

Disclaimer:

While explicit permission by reporting party to share these public documents was provided, our goal is to expose this government body in their organized efforts to conceal their known failures and neglect, and the violations perpetrated against the people that fund these public office venues. It was our choice to redact certain detailed information such as names, case numbers (etc), for the sole purpose to expose the violations themselves and corruption from within, rather than identifying information of those on the receiving end of the infractions being exposed.

Wednesday | May 29, 2024

WPCSO Case No. [REDACTED]; Case is now in the care of WPCDA Office as of May 2024

Re: WPCDA Case No. [REDACTED]



Government Ethics
and
Accountability

admin@GovernmentEthicsandAccountability.com

P: 480-238-4460

Letter and Public Record Request

Attached:

- (1) May 28, 2024 Reply via email correspondence by WPCDA case manager April Bradshaw to Reporting Party Seeking Assistance. [re: WPCDA Case #: [REDACTED]]
- (2) May 28, 2024 Reply via email correspondence by WPCDA case manager April Bradshaw to *Government Ethics and Accountability* local nonprofit community organization.
- (3) May 29, 2024 Letter and new Public Records Request [additional addendum to May 24, 2024 PRR], regarding the two WPCDA's 5/28/2024 aforementioned correspondences.

Attention to the Following:

White Pine County District Attorney Office [WPCDA]
1786 Great Basin Blvd | Ste. 4 | Ely, NV 89301
P: 775-293-6565 | F: 775-289-1559

April R. Bradshaw, Case Manager [SBN #11963]
AbRADSHAW@whitepinecountynv.gov

James S. Beecher, *Ad Interim* D.A. [SBN #12555]
jBEECHER@whitepinecountynv.gov | DAOFFICE@whitepinecountynv.gov

cc/ Maxine Lantz, Victim Advocate at WPCSO
802 Avenue E | Ely, NV 89301
vws@sbcglobal.net
T: 775-289-3410 | 800-372-7202

cc/ Nevada State VWS Oversight:
USANV.VWC@usdoj.gov
LV P: 702-388-6336 | 800-539-8002
Reno P: 775-784-5438 | 800-303-5545

April Bradshaw:

Respective to the attached transcript of your May 28, 2024 email correspondence to the reporting party in this case matter,

It appears this district office is a bit confused who they work for. This is not the Law Offices of James S. Beecher & Wheable. It's important to remind you that you are employed by the people of White Pine County. This is a PUBLIC office; Not a private law firm. The “privilege” referenced in the aforementioned correspondence is OUR privilege “WE THE PEOPLE”. Contained within this correspondence, you improperly cite NRS 239.010 to excuse this office's every attempt to withhold records from public inspection. ALL public records that were requested by both the reporting party in said case and myself are in fact OPEN FOR INSPECTION. These are not *Confidential* nor *Private* records. The specified records are verified records of the “public” venue. Please review the details of NRS 239.010 following this letter for clarification.

We can't help but to express our great disappointment when we see Nevada Statutes and Federal Laws improperly cited to misrepresent this office's place of authority, averting responsibility and refusing to honor the public's right to obtain and inspect their own records. The most disheartening aspect being that this lawless display of public inconsideration comes from what should be comprised of a professional team of representatives, of whom we “the people” pay to keep in business. The further in we delve, it's become increasingly evident that this may in fact be a conjoined effort among this department with others, to try sweeping these massive failures of public concern under the rug, instead of working with the public to rectify them.

I must profess how rather embarrassing it is, to be put in such an awkward position as this, to feel so inclined to have to try educating this WPCDA office about the difference between employing one's Law Credentials in the *Public* arena (vs) working for a *Private* law firm. We [members of this public], are the “client”. The *Client/Attorney Privilege* you speak of, applies to us. You are the 'attorney' paid for by us and we are the 'client'. We pay for the email hosting service you utilize to correspond with us, we pay for the computer hardware and software you also utilize, the chairs you sit on, the power that keeps the lights on, the paper our records are printed on. We pay your salary. WE ARE THE CLIENT. The '*work-product doctrine*' mentioned in this public record refusal letter, would only apply if you are working for a private law firm; and herein lies the confusion. You work on our time, in our buildings, using our software, machinery, material and property as an employee for the people of White Pine County. No work developed or prepared in that office by you yourself, Mr. Beecher or any working attorney of that office, is “protected” from public scrutiny under this doctrine; Not while the work has been prepared with public resources on public property and on public time. It's extremely concerning that this district office would confuse its relationship with the very public its intended to serve, to view itself as an *Opposing Party* of the public (as the mention of a *work-product doctrine* implicates), rather than a '*representative for*' the public. This apparent confusion then begs the question, “Why are we funding this office when it orients itself as select group of privileged citizens with a complete disregard for those that employ them?”

WPCDA: We need you to take a step back and understand the difference: PRIVATE (vs) PUBLIC. This office is not a private practice as it's been misused as under the direction of both James S. Beecher [SBN #12555] and Michael A. Wheable [SBN #12518].

Being that a case number is established within this DA office regarding this specific matter [WPCDA Case # [REDACTED]], we do expect that the professional thing would be, NOT to pass us off onto another department, but to gather the TWO items we specifically requested in our 5/24/2024 PRR pursuant to [1] NRS 239 and [2] NRS 289.830~2(a); as well as the reporting party's own PRR that was received by this WPCDA office on 5/22/2024. As was divulged in your 5/23/2024 correspondence, it appears you've already retrieved the BWC footage and

even went so far as to disclose that you examined the BWC footage yourself, just days ago as of the date of this letter. It is thus not any extra effort on your part to furnish that to us as we specifically requested. If you need to get with the WPCSO to obtain any items we've requested (or that we may request in the future), it is your job to comply with those requests being that this case has been escalated to this overseeing department, now under your supervision. Regarding Former Sergeant Fredrick Ashby's Termination Letter which was also requested in our 5/24/2024 PRR (the complete unadulterated letter, all pages with attachments), it is absolutely pertinent to this case as to the neglect and perhaps could well explain why this case fell into the great abyss an entire two years. If you didn't bother to inquire into this important document of relevance yourself when you conducted your review, you can certainly still do that (as per our specific request). These records are public, they belong to us, and it is our every right to obtain a full copy, examine and inspect them for ourselves in accordance with the Nevada Public Records Act [NPRA] detailed in NRS 239. Nothing that myself or the reporting party has requested is declared "Confidential" by Federal Law. Withholding records from the public to hide evidence of wrongdoing and/or neglect on the part of this office or that of another, DOES NOT constitute as "Confidential" in this PUBLIC law abiding context and is therefore subject to public disclosure, whether you want us to see it or not.

The topic surrounding the widespread resistance to public retrieval of records in White Pine County (not limited to this case matter alone), leads us to another important topic of discussion we wish to address. We'd like to seize this opportunity for another public records request. You may consider it an addendum to our pending 5/24/2024 PRR. We "the public" would like to begin the auditing process to see where we can improve upon in this area.

PUBLIC RETRIEVAL OF RECORDS

One of the bigger initiatives We "the people" are working on is looking where we can start doing some budget cuts. There's a long overdue recognition for budget reform on the whole and most would concur that we shouldn't be paying employees at the higher income bracket level for their licensure when they've demonstrated such a massive lack of understanding about business matters they should undoubtedly know through & through. If anybody else working in that office does not have a full understanding about the difference between laws that govern a private law firm (vs) a public enterprise; and accordingly, have withheld public records from this constituency upon their public record requests by using this falsified misrepresentation of a "*Client/Attorney Privilege*" in this public domain, we must know about it and address the problem immediately. What an absolute disservice it is to the public, to make people have to jump through this many hoops, even just to obtain a 1-page summarized *CAD* report (not even a full police report as many have reported requesting but were never delivered). This is if they are lucky enough to even obtain that.

If you actually believe any of what you've stated in your 5/28/2024 reply to the 5/22/2024 Public Records Requestor in said case as a viable reason to deny her a copy of her own public records, there is a much larger problem at play and the only way corrective action will be realized is by a complete overhaul of this department. WE "the public", would like to know what we are paying every hired professional in that office, whom may or may not fully understand this very important distinction between employment by a public entity (vs) employment by a private law firm. Contained in todays PRR is our request to obtain ALL Public Record Requests that were received by this WPCDA office alone (department #202), since the commencement of Mr. James S. Beecher's incumbency as D.A.

Being that you are an active member of the state bar, you are held to higher standard than that of your work peers that may not be governed by this oversight body themselves. We don't believe it's fair to you that your good standing as a licensed attorney is compromised just because you were misdirected by your boss or another trusted colleague, under the direction of another. In recent months, Mr. James Beecher exposed himself misrepresenting the very same *Client/Attorney Privilege* clause that you just did, to excuse his refusal of public record examination in another case. In all fairness, we believe you're entitled to retract your statements for the

unlawful action of refusal to furnish a copy of the reporting party's public documents that she requested, if indeed you feel you were ill-advised to misrepresent the *Client/Attorney Privilege* clause in this way (as we suspect may be the case). All we ask is that you please disclose this to us in a timely manner before we make our final submissions to the Nevada State Bar.

Lastly, just a friendly reminder that the 5th business day deadline to lawfully satisfy Mrs. [REDACTED]'s 5/22/2024 PRR pursuant to NRS 239, is concluded tomorrow, Thursday May 30, 2024 (with an additional day allotted due to the holiday). The deadline to fulfill our PRR is also fast approaching.

Thank you,

Leah Brown, Government Ethics and Accountability
admin@GovernmentEthicsandAccountability.com | P: 480-238-4460

NRS 239.010 Public books and public records open to inspection

Except as otherwise provided in this section, sections 35, 38 and 41 of chapter 478, Statutes of Nevada 2011 and section 2 of chapter 391, Statutes of Nevada 2013 and unless otherwise declared by law to be confidential, all public books and public records of a governmental entity must be open at all times during office hours to inspection by any person, and may be fully copied or an abstract or memorandum may be prepared from those public books and public records. Any such copies, abstracts or memoranda may be used to supply the general public with copies, abstracts or memoranda of the records or may be used in any other way to the advantage of the governmental entity or of the general public. This section does not supersede or in any manner affect the federal laws governing copyrights or enlarge, diminish or affect in any other manner the rights of a person in any written book or record which is copyrighted pursuant to federal law.

[NONE OF THE PUBLIC RECORDS REQUESTED BY EITHER MYSELF OR THE REPORTING PARTY ARE RECORDS DECLARED BY LAW AS “CONFIDENTIAL”. IF A MATTER REGARDING A POTENTIAL CONFIDENTIALITY BREACH WERE A CONCERN TO CONTEND WITH, PLEASE REFRESH YOURSELVES ON THE FOLLOWING SECTIONS BELOW WHICH DETAILS A PUBLIC EMPLOYEE'S OBLIGATORY ACTIONS TO ENSURING THAT THESE PUBLIC RECORDS ARE NOT BEING WITHHELD FROM THE REQUESTOR.]

- (1) A governmental entity may not reject a book or record which is copyrighted solely because it is copyrighted.
 - (2) A governmental entity that has legal custody or control of a public book or record shall not deny a request made pursuant to subsection 1 to inspect or copy or receive a copy of a public book or record on the basis that the requested public book or record contains information that is confidential if the governmental entity can redact, delete, conceal or separate, including, without limitation, electronically, the confidential information from the information included in the public book or record that is not otherwise confidential.
 - (3) If requested, a governmental entity shall provide a copy of a public record in an electronic format by means of an electronic medium. Nothing in this subsection requires a governmental entity to provide a copy of a public record in an electronic format or by means of an electronic medium if: (a) The public record: (1) Was not created or prepared in an electronic format; **and** (2) Is not available in an electronic format; **or** (b) Providing the public record in an electronic format or by means of an electronic medium would: (1) Give access to proprietary software; **or** (2) Require the production of information that is confidential and that cannot be redacted, deleted, concealed or separated from information that is not otherwise confidential.
 - (4) An officer, employee or agent of a governmental entity who has legal custody or control of a public record:
(a) Shall not refuse to provide a copy of that public record in the medium that is requested because the officer, employee or agent has already prepared or would prefer to provide the copy in a different medium. (b) Except as otherwise provided in [NRS 239.030](#), shall, upon request, prepare the copy of the public record and shall not require the person who has requested the copy to prepare the copy himself or herself.
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May 29, 2024

Attention to the Following:

White Pine County District Attorney Office [WPCDA]
1786 Great Basin Blvd, Ste. 4
Ely, Nevada 89301
P: 775-293-6565 | F: 775-289-1559

April R. Bradshaw, Case Manager [SBN #11963]
Abroadshaw@whitepinecountynv.gov

James S. Beecher, *Ad Interim* D.A. [SBN #12555]
jbeecher@whitepinecountynv.gov



Government Ethics
and
Accountability

admin@GovernmentEthicsandAccountability.com
P: 480-238-4460

PUBLIC RECORDS REQUEST
Pursuant to NRS 239

This is a written request to obtain the following Public Records:

- (1) We are requesting transcript copies of ALL Public Record Requests that were received by this WPCDA office (department #202), since James S. Beecher's incumbency as District Attorney, commencing his official hire date of February 2, 2021, unto the present date. That would be a little over 3 years' worth of record requests received by this office. To be specific, we are asking for copies of ALL requests,
 - (a) whether they were received directly or indirectly (escalated by another department);
 - (b) and, whether these requests were received electronically *via email*, as well as those that may have been retrieved in person.
- (2) The excel worksheet for all employees that are work in this District Attorney office [department #202], the corresponding county employee ID numbers and current salary for the present year 2024.

You may send these public records electronically to the following email address:
admin@GovernmentEthicsandAccountability.com

Thank you,

Leah Brown, Government Ethics and Accountability
admin@GovernmentEthicsandAccountability.com | P: 480-238-4460



Public Record Request Pursuant to NRS 239

Copies are \$.50 per page. All copies of media files are \$5.00 and the Requestor provides the storage device. If no storage device is provided, charge is \$10.00 and Clerk will provide DVD.

Section A - Requester Information

Your Name ^{NEVADA}

Mr. Mrs. Ms. Other

Leah Brown

Phone*

Fax

Email

480-238-4460

[see next line]

Business Name

EMAIL: admin@GovernmentEthicsAndAccountability.com

Mailing Address*

City*

State*

Zip Code*

Section B - Record(s) Requested

Describe the record(s) you are requesting. Please be as specific as possible and include enough detail to assist staff in locating the record(s). Include relevant dates or date range. For multiple records, you may attach additional pages.

Please see Attached...
The May 29, 2024 Public Records Request for WPC District Attorney Office
re ~ Case No. [REDACTED]

Section C - Receiving Record(s)

Please specify the preferred method of receiving the requested record(s).

- By postal mail at the mailing address above
- In person
- By email at the email address above.
Please note: even if you choose to receive the records via email there will be a per page cost if the document is not available electronically.
- Special Delivery - please specify; additional charges will apply

By signing below I certify that the information above is true and correct to the best of my knowledge. I understand that copying and other associated fees may apply and that records will not be released until payment is received.

X Leah Brown

Date 05/29/2024

Requester Signature - Required

STAFF USE ONLY

Transferred to

[Empty box for transferred to]

Reviewed by DA Yes No Amount charged \$ _____

Authorization to proceed (if yes, date) _____

Method of Delivery

Request withdrawn (if yes, date) _____

Email _____

Email address

Fax _____

Fax number

Hand Delivered to: _____

Person, agency box, placed on desk, ect

Date Information Provided and Request completed _____

Information not provided-

by _____ Date _____

Signature of staff

Other- _____
Detail

The next 2 pages is a Denial Letter by the White Pine County's District Attorney office, violating this publics' right to obtain and inspect their own public records.

[Annotation for page 1 of 2]

This is in attention to case manager Ms. April R. Bradshaw, under the direction of James S. Beecher:

Improperly citing NRS 239.010 (1) to make a false decree of "confidentiality" is a misrepresentation in what appears to be an organized effort to deny this public, records they are rightfully entitled to inspect.

The compulsion to hide evidence of wrongdoing & neglect by this office or that of another, is not a reason to declare a cause for 'confidentiality'. WPCDA, Please go back and review NRS 239.010(2)(3) (4) and (5). Under this statute, it is made very clear, that every effort must be made to satisfy these public record requests. The Burden of Proof lies on this office to explain why these 'Public' records could be misconstrued as 'Confidential', soas to justify denying the public of their rights. You have not done that and we ask that you do. Please see our attached 5/29/2024 response.

[Annotation for page 2 of 2]

In response to the following statement on page 2, "*The documents and records requested are attorney work product and are protected from disclosure and/or inspection pursuant to the work product doctrine.*" ...

THIS IS AN ERRONEOUS STATEMENT.

WPCDA, Please review your Nevada Statutes and Federal Laws again, which govern a Pubic Office (vs) a Private Law Firm. We "the public" are the "client". Misrepresenting the 'Client/Attorney Privilege' clause to justify withholding public records for inspection, is a gross misrepresentation of the law and a clear violation of the publics' right to retrieve record transcripts. Furthermore, this raises a deep concern that this public office is being misused, driven by private motives and agendas, rather than addressing the hard-pressing matters this county demands representation for.

The 'Work Product Doctrine' cited in this letter is another misrepresentation of the law, in this public context. THIS IS A PUBLIC ENTITY; NOT A PRIVATE LAW FIRM. No work developed or prepared in that office by any public-employed attorney in this office, is "protected" from public scrutiny under this doctrine; not while the work has been prepared with public resources on public property and/or on the public's paid-for time. Note: It's extremely important to highlight that this also includes public records prepared (or received 'in the care of') by any 3rd-party administrative and/or legal aid service, for services that were unlawfully contracted out and paid for by this public patronage [see NRS 252.180 and our official [Declaration of Non-Consent](#) regarding this kind of unlawful practice that has been taking place in this office]. It's extremely concerning that this district office would confuse its relationship with the very public it's intended to serve, as an 'Opposing Party' of the public (as the mention of the 'work-product doctrine' implies), rather than a 'Representative For' the public. This apparent confusion then begs the question, "Why are we funding this office when it orients itself as select group of privileged citizens with a complete disregard for those that employ them?"



JAMES S. BEECHER, ESQ.
WHITE PINE COUNTY DISTRICT ATTORNEY
1786 Great Basin Boulevard, Suite 4 · Ely, Nevada 89301
Phone: (775) 293-6565 · Fax: (775) 289-1559
DAOffice@WhitePineCountyNV.gov

May 28, 2024

REPORTING PARTY

RE: May 22, 2024 Public Records Request
White Pine County Sheriff's Office Case No. [REDACTED]
White Pine County District Attorney's Office Case No. [REDACTED]

Dear [REDACTED]

Please allow this correspondence to serve as a response to your May 22, 2024 Public Records Request sent via e-mail to abradshaw@whitepinecountynv.gov.

Specifically you requested the following documents from the White Pine County District Attorney's Office:

1. Information requested by the District Attorney's Office to the Sheriff's Office regarding White Pine County Sheriff's Office Case No. [REDACTED]/White Pine County District Attorney's Office Case No. [REDACTED] and
2. Correspondence between the White Pine County Sheriff and the White Pine County District Attorney regarding the same Case Nos.

The documents and records requested are confidential attorney/client communications and, therefore, privileged documents pursuant to NRS 49.095, which are not subject to disclosure and/or inspection pursuant to a NRS 239 Public Records Request. (See, NRS 239.010(1)).

Furthermore, the documents and records requested are attorney work product and are protected from disclosure and/or inspection pursuant to the work product doctrine.

Thank you for your inquiry and should you have any questions or concerns regarding this matter, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in blue ink that reads "April R. Bradshaw". The signature is written in a cursive, flowing style.

April R. Bradshaw, Esq.
Deputy District Attorney/Special Prosecutor



JAMES S. BEECHER, ESQ.
WHITE PINE COUNTY DISTRICT ATTORNEY
1786 Great Basin Boulevard, Suite 4 · Ely, Nevada 89301
Phone: (775) 293-6565 · Fax: (775) 289-1559
DAOffice@WhitePineCountyNV.gov

May 28, 2024

Leah Brown
admin@governmentethicsandaccountability.com

RE: May 24, 2024 Public Records Request Pursuant to NRS 239 and NRS 289.830(2)(a)

Dear Ms. Brown:

Please allow this correspondence to serve as a response to your May 24, 2024 Public Records Request sent via e-mail to abradshaw@whitepinecountynv.gov at the White Pine County District Attorney's Office.

Specifically you requested the following records from the White Pine County District Attorney's Office:

1. The Official Termination Letter of Former Sergeant Frederick Ashby; and
2. Body Camera Footage for public inspection, pursuant to NRS 289.830(2)(a), including live footage of the full interview that occurred between the WPCSO deputies that were present the day of July 8, 2022 with [REDACTED] [REDACTED] of the sex crime offense that reportedly took place one week prior on June 29, 2022.

As to your first request, the White Pine County District Attorney's Office does not possess or maintain any termination letter of "Former Sergeant Frederick Ashby," if it exists.

With regard to your second request, Chapter 289 of the Nevada Revised Statutes applies to the White Pine County Sheriff's Office in this context. Please direct your request to the White Pine County Sheriff's Office for processing.

Thank you for your inquiry and should you have any questions or concerns regarding this matter, please do not hesitate to contact our office.

Sincerely,

A handwritten signature in blue ink that reads "April R. Bradshaw". The signature is written in a cursive style with a large initial 'A'.

April R. Bradshaw, Esq.
Deputy District Attorney/Special Prosecutor