

1 **ORDR**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 MICHAEL DICKERSON  
6 Chief Deputy District Attorney  
7 Nevada Bar #013476  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

7 DISTRICT COURT  
8 CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

12 KIM DENNIS BLANDINO,  
13 #363075

14 Defendant.

CASE NO: C-24-382788-A

DEPT NO: XII

JC CASE: 22-CR-041030

15 **ORDER**  
16 **(Remand)**

17 THIS APPEAL from the Justice Court of Las Vegas Township, Department 2, having  
18 been scheduled for hearing before the above-entitled Court on the 28th day of August 2024,  
19 the Defendant being represented by JOSEPH GERSTEN, Esq., the Plaintiff being represented  
20 by STEVEN B. WOLFSON, Clark County District Attorney, through MICHAEL R.  
21 DICKERSON, Chief Deputy District Attorney, the Court being fully apprised of the issues,  
22 based upon the briefs, without oral argument, and good cause appearing therefor, IT IS  
23 HEREBY ORDERED that the Judgement of Conviction rendered by the justice court on April  
24 18, 2024, and filed on May 2, 2024, is AFFIRMED. This case shall be, and it is, hereby  
25 remanded to the Justice Court of Las Vegas Township, Department 2, for further proceedings.

26 Appellant challenges his convictions of Resident Failing To Obtain A Nevada  
27 Registration (Misdemeanor - NRS 482.385 – NOC 53637) and Driving Without A Valid  
28

1 License (Misdemeanor – NRS 483.550 - NOC 53720), which followed two days of bench trial  
2 on February 1, 2024, and April 18, 2024.

3 First, Appellant argues the justice court erred in denial of his right to self-representation.  
4 This Court reviews the justice court’s factual findings for an abuse of discretion. See Vanisi  
5 v. State, 117 Nev. 330, 331, 22 P.3d 1164, 1171 (2001). The justice court abuses its discretion  
6 when its “decision is arbitrary or capricious or if it exceeds the bounds of law or reason.”  
7 Crawford v. State, 121 Nev. 744, 748, 121 P.3d 582, 585 (2005) (internal quotation marks  
8 omitted). A defendant’s right to self-representation is not absolute. See Faretta v. California,  
9 422 U.S. 806, 835 (1975). It is within the trial court’s discretion to determine if a defendant is  
10 competent enough to knowingly and voluntarily exercise the right to defend himself. Id.  
11 However, a defendant must also be “able and willing to abide by the rules of procedure and  
12 courtroom protocol” to represent themselves. See McKaskle v. Wiggins, 465 U.S. 168, 173  
13 (1984). “[A] defendant may be denied his right to self-representation where his request is  
14 untimely, the request is equivocal, the request is made solely for the purpose of delay, the  
15 defendant abuses his right by disrupting the judicial process, or the defendant is incompetent  
16 to waive his rights to counsel.” See Tanksley v. State, 113 Nev. 997, 1000-01, 946 P.2d 148,  
17 150 (1997).

18 A defendant may be denied his right of self-representation if he or she is unable  
19 or unwilling to abide by rules of courtroom procedure. A defendant's right to  
20 self-representation does not allow him to engage in uncontrollable and disruptive  
21 behavior in the courtroom. Trial judges have the obligation to control courtroom  
22 proceedings. In determining disruption, the defendant's pretrial activity is  
23 relevant if it affords a strong indication that the defendants will disrupt the  
24 proceedings in the courtroom.  
25 See Tanksley, 113 Nev. at 1001, 946 P.2d at 150 (internal citations and quotations omitted;  
26 emphasis added).

27 In this case, the justice court appropriately considered the existence of a recent order  
28 revoking Appellant’s self-representation due to misconduct in Appellant’s ongoing but  
separate extortion case. See NRS 47.170, NRS 47.150(1), NRS 47.130; Mack v. Est. of  
Mack, 125 Nev. 80, 91, 206 P.3d 98, 106 (2009) (under some circumstances courts will take

1 judicial notice of the record in another case that is related or intertwined); see e.g., United  
2 States v. Redfield, 197 F. Supp. 559, 570–71 (D. Nev.), aff'd, 295 F.2d 249 (9th Cir. 1961)  
3 (courts can take judicial notice of a defendant’s prior self-representation); Benetti v. United  
4 States, 97 F.2d 263, 266 (9th Cir. 1938). Appellant’s extortion case where he recently  
5 represented himself, and had that right revoked, shares a close relationship to the instant case,  
6 where nine months later Appellant again sought self-representation. The publicly available  
7 record revealed Appellant’s many recent instances of extremely disruptive actions during  
8 judicial proceedings over the course of the preceding approximately three years, which were  
9 capable of accurate and ready determination that cannot reasonably be questioned. Appellant’s  
10 pretrial activity is relevant to the determination of self-representation and, here, afforded a  
11 strong indication that Appellant would disrupt the court proceedings in the instant case.  
12 Furthermore, the justice court had the opportunity to observe Appellant in court prior to  
13 rendering its decision. The justice court did not abuse its discretion in denying Appellant self-  
14 representation. Appellant’s claim is therefore denied.

15 Second, Appellant contends the evidence presented during the bench trial was  
16 insufficient to support the convictions. The trier of fact has the duty of assessing witness  
17 credibility and determining the weight their testimony should have when making factual  
18 findings. See Carlson v. McCall, 70 Nev. 437, 442, 271 P.2d 1002, 1004 (1954). After a bench  
19 trial, the court’s factual findings will not be disturbed “unless they are clearly erroneous or not  
20 supported by substantial evidence.” See Wells Fargo Bank, N.A. v. Radecki, 134 Nev. 619,  
21 621, 426 P.3d 593, 596 (2018). Where the sufficiency of evidence is challenged, the reviewing  
22 court must view the evidence in the light most favorable to the prosecution and determine if  
23 any rational trier of fact could have found the essential elements of the crime beyond a  
24 reasonable doubt. Rose v. State, 123 Nev. 194, 202, 163 P.3d 408, 414 (2007).

25 Registration of a vehicle is necessary for any resident driving a vehicle in the State of  
26 Nevada. See NRS 482.385. “When a person, formerly a nonresident, becomes a resident of  
27 this State, the person shall: (a) Within 30 days after becoming a resident ... apply for the  
28 registration of each vehicle the person owns which is operated in this State.” See NRS

1 482.385(3)(a). Further, under NRS 482.385(5), a resident or nonresident owner of a vehicle  
2 is subject to registration within 30 days in the State of Nevada if they engage in a trade,  
3 profession or occupation, or accept gainful employment in Nevada. Pursuant to NRS 482.103  
4 a “Resident” includes a person whose legal residence is in the State of Nevada, a person who  
5 engages in intrastate business and operates in such a business any motor vehicle, trailer or  
6 semitrailer, or any person maintaining such vehicles in this State, as the home state of such  
7 vehicles, and a person who physically resides in this State and engages in a trade, profession,  
8 occupation or accepts gainful employment in this State. See NRS 482.103(1).

9       The evidence in this case proves Appellant was a resident of Nevada; he physically  
10 resided in this State, self-reported that he engaged in a trade, profession, occupation or  
11 accepted gainful employment in this State, and maintained the vehicle at issue in this State.  
12 During the bench trial, admitted into evidence was a Nevada Department of Public Safety  
13 Parole and Probation Division Probation Monthly Report that Appellant filled out 37 days  
14 before the traffic stop. Therein, Appellant reported information that he had an obligation to  
15 provide truthfully, including his address as “C/O 441 N 16<sup>th</sup> St. Las Vegas, Nevada, 89101”  
16 written in a section designated for “Your address.” Appellant also wrote, in the section entitled  
17 “I live with,” “Evelyn Pendergraft (Evie).” Appellant also filled out a section for “Your  
18 Employer,” writing “Home health care for Evie,” being the person he had just previously listed  
19 as someone he lives with. Furthermore, in the section entitled “Vehicles Driven,” Appellant  
20 listed the vehicle at issue. The totality of the information Appellant reported 37 days before  
21 the traffic stop indicated that Appellant’s residence was at 441 North 16<sup>th</sup> Street, Las Vegas,  
22 Nevada, where he was also employed in a trade, profession, occupation or accepted gainful  
23 employment as home health caretaker for Evelyn Pendergraft, and indicated that he drove the  
24 vehicle at issue. Moreover, multiple witnesses testified to knowing Appellant to reside at that  
25 same address over the course of many years prior to the traffic stop and at least one witness  
26 also testified to knowing Appellant to keep the vehicle at issue at that same residence for many  
27 years. Thus, Appellant was a resident of the State of Nevada and was required to register the  
28 vehicle. Appellant points to his own testimony as evidence that he was a nonresident of

1 Nevada; however, the court had the authority to determine that Appellant’s testimony was less  
2 credible than the other evidence presented in support of a finding that Appellant was a Nevada  
3 resident. This decision was not clearly erroneous, totality of the evidence substantially  
4 outweighed Appellant’s claim of non-residency. Therefore, viewing the evidence in the light  
5 most favorable to the prosecution, a rational trier of fact could have found the essential  
6 elements of Resident Failing To Obtain A Nevada Registration beyond a reasonable doubt.

7 As to the crime of Driving Without A Valid License, NRS 483.550(1) provides that “It  
8 is unlawful for any person to drive a motor vehicle upon a public street or highway in this State  
9 without being the holder of a valid driver’s license. A person who violates this section is guilty  
10 of a misdemeanor.” Appellant makes a conclusory statement that evidence was insufficient to  
11 support a finding that Appellant violated this law. Testimony and evidence admitted at trial  
12 prove that Appellant was operating a vehicle without any valid driver’s license. This evidence  
13 includes Appellant’s own testimony and Nevada Department of Motor Vehicle Records  
14 showing that Appellant did not possess a driver’s license, as his last DMV transaction was in  
15 1994 and his license was deemed surrendered. Therefore, viewing the evidence in the light  
16 most favorable to the prosecution, a rational trier of fact could have found the essential  
17 elements of Driving Without A Valid License beyond a reasonable doubt.

18 Finally, Appellant argued a retrial was warranted pursuant to NRS 189.035 due to the  
19 transcript of the September 28, 2022 hearing being unavailable due to the death of the court  
20 reporter. However, the State determined that court reporter was not involved in the hearing at  
21 issue and provided the transcript of the hearing. The Court finds that Appellant’s argument is  
22 without merit.

23 For the foregoing reasons, the convictions are **AFFIRMED**, and this case is hereby  
24 **REMANDED** to the Justice Court for further proceedings.

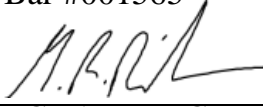
Dated this 20th day of September, 2024

  
\_\_\_\_\_  
DISTRICT JUDGE

**EF1 C55 D26C 1A49**  
**Michelle Leavitt**  
**District Court Judge**

1 STEVEN B. WOLFSON  
2 Clark County District Attorney  
3 Nevada Bar #001565

4 BY



5 MICHAEL DICKERSON  
6 Chief Deputy District Attorney  
7 Nevada Bar #013476

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1 **CSERV**

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3 DISTRICT COURT  
CLARK COUNTY, NEVADA

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5  
6 Kim Blandino, Appellant(s) | CASE NO: C-24-382788-A  
7 vs | DEPT. NO. Department 12  
8 State of Nevada, Respondent(s)

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10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District  
12 Court. The foregoing Order was served via the court's electronic eFile system to all  
13 recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 9/20/2024

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