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7 NEVADA COMMISSION ON JUDICIAL DISCIPLINE
8 STATE OF NEVADA

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10 In the Matter of
11 THE HONORABLE JENNIFER HENRY,
Hearing Master for the Eighth Judicial District
12 Court, Family Division, County of Clark,
State of Nevada,
13
14 Respondent.

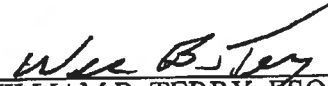
CASE NO. 2016-142-P

15 **RESPONSE TO OPPOSITION TO MOTION FOR EXPANSION OF TIME TO**
16 **PRESENT RESPONDENT'S DEFENSE**

17 COMES NOW, the Respondent, the Honorable Jennifer Henry, by and through her counsel
18 WILLIAM B. TERRY, ESQ., of the law offices of WILLIAM B. TERRY, CHARTERED and files
19 the instant response to the opposition to the motion for expansion of time filed by the Special
20 Prosecutor in the instant case.

21 Said Response is made and based upon the attached analysis of facts and points and
22 authorities.

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1 ANALYSIS OF FACTS

2 The Respondent incorporates by reference herein those allegations set forth within the
3 original request for an expansion of time to present Respondent's defenses.

4 The Commission's Procedural Rule 18(1) provides in part that "the Respondent and all
5 counsel must be notified of the time and place of the hearing and must first be consulted concerning
6 the scheduling thereof to accommodate, where possible, the schedules of the Respondent and counsel
7 and those of their witnesses..." This Rule applies both to the motion to transfer the case to Las
8 Vegas and additionally to the time element issue allocated by the Commission in the instant case.
9 Respectfully, the Respondent was never consulted concerning the scheduling other than the potential
10 dates of the latter portion of May 2018.

11 The Special Prosecutor avers that the instant case is simple in nature but to the contrary the
12 Respondent suggests that it is more complex than the Special Prosecutor believes. Respondent is
13 not a judge and she cannot act without the permission of her supervising judge. A Master does not
14 possess the same powers conferred to a Juvenile Court Judge through Article 6, section 6 of the
15 Nevada Constitution. Hearing Masters can only make recommendations subject to objections yet
16 this is not the practice of the EJDC Juvenile Division under the supervision of the current judge,
17 Judge Voy. It is believed that the evidence will show that when Respondent learned there was a
18 conflict of interest between the contract conflict defense attorney, Mr. Grigsby, and a District
19 Attorney against whom Mr. Grigsby was litigating, Respondent immediately notified her supervisor,
20 Judge Voy. Judge Voy, however, did not intercede in the matter and, as the result, the Respondent
21 and Hearing Master Bailey decided to move cases from one courtroom to another in order to solve
22 the immediate day's conflict. It is believed that the evidence will show that not once from the date
23 that Respondent reported the conflict to Judge Voy til up to October 6, 2016, did Judge Voy address
24 the issue. In *Brown v. Eighth Judicial District Court*, 116 Nev. 1200, 14 P.3d 1266 (2000) the court
25 held that district courts are responsible for controlling the conduct of attorneys practicing before
26 them. In other words, if an attorney has a conflict of interest or a potential conflict of interest it is
27 the district courts responsibility or the sitting judges responsibility to take action. The evidence will
28 further show that sometime after October 2, 2016, the Chief Juvenile Division District Attorney had

1 a meeting with Mr. Grigsby at the request of Judge Voy pertaining to the conflict. It is further
2 submitted that the evidence will show that in the Eighth Judicial District Court pursuant to EDCR
3 1.46(c) juvenile hearing masters "...must hear such cases as are assigned by the supervising
4 delinquency court judge." Judge Voy knew that Mr. Grigsby was upset with the Respondent for
5 disclosing the conflict of interest and potentially interfering with Mr. Grigsby's contract. The
6 evidence will show that the Respondent fulfilled her ethical obligation, however, Judge Voy did not
7 correct the situation. Judge Voy had an obligation to supervise but did not do so. He permitted the
8 on-going issue to remain.

9 Other than the witnesses already potentially named in Respondent Henry's documentation,
10 there are other potential witnesses including Judge Jennifer Elliott. Judge Elliott is aware of Judge
11 Henry's work ethic. She will also testify that she has had issues with Mr. Grigsby in the past.
12 Additionally, the Respondent may call Susan Roske. Ms. Roske was the public defender in Judge
13 Voy's courtroom for years and knows the normal processes that occur within the court system.
14 Again, Judge Henry only makes recommendations, Judge Voy is the one who ultimately makes the
15 determination particularly if there is an appeal. Ms. Roske is expected to testify, for example, that
16 a typical sentence is 9 months. She would also be expected to testify that Judge Voy asks minors
17 that are on probation potentially incriminating questions and minors that have not yet been placed
18 on probation. For example, he also asks subject minors if they are doing drugs or smoking
19 marijuana. The Respondent may also call Kerri Maxey who is expected to testify that she observed
20 Judge Voy in effect brush aside Mr. Grigsby's conflict of interest in reference to a pair of brothers.
21 She will also testify that Judge Henry is fair as a hearing master. An additional potential witness is
22 Probation Officer Aldrich Jordan who was the subject minor's who was involved in the Grigsby
23 hearing probation officer. He is expected to testify that she admitted that she was prostituting herself
24 and also that ultimately she was sentenced to Caliente. These are just some of the potential
25 witnesses whom the Respondent anticipates calling. Again, it is respectfully submitted that a period
26 of four hours is simply not sufficient if you also including Judge Henry as a potential Respondent
27 witness.

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CONCLUSION

For the above-indicated reasons, it is respectfully requested that the period of four hour be expanded by this Commission to a minimum period of eight hours.

DATED this 23rd day of March, 2018.

WILLIAM B. TERRY, CHARTERED



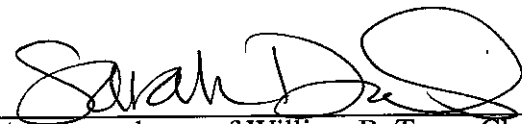
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CERTIFICATE OF SERVICE

I hereby certify that on the 23rd day of March, 2018, I, as an employee of WILLIAM B. TERRY, CHARTERED, that a true and correct copy of this **RESPONSE TO OPPOSITION TO MOTION FOR EXPANSION OF TIME TO PRESENT RESPONDENT'S DEFENSE** was emailed to the following:

Paul C. Deyhle
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Nevada Commission on Judicial Discipline
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Thomas Bradley, Esq.
Special Prosecutor
Tom@TomBradleyLaw.com



As an employee of William B. Terry, Chartered