted her trial testimony. *Exhibit A, Gruda Affidavit.* Jessica  
19 Gruda never told Detective Baughman or DA Mercer that Ocean Fleming strangled her. *Id.*  
20 DA Mercer and Detective Baughman coached Jessica Gruda's to testify that Ocean strangled  
21 her so that they could obtain a Domestic Violence—Strangulation conviction. *Id.* Baughman  
22 and Mercer coached Jessica Gruda hour after hour to ensure she remembered the story they  
23 wanted her tell. *Id.*

24       Second, Jessica Gruda was persuaded to provide false testimony because the Detective Beas  
25 and Baughman fabricated stories about Ocean hurting other women, showing Jessica at their  
26 very first meeting photographs of women with terrible injuries, falsely representing that Ocean  
27 had caused the injuries and that Ocean would hurt Jessica too. *Exhibit A, Gruda Affidavit.*  
28 Jessica Gruda's averments are supported by the practice and procedure of LVMPD VICE



1 detectives to deceptively show photographs of injured women to witnesses, falsely representing  
2 that the suspect had caused the injuries and would cause similar injuries other death to the  
3 witnesses. *See Exhibit E, Baughman Deposition, 29:21-25, 30:6.* Detective Baughman also  
4 plead the Fifth Amendment when asked whether he had ever represented to anyone that Ocean  
5 Fleming had murdered a prostitute or kept prostitutes in dog kennels. *Exhibit E, at 30:8-13.*

6 Third, Jessica Gruda was continuing to work as a prostitute and addicted to drugs during  
7 the investigation and prosecution of Ocean Fleming. It is not unreasonable for her to do what  
8 the Detectives and the DA asked her to do given her vulnerable position if they had decided to  
9 prosecute her for prostitution and/or using drugs.

10 Fourth, the Detectives' lies about Ocean Fleming caused Jessica Gruda to become extremely  
11 and increasingly afraid of Ocean Fleming. The Detectives continued to stoke Jessica's fear by  
12 telling her that Ocean had taken out a "hit" on Jessica while he was in the Clark County  
13 Detention Center awaiting trial. By the time trial came, Jessica was so afraid of Ocean, she  
14 testified to whatever Detective Baughman and DA Mercer asked, including but not limited to  
15 that Ocean had strangled Jessica. *Exhibit A, Gruda Affidavit.*

16 Fifth, Jessica never told the Detectives or DA Mercer that Ocean strangled her. *Id.* Jessica  
17 testified that Ocean strangled her because DA Mercer told her that Ocean had to have had his  
18 hands around her throat if he dragged her out of the bedroom. *Id.* DA Mercer also told Jessica  
19 that she could put Ocean away for a longer period of time if Jessica testified that Ocean  
20 strangled her and that Jessica would not have to worry about Ocean ever getting out of prison.  
21 *Exhibit A, Gruda Affidavit.*

22 Sixth, DA Mercer and Detective Baughman routinely charged in pandering cases Domestic  
23 Violence—Strangulation in order up their conviction rate as well as increase the sentence of  
24 defendants being charged with pandering-related offenses. Upon information and belief, the  
25 Clark County DA's Office routinely charges Domestic Violence in separate actions. It appears  
26 that only DA Mercer and Detective Baughman added this charge in cases against defendants  
27 accused of pandering. Detective Baughman invoked his Fifth Amendment privilege against  
28 self-incrimination when asked whether he was present when DA Mercer attempted to coach

1 Witness Angela Mullen to falsely testify that her attacker strangled her. *Exhibit E at 35: 9-14.*  
2 He further plead the Fifth when asked whether Angela's mother, Elizabeth Brasher, refused to  
3 allow her daughter to lie, telling DA Mercer that they were "a good Christian family" and that  
4 Angela would not lie. *Id.*

5 Seventh, Witness Jessica Gruda further averred that Detective Beas and Baughman would  
6 warn her about prostitution enforcement sweeps in order for her to evade arrest and prosecution  
7 for prostitution. *Exhibit A, Gruda Affidavit.* Jessica Gruda's averment is substantiated by  
8 Detective Baughman's invocation of his Fifth Amendment privilege against self-incrimination  
9 when Appointed Counsel asked whether he gave working prostitutes information about where  
10 undercover prostitution enforcement sweeps ("sting operations") were being conducted. *Exhibit*  
11 *E, at 42:12-16.* Not only is such conduct in contrary to LVMPD policies and procedures, but  
12 also likely criminal. *Exhibit E at 42: 12-21.*

13 Detective Baughman and Beas aided Jessica Gruda in avoiding arrest and conviction for  
14 prostitution not only prior to her testifying against Ocean, but even after Ocean Fleming's  
15 conviction in order to continue to curry sexual favors from her and also to protect themselves  
16 from possible exposure of their sexual escapades and witness coaching in the event was Jessica  
17 Gruda arrested and disclosed the information to other law enforcement officers to avoid  
18 prosecution.

19 Eighth, Natalie Harper (Vineyard), who was neither contacted nor interviewed by LVMPD  
20 regarding the allegations against Ocean, and who never testified at Ocean Fleming's trial, upon  
21 learning that Ocean had been convicted and sentenced for Pandering, Pandering: Furnishing  
22 Transportation, and Living with a Prostitute (Counts 5-7) as to her, immediately executed an  
23 affidavit refuting Jessica's allegations. *Exhibit I, Natalie Harper Vineyard Affidavit, dated May*  
24 *23, 2013.* Natalie averred that she and Ocean never lived together, that she worked for an escort  
25 service and never prostituted for Ocean Fleming. *Id.*

26 Ninth, neither Natalie Harper Vineyard nor Sarah Davey have ever been contacted,  
27 interviewed or questioned by either LVMPD or the Clark County District Attorney's Office  
28 with respect to the allegations against Ocean Fleming. *See Exhibits B-C, and I.* Sarah Davey

1 was the only witness to the alleged Battery Constituting Domestic Violence-Strangulation,  
2 Coercion and Second Degree Kidnapping domestic violence strangulation charges, Counts 12-  
3 14, against Ocean, yet neither LVMPD nor Clark County DA's office have yet to ask her about  
4 the alleged physical altercation between Ocean Fleming and Jessica Gruda. *See Exhibits B-C.*  
5 In fact, Detective Baughman invoked his Fifth Amendment right against self-incrimination  
6 when Appointed Counsel asked whether it was his policy and procedure as a VICE detective to  
7 interview any person present that may have witnessed a crime. *Exhibit E, at 43:2-4.*

8 Tenth, and astoundingly, LVMPD, rather than investigating and prosecuting Detectives  
9 Baughman and Beas for public corruption, continues to spend public money paying for private  
10 counsel to hinder the efforts of Appointed Counsel and even the FBI from investigating these  
11 officers. LVMPD has filed motion after motion for protective order in order to prevent  
12 Appointed Counsel from obtaining the Internal Affair files of Officers Baughman, Beas, Gray  
13 and Hughes and to prevent the deposition of these officers. Counsel for LVMPD actually  
14 represented to the Court that there are no documents relating to Detective Baughman re-  
15 applying to LVMPD after his television show, Slave Hunter, was canceled. Upon information  
16 and belief, LVMPD declined to rehire Detective Baughman because it was aware of Detective's  
17 unsavory and salacious conduct with respect to Jessica Gruda as well as his "relationship" with  
18 Jamal Rashid. After all, Detective Baughman allegedly bragged to other VICE officers about  
19 "Uncle J" and meeting Justice Bieber through Jamal. *See Exhibits F-H.*

20 Most recently, LVMPD has moved to prevent Appointed Counsel from subpoenaing the cell  
21 phone records for all of Detective Beas' calls and texts. As this Court noted following the  
22 deposition of Detective Baughman, the cell phone records establish the communication between  
23 the cast of characters involved in this case, including but not limited to what are believed to be  
24 hundreds of calls or text messages between Detective Beas and Witness Jessica Gruda. *See*  
25 *LVMPD's Motion to Modify Subpoena.* Upon information and belief, Detective Beas continued  
26 his sexual relationship with Jessica Gruda after Ocean Fleming's conviction and continued to  
27 improperly influence her by giving her money and renting her a car to insure her silence.  
28 Detective Beas' continued contact with Jessica Gruda well after Ocean Fleming's conviction is

1 evidence of his guilt.

2 As such, given the mounting evidence of criminal wrongdoing it is bewildering why  
3 LVMPD continues to pay private counsel to cover-up and hinder the investigation into these  
4 corrupt VICE officers rather than conduct its own proper investigation into its own VICE unit.

5 **C. COACHING WITNESES TO FALSIFY TESTIMONY TO INCREASE**  
6 **CONVICTIONS AND OBTAIN LIFE SENTENCES**

7 Detective Baughman and DA Mercer not only coached Jessica Gruda to provide false  
8 testimony against Ocean Fleming, but also coached other witnesses testifying against defendants  
9 charged with pandering by the LVMPD'S VICE Unit, the PIT Team. As set forth in Ocean  
10 Fleming's Petition, Detective Baughman coached Alicia Grundy and DA Mercer attempted to  
11 coach Angela Mullen. But for Angela's mother being present, we will never know if Angela  
12 Mullen would have been able to stand up on her own and say "no" to DA Mercer.

13 **D. DETECTIVE BAUGHMAN, LT. HUGHES AND DA MERCER, BENEFITTED**  
14 **FROM THE CONVICTION AND HARSH SENTENCING OF OCEAN FLEMING**

15 Detective Baughman, Lt. Hughes and DA Mercer benefitted from their national  
16 reputation as the premier pimp slayers, bringing local and national attention to LVMPD and the  
17 Clark County District Attorney's Office with their impressively high conviction rate of putting  
18 away pimps for life, albeit with false evidence. Detective Baughman and Lt. Hughes not only  
19 enjoyed the public spotlight from these high profile convictions, but garnered peer respect,  
20 traveling to other jurisdictions for speaking engagements to other law enforcement agencies as  
21 experts on pandering and prostitution.

22 Beside his national notoriety that landed him a three-book publishing deal and a  
23 television show, "Slave Hunter", Detective Baughman and at least two other LVMDP officers  
24 also received monthly financial inducements from convicted felon Jamal Rashid to put his pimp  
25 competitors out of business as well as people like Ocean Fleming whom Jamal Rashid, from all  
26 accounts felt threatened by his popularity with the community. See *Exhibit D, Ramos Affidavit*.  
27 See also *Exhibit E, Baughman Deposition, at 31:18-23*.

28 // // //

1 Furthermore, not only did Detective Baughman and other officers accept bribes from  
2 Jamal Rashid, one monthly payment was TEN THOUSAND DOLLARS (\$10,000.00), but  
3 Detective Baughman also took advantage of the prostitutes that worked for Jamal Rashid.  
4 *Exhibit D, Ramos Affidavit.* Detective Baughman had at least two prostitutes, he preferred,  
5 “Savanna” and “Star”, with whom he would sleep with when he visited Jamal Rashid’s home on  
6 Oquendo. *Id.* Detective Baughman would leave his teenage daughter in the company of known  
7 prostitutes and rappers that would hang out at the Jamal’s recording studio located at the  
8 Oquendo property while he enjoyed Savanna and Star.

9 Detective Baughman also used his national notoriety as the pimp slayer to publish two  
10 books about his work as a LVMPD VICE detective while he was still employed by LVMPD.  
11 His friend, co-conspirator and convicted felon, Jamal Rashid, aka Mally Mall, even bragged that  
12 he helped Detective Baughman get his books published. *Exhibit D, Ramos Affidavit.* In fact,  
13 Jamal Rashid kept numerous copies of Detective Baughman’s books in a place of honor in his  
14 bedroom—showcase on a mirrored tray that sat atop an ottoman, even showing them off to  
15 visitors with pride. *Id.*

16 Detective Baughman also participated in the National Geographic show, American  
17 Escort, wherein prostitutes, including Jessica Gruda were interviewed. *Exhibit E, Baughman*  
18 *Deposition, at 41:10-16.*

19 Detective Baughman also used his personal relationship with Jamal Rashid to obtain  
20 backstage passes and front row seats to Justin Bieber’s concert in Las Vegas. Upon information  
21 and belief, Detective Baughman’s daughters affectionately refer to Jamal Rashid as “Uncle J”.  
22 *See Exhibits F-G.*

23 Equally disturbing about Detective Baughman’s relationship with Jamal Rashid is that,  
24 upon information and belief, Detective Baughman was the lead detective behind the raid of  
25 Jamal Rashid’s Oquendo home and his VIP Escort Services in 2010, investigating Jamal for  
26 human trafficking, money laundering and pandering. Despite LVMPD’s confiscation of  
27 computers from Jamal’s Oquendo which contained detailed accounting of the percentages Jamal  
28 paid the prostitutes from the money his prostitutes brought in from the calls his VIP Escort

1 services sent them on, LVMPD and the Clark County District Attorney's Office has never  
2 charged Jamal. *Exhibit D, Ramos Affidavit*. Moreover, and upon information and belief, the  
3 \$100,000.00 in cash that Jamal Rashid's bodyguard transported from VIP Escort Services to the  
4 Oquendo home safe was never disclosed as having being confiscated in that 2010 Raid  
5 orchestrated by Detective Baughman. *Id.*

6 Likewise the women in Detective Baughman's life also benefitted from the *high*-profile  
7 prosecution and conviction of Ocean Fleming. DA Mercer and Detective Fleming conducted  
8 press conferences and spoke at conferences on pandering and prostitutions as they racked up  
9 convictions and life sentences. Lt. Hughes and Detective Baughman traveled to New York to  
10 meet with a producer regarding a movie deal immediately following Ocean Fleming's sentencing  
11 in November of 2013. *Exhibit E, Baughman Deposition, at 40:12-14.*

12 **E. THE "OUTRAGEOUS GOVERNMENT CONDUCT" COMPELS THE STRIKING**  
13 **DETECTIVE BAUGHMAN'S GRAND JURY TESTIMONY, THE DISMISSAL OF**  
14 **THE SECOND AMENDED INDICTMENT, THE OVERTURNING OF OCEAN**  
15 **FLEMING'S JUDGMENT OF CONVICTION OR , AT MINIMUM, GRANTING**  
16 **OCEAN FLEMING A NEW TRIAL**

17 This Court must grant Ocean Fleming writ of habeas corpus due to the "outrageous  
18 government conduct" that permeated both the investigation by the Las Vegas Metropolitan  
19 Police Department and the prosecution by the Clark County District Attorney's Office of Ocean  
20 Fleming. Pursuant to the Due Process Clause of the United States Constitution, this Court has the  
21 inherent power to dismiss a conviction based upon the doctrine of "outrageous government  
22 conduct" where law enforcement's conduct is so outrageous or egregious that it 'shocks the  
23 conscience". *See Rochin v. California*, 342 U.S. 162, 172, 72 S. ct. 205, 96 L.Ed. 183 (1952).  
24 *See also U.S. v. Russel*, 411 U.S. 423, 431-436, 93 S. Ct. 1637, 36 L. #d. 2d 366, 93 (1973).

25 In *Rochin*, the US Supreme Court reversed the conviction when police officers had the  
26 defendant's stomach forcibly pumped for contraband. 342 U.S. 172. The *Rochin* Court held that  
27 the capsules forcibly pumped from the defendant's stomach constituted the "chief evidence  
28 against" the defendant and were "obtained by methods that offend the Due Process Clause." *Id.*

1 Likewise in *Russell*, the U.S. Supreme Court reaffirmed that reversal of a conviction may be  
2 required where the “conduct of law enforcement agents is so outrageous that due process  
3 principles would absolutely bar the government from invoking judicial process to obtain a  
4 conviction.” 411 U.S. at 432.

5 While the conduct in *Russell* was not such a case, the grossly shocking government  
6 conduct exhibited by the LVMPD detectives and the Clark County District Attorney’s Office  
7 with respect to the investigation and prosecution of Ocean Fleming is so outrageous that due  
8 process principles must bar the government from invoking the judicial process to convict Ocean  
9 Fleming. In this case, Detective Baughman conspired with convicted felon and known pimp,  
10 Jamal Rashid, to set up Ocean Fleming. *Exhibit D, Ramos Affidavit. See also Exhibit E,*  
11 *Baughman Deposition, at 31: 18-23.* Detective Baughman and other LVMPD officers not only  
12 accepted monthly bribes from Jamal Rashid, but also slept with known prostitutes at Jamal  
13 Rashid’s Oquendo house. *Exhibit D, Ramos Affidavit. See also Exhibit E, Baughman*  
14 *Deposition, at 31:18-23.*

15 Moreover, both Detective Baughman and Detective Beas engaged in sexual relationships  
16 with Witness Jessica Gruda during the investigation and prosecution of Ocean Fleming. These  
17 VICE officers who took an oath to protect victims like Jessica Gruda, instead of honoring their  
18 oath, took advantage of her, even paying her and renting her a car. *See Exhibit A, Gruda*  
19 *Affidavit. See also Exhibits B-C, Davey Affidavit; and Exhibit E, Baughman Deposition.* These  
20 detectives also helped her evade arrest and prosecution for prostitution as she continued to work  
21 as a prostitute before and after Ocean Fleming’s arrest and conviction. *See Exhibit A, Gruda*  
22 *Affidavit. See also Exhibit E, Baughman Deposition.* Additionally, Detective Baughman and  
23 DA Mercer coached Witness Jessica Gruda to falsely testify.

24 As such, this Court must strike the grand jury testimony of Detective Baughman, dismiss  
25 the indictment and overturn the conviction of Ocean Fleming in order to remedy the  
26 constitutional violation of Ocean Fleming’s due process in the sham prosecution predicated upon  
27 false testimony and such grossly shocking and outrageous government conduct. The conduct by  
28 both LVMPD and the DA’s office in investigating and prosecuting Ocean Fleming is “so grossly

1 shocking and so outrageous as to violate the universal sense of justice.” *See United States v.*  
2 *Restrepo*, 930 F.2d 705, 714 (9<sup>th</sup> Cir. 1991) (quoting *United States v. O’Connor*, 737 F.2d 814,  
3 817 (9<sup>th</sup> Cir.1984)(internal quotes omitted).

4 Indeed, even if this Court somehow fails to find a constitutional violation, this Court has  
5 inherent supervisory power “to protect judicial integrity by ensuring that a conviction rests on  
6 appropriate considerations validly before a jury; or to deter future illegal conduct.” *See United*  
7 *States v. Stinson*, 647 F.3d 1196, 1210 (9<sup>th</sup> Cir.2011), quoting *United States v. Barrera-Moreno*,  
8 951 F.2d 1089, 1091 (9<sup>th</sup> Cir.1991).

9 **F. OCEAN’S CONVICTIONS ARE REDUNDANT AND REQUIRE REVERSAL**

10 Ocean Fleming’s Judgment of Conviction must be reversed due to redundant convictions.  
11 “When a defendant receives multiple convictions based on a single act, [a] court [can] reverse  
12 ‘redundant convictions that do not comport with legislative intent.’” *See State v. Koseck*, 113  
13 Nev. 477, 479, 936 P.2d 836, 837 (1997) (quoting *Albitre v. State*, 103 Nev. 281, 283, 738 P.2d  
14 1307, 1308 (1987)).

15 The test is not whether a defendant is merely convicted of numerous charges arising out  
16 of a singular act, but instead, whether the material or significant part of each charge is the same –  
17 even if the offenses are not the same. *See State of Nevada v. Eighth Judicial Dist. Court of State*  
18 *of Nevada, ex. rel. County of Clark*, 116 Nev. 127, 136, 994 P.2d 692, 698 (2000). Accordingly,  
19 “where a defendant is convicted of two offenses that, as charged, punish the exact same illegal  
20 act, the convictions are redundant.” *Id.*

21 A court must recognize that a legislature did not intend multiple punishments for the  
22 same offense absent a clear expression of legislative intent to the contrary. *See evans v. State*,  
23 120 Nev. 401, 404, 91 P.3d 599, 601 (2004). For example, in *Ebeling*, the Nevada Supreme  
24 Court recognized that convictions for both sexual assault and lewdness with minor under the age  
25 of fourteen arising from the same incident were redundant and reversed the lewdness conviction.  
26 *Id.* at 404, 91 P.3d at 601. Moreover, in *Skiba*, the Nevada Supreme Court recognized that  
27 battery with use of deadly weapon and battery causing substantial bodily harm were redundant  
28 where the gravamen of the charges was defendant’s singular act of hitting the victim with a



1 broken beer bottle. *Skiba v. State*, 114 Nev. 612, 616 n.4, 959 P.2d 959, 961 n.4 (1998).

2 Ocean Fleming was convicted for various redundant offenses that require reversal.  
3 Namely, Ocean was charged and convicted on numerous counts of Living from Earnings of  
4 Prostitute, NRS 201.320, and Living with a Prostitute, NRS 201.360.<sup>1</sup> The two convictions of  
5 Living from Earnings of Prostitute and Living With a Prostitute punish the exact same illegal act  
6 – living with and accepting the earnings of a prostitute. *Ebeling*, 120 Nev. at 404, 91 P.3d at 601.  
7 The Second Amended Indictment redundantly imposes multiple punishments for accepting the  
8 earnings of the proceeds of a prostitute. *See* Second Amended Indictment. Similar to *Ebeling*, the  
9 legislative history does not express an intent to impose multiple punishments for an individual  
10 who lives with a prostitute and lives from the earnings of a prostitute. *Id.* Accordingly, the  
11 redundant convictions must be reversed.

12 Furthermore, Ocean was charged and convicted for numerous counts of Pandering, NRS  
13 201.300, Pandering with Force, NRS 201.300, and Pandering Furnishing Transportation,<sup>2</sup> NRS  
14 201.340.<sup>3</sup> Again, each of these offenses punish the exact same illegal act – inducing an adult to  
15 become a prostitute or to continue to engage in prostitution. *See* NRS 201.300. While  
16 Pandering: Furnishing Transportation is a different offense than mere Pandering, adding an  
17 additional element of driving and/or providing a vehicle to engage in prostitution, the material  
18 element, the gravamen, of each of the offenses are the same. *See* 116 Nev. at 136, 994 P.2d at  
19 698. Each Pandering count is followed by a redundant count of Pandering: Furnishing  
20 Transportation punishing Ocean for the same illegal act. *Id.* Accordingly, the convictions for  
21 Pandering and Pandering: Furnishing Transpiration are impermissibly redundant requiring  
22 reversal. *Id.*

23 Moreover, Ocean was also charged and convicted of Battery Constituting Domestic  
24 Violence-Strangulation, NRS 33.018, and Coercion, NRS 207.190 relating to Jessica Gruda.<sup>4</sup>

25 \_\_\_\_\_  
26 <sup>1</sup> *See* Second Amended Indictment, Count 3, Count 4, Count 10, and Count 11.

27 <sup>2</sup> As set forth *supra*, NRS 201.340 was repealed on July 1, 2013—prior to Ocean’s sentencing.

28 <sup>3</sup> *See* Second Amended Complaint, Count 1, Count 2, Count 5, Count 6, Count 8, Count 9, and Count 15, Count 16.

<sup>4</sup> *See* Second Amended Indictment, Count 12 and Count 13.

1 These two offenses punish the same illegal act – allegedly grabbing Jessica Gruda by the neck  
2 and dragging her from one bedroom to the next. Analogous to defendant in *Skiba* who was  
3 charged with both battery with use of deadly weapon and battery causing substantial bodily  
4 injury for a singular act, the indictment imposes multiple punishments for the single act of Ocean  
5 allegedly dragging Jessica Gruda from one room to the next. *Skiba*, 114 Nev. at 616 n.4, 959  
6 P.2d at 961 n.4. Accordingly, the convictions of Battery Constituting Domestic Violence-  
7 Strangulation and Coercion are redundant and require reversal.


8 V.

9 **CONCLUSION**

10 For these reasons set forth herein, Defendant Ocean Fleming respectfully requests that this  
11 Court enter an order granting this petition for habeas relief by striking Detective Baughman's  
12 grand jury testimony, dismissing the Second Amended Indictment, overturning Ocean  
13 Fleming's November 26, 2012 Judgment of Conviction or, in the alternative, order a new trial  
14 based upon the newly discovery evidence presented herein.

15 Dated this 15<sup>th</sup> day of November, 2017.

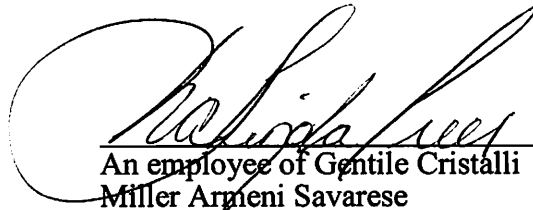
16 GENTILE CRISTALLI  
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23 Attorneys for Defendant Ocean Fleming  
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**CERTIFICATE OF SERVICE**

The undersigned, an employee of Gentile Cristalli Miller Armeni Savarese hereby certifies that on the 15<sup>th</sup> day of November, 2017, I served a copy of Defendant Ocean Fleming's Supplement Brief to Petition For Writ of Habeas Corpus (Post-Conviction), by electronic means and by placing said copy in an envelope, postage fully prepaid, in the U.S. Mail at Las Vegas, Nevada, said envelope addressed to:

Marquis Aurbach Coffing  
Nick D. Crosby, Esq.  
Jackie V. Nichols, Esq.  
10001 Park Run Drive  
Las Vegas, Nevada 89145  
E-mail: [ncrosby@maclaw.com](mailto:ncrosby@maclaw.com)  
[jnichols@maclaw.com](mailto:jnichols@maclaw.com)



An employee of Gentile Cristalli  
Miller Armeni Savarese

# EXHIBIT A

**AFFIDAVIT OF JESSICA GRUDA**

STATE OF NEVADA        )  
COUNTY OF CLARK        ) ss.

I, JESSICA GRUDA, being duly sworn, deposes and says as follows:

1. Affiant is over the age of eighteen years and competent to testify to the matters asserted herein, of which I have personal knowledge, except as to those matters stated upon information and belief. As to those matters stated upon information and belief, I believe them to be true.

2. I was a primary witness in the prosecution of Ocean Fleming.

3. Prior and after meeting Ocean Fleming, I worked as a prostitute for several escort services in Las Vegas.

4. In 2011, I met with two Metro detectives, Christopher Baughman and Albert Beas.

5. The Detectives arranged for me to meet with them for the first time in their car at the parking lot of an elementary school.

6. At this first meeting, the Detectives did not tape record or otherwise document our discussion.

7. Detective Baughman brought with him to this first meeting a very large file with him that he told me was evidence he had against Ocean Fleming, my boyfriend and pimp ("File").

8. Detective Baughman pulled photographs from the File of women who had extensive physical injuries.

9. Detective Baughman told me that Ocean Fleming had hurt all of the women in the photographs and that Ocean would hurt me too.

10. Given that these were police officers who were telling me that Ocean Fleming had hurt these woman and given the photographs of what were significant injuries to the women, I believed Detective Baughman and Beas and

1 became extremely afraid of Ocean Fleming and agreed to provide information to  
2 the Detectives.

3 11. The Detectives asked me to return home to the house on Tall  
4 Rough that I shared with my roommate, nanny and friend Sarah Davey.

5 12. Ocean Fleming had helped me rent the Tall Rough house.

6 13. The Detectives knew that Ocean did not live in the House with me,  
7 that only Sarah, me and my daughter lived in the House.

8 14. During the months that I rented the Tall Rough House, Ocean only  
9 stayed overnight with me a couple of times.

10 15. During the time that I knew Ocean, I knew that he lived at his  
11 mother's house.

12 16. I told Detectives Baughman and Beas that Ocean did not live me  
13 and Sarah Davey in the Tall Rough House.

14 17. The Detectives also asked me to resume my relationship with  
15 Ocean Fleming and pretend like I did not know about what they told me about  
16 Ocean hurting the women in the photographs.

17 18. The Detectives wanted me to resume my relationship with Ocean  
18 so that I could provide information to them about Ocean.

19 19. At the time I met Detectives Baughman and Beas, the Detectives  
20 both knew that I was working as a prostitute.

21 20. In exchange for helping the Detectives to prosecute Ocean Fleming,  
22 Detective Baughman and Beas offered and on many occasions did tell me  
23 which casino properties to avoid prostituting at because other police officers  
24 would be conducting prostitution sweeps.

25 21. The Detectives also knew that I was taking methamphetamine  
26 during this time period, 2011 and continuing through 2012.

27 22. From 2011 to 2012, prior to me testifying against Ocean Fleming  
28 trial, I became sexually involved with Detective Beas after he expressed interest

1 in me.

2 23. I was not romantically nor sexually interested in Detective Beas,  
3 but treated him as one of my paying customers.

4 24. Detective Beas gave me \$400.00 in cash at one point and paid for a  
5 rental car for me while we were sexually involved.

6 25. On two separate occasions, Ocean Fleming and I got into physical  
7 fights.

8 26. I advised the Detectives of this fights.

9 27. Due to the fact that I was taking drugs daily during 2011 an  
10 2012, I did not recall the specific details of the fights.

11 28. When I testified against Ocean Fleming, the two fights were merged  
12 into one event.

13 29. Prior to testifying, I met with the Detectives and DA Liz Mercer to  
14 prepare my testimony for trial.

15 30. I never told the Detectives nor the prosecuting DA, Liz Mercer, that  
16 Ocean Fleming put his hands around my throat to strangle me.

17 31. DA Mercer told me that Ocean would have had to have his hands  
18 around my throat when he dragged me out of Sarah Davey's bedroom.

19 32. DA Mercer told me that if I testified that Ocean had put his hands  
20 around my throat, strangling me, that she could put him away for a longer  
21 time and that I would not have to worry about Ocean ever getting out of prison  
22 and to hurt me.

23 33. I testified at trial that Ocean strangled me during the "Fight".

24 34. At the time I testified, I had no recollection of Ocean ever strangling  
25 me.

26 35. After Ocean was arrested in 2011, but prior to me testifying  
27 against him in 2012, Detectives Baughman and Beas told me that they had  
28 information that while Ocean was in the Clark County Detention Center

1 waiting trial, that he a hit out against me to kill me.

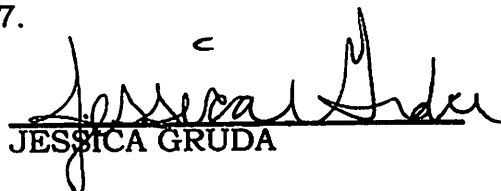
2 36. The Detectives showed me a handwritten piece of paper with my  
3 name and my social security number on it as proof of the "hit" that Ocean had  
4 taken out against me.

5 37. I believed the Detectives when they told me that they knew Ocean  
6 was trying to kill me to prevent me from testifying against him.

7 38. The Detectives and DA Mercer told me that I had to testify against  
8 Ocean in order to keep myself and my daughter safe.

9 39. Further Affiant sayeth naught.

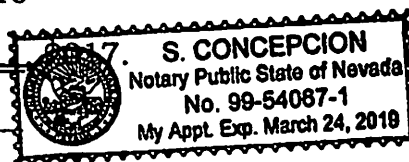
10 Executed this 19 day of Oct, 2017.

11   
12 JESSICA GRUDA

13 SUBSCRIBED AND SWORN to before

14 me this 19 day of October

15   
16 NOTARY PUBLIC in and for said  
17 County and State





# EXHIBIT B

## AFFIDAVIT OF SARAH DAVEY

STATE OF NEVADA

COUNTY OF CLARK

} ss.

I, Sarah Davey, being duly sworn, deposes and says as follows:

1. I am competent to testify to the matters asserted herein, of which I have personal knowledge, except as to those matters stated upon information and belief. As to those matters stated upon information and belief, I believe them to be true.

2. This Affidavit is being made regarding the *State of Nevada v. Ocean Fleming*, Case No.: C-11-276866-1.

3. Affiant is Jessica Gruda's former roommate and friend of Jessica Gruda.

4. Upon information and belief, Jessica Gruda testified against Ocean Fleming at the criminal trial in 2012.

5. Affiant was never contacted by either the Metropolitan Police Department or by the Clark County District Attorney's office to testify at the trial of Ocean Fleming despite Affiant living with Jessica Gruda at the time of the events alleged to have occurred in 2011 between Ocean Fleming and Jessica Gruda and that, upon information and belief, allegedly gave rise to the prosecution of Ocean Fleming.

6. As a consequence of being Jessica Gruda's friend and roommate, Affiant became aware that Jessica Gruda was having sexual relations with both Detectives Albert Beas and Detective Christopher Baughman.

// // //

7. In 2017, both the Metropolitan Police Department and the Federal Bureau of Investigation contacted Affiant regarding investigations concerning Ms. Gruda's relationships with Detective Beas and Detective Baughman.

8. Affiant submitted to interview and a polygraph test at the request of the Metropolitan Police Department regarding the nature of Jessica Gruda's relationship to Detectives Beas and Baughman.

**Further, Affiant sayeth naught.**

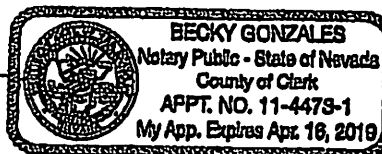
Executed this 13 day of June, 2017.

Sarah Davey  
Sarah Davey

State of Nevada  
County of Clark

SUBSCRIBED AND SWORN to before  
me this 13 day of June, 2017.

NOTARY PUBLIC in and for said  
County and State



# EXHIBIT C

[illegible]

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

**I, SARAH DAVEY, being duly sworn, deposes and says as follows:**

1. Affiant is over the age of eighteen years and competent to testify to the matters asserted herein, of which I have personal knowledge, except as to those matters stated upon information and belief. As to those matters stated upon information and belief, I believe them to be true.

2. I was the roommate, nanny and best friend of Jessica Gruda at the time that Ocean Fleming was arrested.

3. Earlier this year I was questioned by Metro as well as the FBI with respect to the investigation into the improper conduct of Detectives Beas and Baughman, including the sexual relationship between Detective Beas and Jessica Gruda prior to Ocean Fleming's trial and conviction.

4. I submitted to a lie detector test requested by Metro regarding the officers these events relating to Ocean Fleming's arrest and conviction.

5. I was the only other person present at the time of the physical altercation between Jessica Gruda and Ocean Fleming, as it happened in my bedroom and directly in front of me at the Tall Ruff House in which Jessica and I lived at the time.

6. No Metro officer nor any representative of the District Attorney's Office ever contacted me regarding the events giving rise to the Ocean Fleming prosecution prior to Ocean's arrest or conviction.

7. If Metro or the DA's office had interviewed me, I would have told them that at no time during the physical altercation did Ocean Fleming put his hands around Jessica Gruda's throat to strangle her.

///

///

///

1           8. I would have also told Metro and the DA's office that Jessica Gruda was heavily  
2 addicted to methamphetamine at the time of the events and when she testified and that her use of  
3 drugs significantly affected her memory and recollection of events.

4           9. Jessica Gruda told me that Detectives Baughman and Beas and the DA told her what  
5 to testify to in order to insure that Ocean was put away for as long as possible.

6           10. The Detectives and the DA told her that if Jessica testified that Ocean put his  
7 hands around her throat and was strangling her, that they could put him away for more time.

8           11. As the only eyewitness to the physical altercation between Jessica  
9 and Ocean, I know that Ocean did not place his hand around Jessica's throat and was no  
10 strangling Jessica.

11           12. Jessica told me that she testified as the DA and Detectives requested even though  
12 she could not remember the actual details of the physical altercation.

13           13. Jessica told me that the Detectives showed her a huge file that the detectives  
14 represented was evidence their case against Ocean Fleming, including photographs of women  
15 with significant injuries that the Detectives that Ocean caused.

16           14. The Detectives also told Jessica that there was video on YouTube of a woman  
17 being injured by Ocean and that Ocean had taken a "hit" against Jessica while he was in jail  
18 before his trial.

19           15. Jessica and I later searched repeatedly for this YouTube video, but no such video  
20 exists.

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

16. Jessica became increasingly fearful of Ocean Fleming because of the false statements by the Detectives.

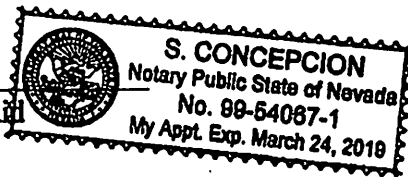
**Further Affiant sayeth naught.**

Executed this 19 day of Oct, 2017.

Sarah Davey  
SARAH DAVEY

SUBSCRIBED AND SWORN to before  
me this 19 day of October, 2017.

~~NOTARY PUBLIC~~ in and for said  
County and State



# EXHIBIT D



[illegible]

STATE OF MONTANA )  
COUNTY OF FERGUS ) ss.

**I, DON RAMOS, being duly sworn, deposes and says as follows:**

1. I am over the age of eighteen years and competent to testify to the matters asserted herein, of which I have personal knowledge, except as to those matters stated upon information and belief. As to those matters stated upon information and belief, I believe them to be true.

2. That this Affidavit is being made with respect to the *State of Nevada vs. Ocean Fleming*, Case No. C-11-276866-1.

3. From 2005 to 2016, Affiant worked as a driver and body guard for Jamal Rashid aka "Mally Mall".

4. Starting in 2010, Affiant would drive Mally Mall to meet with several Las Vegas Metropolitan Police officers.

5. Mally Mall told Affiant that he was "going to see a cop" on these occasions.

6. Mally Mall would met the LVMPD officers at different locations, including but not limited to one of the police officer's home, the Tryst nightclub and parking lots.

7. Prior to meeting with the police officers, Mally Mall would instruct Affiant to take out cash from Mally Mall's home or business, VIP Escort Services, or ask Affiant for any money that Affiant had on his person.

8. Mally Mall would then take the cash with him when he met with the police officers and would return from the meetings without the cash.

1           9.     On some occasions, the police officers would simply climb into the  
2 back seat of the Mally Mall's Maybach, while Affiant was sitting in the driver's  
3 seat, in order to receive the cash payments.

4           10.    Although the amount Mally Mall paid to the police officers varied,  
5 Affiant is aware that at least one monthly payment to the police officers was  
6 Ten Thousand Dollars (\$10,000.00).

7           11.    Mally Mall's personal assistant and business manager, Jennifer  
8 Paonie, told Affiant that Mally Mall was conspiring with the police officers to set  
9 up Ocean Fleming to be arrested.  
10

11           12.    Following Ocean Fleming's arrest, Jennifer Paonie stated to  
12 Affiant: "I told you so".  
13

14           13.    Upon information and belief, Mally Mall provided information to  
15 the police officers about Ocean Fleming for the purpose of setting up Ocean  
16 Fleming on criminal charges, including but not limited providing the names  
17 and information about the women with whom Ocean Fleming was involved with  
18 for the police officers to contact.  
19

20           14.    Affiant was aware of at least three police officers that Mally Mall  
21 met with and gave cash payments: "Jessie", "Black Sarge" and Detective  
22 Christopher Baughman.

23           15.    Affiant saw Detective Baughman visit Mally Mall's home on  
24 Oquendo Road in Las Vegas numerous times, even bringing his teenage  
25 daughter to hang out with the rappers and prostitutes who socialized in the  
26 home recording studio.  
27

28           16.    Detective Baughman would leave his daughter in the recording

1 studio while he went into the main house with Mally Mall.

2 17. While in the main house, Detective Baughman would engage in  
3 sexual relationships with certain prostitutes working for Mally Mall, including  
4 but not limited to "Star" and "Savanna".  
5

6 18. Mally Mall told Affiant that he helped Detective Baughman with the  
7 Baughman's books relating to pandering and prostitution and that he helped  
8 Baughman get his books published.

9 19. Mally Mall kept numerous copies of the Detective Baughman's  
10 books at the Oquendo house. The books were stacked on a mirrored serving  
11 tray that sat atop a round ottoman in Mally Mall's bedroom.  
12

13 20. Upon information and belief, Mally Mall sent one of the women  
14 Ocean Fleming was involved with, April Fleming, to work for Mally Mall's New  
15 York and New Jersey escort services after Ocean Fleming was arrested.

16 21. Days before Ocean Fleming's trial, Mally Mall sent Affiant to pick  
17 up April Millard from the airport and bring her to Mally Mall's home where  
18 April Millard spent the night with Mally Mall.  
19

20 22. The next day, at approximately 4:00 p.m., Affiant drove April  
21 Millard to Mally Mall's residence at the Palm's Place.

22 23. Affiant later learned that Mally Mall had brought April Millard back  
23 to Las Vegas to testify against Ocean Fleming at his trial.

24 24. In 2010, at approximately 8:00 a.m., LVMPD raided Mally Mall's  
25 Oquendo house as well as Mally Mall's business, VIP Escort Services.  
26

27 25. Affiant was not present at the time of the raid, having left the  
28 Oquendo house sometime before 8 a.m.

1           26. Affiant left work that morning because Mally Mall had  
2 unexpectedly, unusually and abruptly left the Oquendo house without having  
3 Affiant drive him after receiving a phone call.

4           27. Mally Mall refused to tell Affiant where he was going after Mally  
5 Mall had received a phone call.

6           28. Due to Mally Mall's strange behavior and refusal to talk to Affiant,  
7 Affiant got mad at Mally Mall and went home.

8           29. Earlier on the morning of that raid of the Oquendo house, Affiant  
9 had transported money from Mally Mall's office to the Oquendo house safe, an  
10 amounting totaling approximately ONE HUNDRED THOUSAND DOLLARS  
11 (\$100,000.00).

12           30. At the time of the raid, the ONE HUNDRED THOUSAND DOLLARS  
13 (\$100,000.00) would have been in the safe at Mally Mall's Oquendo house.

14           31. Mally Mall told Affiant that LVMPD had raided the property and  
15 that the money and guns had been confiscated.

16           32. LVMPD also confiscated computers from Mally Mall's house during  
17 the 2010 raid.


18           33. Located on the computers were records about Mally Mall's  
19 prostitution business, including but not limited to "call sheets" for the  
20 prostitutes as well as Mally Mall's financial cut from the fees earned by the  
21 prostitutes who worked at VIP Escort Services.

22           34. Due to the complex nature of the financial agreements with each of  
23 the prostitutes, the computers contained spreadsheets of the different splits.

24           35. Upon information and belief, those computers were never returned  
25  
26  
27  
28

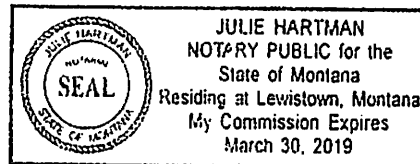
1 to Mally Mall.

2 Further, Affiant sayeth naught. Executed this 13<sup>th</sup> day of November, 2017.

3  
4   
5 Don Ramos

6 SUBSCRIBED AND SWORN to before  
7 me this 13<sup>th</sup> day of November, 2017.

8 Julie Hartman Julie Hartman  
9 NOTARY PUBLIC in and for said  
10 County and State  
11 Fergus, MT



# EXHIBIT E



1 LAS VEGAS, NEVADA, THURSDAY, OCTOBER 19, 2017  
2 [Evidentiary hearing began at 1:06 p.m.- previously transcribed]  
3 [Deposition of Christopher Baughman begins at 1:19 p.m.]  
4 THE COURT: Now, we have the detective here. Does he have -- has he --  
5 Mr. Gill or Ms. Marshall and Mr. Cristalli, does anyone know if he has counsel?  
6 MS. MARSHALL: Yes, he does. That's Mr. Brown.  
7 THE COURT: All right, Mr. Brown; okay.  
8 All right, we'll have Mr. Baughman come on up and be sworn in.  
9 MR. BROWN: Your Honor, would it be possible -- there may come a time  
10 where Mr. Baughman would like to confer with me before answering a question.  
11 That's going to be more difficult if he's on the witness stand. Could he sit at  
12 counsel's table?  
13 MS. MARSHALL: We have no objection if you --  
14 THE COURT: That's fine. Sure, that's fine.  
15 MR. BROWN: Okay.  
16 THE COURT: Why don't you come on down, sir.  
17 MR. CRISTALLI: Your Honor, we would make, though, I think one request,  
18 maybe that Mr. Brown could stand next to --  
19 MS. MARSHALL: Or --  
20 MR. CRISTALLI: -- Mr. Baughman at the witness stand. It's difficult to  
21 question him kind of cross way. I mean we could put a chair --  
22 THE COURT: I think two chairs will fit up there. That's fine.  
23 MR. BROWN: Yeah.  
24 THE COURT: Good idea.

25 \* \* \* \* \*



**CHRISTOPHER BAUGHMAN**

[having been called as a witness and being first duly sworn testified as follows:]

THE CLERK: Please state -- well, please be seated. Please state and spell your name for the Court's record.

THE WITNESS: Christopher Baughman, C-H-R-I-S-T-O-P-H-E-R, B-A-U-G-H-M-A-N.

THE COURT: All right, go ahead, Counsel.

**DIRECT EXAMINATION**

BY MS. MARSHALL:

Q Good afternoon. Is it -- do you pronounce it Baughman or --

A Yes, ma'am.

Q Baughman. Good afternoon. My name is Janiece Marshall. I was appointed by the Court to represent Ocean Fleming in his post-conviction proceeding -- proceedings and your deposition has been noticed today with respect to that proceeding. So, have you ever been deposed before?

[Colloquy between Attorney Brown and Witness]

A No, I have not.

Q If I could just explain the rules to you. First let me -- we are present here today in the courtroom of the presiding judge over this post-conviction relief. My name is Janiece Marshall. With me is Michael Cristalli. And we have Mr. Adam Gill who represents the State's interest as a special prosecutor. With respect to a deposition, there are some rules that, you know, obviously, you're under oath. Any statements that you make are under penalty of perjury. That requires that if you know the answer to provide the answer. If you don't know the answer to tell me you don't know the answer to any of my questions. If you did know the answer but you

1 do not recall it at this time to tell me that you do not recall the answer. You  
2 understand the difference in those?

3 A Yes, ma'am.

4 Q Also, because we -- this is being taken down, it's important that only  
5 one person speak at a time. A lot of times we anticipate what someone is going to  
6 respond to a question or assume what your answer is and you may not be done with  
7 it. If you have not finished your answer, please let me know. I'm here to hear what  
8 your answers are. I need to finish my question even though a lot of times you'll  
9 know what question I'm actually asking, but if you can wait until I get at the end of it.  
10 Also, in the event that there's any objection by your Counsel or Mr. Gill, just pause  
11 after my question so that no one is talking over each other because at the end of the  
12 day there will be a transcription of this proceeding and it's very difficult to understand  
13 if people are talking over each other, interrupting each other. Do you understand  
14 that?

15 A Yes, ma'am.

16 Q Okay. And then if you have any questions, obviously, you have your  
17 Counsel there. If there's something that you don't understand in any of my questions  
18 please let me know. I'm happy to rephrase it or if I have a document that would  
19 assist you in your recollection tell me that. All right, so your full name is Christopher  
20 --

21 A Martin.

22 Q Martin Baughman. And your current address is?

23 A [REDACTED]

24 Q And you are married to Liz Mercer?

25 A Yes.

1 Q When were you married?

2 A Last year.

3 Q So, it would have been 2016. What month? The reason I'm asking is

4 because it's my understanding there may be an assertion of the marital privilege so I

5 need to know the time period so that to the extent I'm asking any questions that

6 might trigger that privilege I'll at least know ahead of time.

7 A We were married in August.

8 Q August of 2016?

9 A Yeah.

10 Q All right, and you are currently employed?

11 A No.

12 Q What was your last employment?

13 A I -- my last job was working as a transportation specialist for a guy

14 named Christophe Jorcin who ran -- he bought Olympic Garden.

15 Q And how long did you hold that position?

16 A I -- probably a year or so.

17 Q So that would have been in 2016?

18 A No, that was like, oh maybe between '15 and '16.

19 Q All right, and previously you were employed by Metropolitan -- Las

20 Vegas Metropolitan Police Department; correct?

21 A Yes.

22 Q And what year did you begin employment with Metro?

23 A 1999.

24 Q 1999. And how long were you employed by Metro?

25 A For almost 15 years.

1 Q So, you would have left the employment in 2014?  
2 A '13.  
3 Q 2013. And when you started with Metro, what position did you hold?  
4 A Police officers --  
5 Q And how long --  
6 A -- or recruit actually, I guess.  
7 Q I'm sorry?  
8 A Recruit.  
9 Q Recruit. And at some point in time you were promoted to detective?  
10 A Yes.  
11 Q What year were you promoted?  
12 A I don't really remember. Maybe like five years or so after I started I'm  
13 guessing.  
14 Q So approximately 2004?  
15 A Maybe. Yeah.  
16 Q Okay.  
17 A I mean.  
18 Q In 2011 - 2012 you were a detective; correct?  
19 A Yes.  
20 Q Okay. And when you first started as a detective, what unit were you  
21 assigned to for Metro?  
22 A Gang Unit.  
23 Q Gang Unit. How long do you -- do you recall how long you were on the  
24 Gang Unit?  
25 A Maybe close to five years.

1 Q When you were on the Gang Unit did you work with a detective named  
2 Albert Beas?

3 A Yes. No. Actually, no, Al was never in gangs I don't think.

4 Q Did you work with a detective named Warren Gray?

5 A Okay, I think I'm confused on the dates. So, when I was in gangs I  
6 didn't work with Al or Detective Gray.

7 Q Did not; okay. Did you -- and you were -- after the Gang Unit, what unit  
8 did you --

9 A To VICE.

10 Q To VICE. And the VICE Unit is responsible for investigating/  
11 prosecuting what type of crimes?

12 A Prostitution primarily.

13 Q And with respect to the assignment to VICE, is that something that you  
14 asked for, sought?

15 A I tested for it.

16 Q Tested for it. And why did you want to work on VICE?

17 [Colloquy between Attorney Brown and Witness]

18 A I wanted to leave gangs. I wanted to go to a new -- a new place, try  
19 something different.

20 Q Were you recruited to work --

21 A There were people that thought that I might be good there that kind of  
22 mentioned may be considered testing, but ultimately I had to take the test myself,  
23 so.

24 Q And who were the people that suggested to you that that would be a --

25 A I respectfully invoke my Fifth Amendment right.

1 [Colloquy between Defense Counsel]

2 MR. CRISTALLI: Court's indulgence.

3 [Colloquy between Defense Counsel]

4 BY MS. MARSHALL:

5 Q You've had an opportunity to speak with your Counsel about invoking  
6 your Fifth Amendment right?

7 A Yes, ma'am.

8 Q And you are -- based on your Counsel -- advice of Counsel, you're  
9 invoking your Fifth Amendment right to that question?

10 A Yes. Yes, ma'am.

11 Q All right. So, do you recall what approximate year you started working  
12 in VICE?

13 A Maybe 2010, 2009 I'm guessing.

14 Q And did you work with Detective Albert Beas when you were in VICE?

15 MR. BROWN: Can we go off the record for a moment?

16 THE COURT: All right.

17 [Colloquy between Attorney Brown and Witness]

18 [Colloquy between Defense Counsel]

19 THE COURT: Why don't you restate the question.

20 MS. MARSHALL: I was just waiting for them to finish.

21 THE WITNESS: Sorry.

22 MS. MARSHALL: Oh, no, that's okay. Do you need any more time to consult  
23 with Counsel?

24 THE WITNESS: No, I think I -- I think I'm okay.

25 MS. MARSHALL: Okay.

1 BY MS. MARSHALL:

2 Q Did you work with Detective Albert Beas?

3 A Yes, ma'am.

4 Q I'm sorry, when you worked in VICE?

5 A Yes.

6 Q Did you also work with Detective Warren Gray with respect to your  
7 cases that you were investigating when you were in VICE?

8 A Yes.

9 Q Who were your supervisors when you worked in VICE?

10 A I had several. Don Hoyer [phonetic] was a sergeant of mine. Vic Figna  
11 [phonetic] was a sergeant of mine.

12 Q I'm sorry, Don Hoyer [phonetic] and?

13 A Vic Figna [phonetic] was a sergeant.

14 Q Vic Figna [phonetic].

15 A Don Hoyer [phonetic]. I -- there was a third sergeant that I had. I can't --  
16 I'm having problems remembering his last name. First name John but I --

17 Q I'm not sure. I would help you if I could.

18 A Hayes; thank you.

19 Q Hayes; okay. And then who was the lieutenant over VICE?

20 A Karen Hughes.

21 Q And with respect to the chain of command, you -- would you report  
22 directly to the -- one of the sergeants that you identified?

23 A Yes, ma'am.

24 Q Did you ever report directly to Lieutenant Hughes?

25 A I would keep her informed on everything that I would keep my

1 sergeants informed on.

2 Q Did you ever tell any of the other detectives in VICE that you were not  
3 required to report to the sergeants?

4 A No.

5 Q Was there ever a time that a detective in VICE filed a complaint against  
6 Karen Hughes with respect to preferential treatment of you while you worked in  
7 VICE?

8 MR. BROWN: I'll object to that question as calling for speculation.

9 MS. MARSHALL: You can go ahead and answer if you --

10 THE COURT: So the question was is he aware of anyone ever complaining  
11 to --

12 MS. MARSHALL: Human Resources about Karen Hughes' preferential  
13 treatment of you in VICE.

14 THE COURT: If you know, sir.

15 THE WITNESS: I don't.

16 BY MS. MARSHALL:

17 Q Did any of the detectives ever tell you directly that you were being  
18 treated more favorably than the rest of them by Karen Hughes?

19 [Colloquy between Attorney Brown and Witness]

20 A I respectfully invoke my Fifth Amendment right.

21 MR. BROWN: Just so we can make this faster, is it okay --

22 MS. MARSHALL: Yes.

23 MR. BROWN: -- if he just says fifth?

24 MS. MARSHALL: Yes, I have no objection.

25 THE COURT: Okay, that's fine.



1 BY MS. MARSHALL:

2 Q When you worked in VICE and Karen Hughes was the lieutenant, did  
3 you receive the newest automobile that was available to detectives?

4 A No. Actually, no. I -- the first car I had was kind of an older mustang.

5 Q In 2011 were you given the best automobile to drive when you were in  
6 VICE?

7 A I was given a new car that we got.

8 Q What car was that?

9 A I think it was a -- I'm not exactly sure of the make. I'm not sure. It was  
10 maybe a Toyota.

11 Q At some point in time were you given a red mustang?

12 A That was the first -- yeah, that was when I first got there I believe.

13 Q That was your first when you --

14 A I think that was my first car.

15 Q And how long did you drive the red mustang?

16 A Years for a while, a long while.

17 Q When you left VICE, what vehicle were you driving?

18 A A Toyota I believe.

19 Q What kind of Toyota?

20 A I don't.

21 Q Do you remember the color?

22 A Black.

23 Q When you were in VICE, did you have a specific partner that you  
24 worked with?

25 A A few, primarily with Al.

1 Q Al Beas?

2 A Yes.

3 Q And with respect to the Ocean Fleming case, which partner did you

4 work with?

5 A Primarily on that case I worked with Warren Gray who wasn't in VICE.

6 Q What unit did Warren Gray work at that time?

7 A I think he was intelligence.

8 Q Intelligence. And --

9 A And you know --

10 Q Yes?

11 A -- I also worked with Al on that one.

12 Q And Al, Al Beas.

13 A Yes, ma'am.

14 Q Did any other detectives in VICE work with Warren Gray?

15 MR. BROWN: Objection; form and foundation. Calls for speculation.

16 MS. MARSHALL: If you're aware.

17 THE WITNESS: I don't know.

18 BY MS. MARSHALL:

19 Q Did Ms. -- did Detective Beas work with Detective Gray?

20 A I don't think so. I don't -- like, I don't know.

21 Q Did Detective Gray work primarily with you?

22 A Yes, ma'am.

23 Q What other cases did you work with Detective Gray when you were in

24 VICE?

25 A Only one other really; it was Arman Izadi.

1 Q And when you say that you worked with Detective Gray, what was  
2 Detective Gray's role in the investigation and prosecution of Ocean Fleming?

3 A He was in intelligence so its, you know, -- I mean as far as the  
4 paperwork went that was -- I did the majority of it. He did whatever you do in intel. I  
5 really didn't ask him a whole bunch of questions. I mean I guess he mainly primarily  
6 gathered intelligence and I don't know what they did with it. They -- but --

7 Q I'm not familiar what the intelligence unit does. Can you give me a  
8 general understanding?

9 A I've never worked there. I mean I think they do bigger cases. They do  
10 cases involving -- like I really -- honestly, I don't really know. I know that they -- it's  
11 kind of -- they don't probably talk a lot about what it is that they do 'cause I guess it's  
12 the nature of the cases that they investigate. But he was in intelligence and he you  
13 know was good at getting information or giving me information.

14 Q Did Warren Gray talk --

15 MR. BROWN: I'm sorry to interrupt you. Can we take a -- 30 seconds?

16 THE COURT: All right.

17 [Colloquy between Attorney Brown and Witness]

18 BY MS. MARSHALL:

19 Q You had an opportunity to consult with your attorney?

20 A Yes, ma'am.

21 Q So, your testimony was that generally the Intelligence Unit works on  
22 bigger cases?

23 A It would be my guess. I mean I -- like I didn't -- I don't really know what  
24 all he did or what all they do there. They're called intelligence and I imagine they  
25 work on kind of more hush hush things, but.

1 Q How did it come about that you and Detective Gray started working  
2 together on the Ocean Fleming case?

3 A Fifth.

4 Q And you said that the other case that you worked on with Detective  
5 Gray while you were in VICE was the Arman Izadi case?

6 A Yes, ma'am.

7 Q And how did it come about that you and Detective Gray were working  
8 on the Arman Izadi case?

9 A Fifth.

10 Q And when you worked in Gang, and I apologize if you already answered  
11 this, did you work with Detective Gray when he was on intel and were --

12 A No, ma'am.

13 Q Thank you. All right, so, are you aware that Sheriff Joe Lombardo  
14 announced in a television interview that the FBI was investigating Metro's VICE Unit  
15 for public corruption earlier this year?

16 [Colloquy between Attorney. Brown and Witness]

17 A Fifth.

18 Q Okay. If that -- may I approach the witness, Your Honor?

19 THE COURT: Yes.

20 BY MS. MARSHALL:

21 Q What I'm going to show you is a news article relating to that.

22 THE COURT: Mr. Gill, do you have a copy?

23 MR. GILL: I've seen it. I've seen --

24 THE COURT: Okay.

25 MR. GILL: -- it, Your Honor. Thank you.

1 MS. MARSHALL: That's marked as Exhibit A, Defense Exhibit A, I believe;  
2 yes. No, I'm sorry. It's marked as Exhibit B.

3 BY MS. MARSHALL:

4 Q With respect to that news article, were you aware of that announcement  
5 being made at the time that article -- that interview was given by Sheriff Lombardo?

6 [Colloquy between Attorney Brown and Witness]

7 A Fifth.

8 Q Are you now or have you ever been under investigation by the FBI with  
9 respect to your activities when you worked for Metro?

10 A Fifth.

11 Q Have you been interviewed by the FBI with respect to the work that you  
12 did in VICE Unit for Metro?

13 A Fifth.

14 Q Has the FBI advised you that you are a target of a criminal investigation  
15 with respect to your employment at Metro?

16 A Fifth.

17 Q Did you -- did the FBI interview you regarding your investigation of  
18 Ocean Fleming?

19 A Fifth.

20 Q With respect to the prosecution -- investigation and prosecution of  
21 Ocean Fleming, has the FBI informed you that you are a target of a criminal  
22 investigation because specifically of the work with respect to Ocean Fleming?

23 A Fifth.

24 THE COURT: Excuse me, Counsel. Is your client going to be invoking his  
25 fifth on any of the questions regarding the investigation of the Ocean Fleming

1 matter?

2 MR. BROWN: Absolutely.

3 THE COURT: Okay.

4 MR. BROWN: In addition, possibly to the spousal privilege.

5 THE COURT: All right.

6 MR. BROWN: I don't know necessarily that that may be relevant, but I want to  
7 avoid a waiver issue, so absolutely the fifth possibly as to spousal.

8 THE COURT: Ms. Marshall, do you have other questions beyond the  
9 investigation of the Ocean Fleming matter?

10 MS. MARSHALL: Yes.

11 THE COURT: Okay.

12 MS. MARSHALL: And, Your Honor, for clarification purposes, I am -- it's my  
13 understanding when a witness is invoking the Fifth Amendment during a civil  
14 proceeding, which a post-conviction proceeding is, that I am required to ask my  
15 questions and to -- or the witness to invoke the fifth with respect to the questions.

16 THE COURT: Well, I think any question you're posing regarding the Ocean  
17 Fleming matter -- he just advised -- his attorney has advised me that he will be  
18 invoking his fifth on that, so I don't know that we need to go through 4 hours of  
19 questioning because anything relating to the Ocean Fleming investigation he's -- I  
20 understand is he's invoking his fifth.

21 MS. MARSHALL: Yes, Your Honor. It's not going to be 4 hours, but I do, in  
22 order to be able to establish the adverse inference to my questions, I do have to ask  
23 the questions and Mr. Baughman plead the Fifth Amendment with respect to the  
24 particular questions in order to establish the adverse inference.

25 THE COURT: Counsel, your position in that regard.

1 MR. BROWN: I haven't looked at their necessity of asking a particular  
2 question in order to obtain an adverse inference. My understanding is that there will  
3 be an evidentiary hearing in the beginning of December and I believe that would be  
4 the proper time for prolonged questioning, not now.

5 THE COURT: Mr. Gill, do you have any input?

6 MR. GILL: I don't have a position on it, Judge. I don't mind them making the  
7 record and I don't disagree with Mr. Brown either.

8 MS. MARSHALL: Your Honor, a reference for the Court's information, *Francis*  
9 *versus Wynn Las Vegas*. It is 127 Nev 657. In that case the witness invoked a  
10 blanket privilege and that was found to -- a blanket privilege was not permitted by  
11 the Nevada Supreme Courts.

12 THE COURT: Can I see the case. Is it highlight -- the section -- particular --  
13 highlighted?

14 MS. MARSHALL: It has my notes on it. I apologize. I didn't --

15 THE COURT: Oh.

16 MS. MARSHALL: -- bring -- it's just repeating what's actually said there.

17 THE COURT: In which -- [indiscernible] open to the page.

18 MS. MARSHALL: Yes.

19 [Pause in proceedings as Court reviews document]

20 MS. MARSHALL: Mr. Brown, I have a copy of --

21 THE COURT: Well, hang on. Let me finish reading this. Well, I'm sorry if  
22 you're -- it's not a --

23 MS. MARSHALL: I was --

24 THE COURT: -- it's not a question [indiscernible].

25 MS. MARSHALL: No.

1 THE COURT: Okay, thank you.

2 [Pause in proceedings as Court reviews document]

3 [Colloquy between Attorney Marshall and Attorney Brown]

4 THE COURT: Well, the context of this case is a little bit different than what  
5 we have here. And so, I'm going to cut off any other questions regarding the Ocean  
6 Fleming investigation because he's with the advice of Counsel is going to invoke his  
7 fifth. If you have questions outside of that area then let's here them.

8 MR. CRISTALLI: And, Your Honor, if I may, I -- and this is -- this could be  
9 pivotal for the purpose of our deposition and going forward in terms of any motion  
10 work that we do. We're certain that we do in fact have to establish the record by  
11 asking these questions and I believe there is additional case law to support that  
12 position. If we could have a moment to try to pull that up we would like to present  
13 that to the Court. And it I think ultimately will be advantageous and also expeditious.  
14 I know that there are certain questions that we can get through, but in order for us to  
15 be able to present the appropriate pleadings to the Court going forward and for  
16 those to be accepted, we absolutely need to make this record clear and we won't be  
17 able to do that with a blanket assertion based on the cases. And I think if we can  
18 give the Court some clarity on that that would help us in going forward.

19 MR. BROWN: Can I address *Francis*.

20 THE COURT: If --

21 MS. MARSHALL: Your Honor, oops.

22 THE COURT: I'm sorry.

23 MS. MARSHALL: I was going to say, while Mr. Cristalli's looking up that case  
24 law, I can proceed with questions in other areas that Mr. Baughman may not invoke.

25 MR. BROWN: May I address --



1 THE COURT: [Indiscernible], yes, please.

2 MR. BROWN: *Francis* is the seminal case on this issue. But like *Aspen*  
3 *Financial*, it involves parallel proceedings, one criminal, one civil, both against the  
4 same individual. That's obviously not the case here. Mr. Baughman is a witness in  
5 this matter. In *Francis*, it was a marker case. He was being pursued by the DA  
6 criminally, meanwhile he's being sued by Wynn I suppose to recover the debt. They  
7 took his deposition civilly. He made a blanket invocation that was much more broad  
8 than Mr. Baughman is doing here. With that, Plaintiff's Counsel used the adverse  
9 inference to win summary judgment. He tried to get around that by kind of stepping  
10 back his invocation and suggesting that there was maybe some middle ground on  
11 discoverable issues or something like that. The Supreme Court said no you can't do  
12 that. There's no need for an adverse inference here for motion practice to get  
13 summary judgment. They don't need to establish liability. They don't need to  
14 establish the amount of the debt. They don't need to establish, like they did in  
15 *Francis*, that he was the one who actually played at the casino. Like I said, Mr.  
16 Baughman is a witness. There will be an evidentiary hearing. He will be questioned  
17 presumably in front of the Court. The Court can draw whatever inference it will from  
18 his responses at that time. But this is not a parallel proceeding, like *Francis* or  
19 *Aspen Financial* and I think for those reasons this case is distinguishable and there  
20 is no need to essentially do this twice which is --

21 THE COURT: Mr. Cristalli, if you have a case handy that we can pull up --

22 MS. MARSHALL: Yes.

23 THE COURT: -- right now.

24 MR. CRISTALLI: Your Honor, and I will, and I just want to respond because I  
25 actually do think the *Francis* case is analogous to this case because you have to

1 understand just like in *Francis* the questions that are going to be posed here in this  
2 particular case will result in a motion to -- a potential motion to dismiss. It will be  
3 difficult for a Court to make that determination without understanding the questions  
4 for which the invocation was made, thereby having the ability to draw an inference to  
5 make a determination as to whether or not a motion to dismiss should be granted. It  
6 would be -- a blanket invocation, not knowing the fundamental underlying questions  
7 which are pivotal to this case and the issues pertinent to this case will make it more  
8 difficult to make -- for this Judge to make this -- for the Court to make this  
9 determination. We're here at a deposition because the Court has heard the  
10 arguments and made a determination a deposition is appropriate, not for this to be  
11 held in abeyance until an evidentiary hearing is conducted. I do believe that the  
12 *Francis* case is analogous in that we will be asking the Court to draw adverse  
13 inferences from the questions that are invoked here today. I mean I would like an  
14 opportunity to present the Court with some cases 'cause I do believe that they're out  
15 there that would require us to continue with this line of questioning. If I can have five  
16 minutes I certainly will try to supplement the Court with those cases.

17 THE COURT: All right, and I'll give you five minutes and then -- all right.

18 MS. MARSHALL: Thank you, Your Honor.

19 [Pause in proceedings at 1:52 p.m.]

20 [Proceedings resumed at 2:01 p.m.]

21 MS. MARSHALL: Your Honor, we have a couple of cases that are on point;  
22 *U.S. versus Pierce*, 561 F.2d 735, a Ninth Circuit decision. It provides --

23 MR. CRISTALLI: Yeah, and, Your Honor, I can cite specifically to the *Pierce*  
24 case which in fact quotes the *United States versus Malnik* at 489 F.2d at 686,  
25 specifically *Pierce* stated that: The district court accepted a witnesses blanket

1 assertion of the Fifth Amendment privilege -- oops, excuse me. I'm getting some  
2 more here [Counsel quoting from his lap top] -- that the district court accepted a  
3 witnesses blanket assertion of the Fifth Amendment privilege rather than forcing a  
4 witness to assert the privilege in response to specific questions. As was stated in  
5 *Pierce*, the procedure is unacceptable in the ordinary case because the court  
6 usually cannot speculate and say that any response to all possible questions would  
7 or would not tend to incriminate the witness. Quoting *United States versus Malnik*,  
8 489 F.2d at 686: The Court must require the witness to assert the privilege in  
9 response to specific questions.

10 THE COURT: Mr. Cristalli, when it relates to -- when it says blanket  
11 invocation, is that -- do they further define or describe what that means?

12 MR. CRISTALLI: Well, it --

13 THE COURT: I mean because I don't see a blanket -- I mean blanket  
14 invocation would be after he states his name or even stating his name saying he's  
15 not going to answer a single question.

16 MR. CRISTALLI: It also goes on to say: Even when the district court is  
17 satisfied that the witness has a valid Fifth Amendment claim with regard to some  
18 issues, the Court must permit questioning to establish the scope of the witnesses  
19 claim and to determine whether there are other issues as to which the witness would  
20 not be able to assert the privilege, citing again *Pierce* 561 F.2d at 741 and also  
21 citing *United States versus Goodwin*, 625 F.2d 693, 701 which is a Fifth Circuit 1980  
22 case. Additionally, -- let's see here.

23 THE COURT: Well, you just mentioned scope of the claim and the scope of  
24 the claim here is anything regarding Fleming.

25 MR. CRISTALLI: The scope of the claim is regarding Fleming; correct.

1 THE COURT: Right. So, it's not anything regarding his tenure at Metro, his  
2 training, experience, anything else because they have described the scope of the  
3 claim. From what I just heard you read it says we have to specifically define the  
4 scope of the claim.

5 MR. BROWN: May I make a couple of points, Your Honor?

6 THE COURT: Sure, go ahead, Counsel.

7 MR. BROWN: I haven't read these cases but I'm guessing they're criminal  
8 prosecutions in federal district court because it's United States versus a defendant  
9 and it talks about witnesses invoking their Fifth Amendment right presumably on the  
10 witness stand in the middle of a criminal trial. The reason that specific questions  
11 must be asked during a criminal trial is because the prosecutor will ask the jury to  
12 draw an adverse inference about specific questions that a witness refused to answer  
13 in a criminal trial. That's not the case here. He's a deponent and this is not a criminal  
14 proceeding against him. So, number one, because he's not a witness, he's a  
15 deponent; and number two, because this is not a criminal proceeding where a jury is  
16 going to be asked to draw an adverse inference, I don't think any of those cases  
17 apply to this.

18 MR. CRISTALLI: Well, we're going to be asking Your Honor to draw an  
19 adverse inference and I'm concerned that Your Honor will not have the ability to  
20 draw that inference without us asking specific questions that the case law requires  
21 us to do to set -- to be able to present a motion that the Court can rule upon. And --  
22 in -- for example, -- and I think the case law is supportive and I think that's why it  
23 says that we have to make a record that does not require the Court to engage in  
24 speculation in relation to a blanket invocation. So, when we then file a motion  
25 asserting certain issues in our brief, for example, that we believe were -- that are

1 now waived as a result of an invocation, I anticipate from getting from opposing  
2 counsel now a response saying; we don't have no idea that he invoked as to that  
3 particular question because it wasn't asked and we don't know whether or not he  
4 would have invoked it, therefore, you cannot draw an adverse inference as it relates  
5 to this. Or, for example, if he for whatever reason decides at the time of the  
6 evidentiary hearing now not to invoke pursuant to questions and we say, whoa, wait  
7 a second. We have an invocation. He is not entitled now to answer questions at the  
8 evidentiary hearing because he's invoked. Their response is, well, he didn't -- we  
9 don't know if he invoked as it relates to these particular questions because they  
10 weren't asked. So, if he gets up there at an evidentiary hearing in December and  
11 says, okay, well I want to testify now, whereas on today's date, October 19<sup>th</sup>, 2017,  
12 he decided, for whatever reason, to assert a blanket invocation, he's got to be  
13 precluded at the time of testimony from being able to answer those questions  
14 because he's stuck with his invocation today. So, we have to be able to ask those  
15 questions because they are not entitled to make that assertion subsequent to his  
16 invocation at today's deposition.

17 THE COURT: I think we have narrowed the scope of the claim of his  
18 invocation. I don't see this as the Court will be engaged in speculation. And in  
19 *Francis*, at page 665, it does state that if someone had previously invoked their Fifth  
20 Amendment and then later wishes to withdraw, it says: In such a case -- this on --  
21 citing from page 665 -- in such a case, it may be appropriate for the trial court to  
22 take severe remedial measures, such as preventing the invoking party from  
23 presenting material previously claimed to be protected by the privilege. So, there is  
24 a protection here. But again, this is -- that was a civil case and he's not a party in  
25 this matter. And so, I think by him narrowing the scope to anything regarding the

1 Ocean Fleming investigation/prosecution is sufficient for this Court, myself, that I'm  
2 going to cut off any other questions regarding the Fleming matter. Now, if there is  
3 other questions --

4 MR. CRISTALLI: Well, here --

5 THE COURT: -- that may be related, then --

6 MR. CRISTALLI: Here's my other --

7 THE COURT: -- let's go forward.

8 MR. CRISTALLI: -- concern, and this another reason why this exercise is  
9 required, if going through the questioning the witness answers a question that  
10 ultimately causes him now to waive his right to a Fifth Amendment assertion, now  
11 we are able to continue to question him with regard to the substantive issue despite  
12 his invocation because he chose to answer a question for which he should have  
13 invoked.

14 THE COURT: Specifically -- can you restate that, please.

15 MR. CRISTALLI: Okay. If, during the course of questioning, he chooses to  
16 answer a question, okay, --

17 THE COURT: All right.

18 MR. CRISTALLI: -- that answering of the question now waives his Fifth  
19 Amendment assertion.

20 THE COURT: To a certain extent; --

21 MR. CRISTALLI: He then --

22 THE COURT: -- correct, I agree. I agree.

23 MR. CRISTALLI: He -- well, it could be for more than a certain extent. It could  
24 open him up to questioning with regard to the entirety of the subject matter of the  
25 inquiry and we won't know that until we ask the questions. So, during the course of

1 Ms. Marshall's questioning there may be a question that is asked and answered that  
2 is substantive as it relates to the inquiry with regard to the Fleming investigation that  
3 he doesn't assert, which ultimately results in a complete waiver of his Fifth  
4 Amendment assertion. We don't know that because we haven't had the opportunity  
5 to ask the question. And the exercise is important for a number of reasons and there  
6 is no prejudice either as a result of it. The only prejudice that exists is the prejudice  
7 to the Defendant in this case because of the fact that we are now, to a certain  
8 degree, potentially prohibited from asking for an adverse inference because we  
9 haven't asked the questions we want to ask in this case. And I don't think we are  
10 going to take more than 45 minutes to an hour to be able to complete this  
11 questioning.

12 THE COURT: So, you just want him to invoke his Fifth 500 times in the next  
13 45 minutes.

14 MR. CRISTALLI: And he doesn't -- no, he doesn't -- he may not invoke his  
15 Fifth 500 times. There may be a question that he chooses not to invoke and which  
16 would subject him to a complete waiver of his invocation which now allows us to  
17 continue to examine him on all pertinent issues to the inquiry.

18 THE COURT: Well he has counsel here and Counsel said he's going to direct  
19 him to invoke his Fifth on all questions. And, Mr. Baughman, are you going to follow  
20 the advice of Counsel when he tells you to invoke your Fifth?

21 THE WITNESS: Yes, Your Honor.

22 MR. BROWN: Yeah, it makes me a little leery that the argument being made  
23 is if we ask enough questions he might inadvertently waive his right. He has  
24 indicated he intends --

25 THE COURT: No, --

1 MR. BROWN: -- to invoke.

2 THE COURT: -- I'm cutting it off here.

3 MR. CRISTALLI: Well, I mean, that's the law.

4 THE COURT: Okay, I'm cutting off here on any Fleming investigation  
5 matters.

6 MS. MARSHALL: Your Honor, could I ask, because I understand your  
7 concern, you don't want to ask endless questions to have the Fifth Amendment  
8 invoked, could I ask specific questions as it relates to coaching of witnesses and  
9 involvement with specific witnesses merely to get the Fifth Amendment as to those  
10 specific topics? I don't anticipate that he will answer.

11 THE COURT: No, but it's still regarding the Fleming matter and he's going to  
12 invoke his Fifth, and so that's my ruling. So, if --

13 MS. MARSHALL: Okay, so --

14 THE COURT: -- you have any other questions.

15 [Colloquy between Defense Counsel]

16 MR. CRISTALLI: Could we have just a minute --

17 THE COURT: Sure.

18 MR. CRISTALLI: -- to confer?

19 [Colloquy between Defense Counsel]

20 MS. MARSHALL: With respect to the Court's ruling that no questions  
21 regarding Mr. Baughman's investigation or involvement in the prosecution of Ocean  
22 Fleming, may I ask questions with respect whether Detective Baughman witnessed  
23 other persons engaged in certain conduct?

24 THE COURT: Sure.

25 MS. MARSHALL: Okay.



1 BY MS. MARSHALL:

2 Q Mr. --

3 THE COURT: I mean, we'll hear -- let's hear the question and we'll --

4 MS. MARSHALL: Sure.

5 THE COURT: -- hear the answer and --

6 MS. MARSHALL: Yeah, I just don't want to be in violation of the Court's ruling  
7 in advance.

8 BY MS. MARSHALL:

9 Q Mr. Baughman, were you present when Liz Mercer prepared witnesses  
10 for trial in the Ocean Fleming case, not what you did but present when DA Mercer  
11 prepared witnesses?

12 A With respect to the Court, I invoke the Fifth Amendment and spousal  
13 privilege.

14 Q The preparation of the witnesses for the Ocean Fleming trial would be  
15 in 2011 and you wouldn't -- in 2011 to 2012, you were not married at that time;  
16 correct?

17 A I was not.

18 Q So therefore the spousal privilege would not apply; correct?

19 MR. BROWN: Objection; it calls for a legal conclusion.

20 MS. MARSHALL: I'll just make the record.

21 BY MS. MARSHALL:

22 Q With respect to Detective Beas, whom you said that you worked with in  
23 VICE, did he ever tell you that he had a sexual relationship with Jessica Gruda?

24 A Fifth.

25 Q Did Detective Beas ever tell you that he gave money or rented a car for

1 Jessica Gruda?

2 A Fifth.

3 Q With respect to the recording of witness statements -- or the recording  
4 of witness interviews, were the recordings maintained in the Metro file?

5 THE COURT: Are you talking about for any -- for the --

6 MS. MARSHALL: For the witnesses --

7 THE COURT: -- Fleming case?

8 MS. MARSHALL: -- in Ocean Fleming case.

9 THE COURT: Okay.

10 THE WITNESS: Fifth.

11 BY MS. MARSHALL:

12 Q Are you aware at some point in time that the recordings of interviews of  
13 witnesses in Ocean Fleming case were no longer in the Metro file?

14 A Fifth.

15 MR. BROWN: Your Honor, these are questions about the Ocean Fleming's  
16 case.

17 THE COURT: I'm sorry?

18 MR. BROWN: These are questions about the Ocean Fleming case.

19 THE COURT: Is that correct, Counsel?

20 MS. MARSHALL: Yes.

21 THE COURT: Okay.

22 BY MS. MARSHALL:

23 Q With --

24 THE COURT: Until further notice all questions relating to the Ocean Fleming  
25 case.

1 MS. MARSHALL: Okay.

2 MR. BROWN: I thought --

3 THE COURT: Right, so he's going to invoke his fifth; okay?

4 MS. MARSHALL: I understand that. So, with respect to witnesses that were  
5 involved in the Ocean Fleming case but conduct before or after, is that an area that I  
6 can ask questions or not? I'm talking about --

7 THE COURT: Before it --

8 MS. MARSHALL: -- particular witnesses.

9 THE COURT: -- started, then would he have any information --

10 MS. MARSHALL: I don't know.

11 THE COURT: I mean I don't know how you're going to ask the question  
12 before it existed.

13 MR. GILL: I'd just ask to establish relevance as well, Judge.

14 BY MS. MARSHALL:

15 Q With respect to Jessica Gruda, were you aware that she was a drug  
16 addict?

17 A Fifth.

18 Q With respect to Jessica Gruda, were you aware that she was a working  
19 prostitute?

20 A Fifth.

21 Q Did Metro have -- did Metro VICE unit have photographs of women that  
22 had been injured that they showed to witnesses in any of the VICE cases and made  
23 representations that Defendants injured the women that were depicted in the  
24 photographs?

25 THE COURT: You said in any of the -- are you excluding the Fleming case

1 with your question?

2 MS. MARSHALL: I can.

3 THE COURT: Okay, are you?

4 MS. MARSHALL: Yes.

5 THE COURT: Okay.

6 THE WITNESS: Fifth.

7 BY MS. MARSHALL:

8 Q Did you ever represent to anyone that Ocean Fleming had murdered a  
9 prostitute?

10 A Fifth.

11 Q Did you ever represent to anyone that Ocean Fleming had kept  
12 prostitutes in dog kennels?

13 A Fifth.

14 MR. BROWN: Your Honor, --

15 THE COURT: Yeah, Counsel, we're getting in [indiscernible] --

16 MS. MARSHALL: This would be prior to the Ocean Fleming -- could be prior  
17 to the Ocean Fleming prosecution.

18 THE COURT: Are you saying could be because --

19 MS. MARSHALL: I don't know.

20 THE COURT: -- we -- I'm sure Counsel doesn't want to have a waiver of --  
21 so, let's specify the time frame you're referring to and --

22 BY MS. MARSHALL:

23 Q Prior to arresting Ocean Fleming, did you ever tell anyone that Ocean  
24 Fleming murdered a prostitute?

25 A Fifth.

1 Q Prior to arresting Ocean Fleming, did you ever represent to anyone that  
2 Ocean Fleming kept prostitutes in dog kennels?

3 A Fifth.

4 MR. BROWN: Your Honor, just --

5 MS. MARSHALL: I'll move on.

6 MR. BROWN: I thought the Court said no more questions on Ocean  
7 Fleming --

8 THE COURT: Right.

9 MR. BROWN: -- and that's all we've had.

10 MS. MARSHALL: I said prior to his arrest.

11 THE COURT: Well, it would be prior to any involvement with Ocean Fleming.

12 MS. MARSHALL: Prior to any involvement --

13 MR. BROWN: But the question was about Ocean --

14 THE COURT: Right.

15 MR. BROWN: -- Fleming, so.

16 THE COURT: Right. So, the next question, Counsel.

17 BY MS. MARSHALL:

18 Q Did you have an agreement with Jamal Rashid, aside from Ocean  
19 Fleming, to put pimp competitors out of business for Jamal Rashid?

20 A Fifth.

21 Q Did you ever take money or other financial inducements from Jamal  
22 Rashid with respect to putting other pimps out of business in Clark County?

23 A Fifth.

24 Q Are you aware of whether Jamal Rashid had a sexual relationship with  
25 April Millard?

1           A     Fifth.

2           THE COURT: Didn't that last question relate to this Fleming matter?

3           MS. MARSHALL: He could have had the information prior to the Ocean  
4 Fleming prosecution. I don't know.

5           THE COURT: Well, its prior to any involvement with Ocean Fleming.

6           MR. BROWN: Your Honor, my understanding that any question that's going to  
7 be asked must be relevant which means it must relate to Ocean Fleming and he's  
8 indicated his intent to invoke his Fifth Amendment right with respect to all such  
9 questions.

10          THE COURT: Right, and that's why I said perhaps other questions of --

11          MS. MARSHALL: Okay, I'll keep going, Your Honor.

12          THE COURT: -- I have no idea, policy procedures or -- I have no idea what  
13 you could ask.

14          BY MS. MARSHALL:

15           Q     With -- okay, with respect to Jamal Rashid, did you give Jamal Rashid  
16 copies of books that you wrote?

17           A     Fifth.

18           Q     Are you aware --

19           MR. BROWN: Can we --

20           MS. MARSHALL: -- of Jamal Rashid keeping copies of books --

21           THE COURT: Hang on, one second.

22           MS. MARSHALL: -- that you --

23           THE COURT: Counsel wanted --

24           MR. BROWN: Just --

25           THE COURT: -- to confer?

1 MR. BROWN: Yeah, before the --

2 THE COURT: Sure.

3 MR. BROWN: -- question is asked, please.

4 [Colloquy between Attorney Brown and Witness]

5 THE COURT: I don't know if there was a question pending but restate the  
6 question, please?

7 BY MS. MARSHALL:

8 Q Did Jamal -- did you ever give Jamal Rashid copies of the books that  
9 you wrote regarding your employment at Metro and the VICE work?

10 A Fifth.

11 Q Prior to your investigation of Ocean Fleming, did you ever investigate  
12 Jamal Rashid with respect to his engaging in pandering and/or human trafficking  
13 and/or money laundering?

14 THE COURT: Counsel, how is --

15 MR. GILL: For the --

16 THE COURT: -- that relevant? If it was prior to his involvement with Fleming  
17 how is that related to the Fleming matter and him influencing, coercing, all the other  
18 words you want to use, the witnesses in this case?

19 MS. MARSHALL: Because he already invoked with respect to my question if  
20 he received bribes or financial inducements from Jamal Rashid to put pimp  
21 competitors out of business.

22 MR. GILL: And the State will object as to relevance for the record, Judge.

23 MS. MARSHALL: And it goes to his motivation to and the prosecution of  
24 Ocean Fleming which is certainly relevant, Your Honor, why he did these things.

25 THE COURT: Then we're getting into the area of the Ocean Fleming matter.

1 MS. MARSHALL: That's why I asked prior to his prosecution of Ocean  
2 Fleming was he putting pimp competitors, other pimp competitors out of business for  
3 Jamal Rashid.

4 THE COURT: This -- so, your question is before any knowledge of Ocean  
5 Fleming?

6 MS. MARSHALL: No, before he began investigating Ocean Fleming was he  
7 putting other pimp competitors out of business for Jamal Rashid --

8 THE COURT: Well, --

9 MS. MARSHALL: -- which is an ongoing pattern of behavior.

10 THE COURT: -- you changed my question.

11 MS. MARSHALL: Oh.

12 THE COURT: Are you asking before he even knew of an Ocean Fleming?

13 MS. MARSHALL: No, I'm --

14 THE COURT: Is that --

15 MS. MARSHALL: -- asking before his investigation into Ocean Fleming.

16 THE COURT: But after he became aware of Ocean Fleming?

17 MS. MARSHALL: I believe he knew Ocean Fleming well prior to investigating  
18 him for pandering, a --

19 THE COURT: Understanding, Counsel, that your client's going to invoke the  
20 fifth anything regarding Ocean Fleming; correct? That -- we've already --

21 MR. BROWN: That's correct and --

22 THE COURT: -- gone over that, and so --

23 MR. BROWN: -- that --

24 THE COURT: -- I think we're crossing the line with that last question. So, next  
25 question.



1 MS. MARSHALL: Thank you, Your Honor. I'm not sure if this area specifically  
2 is barred and so I'll just ask it and the Court, of course, will let me know.

3 BY MS. MARSHALL:

4 Q With respect to your romantic or sexual relationship with DA Liz Mercer  
5 prior to your marriage, when did that commence?

6 A Fifth.

7 Q You are currently married to DA Liz Mercer; correct?

8 A Correct.

9 Q Were you ever present when DA Liz Mercer met with a woman named  
10 Angela Mullen?

11 A Fifth.

12 Q Did you ever hear Angela Mullen mother, I believe her name is  
13 Elizabeth Brasher, state that they're a good Christian family and that Angela wasn't  
14 going to lie for DA Mercer?

15 A Fifth.

16 Q With respect to the procedure in VICE, and I am not specifically asking  
17 about the Ocean Fleming case, did you at some point in time make a determination  
18 that you were going to add charges relating to domestic violence/strangulation?

19 THE COURT: And for what --

20 MS. MARSHALL: With respect to the --

21 THE COURT: -- Defendant?

22 MS. MARSHALL: I can't ask about Ocean so I'm asking about other cases --

23 THE COURT: Just John Doe?

24 MS. MARSHALL: -- and procedure.

25 THE COURT: Just some John Doe or --

1 MS. MARSHALL: With respect to prosecution of pandering.

2 THE COURT: For what time frame and for whom?

3 MS. MARSHALL: 2011, 2012 where at some point in time was it your  
4 procedure in VICE or prior to 2011 to add additional charges of domestic  
5 violence/strangulation in a case that otherwise would be considered to be a  
6 pandering prosecution case?

7 MR. BROWN: Yeah, let me object; form and foundation. The question is  
8 unclear to me. I don't know exactly what's being asked?

9 THE COURT: Why don't you rephrase the question.

10 BY MS. MARSHALL:

11 Q At some point in time as a detective in VICE, and you've already told  
12 me that VICE focused on prosecution in prostitution/pandering cases; correct?

13 A Correct.

14 Q At some point in time did it become your procedure or VICE's  
15 procedure, in addition to the usual charges that were lodged against a Defendant  
16 who you were prosecuting for pandering, did you start charging Defendants routinely  
17 with domestic violence/strangulation?

18 THE COURT: Counsel, that goes to Count 12 of the Indictment and the  
19 Conviction, so I'm going to -- ask you -- next question. I'm not going to allow that  
20 question.

21 MS. MARSHALL: Okay. My question was when -- and if I could narrow it  
22 down then, not relating to Ocean Fleming, but your procedure unrelated to the  
23 Ocean Fleming case.

24 MR. BROWN: And I'll just object to form and foundation. I think the question is  
25 vague and the question is also compound.

1 MS. MARSHALL: Defendant can answer.

2 THE COURT: If you can, sir, and if you're so inclined.

3 MR. BROWN: If you don't understand the question you're being asked then --

4 THE WITNESS: I don't understand exactly what you're asking me.

5 BY MS. MARSHALL:

6 Q So, when you started in VICE, was it the -- was it your practice and  
7 procedure or VICE's practice and procedure to charge domestic  
8 violence/strangulation when you were prosecuting Defendants for pandering?

9 [Colloquy between Attorney Brown and Witness]

10 A If those were the charges that the -- if those were the crimes that the  
11 person committed then those were the charges that I charged them with.

12 Q When you started in VICE do you recall a specific case where you  
13 charged a pimp with domestic violence/strangulation when you -- when your primary  
14 objective was prosecuting him for pandering?

15 MR. BROWN: Objection; form, foundation. The question is vague.

16 MS. MARSHALL: You can answer, sir.

17 THE WITNESS: I don't understand.

18 MS. MARSHALL: You don't understand --

19 THE WITNESS: Who -- are you asking about someone specific or a case --  
20 a specific case or just --

21 MS. MARSHALL: I'm asking when you started in VICE. You've already  
22 testified to me that VICE focused on prosecution of pandering and prostitution;  
23 correct?

24 THE WITNESS: Correct, but I mean within that there are all sorts of other  
25 types of crimes that are committed to --

1 MR. BROWN: Geez.

2 BY MS. MARSHALL:

3 Q At some point in time was there a specific unit within the VICE unit that  
4 focused on prostitution and pandering? I believe it was called the pimp -- the pit  
5 team?

6 A Correct.

7 Q And you were assigned to the pit team?

8 A Correct.

9 Q And do you recall when you were assigned to the pit team?

10 A I don't. I mean it was -- I don't remember exactly when it came out --  
11 came about.

12 Q Was it prior to your investigation into Ocean Fleming?

13 A I'm not 100 percent -- I don't -- I think it happened prior, yeah, I think  
14 that --

15 Q And with respect to the pit team, the pit team was focused primarily on  
16 prosecuting Defendants for pandering; is that correct?

17 A That's correct.

18 Q And did the pit team have procedures that they used with respect to  
19 prosecuting Defendants charged with pandering?

20 MR. BROWN: Object; form and foundation. The question is vague.

21 [Colloquy between Attorney Brown and Witness]

22 [Colloquy between Defense Counsel]

23 MR. BROWN: The question just asked about procedures?

24 MS. MARSHALL: Yes.

25 MR. BROWN: Okay, I'll object to that as vague.

1 MS. MARSHALL: Noted. You can answer, sir.

2 THE WITNESS: Fifth.

3 BY MS. MARSHALL:

4 Q Did you undergo specialized training with respect to the prosecution of  
5 pandering cases?

6 A I did receive training.

7 Q What training did you receive?

8 A I mean I was taught by other investigators prior to me coming there how  
9 things were done.

10 Q Which other investigators taught you?

11 A I think -- I can't remember all the names of the people. It was years ago.

12 Q Give me one name.

13 A Vigna was a sergeant there.

14 Q Did you attend any classes on prosecution of pandering cases?

15 A Yes.

16 Q What classes?

17 A I can't remember. I know that I've taken some classes.

18 Q Do you remember where you took the classes?

19 A Like, different police -- there was one at a substation I think in  
20 Henderson that comes to mind. I really don't -- I -- but I don't remember when or  
21 who taught it or -- it was years ago.

22 Q And it was prior to the prosecution of the Ocean Fleming case?

23 A I believe so.

24 Q Did you read any books regarding prosecution of pandering cases?

25 [Colloquy between Attorney Brown and Witness]

1           A     I don't -- I've read several books on the matter, but I don't recall ever  
2 reading any on how to arrest someone that's pandering someone.

3           Q     So just to summarize the -- you remember taking a class at the  
4 Henderson substation with respect to the prosecution of pandering case --  
5 prosecuting a pandering case?

6           A     There's one that comes to mind, yeah, that I remember taking.

7           Q     And you have no recollection of what year that would have been?

8           A     I don't remember.

9           Q     Did you have a romantic or sexual relationship with Lieutenant Karen  
10 Hughes?

11          A     Fifth.

12          Q     Did you and Karen Hughes go to New York to meet with a producer  
13 about a movie deal?

14          A     Fifth.

15          MR. BROWN: Your Honor, just for the record, I believe that Mr. Baughman's  
16 alleged relationship with Hughes is the basis of one of Mr. Fleming's claims in his  
17 writ petition.

18          THE COURT: Okay.

19          MR. BROWN: So I think this gets into the substance.

20          MS. MARSHALL: I don't think that there's anything in Mr. Fleming's  
21 post -- relief petition regarding Karen Hughes whatsoever.

22          THE COURT: I have a vague recollection of his pro per petition. I'm not sure.  
23 I just -- it seems to me that something was in there about him having a relationship  
24 with someone in the VICE Unit. It was so long ago that I read that.

25          MS. MARSHALL: I'll move on to another question.

1 BY MS. MARSHALL:

2 Q Does -- did Metro, when you were employed by Metro, did they have a  
3 policy or rule that prohibited officers from having a sexual or romantic relationship  
4 with the witness in their cases that they were prosecuting?

5 A Fifth.

6 Q At any point in time on any case not involving Ocean Fleming did you  
7 ever disclose to any court that you had a romantic or sexual relationship with any  
8 witness in a case that you were prosecuting in a pandering case?

9 A Fifth.

10 Q Did you participate in a National Geographic show that was called --  
11 one second, American Escort?

12 A Fifth.

13 Q With that -- with respect to that American Escort show, did you  
14 introduce anyone on that show to prostitutes that you had become involved with as  
15 a result of your work at Metro?

16 A Fifth.

17 Q On any case that you worked on other than Ocean Fleming, did  
18 recordings of witnesses interviews ever go missing from the Metro file?

19 A Fifth.

20 Q Does Metro have a -- when you worked at Metro, did Metro have a  
21 policy, procedure, and/or rule that prohibited you from having social interactions with  
22 persons that you were investigating?

23 A Fifth.

24 Q Did you attend a Justin Bieber concert here in Las Vegas?

25 A Fifth.

1 Q Do you have any memorabilia you or any family member that you  
2 received that pertains to Justin Bieber?

3 A Fifth.

4 Q Did you ever take your teenage daughter to Jamal Rashid's home  
5 located on Oquendo?

6 A Fifth.

7 Q Did you ever socialize with Jamal Rashid?

8 A Fifth.

9 Q Did you ever travel to San Diego with other police officers at the  
10 invitation of Jamal Rashid?

11 A Fifth.

12 Q As a VICE officer, did you participate in undercover prostitution  
13 enforcement sweeps, I believe they're called sting operations?

14 A Yes.

15 Q Did you ever give working prostitutes information about where sting  
16 operations were being conducted in Las Vegas?

17 [Colloquy between Attorney Brown and Witness]

18 A Fifth.

19 Q Would it be a violation of Metro policy or procedure to give prostitutes a  
20 warning of sting operations?

21 A Fifth.

22 Q Would it be against the law in your opinion to give prostitutes warning of  
23 sting operations?

24 MR. BROWN: Objection.

25 THE COURT: Counsel, it calls for a legal conclusion. Next question.



1 BY MS. MARSHALL:

2 Q Was it your policy and procedure as a detective working on VICE to  
3 interview any person present that may have witnessed a crime?

4 A Fifth.

5 Q If you -- oh sorry, [indiscernible]. If you're aware of, as a police officer,  
6 that a witness is under the influence of drugs, would you disclose that to a court  
7 during a trial?

8 A Fifth.

9 Q Was it a policy or procedure of detectives in VICE to lie to witnesses to  
10 scare them?

11 A Fifth.

12 MS. MARSHALL: One moment, Your Honor.

13 THE COURT: Sure.

14 [Colloquy between Defense Counsel]

15 MS. MARSHALL: Your Honor, based on the Court's ruling that Mr.  
16 Baughman's invocation of his Fifth Amendment right to not testify against himself  
17 and that his invocation applies to any investigation conviction of Ocean Fleming, that  
18 will conclude my questionings with respect to the Court's restriction as to not  
19 requiring him to answer specific questions as to the Ocean Fleming investigation or  
20 prosecution.

21 THE COURT: Okay. Mr. Gill, do you have any questions --

22 MR. GILL: No, Your Honor.

23 THE COURT: -- for these proceedings?

24 MR. GILL: No, thank you.

25 THE COURT: All right.

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Thank you Counsel.

MR. BROWN: Thank you.


THE COURT: All right. And thank you, Mr. Baughman for your testimony  
today.

[Deposition of Christopher Baughman concluded at 2:42 p.m.]

[Evidentiary hearing continues until 2:50 p.m.- previously transcribed]

\* \* \* \* \*

ATTEST: I do hereby certify that I have truly and correctly transcribed the  
audio/video recording in the above-entitled case to the best of my ability.

  
CYNTHIA GEORGILAS  
Court Recorder/Transcriber  
District Court Dept. XVII

# EXHIBIT F



NOW

# I-Team: FBI probe leads to changes in Metro's vice unit

By: George Knapp

Posted: Apr 13, 2017 05:31 PM PDT

Updated: Apr 14, 2017 04:11 PM PDT



LAS VEGAS - Clark County Sheriff Joe Lombardo has confirmed that Metro is cooperating with a federal investigation into one or more former vice detectives.

The 8 News NOW I-Team broke the story in November, but this is the first on-the-record confirmation by law enforcement.

What's more, Metro has already instituted sweeping changes in its vice unit, in part because of the FBI probe.

It's a new day for Metro's vice unit, as well as for the gang unit. Those two operations are now under the same command.

One impetus for change is that Metro is responding to an FBI investigation into possible corruption within the vice team a few years ago.

The I-Team first revealed the existence of the FBI investigation back in November but there has been no official confirmation from anyone in law enforcement, until now.

"It's a continuing investigation," said Sheriff Joe Lombardo.

He is limited in what he can say about the FBI investigation, but he acknowledged it is real, it is ongoing, and that the FBI sought and received information from Metro.

we have, associated with the suspects in that case, not the officers identified but the suspects that were incarcerated as a result of those investigations. We have supplied that information," Sheriff Lombardo said.

The suspects he mentioned could include two men serving life terms for pandering: Raymond Sharpe and Ocean Fleming. Both are now seeking new trials, and both have alleged in court filings that former star vice Detective Chris Baughman -- the man who put them away -- had sexual relationships with prostitutes who became key witnesses.

Also, named in court motions is Baughman's former partner, Detective Al Beas. A third name that has surfaced is that of former Metro Intelligence Detective Warren Gray. Law enforcement sources say it was Gray who introduced Chris Baughman to rapper and escort service operator Molly Mall, whose home was raided by the FBI's political corruption team in 2014 -- the first public hint that agents were investigating vice cops.

News of the FBI investigation has made a tough job even tougher at Metro vice.

"It does. It can have an effect. It is very difficult anyway to investigate and prosecute these cases because of the fear of the victims," Sheriff Lombardo said.

The FBI probe gave the sheriff extra impetus to enact sweeping changes at vice. Personnel changes were made, and now vice has been put under a new lieutenant and a captain, Devon Ballard, who will oversee a recently combined vice and gang unit. Lombardo had previously decentralized those functions but felt the change wasn't working so he reconfigured both of those teams. This combination of vice with gangs is also a response to the evolution of gangs themselves. Hybrid gangs are now heavily involved in local sex trafficking.

"They're dipping their toes in everything they can to make money," Sheriff Lombardo said. "Well, prostitution is another venue for them to make money, so it's a natural fit for the vice unit to marry with the gang unit and conduct joint operations, share information and share intelligence."

The sheriff adds that he's been given the money to hire more gang detectives and thinks the extra manpower and new command structure will produce better results. And in the wake of the FBI investigation, vice detectives will -- in the short term -- be under closer supervision but by definition they need freedom to make moves.

"They operate in their own world and that's why leadership is the most important aspect of that, to make sure officers don't lose their way as they are doing what they were originally there to do. So, it's important to have oversight.

**Reporter George Knapp:** "Are you are confident you have the right people in there?"

**Sheriff Lombardo:** "Absolutely."

As mentioned, the FBI will not comment on, or confirm, the investigation. No charges have been filed against Chris Baughman or anyone else. In addition to the two inmates who are asking for new trials, the I-Team was told that three or more other defendants are also working on motions of their own. Detectives in the new vice and gang team want to move beyond this matter so they can refocus on criminals.

# EXHIBIT G



# Las Vegas Metropolitan Police under FBI public corruption probe



**LAS VEGAS:** The Las Vegas Metropolitan Police Department has been the subject of a Federal Bureau of Investigation public corruption investigation going back to 2014.

The investigation allegedly centers around the LVMPD's pimp enforcement team and some of the detectives who were assigned to that unit.

Clark County District

Court records filed on June 19, 2017, show that attorneys for convicted pimp, Ocean Fleming, opposed an LVMPD motion to quash eight subpoenas for LVMPD's Internal Affairs Bureau (IAB) and Criminal Intelligence files of the officers involved in the prosecution of Fleming and who are the subject of an FBI investigation as well as an LVMPD investigation.

Fleming is seeking a new trial based on allegations of police corruption.

Excerpts of the filing are as follows:

Detective [Al] Beas and [Chris] Baughman were both having sex with Jessica Gruda, the primary witness against Defendant Fleming. Detective Baughman, the lead detective in the prosecution of Ocean Fleming, is also believed to have been having a romantic/sexual relationship with the lead prosecutor, Liz Mercer (and Baughman's current wife) during the prosecution and trial of Ocean Fleming in 2012. Detective Baughman is also believed to have been involved in a romantic/sexual relationship with Lt. [Karen] Hughes, his supervisor. Detective [Warren] Gray was involved in the prosecution of Defendant Ocean Fleming and also believed to have been the subject of the investigation. Text messages exist between Baughman and a witness prostitute in another case that appear to support claim that detective Baughman was coaching the witness testimony.

Defendant Fleming served on LVMPD eight subpoenas for the four officers, seeking documents within the investigative files of IAB and Criminal Intelligence regarding complaints against these officers from the date that Lt. Hughes created the special handling unit, assigned Baughman and Beas to it with Intelligence Detective Gray assistance. On April 13, 2017 Sheriff Lombardo admitted that the FBI is investigating public corruption involving LVMPD's Vice unit. Sheriff Lombardo further admitted that LVMPD has made sweeping changes to its Vice command and oversight of Vice detectives as a consequence of the conduct of the subject officers. The same team of LVMPD officers and the same DA (Liz Mercer who is now married to detective Baughman) that prosecuted Mr. Fleming also prosecuted other defendants on eerily identical factual allegations and charges. The primary witness who testified against Mr. Fleming, Jessica Gruda, was having sexual relations with both Detectives Beas and Baughman during the prosecution of Mr. Fleming according to her roommate and as set forth in the attached affidavit.

This case involves salacious and unsavory allegations of public corruption against LVMPD police officers that LVMPD seeks by its Motions to Quash to continue to conceal. arguing that the files are privileged. not relevant. Most importantly. LVMPD appears

officers. The fact that the documents show an unsavory side that LVMPD would prefer not be exposed is not the basis for asserting a privilege. Not only has the LVMPD and the FBI investigated the improper conduct of these officers, but LVMPD admitted in April 2017 that it had already made “sweeping changes” to the command and oversight of the Vice unit as a result of the conduct of the officers. Furthermore, there may still be federal indictments against one or more of these officers.

### **How did it start**

The story first broke in Las Vegas by the 8 News Now I-Team back in November 2016. George Knapp of the I-Team reported FBI agents were looking into the possible connections between a suspected prostitution kingpin and a high-profile detective who was once assigned to investigate the sex trade.

The FBI had raided the Las Vegas home of millionaire music producer Jamal “Mally Mall” Rashid in 2014 and seized records related to Rashid’s various businesses, including his outcall entertainment company. Knapp reported that Justin Bieber’s visit to Rashid’s Las Vegas home led to a stunning surprise for investigators – a link to LVMPD Detective Chris Baughman.

During his tenure with Metro’s Vice unit Baughman received notoriety and became one of the best-known Vegas cops. He was elected in 2008 for a team that targeted pimps. His team went after the biggest and baddest pimps in Nevada. He was featured on network television shows and wrote two books about his role in rescuing prostitutes from violent pimps. He was the star witness in the prosecution of Ocean Fleming, a one-time bodyguard to Jamal Rashid. Fleming was sent to prison after he savagely attacked one of his prostitutes, and is serving a 15 year to life sentence.

Chris Baughman left the LVMPD in 2013 to star in a cable TV series, “Slave Hunters.” When the show was canceled, he tried to get back on Metro, but he wasn’t rehired.

When the FBI’s public integrity squad that investigates public corruption raided Rashid’s home in 2014, the LVMPD were not invited to go along.

Police sources Knapp said, stated Baughman admitted to having romantic relationships with women who had worked as prostitutes, including some of the victims who had come to him for protection from pimps.

On April 13, 2017 Knapp reported that Clark County Sheriff, Joe Lombardo confirmed that the LVMPD was cooperating with a federal investigation into one or more vice detectives. This is the first on-the-record confirmation by law enforcement, Knapp said.

In 2016, Baughman married Clark County, Nevada Deputy District Attorney, Liz Mercer, the same prosecutor who put away at least three of the pimps that Baughman investigated.

### **Judge tells LVMPD to turn over files**

On June 22, 2017 Clark County District Court Judge, Michael Villani ordered Metro police to turn over its internal files relating to four detectives who were once part of the department’s pimp investigating team. Villani said that he was primarily interested in seeing any evidence that Baughman or anyone else coached or scripted testimony by the witnesses against Ocean Fleming. The attorney hired by the LVMPD opposed turning over the files, however Villani stated he wanted to see the material in 30 days.

Attorneys for Fleming want the internal LVMPD files of Chris Baughman and Karen Hughes, both of whom no longer work for Metro and the files on Detective Warren Gray and Detective Al Beas, who returned to Metro after a multi-week suspension, but no longer are assigned to vice.

Niece Marshall, a former judge and attorney for Fleming stated that, “these officers were sleeping with witnesses before and during the trial.” Marshall told the court that Baughman bragged to colleagues during the Fleming trial that he was also sexually involved with the prosecutor of the case, Deputy DA Liz Mercer, and that he expressed a sexual attraction for his boss, Vice Lt. Karen Hughes. According to Marshall, after other officers complained about a perceived relationship between Hughes and Baughman, the Lt. called a meeting and ordered the gossip to stop. But after Fleming was convicted, Marshall says, Hughes and Baughman traveled together to New York to talk to a movie producer about possible film projects based on their cases. While



etective Baughman and others in the vice unit to develop big cases in order to market the books and promote a movie," she aid.

### **VMPD hires law firm to prevent testimony of vice cops**

Knapp reported on Oct. 12 that the Las Vegas Metropolitan Police Department headed by Clark County Sheriff, Joe Lombardo is trying to prevent testimony by current and former vice officers.

Knapp reported that Metro Police, which previously said it was cooperating with the FBI's investigation, is going to court to prevent the officers from answering questions under oath. Although the judge authorized Defense Attorney Janiece Marshall the chance to depose several of the key targets, including Baughman and Beas, the LVMPD is fighting hard to keep that from happening.

Knapp asked a very interesting question.

Why would the department oppose getting to the bottom of a burgeoning scandal? Especially, if the officers did not twist witness testimony, and why would it spend public dollars to prevent the questioning of persons who no longer work for the LVMPD, including Baughman and his lieutenant Karen Hughes.

Great question by Knapp. So, Lombardo answer the question and tell the public what the hell is going on here. Is not getting to the truth matter anymore in Clark County, Nevada?

Gimps and human traffickers are the scum of the earth. They live off the proceeds of the women they exploit. As bad as they are and they are pretty bad, that does not excuse any law enforcement officer to violate the oath they swore to, if that indeed is what happened in this case.

### **The I-Team is asked to leave the court**

Knapp reported on Oct. 20 that the I-Team was present for part of the hearing, then was ordered to leave. Attorneys for Fleming issued subpoenas to get Deputy District Attorney Liz Mercer and former vice cop Chris Baughman, both married now, to be deposed under oath in court, for Fleming's bid for a new trial.

Knapp said almost immediately, special prosecutor Adam Gill asked the judge to kick the I-Team out of the courtroom.

Their camera, I believe, is running now and I think it is incredibly inappropriate," Gill said. "I'd ask that it be shut down now judge."

Judge Michael Villani agreed the court should be cleared of all parties not directly involved in the case.

Knapp said Fleming's attorney, Michael Cristilli asked why a lawyer for the Metro police should be allowed to stick around. "They don't represent either one of those individuals, they really have no standing in this case," Cristilli said.

The attorney for the Metro police gave a startling response about what she expected former cop Chris Baughman, to say under oath.

The allegations being made for post-conviction relief are against officers and this testimony is going to implicate officers," said Jackie Nichols, attorney for the LVMPD.

Baughman was deposed, and his wife was not. She fought it. It is not known what Baughman said under oath.

None of the four police officers mentioned in this story have been charged with any crime.

This whole thing stinks to high heaven.

portedly has been ongoing since 2014.

wonder what else might fall out of the tree. Federal police corruption probes sometimes snowball into other areas, other than the focus of the initial investigation.



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# EXHIBIT H

knpr KNPR's State of Nevada

# Why The FBI Is Investigating Metro's Vice Unit



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Jun 13, 2017 by **Joe Schoenmann**

The FBI is investigating some members of the vice unit at Las Vegas Metro Police and the Clark County District Attorney's Office has removed itself from an appeal involving a convicted pimp already serving a life sentence.

Both of those moves are tied to a former member of the vice unit.

[Longtime Las Vegas reporter George Knapp](#) has been reporting on the matter for months. Knapp says two convicted pimps, Ocean Fleming and Raymond Sharpe, had alleged in court that former Metro top cop Chris Baughman had relationships with some of their prostitutes.

Fleming is serving a life sentence; Sharpe is in prison for 13 life sentences.

To add to the questions surrounding the story, Baughman is married to Clark County deputy district attorney Liz Mercer. Mercer prosecuted sex crime cases for the District Attorney's

Knapp started looking into the story after the raid of the Las Vegas home of a well-known record producer and hip-hop artist named Mally Mall in 2014. Knapp noticed that Metro's vice unit was not part of the raid on the home, even though his outcall entertainment company was part of the investigation.

*Support comes from*

Then Knapp heard through sources that the FBI was investigating people at the vice unit. That's when he heard Chris Baughman's name.

Baughman was a rock star among vice cops," Knapp said, "They had created a special unit in 2008 to go after high profile pimps"

Baughman and members of the unit were going after people who had made a lot of money in the sex business in Las Vegas but seemed untouchable, Knapp said. As Baughman's profile grew inside and outside the department, he snagged a three-book deal with a publisher and then left the department in 2013 to be part of a television show.

Knapp explained that the production failed and Baughman tried to get rehired by the department but wasn't reinstated. Knapp learned that Baughman was running the limousine stand at the now-shuttered Olympic Gardens strip club, which again raised red flags for the longtime reporter.

Here we have anti-pimp Chris Baughman who is suddenly in that position, working at a strip club. It just seemed odd," he said.

On top of that, sources told Knapp that while Metro was looking into rehiring Baughman they started to hear about his possible involvement with prostitutes, who Knapp points out are really the victims in these cases.

I know that the FBI as part of their investigation requested a great deal of information from Metro and that Metro has cooperated from the beginning with it," he said, "In addition to looking into Baughman, what I've learned is that they're looking at other Metro officers or detectives who were part of the same operation. Not only Baughman's partners but also an intelligence detective, who ended up working a lot of these pimp cases alongside the vice guys"

Now, all of this has come back up as defense attorneys for Fleming and Sharpe try to get new trials for their clients.

People, including members of the District Attorney's office, have ridiculed Knapp for reporting the story. A deputy DA went so far as to call the stories on Channel 8 'conspiracy theories.'

I was amused when I read it, and a little bit angry about it, because they know the investigation is real. The FBI had been to the DA's office and talked to a couple people there," Knapp said.

Knapp admits the men making the accusations are "bad guys"



any involvement in the cases after it came to light that she was married to Baughman. And she is not accused of any wrongdoing in this case.

And, to be clear, the allegations that Baughman was sleeping with the prostitutes in these cases have not been proven. Baughman has said he had to have a relationship with these women to make sure they would testify in court.

Both Fleming and Raymond Sharpe both said it went much further than that," said Knapp.

If the FBI seeks charges against anyone in the Vice Unit, Knapp said it could mean new trials for Sharpe and Fleming.

The scenario is this," Knapp said, "It has been painted this way by defense attorneys: Is at the same time Chris Baughman is investigating these pimps and sleeping with various witnesses - who are not only witnesses, prostitutes but victims in these cases and directing their testimony and having them fall in love with him. He is also in a romantic relationship with the chief prosecutor in those cases."

Earlier this month, a District Court judge said a special prosecutor will be appointed in the appeal by Ocean Fleming.

If I had to make a guess, I would say both Fleming and Sharpe are going to get new trials," Knapp said.

At this point, no other news outlet in Las Vegas has investigated this story, which surprises Knapp.

Soon this will be a national story because when indictments come down - and it will happen - there will be a national story and then everybody will cover it," he said.

**Guests:** George Knapp, I-Team reporter, Channel 8

**More from:** Civic Life, Nevada & the Southwest, george knapp, metro police vice unit, las vegas metro police, KNPR's State of Nevada

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# EXHIBIT I

State of Nevada)  
County of Clark) ss.

1. That I am over 18 years old and competent to testify to the contents of this affidavit.

2. That in early 2013, I discovered Ocean Fleming had been convicted and sentenced for Pandering, Pandering: Furnishing Transportation, and Living With a Prostitute, naming me as the prostitute in question. I learned that the charges related to me and his conviction stem directly from the testimony of Jessica Gruda given during the Grand Jury proceedings and jury trial.

3. That I learned that Jessica Gruda testified that I worked as a prostitute for Ocean Fleming beginning in 2009; that I lived with Ocean Fleming at 258 Crooked Putter and that Ocean Fleming supposedly told her (Jessica) that I was his prostitute. I also learned that Jessica testified that we met at Tommy Rocker's and she and I "worked" together several nights and Ocean Fleming provided us with cars to go on calls.

4. That I met Ocean Fleming in summer of 2010 (I did not know of Mr. Fleming in 2009) and we dated in a boyfriend/girlfriend relationship. Ocean Fleming and I lived separately.



however, we visited each other's own residence quite often. When I moved to 258 Crooked Putter, Ocean Fleming did NOT live with me.

5. That during the time Ocean Fleming and I dated, I worked for an Escort Service and at no time have I ever prostituted for; or "worked" for Ocean Fleming. I did come to meet Jessica because we worked for the same service. However, she and I have never "worked" together. I did met with her at Tommy Rocker's, however, Ocean Fleming was not the topic of discussion and at no time have I ever told Jessica that I "worked" for Ocean Fleming or prostitued for him. At no time did Ocean Fleming "live" of the earnings of my prosession. Ocean Fleming had his own source of income.

6. That, in relation of Ocean Fleming being convicted under my name, I have never been interviewed by local authorities, questioned by detectives, investigators or the District Attorney Office regarding Ocean Fleming on whether he "lived" with me; lived off the earning of my profession or if he provided me with any form of transportation in relation to my profession.

7. That I have never lodged a complaint; given a voluntary statement or have testified to the allegations in relation to the charges Ocean Fleming has been convicted and sentenced to under my name.

8. That I have never been questioned, summoned or interviewed by an investigator, paralegal or lawyer said to be representing Ocean Fleming in connection with his conviction of the charges in relation to my name.

9. That I make this affidavit of my own free will without any for of coercion, threats, payments or unwanted inducement by Ocean Fleming or any other party.

10. That Affiant further sayeth naught.

Dated this 23 day of May, 2013.

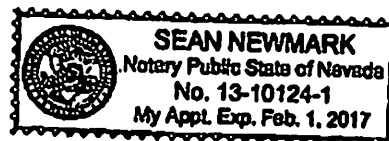
  
Natalie Harper Vineyard

STATE OF NEVADA  
COUNTY OF CLARK

SUBSCRIBED and SWORN to before

me this 23 day of MAY, 2013.

BY: NATALIE HARPER-VINEYARD



  
NOTARY PUBLIC