

NEVADA STATE BOARD OF MEDICAL EXAMINERS



IN THE MATTER OF CHARGES AND COMPLAINT AGAINST

BINH MINH CHUNG, M.D.

ADJUDICATION

Public Version

Case No: 15-20478-1

Date: September 13, 2024

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OFFICE OF THE GENERAL COUNSEL
Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, Nevada 89521
(775) 688-2559

1 **BEFORE THE BOARD OF MEDICAL EXAMINERS**
2 **OF THE STATE OF NEVADA**

3 * * * * *

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5 **In the Matter of Charges and Complaint**
6 **Against**
7 **BINH MINH CHUNG, M.D.,**
8 **Respondent.**

Case No. 15-20478-1

FILED
JUL 18 2019
NEVADA STATE BOARD OF
MEDICAL EXAMINERS
By: 

9
10 **FIRST AMENDED COMPLAINT**

11 The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners
12 (Board), by and through Robert Kilroy, Esq., General Counsel and attorney for the IC, having a
13 reasonable basis to believe that Binh Minh Chung, M.D. (Respondent) violated the provisions of
14 Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630
15 (collectively, the Medical Practice Act), hereby issues its Complaint, stating the IC's charges and
16 allegations as follows:

17 1. Respondent was originally licensed (License No. 11281) in Nevada on January 3,
18 2005. On June 23, 2015, Respondent was summarily suspended from the practice of medicine
19 pursuant to NRS 630.326(1). On June 30, 2015, Respondent's license expired. On July 9, 2015, the
20 IC filed a formal Complaint against Respondent, alleging two violations of the Nevada Medical
21 Practice Act. On July 20, 2015, the IC and Respondent entered into a Stipulation and Order for
22 Indefinite Summary Suspension. On July 17, 2017, the Board ordered an Immediate Suspension
23 based upon jury verdict that found Respondent guilty of eleven (11) felony counts in District Court,
24 Clark County, Nevada, in Case No. C-15-309717-1, Dept. No. XXV, on May 22, 2017. Among
25 these counts are the Administration of a Drug to Aid Commission of a Felony (two counts), the Use
26 of a Minor in Producing Pornography, Sexual Assault, Battery with Intent to Commit a Sexual
27

28 ¹ The Investigative Committee of the Nevada State Board of Medical Examiners, at the time this formal Complaint was authorized for filing, was composed of Board members Wayne Hardwick, Chariman, Theodore B. Berndt, M.D., and Mr. M. Neil Duxbury.

1 Assault, Kidnapping in the First Degree, all of which felony counts relate to Respondent's practice
2 of medicine. On June 26, 2019, the Supreme Court of Nevada issued an Order of Affirmance based
3 upon Respondent's appeal from a Judgment of Conviction, pursuant to the aforementioned jury
4 verdict.

5 **COUNT I**

6 **NRS 630.301(1)**

7 **(Conviction of a Felony Relating to the Practice of Medicine)**

8 2. All of the allegations contained in the above paragraphs are hereby incorporated by
9 reference as though fully set forth herein.

10 3. NRS 630.301(1) provides that the conviction of a felony relating to the practice of
11 medicine or the ability to practice medicine is grounds for initiating disciplinary action or denying
12 licensure.

13 4. Respondent was convicted of 11 felony counts which relate to his practice of
14 medicine.

15 5. By reason of the foregoing, Respondent is subject to discipline by the Nevada State
16 Board of Medical Examiners as provided in NRS 630.352.

17 **WHEREFORE**, the Investigative Committee prays:

18 1. That the Board give Respondent notice of the charges herein against him and give
19 him notice that he may file an answer to the Complaint herein as set forth in NRS 630.339(2)
20 within twenty (20) days of service of the Complaint;

21 2. That the Board set a time and place for a formal hearing after holding an Early
22 Case Conference pursuant to NRS 630.339(3);

23 3. That the Board determine what sanctions to impose if it determines there has been
24 a violation or violations of the Medical Practice Act committed by Respondent;

25 4. That the Board make, issue and serve on Respondent its findings of fact,
26 conclusions of law and order, in writing, that includes the sanctions imposed; and

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5. That the Board take such other and further action as may be just and proper in these premises.

DATED this 11 day of July, 2019.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 
Robert Kilroy, Esq., General Counsel
Attorney for the Investigative Committee

VERIFICATION


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STATE OF NEVADA)
) ss.
COUNTY OF WASHOE)

Wayne Hardwick, hereby deposes and states under penalty of perjury under the laws of the state of Nevada that he is the Chairman of the Investigative Committee of the Nevada State Board of Medical Examiners that authorized the foregoing First Amended Complaint against the Respondent herein; that he has read the foregoing First Amended Complaint; and based upon information discovered during the course of the investigation into a complaint against Respondent, he believes the allegations and charges in the foregoing First Amended Complaint against Respondent are true, accurate and correct.

Dated this 18th day of July, 2019.

INVESTIGATIVE COMMITTEE NEVADA STATE
BOARD OF MEDICAL EXAMINERS




Wayne Hardwick, M.D., Chairman,

CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on the 6th day of November, 2019, I served a filed copy of the FIRST AMENDED COMPLAINT, via USPS e-certified, return receipt mail to the following:

**Binh Minh Chung, #1181843
Lovelock Correction Center
1200 Prison Road
Lovelock, NV 89419**

Dated this 6th day of November, 2019.



Sheri L. Quigley, Legal Assistant

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**BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA**

In the Matter of Charges and)
Complaint Against)
BINH MINH CHUNG, M.D.,)
Respondent.)

CASE NO.: 15-20478-1
FORMAL HEARING:
APRIL 22, 2024

FILED
JUN 21 2024
NEVADA STATE BOARD OF
MEDICAL EXAMINERS
By: _____

SUMMARY OF EVIDENCE AND RECOMMENDATION TO THE BOARD

This matter came on for formal hearing after due notice was provided to Respondent Dr. Chung and after a number of pre-hearing conferences. Dr. Chung was convicted by a jury in a criminal case which has significant application to this case. Dr. Chung's treatment of one of the victims in the criminal case is the principal subject of the Complaint and Amended Complaint on file with the State Board of Medical Examiners in this case.

The record in this case includes a history of postponing the formal hearing at Dr. Chung's repeated requests so that his habeas corpus petition in the criminal court system could run its course. After a number of significant delays, this hearing officer determined that it was appropriate to move forward with hearing of the Amended Complaint. That hearing occurred on April 22, 2024 at the conference room in the office of the Board of Medical Examiners of the State of Nevada ("Board"). At the outset of the hearing, Dr. Chung, appearing via telephone from prison, and declined to participate in the hearing on advice of his criminal counsel. Dr. Chung was advised that the hearing would occur in his absence, he acknowledged that he understood, and terminated the call.

Inasmuch as there was no opposition to the Board's case, Don White, Esq., counsel for the Board, presented the case in summary fashion. Six (6) exhibits were admitted, including: the criminal indictment which charged Respondent with multiple felony counts; a partial transcript of the jury trial including testimony of the victim identified in the Board's Amended Complaint; the verdict form whereby the jury convicted Dr. Chung of eleven (11) of fourteen

1 (14) charged felonies; court minutes from the sentencing hearing in the criminal case; the
2 formal judgment of criminal conviction, and; the Nevada Supreme Court Order affirming the
3 appealed conviction. (It is noted that Dr. Chung's ongoing habeas corpus petition is a separate
4 proceeding from the direct appeal which the Supreme Court denied.)

5 The convictions which apply directly to the instant case before the Board include
6 sexual assault, battery with intent to commit sexual assault, attempted sexual assault, and
7 kidnapping in the first degree. Dr. Chung was convicted of these charges based on facts that
8 he committed these criminal acts after he administered anesthesia to a patient while ostensibly
9 treating her for acne, and while the patient was unconscious or semi-conscious. He attempted
10 to hide his actions by claiming that the victim had an adverse reaction to the
11 medication/anesthetic. The jury which convicted Dr. Chung of these charges was required to
12 find him guilty beyond any and all reasonable doubt. That burden is the highest burden of
13 proof in American jurisprudence, and is certainly higher than the burden the Board bears in
14 proving the allegations in its Amended Complaint. Accordingly, this hearing officer finds that
15 those facts found by the jury which coincide with the facts alleged by the Board in this case,
16 which factual findings of the jury were upheld on direct appeal, are thus conclusively
17 established and adjudicated, and there is no need to re-prove them here. Obviously there was
18 no attempt to refute them by Dr. Chung.

19 In its Amended Complaint, the Board charged Dr. Chung with a single count of
20 violating NRS 630.301(1), Conviction of a Felony Relating to the Practice of Medicine. As
21 stated above, from such conclusively established facts which withstood appeal to the Nevada
22 Supreme Court, the Board' allegations and charges in its Amended Complaint are established.

23 There were no witnesses necessary in this case. Accordingly, there is no findings as to
24 credibility. This case is established pursuant to the criminal convictions of Dr. Chung. This
25 case is tragic. The breach of trust and the resulting stain on the medical profession is difficult
26 to articulate. The fallout to the victims is unquantifiable. Dr. Chung, should he ever be
27 released from custody, should not be allowed to practice medicine.

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1 Wherefore, it is hereby recommended to the Board that Dr. Chung's summarily
2 suspended license be permanently revoked. A copy of the exhibits relied upon by this hearing
3 officer is attached hereto, and incorporated herein.

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DATED this 21st day of June, 2024.



CHARLES B. WOODMAN, Hearing Officer

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CERTIFICATE OF SERVICE

I certify that on this day, I personally delivered or mailed, postage pre-paid, at Reno, Nevada, a true file-stamped copy of the foregoing ORDER AFTER PRE-HEARING CONFERENCE addressed as follows:

DONALD K. WHITE, J.D.
Deputy General Counsel and Attorney for the Investigative Committee of the Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, Nevada 89521

BINH MINH CHUNG, M.D., c/o Nevada Dept. Of Prisons

DATED this 21st day of June, 2024. 9171 9690 0935 0252 5689 73



Legal Assistant
Nevada State Board of Medical Examiners

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BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA

FILED

APR 23 2024

**NEVADA STATE BOARD OF
MEDICAL EXAMINERS**

By: 

In the Matter of the Case No. 15-20478-1
Charges and Complaint
Against:
BINH MINH CHUNG, M.D.,
Respondent.

_____ /

TRANSCRIPT OF HEARING PROCEEDINGS

Held at the Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, Nevada

Monday, April 22, 2024

Reported by: Brandi Ann Vianney Smith
Job Number: 6313236

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A P P E A R A N C E S:

THE HEARING OFFICER: CHARLES WOODMAN, ESQ.

FOR THE INVESTIGATIVE DON WHITE, ESQ.
COMMITTEE OF THE NEVADA Sr. Deputy General Counsel
STATE BOARD OF MEDICAL Nevada State Board of
EXAMINERS: Medical Examiners
9600 Gateway Drive
Reno, NV 89521

ALSO PRESENT:
Meg Byrd, Legal Assistant

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I N D E X

PAGE

OPENING STATEMENT

by Mr. White

19

CLOSING ARGUMENT

by Mr. White

36

E X H I B I T S (not attached)

ADMITTED

On behalf of the Investigative Committee:

Exhibit 1	Third Amended Indictment	18
Exhibit 2	Partial jury trial transcript	18
Exhibit 3	Verdict	18
Exhibit 4	Court minutes	18
Exhibit 5	Judgment of Conviction	18
Exhibit 6	Order of Affirmance	18

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1 RENO, NEVADA -- APRIL 22, 2024 -- 9:03 A.M.

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5 HEARING OFFICER WOODMAN: Go on the record
6 in the case of the Nevada Medical Board against Dr.
7 Binh Chung, and it's Nevada State Board of Medical
8 Examiners case number 15-20478-1. Present here in
9 the State Board office is Mr. White, counsel for the
10 Board, also present via telephone is Dr. Chung. I'm
11 Charles Woodman, I'm the hearing officer in this
12 case.

13 And as I always do when we are on the
14 record, I want to make it perfectly clear that we're
15 going take good care of our reporter today. If we
16 don't cake care of her, then we're wasting our time
17 if we don't end up with a good record.

18 Dr. Chung, if at any time we interrupt
19 you -- you're coming in clear and fine right now,
20 but if we have any problems with your audio, we'll
21 interrupt you because, obviously, our reporter has
22 to be able to hear everything you're saying.

23 Sometimes, especially, doctors -- and I'm
24 not throwing any rocks at you because in the phone
25 conferences we've had in the past I haven't noticed

Page 4

1 it -- tend to speak fast and they tend to especially
2 use medical terminology fast, and I wanted to try
3 and let you know that if you start talking a little
4 bit fast, I may interrupt you and just ask you to
5 slow down. All right?

6 DR. CHUNG: Okay.

7 HEARING OFFICER WOODMAN: All right. With
8 that, Mr. White, on behalf of the Board, any
9 prehearing issues that you want to address before we
10 get to your opening statement?

11 MR. WHITE: Just that, it's been kind of
12 discussed, we did not receive a motion to dismiss as
13 was contemplated and discussed at the last phone
14 conference that we had. And at the conclusion of
15 that, there was an order that you did, Mr. Woodman,
16 it was mailed to Dr. Chung at the High Desert State
17 Prison, and so he was aware of it. We never
18 received anything before or even after the deadline
19 of April 17th, which was Wednesday.

20 Also, I would like to invoke to rule of
21 exclusion.

22 HEARING OFFICER WOODMAN: Very good. The
23 rule of exclusion is invoked. We've got two
24 gentlemen who are here. Mr. White, are any of these
25 gentleman here at your request?

1 MR. WHITE: No. They're not witnesses.

2 HEARING OFFICER WOODMAN: All right. Can
3 you identify who you are, please.

4 MR. HINMAN: Both of us work for the legal
5 division. We're both deputy general counsel. My
6 name's Alex Hinman.

7 MR. SHOGREN: My name's William Shogren.

8 HEARING OFFICER WOODMAN: Okay. So
9 neither one of you --

10 DR. CHUNG: I'm sorry. I can't hear. It
11 sounds like they're far away. I did not hear who
12 the other two gentlemen are. Can you please repeat
13 that?

14 MR. WHITE: Dr. Chung, they both work for
15 -- they're both attorneys for the Board. Just like
16 I am, they're deputy general counsel. One is named
17 William Shogren, and the other one is named Alex
18 Hinman. They're just kind of sitting and watching.

19 DR. CHUNG: Okay. Thank you.

20 HEARING OFFICER WOODMAN: All right. And
21 so neither of them will be witnesses, obviously.

22 MR. WHITE: Correct.

23 HEARING OFFICER WOODMAN: So no issues
24 there with the rule of exclusion.

25 Anything else, Mr. White?

1 MR. WHITE: I don't think so.

2 HEARING OFFICER WOODMAN: All right.

3 Dr. Chung, any on-the-record preliminary matters
4 before we get to the substance of the case?

5 DR. CHUNG: Well, I just want to make a
6 statement in terms of, you know, for the last five
7 years, I filed initially in '19 a motion for stay
8 and abeyance to the Medical Board. That was
9 granted. I'm still in that position in terms of I
10 cannot proceed and participate in this hearing for
11 this matter because I'm pursuing a state writ of
12 habeas corpus in the district court to exonerate my
13 position in terms of my actual innocence.

14 I've been advised by my habeas counsel not
15 to make any remarks in terms of the hearing itself,
16 and to not sign any documents until I complete my
17 habeas in the district court. Again, we're
18 scheduled for October of this year to proceed with
19 the habeas hearing. And I am still holding my
20 position firmly in that I cannot participate in this
21 matter at this time.

22 Now, since the last time we've talked,
23 I've implored the Medical Board as of the hearing
24 officers to put this on an abeyance and continue,
25 and I don't see how any factors have changed since

1 the initial granting of the stay and abeyance.

2 HEARING OFFICER WOODMAN: Very good.

3 DR. CHUNG: As far as there's a
4 possibility outside of this hearing, administrative
5 hearing, I might potentially file a writ of mandamus
6 with the district court in Washoe County for an
7 injunction.

8 Again, I just feel that this is not the
9 appropriate place to address the counsel --
10 ineffective assistance of counsel, as well as Fourth
11 Amendment, Sixth Amendment, and Fourteenth Amendment
12 violation by -- and to proceed would be putting the
13 cart before the horse, if you will. We cannot and
14 we're not equipped to do this hearing because I plan
15 to call, as far as witnesses and, you know, I think
16 this Board is capable of doing it, is to call my
17 trial and appellate counsel as witnesses, as well as
18 the district court judge and the Nevada Supreme
19 Court judges, as well as the District Attorney's
20 Office down in Las Vegas, Nevada.

21 So at this point, to proceed any further
22 would be moot for me, and I'm still asking for a
23 stay and abeyance before we continue. But, of
24 course, we're at a pre-trial conference which means
25 that you're proceeding with the hearing.

1 I want to be able to make that formal
2 statement as I cannot participate at this time in
3 this hearing. I do apologize for any inconvenience,
4 but that's where I stand, Mr. Woodman.

5 HEARING OFFICER WOODMAN: Thank you,
6 Dr. Chung.

7 I know we've addressed this issue more
8 than once in the past, and from your perspective,
9 the way I would describe it is a legal conundrum.
10 You can't go forward because of your pending habeas
11 case, can't say anything, your attorney in your
12 habeas case is saying don't participate, don't
13 testify, don't call any witnesses, some of that
14 could possibly have a negative impact on your habeas
15 case.

16 And as we have discussed in the past --
17 and you'll recall, Dr. Chung, we did put this
18 hearing off as long -- and frankly in my opinion, we
19 put it off not only as long as reasonably possible,
20 I think we put it off beyond what was reasonable.
21 But as they often do, your habeas case kept getting
22 pushed back, and this is very, very common in the
23 criminal justice system.

24 And the State -- the Medical Board also
25 has an interest in the timely adjudication and

1 resolution of its cases. So as your habeas case
2 kept getting pushed back, we finally reached a point
3 where we said, okay, the State can move forward, get
4 its case resolved.

5 And as I've stated in our telephonic
6 hearings that were not on the record, not with a
7 reporter, if your habeas case proved meritorious and
8 if your conviction is set aside, the simple, legal
9 reality is this: If adjudicated facts that have led
10 to this case become undone by a court order, that is
11 going to leave the door wide open for you to come
12 back to the Medical Board and ask that this hearing
13 and the results of this hearing, if they are
14 negative as far as you're concerned, to those be
15 undone as well.

16 And I don't know exactly to the extent
17 that Mr. White in his case is going to rely on what
18 happened in your criminal case, but, again, to the
19 extent that any of this case relies on that and the
20 criminal conviction is unwound, then again the
21 door's going to be open for you here.

22 In any event, I understand and I
23 appreciate from a legal perspective why you're
24 criminal attorney is telling you not to participate.
25 We're going to go ahead and have the hearing in any

1 event.

2 My question to you is do you want stay on
3 the line and listen in, or are you instructed and is
4 it your intention just to terminate the call and let
5 the hearing happen in your absence?

6 DR. CHUNG: I think that's a good
7 question. Again, I just want to make the statement
8 that this is an unconstitutional dilemma. Like you
9 said, it's a conundrum, but I call it an
10 unconstitutional dilemma in terms of not being able
11 to afford me the Fourteen Amendment due process to
12 the licensing.

13 I've been advised not to participate in
14 the hearing itself, so I'm going to have to excuse
15 myself from this hearing. But I do want to make a
16 statement that I am confident that I will get my
17 conviction overturned, and once that is at that
18 stage, then I will turn around and if you proceed,
19 then I have no choice but to file a legal lawsuit
20 against the Board for violating my due process.

21 I thank you for the opportunity to speak
22 and make a formal statement. At this time, I'd like
23 to go ahead and conclude my participation in this
24 meeting.

25 Mr. White, with all due respect.

1 MR. WHITE: Yes, Dr. Chung. One moment,
2 though. There is one thing I want to put on the
3 record before my opening statement that you may want
4 to just hear. It's just kind of a -- it's sort of a
5 procedural matter in this case. I want to give you
6 the opportunity to argue it before you leave the
7 call.

8 I am actually going to ask Hearing Officer
9 Woodman to take judicial notice of all six of our
10 exhibits, so possibly making this a little faster
11 and not having to bring in our investigator, Ernesto
12 Diaz, to lay a foundation for all these.
13 Everything, except for one exhibit, is file-stamped,
14 and I'll make the argument in just a moment, but
15 everything is file-stamped from -- well, Exhibit 1
16 is file-stamped by the district court clerk, Clark
17 County. It is the Third Amended Indictment, it's
18 the one that was used for the trial.

19 DR. CHUNG: Mr. White, I don't mean to
20 interject, but -- I appreciate your advice, but I
21 think, again, I'm going to excuse myself from the
22 meeting. Will you please send the conclusion of
23 this hearing to me via the mail, and I'll take a
24 look at it when it comes here.

25 HEARING OFFICER WOODMAN: You will

1 definitely, obviously, continue to get copies of any
2 formal documents that are filed in with the Board.
3 You may also get other documents as you have in the
4 past in terms of discovery, et cetera, that
5 Mr. White would send you on behalf of the Board.

6 And I understand your position, Dr. Chung,
7 so we will go ahead and let you terminate the call.
8 Nothing I can really do to stop that, but I'm just
9 letting you know that, pretty sure based on all our
10 past discussions, Mr. White very much understands
11 your legal situation. He's got criminal experience
12 from his prior years of practice. I understand your
13 situation. I also was a prosecutor way back when,
14 so I understand the criminal realm.

15 We'll let you go, we'll proceed, and,
16 again, any formal documents, anything filed with the
17 Board as well as any other documents that Mr. White
18 feels ought to come your way, they will all be sent
19 out. And I'll just end this, your participation in
20 this hearing today by wishing you the best in your
21 habeas proceeding and in everything else going on in
22 your world.

23 If we don't talk again, I wish you the
24 best. If we do, if there's more for us to handle on
25 the record going forward from this point, I'll look

1 forward to communicating with you again. Wish you
2 the best, sir.

3 DR. CHUNG: Thank you, Mr. Woodman. Thank
4 you, Mr. White. Gentlemen, have a great day.

5 (Dr. Chung left the hearing.)

6 HEARING OFFICER WOODMAN: All right. For
7 the record, Dr. Chung has left the phone conference
8 so the balance of this hearing today, and tomorrow
9 if necessary, will be had in his absence.

10 Getting back to your request that I take
11 judicial notice, here's what I want to do just
12 quickly on the record. Your Exhibit 1, Mr. White,
13 is the Third Amended Indictment in the Clark County
14 District Court case, State of Nevada vs. Binh Minh
15 Chung, and that was filed in with the clerk of the
16 court in Clark County.

17 And, Mr. White, you can represent to me
18 that there was nothing that ever struck that
19 indictment, that Third Amendment Indictment?

20 MR. WHITE: That's correct. From what I
21 can see from what we have in our file, this was the
22 one -- this was the indictment, the Third Amended
23 Indictment that was used in trial.

24 HEARING OFFICER WOODMAN: Okay. And so
25 take notice of that. Your Exhibit 2 is the

1 reporter's transcript of a jury trial?

2 MR. WHITE: Yeah, partial transcript of one
3 of the patients, A.K., who I think was the minor.

4 HEARING OFFICER WOODMAN: All right.

5 MR. WHITE: I don't think, I know she was a
6 minor at the time.

7 HEARING OFFICER WOODMAN: That's also
8 filed by the clerk, so we'll take notice of that.

9 Exhibit 3 is a jury verdict form, and
10 filed in -- that one actually shows a different file
11 stamp because it was filed in open court by the
12 clerk who was actually clerking the trial, so we'll
13 take notice of that.

14 Exhibit 4.

15 MR. WHITE: Four is the only one that's not
16 file-stamped. It's minutes from his sentencing.

17 HEARING OFFICER WOODMAN: Okay.

18 MR. WHITE: It's really just to -- it's not
19 really for -- not to prove what he was sentenced to
20 because we have a Judgment of Conviction for that
21 coming up in the later exhibits, but it's really
22 just to show what day he was sentenced and that the
23 Judgment of Conviction was timely filed, I think,
24 within the ten days after he was sentenced.

25 HEARING OFFICER WOODMAN: And you'll

1 represent to me --

2 MR. WHITE: Well, 30 days. They have 30
3 days, I think, something like that.

4 HEARING OFFICER WOODMAN: Typically.

5 MR. WHITE: Yeah.

6 HEARING OFFICER WOODMAN: And you'll
7 represent to me that this is an accurate record of
8 the minutes and these minutes were never stricken,
9 rewritten, or superceded in any way?

10 MR. WHITE: Not that I'm aware of. This is
11 in our file also. When I took over this case for
12 another attorney that used to work here that
13 originally had this matter, from what I can see,
14 this is -- these are the minutes, and is -- I don't
15 think there's any amended minutes or anything.

16 HEARING OFFICER WOODMAN: Very good. I'll
17 take that representation and take notice of those
18 minutes, that's Exhibit 4.

19 Exhibit 5 is the formal Judgment of
20 Conviction following the jury trial, also filed in
21 by the clerk, and there's nothing to your knowledge
22 that ever set this judgment aside?

23 MR. WHITE: Not that I'm aware of, no.

24 HEARING OFFICER WOODMAN: All right.
25 We'll take notice of that.

1 And Exhibit 6 is the Order of Affirmance
2 from the Nevada Supreme Court. I haven't read this,
3 obviously, it's just coming to me now for the
4 hearing, so just making assumptions, this looks like
5 where the Nevada Supreme Court affirmed the
6 conviction in the district court. This was filed in
7 on June 26th, 2019, and, again, happy to take notice
8 of that with the supreme court's stamp on it.

9 But no further proceedings have done
10 anything to alter that Order of Affirmance as far as
11 you're aware of?

12 MR. WHITE: Again, not that I'm aware of,
13 no.

14 HEARING OFFICER WOODMAN: We know that
15 he's still in prison, so that would be consistent.

16 I'm happy to take notice of all of those
17 formally filed documents.

18 MR. WHITE: Thank you. That would be
19 under, obviously, NRS 47, I'd say.

20 HEARING OFFICER WOODMAN: Right.

21 No issues there, but as you were chatting,
22 I'll just give you a reminder, we gotta take of our
23 reporter, and of all the people who I work with, you
24 are one of the fastest talkers. You're not as bad
25 as Mr. Cumings, who can really get on a roll. But

1 just remember we gotta take care of her.

2 And, Ms. Reporter, I'll say it on the
3 record because sometimes, especially Mr. White, who
4 is a very cohesive presenter of evidence, I can get
5 into the flow and, unfortunately, I can sometimes
6 forget about you, and I apologize in advance. Will
7 you please just let me know when you're ready for a
8 break, if I don't otherwise stop this in time?

9 THE REPORTER: Yes.

10 HEARING OFFICER WOODMAN: Very good. All
11 right.

12 Mr. White, do you want to make an opening
13 statement?

14 MR. WHITE: I do. So, everything is
15 admitted now under judicial notice?

16 HEARING OFFICER WOODMAN: Yes. So the
17 Board's or the IC's, the Investigative Committee, I
18 very frequently abbreviate that, as Mr. White will
19 oftentimes do as well as just the IC.

20 IC's Exhibits 1 through 6 are admitted.

21 (IC's Exhibit 1 through 6 were
22 admitted.)

23 MR. WHITE: And also I should probably make
24 a record of this. We did not receive any exhibits
25 from Dr. Chung leading up to this.

1 HEARING OFFICER WOODMAN: Correct.

2 MR. WHITE: Or before or during our
3 prehearing conference.

4 HEARING OFFICER WOODMAN: Right. And just
5 one final clarification is we have an order that I
6 wrote, it was filed in with the Board, that gave him
7 until last Wednesday to file in any motion to
8 dismiss that we had talked to about in multiple
9 telephonic hearings with him leading up to today's
10 hearing.

11 And, obviously, well, it appears that he
12 was counseled by his criminal lawyer not to file
13 anything, and so he waived that right. Subject to
14 whatever may happen in the future, here we are,
15 ready to proceed with the hearing.

16 I'll turn it over to you so you can make
17 your opening statement.

18 MR. WHITE: Thank you.

19 OPENING STATEMENT

20 MR. WHITE: My name is Don White, Senior
21 Deputy General Counsel on behalf of the
22 Investigative Committee. I'd like to thank you,
23 Hearing Officer Woodman, Madam Court Reporter, Dr.
24 Chung for his short appearance this morning to
25 participate in this important proceeding.

Page 19

1 This hearing is to present evidence to
2 determine if Dr. Chung violated the sole count in
3 the First Amended Complaint that the Investigative
4 Committee filed on July 18th, 2019.

5 Dr. Chung has been licensed to practice
6 medicine in the State of Nevada since January 3rd,
7 2005, and his license to practice in Nevada has been
8 indefinitely suspended since July 20th, 2015.
9 Moreover, his license to practice medicine has been
10 expired since June 30th, 2015.

11 The complaint contains Count I, just one
12 count, conviction of a felony relating to the
13 practice of medicine or his ability to practice
14 medicine.

15 He actually went to trial on this case, on
16 his criminal matter. He was indicted with a Third
17 Amended Indictment, which we have as one of our
18 exhibits, Exhibit 1, and the State of Nevada charged
19 him with the following charges in Clark County:
20 Count 1 was use of minor in producing pornography.
21 Count 2 was sexual assault. Count 3 and Count 4
22 were also sexual assault. Count 5 was the
23 administration of a drug to aid commission of a
24 felony. Count 6, sexual assault. Count 7, battery
25 with intent to commit a sexual assault. Count 8,

1 attempted sexual assault. Count 9, open or gross
2 lewdness. Count 10 is also open or gross lewdness.
3 Count 11, administration of a drug to the aid the
4 commission of a felony. Count 12, kidnapping in the
5 first degree. Count 13, administration of -- Count
6 13 and Count 14 are administration of a drug to aid
7 commission of a felony.

8 That was a total of 14 counts. He went to
9 trial in this matter on May 8th, 2017. On May 22nd,
10 the jury found him guilty of 11 of the 14 counts,
11 and not guilty of three counts. And those are in
12 Exhibit 3 for later reference, which is the verdict
13 form.

14 They did find him guilty of Count 1, use
15 of a minor in producing pornography, that's related
16 to the patient A.K., which centers around a lot of
17 this compliant by the Board. Sexual assault of
18 H.K., sexual assault of H.K. was also Count 3.
19 Count 4, sexual assault of H.K. and/or A.K. Count
20 5, administration of a drug to aid commission of a
21 felony, that was H.K. Count 6, sexual assault, that
22 was related to somebody, Jane Doe. Count 7, battery
23 with intent to commit a sexual assault, A.K. Count
24 8, attempted sexual assault, A.K. Count 11,
25 administration of a drug to aid commission of a

1 felony, again A.K., and who was mostly related to
2 our complaint from the Board. Count 12, kidnapping
3 in the first degree, also related to A.K. Count 13,
4 administration of a drug to aid commission of a
5 felony, that's H.C.

6 And then there were, like I said before,
7 three not guilty charges, Count 9, open or gross
8 lewdness, A.K. Count 10 was also open or gross
9 lewdness with A.K., also not guilty. And then
10 administration of a drug, which was Count 14,
11 administration of a drug to aid commission of a
12 felony, and that was with a person named L.T.

13 Dr. Chung was sentenced on July 10th,
14 2017. I would refer to Exhibit 4 for that, and
15 those are the minutes.

16 And then his Judgment of Conviction was
17 file-stamped on July 24th, 2017, in which the judge
18 sentenced him to an aggregate sentence of 50 years
19 to life, and that is Exhibit 5.

20 Dr. Chung has appealed his conviction.
21 The Nevada Supreme Court affirmed his conviction,
22 that was file-stamped June 26th, 2019, and that is
23 Exhibit 6.

24 He's also -- as he stated on the record,
25 he has done a writ of habeas corpus post conviction

1 to have a court determine that his trial attorney
2 provided ineffective assistance of counsel. I think
3 that's still pending, as he said. We continually
4 get new dates from Dr. Chung on that.

5 I would submit that one cannot appeal a
6 criminal conviction or attempt to find their
7 attorney ineffective without the requisite felony
8 conviction, and he has 11 of them.

9 Relating to the practice of medicine,
10 yeah, well, the evidence will show, particularly in
11 the trial transcript, the partial trial transcript,
12 that A.K. was a patient of Dr. Chung. I would refer
13 to NSBME page 12, starting at line 3, where they
14 identify him in court. They identified the
15 defendant, and it goes on until about next page,
16 page 13, line 3, and it talks -- there's a little
17 bit of discussion that she was his patient.

18 We also submit that this statute is based
19 on his ability to practice medicine. Obviously he
20 has no ability to practice medicine right now. He
21 doesn't have a license, it's been suspended since
22 2015, which he agreed to, and he's obviously sitting
23 in prison and possibly for the next four decades
24 will be in prison, depending on what happens with
25 his habeas corpus and any other appeals he might

1 have.

2 He was convicted of -- part of the
3 kidnapping, that count, kidnapping of A.K., he
4 picked her up at her house at 10:00 p.m., drove her
5 to his office, and then didn't bring her back -- and
6 she wasn't even able to walk, he put her back in his
7 car and brought her back to her house at 3:00 a.m.
8 after drugging her with ketamine when she went in
9 actually for -- she was supposed to be going to get
10 injections in her face for acne. And then he ended
11 up injecting her with ketamine and knocking her out,
12 and then -- without getting into the sordid
13 details -- attempted sexual assault, filmed it,
14 videoed it, all sorts of things like that.

15 HEARING OFFICER WOODMAN: I'm going to
16 interrupt you just for a quick second because as
17 you're leading me through, I'm looking at the
18 transcript. She referred to him -- it says that she
19 knew him all of her life and referred to him as
20 "Uncle Ben." Was there an actual familial
21 relationship or was that just a term she gave him
22 because she had known him her whole life?

23 MR. WHITE: I'm not positive about that. I
24 think it might -- I would lean toward maybe just a
25 sort of such a good friend, that culturally, maybe,

1 they were all together. There was -- I think his
2 brother -- I'm trying to remember, but I think his
3 brother, she might have been living with his brother
4 or a cousin at the time. At the time this happened,
5 her mom had moved to New York, and she stayed back,
6 A.K. did, to finish high school in Las Vegas, and so
7 she was living with other family, uncle -- I think
8 an uncle and an aunt.

9 HEARING OFFICER WOODMAN: The reason I'm
10 curious there is because, from the record, looking
11 at pages 11, 12, 13 of the transcript, that is
12 Exhibit 2, she says she's known him her whole life.
13 She refers to him as "Uncle Ben," and if she's one
14 his victims for which he was convicted, then we're
15 talking about obviously a tremendous breach of
16 trust.

17 Go ahead.

18 MR. WHITE: Yeah. And as I reflect more on
19 what you just asked me, I think they were just
20 really close friends. I think that -- I don't think
21 that her uncle that she was living with and
22 Dr. Chung are brothers, but I'm not completely sure
23 about that, but I don't think they are. Just very,
24 very close friends, almost become family that way.

25 HEARING OFFICER WOODMAN: Right.

1 MR. WHITE: So, we won't be presenting any
2 evidence today, obviously, except for what's already
3 been admitted under judicial notice. But it would
4 establish by a preponderance of the evidence that
5 Dr. Chung was convicted of a felony relating to the
6 practice of medicine or his ability to practice
7 medicine. If this count is established, which I
8 believe it is with the six exhibits we have, that
9 it's a violation of the Medical Practice Act. And
10 on behalf of Investigative Committee, we would ask
11 the Board to consider the record that will be
12 presented to them at some point and render the
13 appropriate findings and discipline.

14 That's all I have. Thank you.

15 HEARING OFFICER WOODMAN: Very good.
16 Thank you for that. Are you ready to call your
17 witness?

18 MR. WHITE: We actually don't need to,
19 really.

20 HEARING OFFICER WOODMAN: Are you going to
21 walk me through the exhibits, or you want to leave
22 that up to the --

23 MR. WHITE: I can do that. I can certainly
24 do that.

25 HEARING OFFICER WOODMAN: Why don't you

1 give me the highlights.

2 MR. WHITE: Or I can call Mr. Diaz also.

3 HEARING OFFICER WOODMAN: Well, everything
4 is in evidence. What's your preference on how we
5 take this from here? There's a couple of different
6 ways we can go.

7 MR. WHITE: I can just proffer and
8 highlight what we have here. And we'll do that, and
9 then I represent that I know what these are, they've
10 already been admitted under judicial notice, and
11 I'll just highlight them.

12 HEARING OFFICER WOODMAN: I want to say
13 one thing, just to make the record clear. In the
14 criminal case, the State had to make its case by
15 proof beyond a reasonable doubt, the highest legal
16 standard we've got. That is not the burden of proof
17 in this case. Our burden is lower.

18 Anything adjudicated in a court of law
19 beyond a reasonable doubt that applies directly to
20 facts of this case are proven, they don't have to be
21 re-litigated. So, anything in your exhibits that
22 has direct application to the Board's governance of
23 Dr. Chung's medical license is established.

24 Go ahead.

25 MR. WHITE: Thank you.

1 Yeah, as you took judicial notice,
2 Mr. Woodman, NRS 47.130 deals with matters of fact,
3 particularly 2(b) talks about how it's capable --
4 and I think our evidence falls under this -- of
5 accurate and ready determination by resort to
6 sources whose accuracy cannot be reasonably
7 questioned. So the fact is not subject to
8 reasonable dispute, and I think we have that with
9 everything here. If anything needs to be looked up,
10 we can always go to the court, either the Nevada
11 Supreme Court or the Clark County District Court and
12 find out exactly if these are still -- these are
13 what they say they are, what they're purported to
14 be.

15 And that has to do also with NRS 47.240,
16 which has to do with conclusive presumptions,
17 subsection 5, the judgment or order of a court when
18 declared by Titles 2, 3, and 6 of NRS -- and I
19 apologize, I don't remember which one's which, but
20 one has to do with the district court, one has to do
21 with the Nevada Supreme Court and so on -- but such
22 judgment or order must be alleged in the pleadings
23 if there's an opportunity to do so, we did that. If
24 there is no such opportunity, the judgment or order
25 may be used as evidence.

1 Anyway, we're just using orders of the
2 court as evidence. I think we fit both of these
3 parts, and as you stated. I just kind of wanted to
4 go through that because you kind of asked a question
5 about how do I want to do this and highlight, and so
6 I'll let you know what I was thinking as I went
7 through this and as far as asking for judicial
8 notice be taken, I think all these fall under that,
9 and so I'll just go ahead and highlight.

10 HEARING OFFICER WOODMAN: Feel free.

11 MR. WHITE: Okay. So Exhibit 1, as stated,
12 is the Third Amended Indictment. This is what was
13 used at his trial, that I talked about in my opening
14 statement, that he went through back in 2017. It
15 has all 14 charges. I won't go through them again,
16 just did that in my opening statement, but it has
17 all 14 charges.

18 I would highlight, though, that the ones
19 related to A.K. -- and this is all, by the way, in
20 the Judgment of Conviction too, I believe. Yeah.
21 It tells you who they're related to. The ones that
22 are related to A.K. are 1, 4, 7, 8, 11, and 12.

23 Now, as I stated, some of -- a couple of
24 those -- or I think one of them was --

25 HEARING OFFICER WOODMAN: Count 11 --

1 MR. WHITE: -- was dismissed or found not
2 guilty, found not guilty on 11. Otherwise, she had
3 five of them, so 1, 4, 7, 8, and 12, he was found
4 guilty of those.

5 HEARING OFFICER WOODMAN: Thank you.

6 MR. WHITE: Turning to Exhibit 2, is the
7 partial transcript, and this is A.K.'s testimony.
8 As we talked about a moment ago, page 12, line 3,
9 into page 13, line 3, identifies the defendant as
10 Dr. Chung when he was at his trial, and also
11 identifies that -- and there was no objection,
12 obviously, to -- as you can see in here, that he was
13 her doctor.

14 HEARING OFFICER WOODMAN: Got it.

15 MR. WHITE: Her doctor, A.K.'s doctor.

16 HEARING OFFICER WOODMAN: Correct.

17 MR. WHITE: And then if you turn to page
18 NSBME 29, that's in Exhibit 2 -- actually, I'm sure
19 at some point, Mr. Woodman, you might take a look at
20 all of this, but I will tell you that this section
21 here and maybe even a few pages before that actually
22 talks about what she can remember from waking up on
23 the table, the examination table, the difference in
24 the lighting, she remembered that it was bright and
25 then it was dim, she didn't have clothes on, and

1 also that she couldn't walk. For instance, line 20
2 on page 29, "He helped me get back in his car and
3 took me home." And says -- and this is a question,
4 I guess, from the DA, "When you say he helped you
5 get back into his car, were you able to walk?" And
6 her answer is "No."

7 "Did he say anything to you on the way
8 home?" And then on page 30, "He told me not tell
9 anyone."

10 And he said, "Did he say why you shouldn't
11 tell anyone?"

12 "He said your Uncle Vinney would kill me."
13 They spelled it in here V-I-N-N-E-Y.

14 "QUESTION: Did he take you home?

15 "Yes.

16 "Were you able to walk into the house?

17 "No.

18 "How did you get in?

19 "He helped me."

20 And then down on line 14, "It was three
21 o'clock in the morning, and nobody else was awake."

22 I would highlight those areas. It shows
23 that she's his patient and also that he got her into
24 a state where she couldn't even walk.

25 Exhibit 3 is really self-explanatory. It

1 was filed in open court, as you stated, Mr. Woodman,
2 earlier, at 2:36 p.m. on May 2nd, 2017, and it is
3 the verdict form, and shows -- there's checkmarks,
4 signed by the foreperson on May 22nd.

5 I did look that up for clarification. It
6 looks like May 22nd, 2017, was a Monday, so it looks
7 like they started this trial two previous Mondays,
8 it went about two weeks. I would imagine they may
9 have sent the jury home at some point on Friday, and
10 then they came back on Monday and delivered their
11 verdict in the afternoon.

12 HEARING OFFICER WOODMAN: Thank you for
13 that.

14 MR. WHITE: I think closing arguments were
15 on that Friday, May 19th. They came back after the
16 weekend.

17 Exhibit 4 is the court minutes from his
18 sentencing. Legally, this isn't a binding document
19 as compared to the Judgment of Conviction, that's
20 Exhibit 5, but I just wanted to put it in there just
21 to show that he was sentenced on a certain date,
22 July 10th.

23 HEARING OFFICER WOODMAN: Is the Judgment
24 of Conviction for a later date than that?

25 MR. WHITE: It is. It's July 24th, it was

1 filed, so 14 days later.

2 And, really, you kind of have to put the
3 third indictment, the Third Amended Indictment
4 together with the Judgment of Conviction to
5 determine -- because the Third Amended Indictment is
6 what actually points out the different patients,
7 A.K., H.K., so you kind of have to put those
8 together, and then it's revealed which ones he was
9 found guilty and which ones he wasn't.

10 HEARING OFFICER WOODMAN: And you've
11 already done the homework on that.

12 MR. WHITE: Yes.

13 HEARING OFFICER WOODMAN: So that's easy,
14 as it reduces all those many indictments down to
15 just a few. And again on Count 11, there was a not
16 guilty, so there's just three others that involved
17 A.K.?

18 MR. WHITE: I think five still. Let's see,
19 Count 1, Count 4, Count 7, Count 8, Count 11.

20 HEARING OFFICER WOODMAN: Which was the
21 not guilty.

22 MR. WHITE: I was mistaken. He was found
23 guilty on Count 11. He was found not guilty --
24 that's my fault. He was found not guilty on Count
25 9, Count 10, and Count 14.

1 The two open and gross lewdness are 9 and
2 10, and those both involved A.K., and then Count 14
3 is administration of a drug to aid commission of a
4 felony, and that was somebody with the initials L.T.

5 HEARING OFFICER WOODMAN: Okay.

6 MR. WHITE: So, yes, he was still found
7 guilty of five counts involving A.K.

8 HEARING OFFICER WOODMAN: Okay.

9 MR. WHITE: Actually -- yeah -- no. Six
10 counts. I'll go through them one more time.

11 Count 1, Count 4. Count 1 is use of minor
12 in producing pornography. Count 4 is sexual
13 assault. Count 7 is battery with intent to commit a
14 sexual assault. Count 8, attempted sexual assault.
15 Count 11, administration of a drug to aid commission
16 of a felony. Count 12, kidnapping in the first
17 degree.

18 HEARING OFFICER WOODMAN: Got it.

19 MR. WHITE: Obviously, those are all
20 spelled out, including his aggregate sentence in the
21 Judgment of Conviction, which is Exhibit 5.

22 And then Exhibit 6, turning to that, our
23 final exhibit, as kind of stated before, it is an
24 Order of Affirmance from the Nevada Supreme Court.
25 He obviously appealed this at one point. And this

1 was returned file-stamped June 26th, 2019. As far
2 as I'm aware, I don't see anything else behind it.
3 This was affirmed, and I know he's going through --
4 which we don't have any -- we didn't put in here,
5 he's going through post conviction on his attorney.

6 HEARING OFFICER WOODMAN: Right. Very
7 good.

8 MR. WHITE: Do you have any questions,
9 Mr. Woodman, based on that?

10 HEARING OFFICER WOODMAN: I don't.

11 The convictions are obviously for
12 egregious crimes. And again, for me, the nature of
13 the crimes is horrific, but the fact that at least
14 one of the victims was somebody who had known him
15 her whole life, refers to him as "Uncle Ben," so
16 there's this close connection, you add to the
17 egregiousness of the crimes just this horrific
18 breach of trust. It's one thing to do that to
19 somebody you don't have a connection to, it's
20 something else to do it to somebody who trusts you
21 as her friend, her doctor, somebody she calls "Uncle
22 Ben."

23 I'm going to read through all six exhibits
24 and write a decision, but, again, when you've got
25 allegations in the Board complaint that derive

1 directly from criminal convictions where you have a
2 higher standard of proof and you gotta convince 12
3 disinterested jurors, as you referred to the
4 statute, there's going to be a presumptive
5 conclusion.

6 As long as legally I find that the
7 allegations in the Board's complaint correlate
8 directly to the criminal convictions, then there's
9 no question of the outcome.

10 MR. WHITE: I have a very short closing
11 argument now because we've gone through everything.

12 HEARING OFFICER WOODMAN: For the record,
13 we'll close evidence, and, Mr. White, you can go
14 ahead and argue.

15 MR. WHITE: Thank you.

16 CLOSING ARGUMENT

17 MR. WHITE: At the beginning of this
18 hearing and during my opening statements I said that
19 the evidence would prove by a preponderance of the
20 evidence that Dr. Chung violated the Medical
21 Practice Act. I think you'll see as you go through
22 this -- and I did it in a brief manner this
23 morning -- everything here will go to show that
24 Dr. Chung violated the single count in the First
25 Amended Complaint, filed against him July 18th,

1 2019, for the sole count of conviction of a felony
2 relating to the practice of medicine. It involves
3 his ability to practice medicine, it's an "or," so
4 either one of those should be found in violation of
5 that if either one of those are met, and I believe
6 both of them met, as A.K. was his patient as shown
7 in her sworn testimony from the trial transcripts.
8 And also his ability to practice medicine is
9 non-existent right now. He's sitting in prison.

10 I believe the IC has met its burden by a
11 preponderance of the evidence, and I think,
12 Mr. Woodman, you will be able to come back with a
13 recommendation that he did violate the sole count.
14 And then we will go toward adjudication, should that
15 happen. Should you rule in the IC's favor, we'll go
16 toward adjudication of this matter in front of the
17 full Board and adjudicating members of the Board,
18 and so I thank both of you for being here.

19 That's all I have.

20 HEARING OFFICER WOODMAN: Thank you very
21 much, Mr. White.

22 I'll get to work on it. Like I say, for
23 me, I will read all six exhibits in their entirety.
24 Obviously the big one is the partial transcript.
25 Compare the Board's complaint with the convictions,

1 and assuming that there is a proper correlation
2 nexus between the complaint and the convictions,
3 then again, we've got conclusive presumptions, and
4 I'll write it up.

5 Thank you. We will go off the record.

6 (Hearing ended at 9:54 a.m.)

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25

1 STATE OF NEVADA)
) ss.
2 COUNTY OF WASHOE)
3

4 I, BRANDI ANN VIANNEY SMITH, do hereby
5 certify:

6 That I was present on April 22, 2024, for
7 the hearing at the Nevada State Board of Medical
8 Examiners, 9600 Gateway Drive, Reno, Nevada, and
9 took stenotype notes of the proceedings entitled
10 herein, and thereafter transcribed the same into
11 typewriting as herein appears.

12 That the foregoing transcript is a full,
13 true, and correct transcription of my stenotype
14 notes of said proceedings consisting of 39 pages,
15 inclusive.

16 DATED: At Reno, Nevada, this 23rd day of
17 April, 2024.

18
19 /s/ Brandi Ann Vianney Smith
20

21 _____
22 BRANDI ANN VIANNEY SMITH
23
24
25

[1 - able]

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[proven - send]

<p>proven 27:20 provided 23:2 purported 28:13 pursuing 7:11 pushed 9:22 10:2 put 7:24 9:17 9:19,20 12:2 24:6 32:20 33:2,7 35:4 putting 8:12</p>	<p>33:2 realm 13:14 reason 25:9 reasonable 9:20 27:15,19 28:8 reasonably 9:19 28:6 recall 9:17 receive 5:12 18:24 received 5:18 recommenda... 37:13 record 4:5,14 4:17 7:3 10:6 12:3 13:25 14:7,12 16:7 18:3,24 22:24 25:10 26:11 27:13 36:12 38:5 reduces 33:14 refer 22:14 23:12 reference 21:12 referred 24:18 24:19 36:3 refers 25:13 35:15 reflect 25:18 related 21:15 21:22 22:1,3 29:19,21,22</p>	<p>relating 20:12 23:9 26:5 37:2 relationship 24:21 relies 10:19 rely 10:17 remarks 7:15 remember 18:1 25:2 28:19 30:22 remembered 30:24 reminder 17:22 render 26:12 reno 1:19 2:6 4:1 39:8,16 repeat 6:12 reported 1:24 reporter 4:15 4:21 10:7 17:23 18:2,9 19:23 reporter's 15:1 represent 14:17 16:1,7 27:9 representation 16:17 request 5:25 14:10 requisite 23:7 resolution 10:1 resolved 10:4 resort 28:5</p>	<p>respect 11:25 respondent 1:12 results 10:13 returned 35:1 revealed 33:8 rewritten 16:9 right 4:19 5:5,7 6:2,20 7:2 14:6 15:4 16:24 17:20 18:11 19:4,13 23:20 25:25 35:6 37:9 rocks 4:24 roll 17:25 rule 5:20,23 6:24 37:15</p>
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[senior - telephone]

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[telephonic - verdict]

<p>telephonic 10:5 19:9 tell 30:20 31:8 31:11 telling 10:24 tells 29:21 ten 15:24 tend 5:1,1 term 24:21 terminate 11:4 13:7 terminology 5:2 terms 7:6,9,13 7:15 11:10 13:4 testify 9:13 testimony 30:7 37:7 thank 6:19 9:5 11:21 14:3,3 17:18 19:18,22 26:14,16 27:25 30:5 32:12 36:15 37:18,20 38:5 thing 12:2 27:13 35:18 things 24:14 think 7:1 8:15 9:20 11:6 12:21 15:3,5 15:23 16:3,15 23:2 24:24 25:1,2,7,19,20</p>	<p>25:20,23 28:4 28:8 29:2,8,24 32:14 33:18 36:21 37:11 thinking 29:6 third 3:12 12:17 14:13,19 14:22 20:16 29:12 33:3,3,5 three 21:11 22:7 31:20 33:16 throwing 4:24 time 4:16,18 7:21,22 9:2 11:22 15:6 18:8 25:4,4 34:10 timely 9:25 15:23 titles 28:18 today 4:15 13:20 14:8 26:2 today's 19:9 together 25:1 33:4,8 told 31:8 tomorrow 14:8 took 16:11 28:1 31:3 39:9 total 21:8 toward 24:24 37:14,16</p>	<p>transcribed 39:10 transcript 1:15 3:13 15:1,2 23:11,11 24:18 25:11 30:7 37:24 39:12 transcription 39:13 transcripts 37:7 tremendous 25:15 trial 3:13 8:17 8:24 12:18 14:23 15:1,12 16:20 20:15 21:9 23:1,11 23:11 29:13 30:10 32:7 37:7 true 39:13 trust 25:16 35:18 trusts 35:20 try 5:2 trying 25:2 turn 11:18 19:16 30:17 turning 30:6 34:22 two 5:23 6:12 32:7,8 34:1 typewriting 39:11</p>	<p>typically 16:4</p> <hr/> <p style="text-align: center;">u</p> <hr/> <p>uncle 24:20 25:7,8,13,21 31:12 35:15,21 unconstitutio... 11:8,10 under 17:19 18:15 26:3 27:10 28:4 29:8 understand 10:22 13:6,12 13:14 understands 13:10 undone 10:10 10:15 unfortunately 18:5 unwound 10:20 use 5:2 20:20 21:14 34:11 used 12:18 14:23 16:12 28:25 29:13 using 29:1</p> <hr/> <p style="text-align: center;">v</p> <hr/> <p>v 31:13 vegas 8:20 25:6 verdict 3:14 15:9 21:12 32:3,11</p>
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[vianney - york]

<p>vianney 1:24 39:4,19,21 victims 25:14 35:14 videoed 24:14 vinney 31:12 violate 37:13 violated 20:2 36:20,24 violating 11:20 violation 8:12 26:9 37:4 vs 14:14</p>	<p>ways 27:6 we've 4:25 5:23 7:22 9:7 27:16 36:11 38:3 wednesday 5:19 19:7 weekend 32:16 weeks 32:8 went 20:15 21:8 24:8 29:6 29:14 32:8 white 2:3 3:3,5 4:9 5:8,24 6:25 10:17 11:25 12:19 13:5,10 13:17 14:4,12 14:17 18:3,12 18:18 19:20 36:13 37:21 whte 5:11 6:1 6:14,22 7:1 12:1 14:20 15:2,5,15,18 16:2,5,10,23 17:12,18 18:14 18:23 19:2,18 19:20 24:23 25:18 26:1,18 26:23 27:2,7 27:25 29:11 30:1,6,15,17 32:14,25 33:12 33:18,22 34:6 34:9,19 35:8 36:10,15,17</p>	<p>wide 10:11 william 6:7,17 wish 13:23 14:1 wishing 13:20 witness 26:17 witnesses 6:1 6:21 8:15,17 9:13 woodman 2:2 4:5,11 5:7,15 5:22 6:2,8,20 6:23 7:2 8:2 9:4,5 12:9,25 14:3,6,24 15:4 15:7,17,25 16:4,6,16,24 17:14,20 18:10 18:16 19:1,4 19:23 24:15 25:9,25 26:15 26:20,25 27:3 27:12 28:2 29:10,25 30:5 30:14,16,19 32:1,12,23 33:10,13,20 34:5,8,18 35:6 35:9,10 36:12 37:12,20 work 6:4,14 16:12 17:23 37:22 world 13:22 writ 7:11 8:5 22:25</p>	<p>write 35:24 38:4 wrote 19:6</p> <p style="text-align: center;">x</p> <p>x 3:1,8</p> <p style="text-align: center;">y</p> <p>y 31:13 yeah 15:2 16:5 23:10 25:18 28:1 29:20 34:9 year 7:18 years 7:7 13:12 22:18 york 25:5</p>
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<p>waived 19:13 waking 30:22 walk 24:6 26:21 31:1,5 31:16,24 want 4:14 5:9 7:5 9:1 11:2,7 11:15 12:2,3,5 14:11 18:12 26:21 27:12 29:5 wanted 5:2 29:3 32:20 washoe 8:6 39:2 wasting 4:16 watching 6:18 way 9:9 13:13 13:18 16:9 25:24 29:19 31:7</p>			



April 26, 2024

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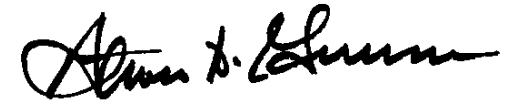
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4

EXHIBIT 1

EXHIBIT 1



CLERK OF THE COURT

1 **AIND**
2 STEVEN B. WOLFSON
3 Clark County District Attorney
4 Nevada Bar #001565
5 ALEXANDER CHEN
6 Chief Deputy District Attorney
7 Nevada Bar #010539
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

CASE NO: C-15-309717-1

11 -vs-

DEPT NO: XXV

12 BINH MINH CHUNG, aka,
13 Ben Minh Chung, #1136698

14 Defendant.

THIRD
AMENDED
INDICTMENT

15 STATE OF NEVADA)
16 COUNTY OF CLARK) ss.

17 The Defendant above named, BINH MINH CHUNG, aka, Ben Minh Chung, accused
18 by the Clark County Grand Jury of the crime(s) of **USE OF MINOR IN PRODUCING**
19 **PORNOGRAPHY (Category A Felony - NRS 200.700, 200.710.1, 200.750 - NOC 50367);**
20 **SEXUAL ASSAULT (Category A Felony - NRS 200.364, 200.366 - NOC 50095);**
21 **BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT (Category A Felony -**
22 **NRS 200.400.4 - NOC 50157); OPEN OR GROSS LEWDNESS (Gross Misdemeanor -**
23 **NRS 201.210 - NOC 50971); ATTEMPT SEXUAL ASSAULT (Category B Felony - NRS**
24 **200.364, 200.366, 193.330 - NOC 50119); FIRST DEGREE KIDNAPPING (Category A**
25 **Felony – NRS 200.310, 200.320 – NOC 50053); ADMINISTRATION OF DRUG TO AID**
26 **COMMISSION OF A FELONY (Category B Felony - NRS 200.405 - NOC 50170),**
27 committed at and within the County of Clark, State of Nevada, on or between January 1, 2013
28 and June 4, 2015 as follows:

1 COUNT 1 - USE OF MINOR IN PRODUCING PORNOGRAPHY

2 did on or between January 1, 2013 and September 30, 2014 wilfully, unlawfully,
3 feloniously, and knowingly, use, encourage, entice or permit A.K., a minor under the age of
4 18, to simulate or engage in, or assist others to simulate or engage in sexual conduct, to-wit:
5 exposing the said A.K.'s breasts and/or kissing or fondling the said A.K.'s breasts, thereafter
6 Defendant touching and/or rubbing and/or fondling the said A.K.'s genital area over her
7 clothes, for the purpose of producing a pornographic performance.

8 COUNT 2 – SEXUAL ASSAULT

9 did, between January 1, 2013 and June 4, 2015, then and there willfully, unlawfully,
10 and feloniously sexually assault and subject H.K., a female person, to sexual penetration, to-
11 wit: sexual intercourse: by placing his penis into the genital and/or anal opening of the said
12 H.K., against her will, or under conditions in which Defendant knew, or should have known,
13 that H.K. was mentally or physically incapable of resisting or understanding the nature of
14 Defendant's conduct.

15 COUNT 3 – SEXUAL ASSAULT

16 did, between January 1, 2013 and June 4, 2015, then and there willfully, unlawfully,
17 and feloniously sexually assault and subject H.K., a female person, to sexual penetration, to-
18 wit: sexual intercourse: by placing his penis into the genital and/or anal opening of the said
19 H.K., against her will, or under conditions in which Defendant knew, or should have known,
20 that H.K. was mentally or physically incapable of resisting or understanding the nature of
21 Defendant's conduct.

22 COUNT 4 – SEXUAL ASSAULT

23 did, between January 1, 2013 and June 4, 2015, then and there willfully, unlawfully,
24 and feloniously sexually assault and subject H.K. and/or A.K., a female person, to sexual
25 penetration, to-wit: sexual intercourse: by placing his penis into the genital and/or anal opening
26 of the said H.K. and/or A.K., against her will, or under conditions in which Defendant knew,
27 or should have known, that H.K. and/or A.K., was mentally or physically incapable of resisting
28 or understanding the nature of Defendant's conduct.

1 COUNT 5 – ADMINISTRATION OF DRUG TO AID COMMISSION OF FELONY

2 did, between January 1, 2013 and June 4, 2015, then and there willfully, unlawfully,
3 feloniously, and knowingly administer to H.K., a controlled substance, anesthetic, or
4 intoxicating agent, to-wit: Ketamine and/or Midazolam and/or an unknown substance, with
5 the intent thereby to enable or assist himself to commit a felony, to-wit: sexual assault and/or
6 kidnapping.

7 COUNT 6 – SEXUAL ASSAULT

8 did, between January 1, 2013 and June 4, 2015, then and there willfully, unlawfully,
9 and feloniously sexually assault and subject JANE DOE, an unidentified female person, to
10 sexual penetration, to-wit: sexual intercourse: by placing his penis into the genital and/or anal
11 opening of the said JANE DOE, against her will, or under conditions in which Defendant
12 knew, or should have known, that JANE DOE was mentally or physically incapable of
13 resisting or understanding the nature of Defendant's conduct.

14 COUNT 7 – BATTERY WITH INTENT TO COMMIT A SEXUAL ASSAULT

15 did, between January 1, 2013 and September 30, 2014, then and there willfully,
16 unlawfully, and feloniously use force or violence upon the person of another, to-wit: A.K.,
17 with intent to commit sexual assault by removing the pants and/or underwear of said A.K.

18 COUNT 8 – ATTEMPT SEXUAL ASSAULT

19 did, between January 1, 2013 and September 30, 2014, then and there willfully,
20 unlawfully, and feloniously attempt to sexually assault and subject A.K., a female, to sexual
21 penetration, to-wit: by attempting to place his penis into her vagina and/or anus, against her
22 will, or under conditions in which Defendant knew, or should have known, that A.K. was
23 mentally or physically incapable of resisting or understanding the nature of Defendant's
24 conduct.

25 COUNT 9 – OPEN OR GROSS LEWDNESS

26 did, between January 1, 2013 and September 30, 2014, then and there willfully and
27 unlawfully and feloniously commit an act of open or gross lewdness by grabbing and/or
28 groping the breasts of A.K.

1 COUNT 10 – OPEN OR GROSS LEWDNESS

2 did, between January 1, 2013 and September 30, 2014, then and there willfully and
3 unlawfully and feloniously commit an act of open or gross lewdness by kissing and/or licking
4 the breasts of A.K.

5 COUNT 11 – ADMINISTRATION OF DRUG TO AID COMMISSION OF FELONY

6 did, between January 1, 2013 and September 30, 2014, then and there willfully,
7 unlawfully, feloniously, and knowingly administer to A.K., a controlled substance, anesthetic,
8 or intoxicating agent, to-wit: Ketamine and/or Midazolam and/or an unknown substance, with
9 the intent thereby to enable or assist himself to commit a felony, to-wit: sexual assault and/or
10 kidnapping.

11 COUNT 12 – KIDNAPPING IN THE FIRST DEGREE

12 did, between January 1, 2013 and September 30, 2014, willfully, unlawfully, and
13 feloniously, lead, take, entice, carry away or kidnap A.K, a minor, with the intent to keep,
14 imprison, or confine said A.K., from her parents, guardians, or other person or persons having
15 lawful custody of A.K., or with the intent to hold A.K to perpetrate upon the person of A.K.
16 any unlawful act, to-wit: sexual intercourse, and/or groping the breasts of A.K., and/or kissing
17 the breasts of A.K.

18 COUNT 13 – ADMINISTRATION OF DRUG TO AID COMMISSION OF FELONY

19 did, between January 1, 2014 and June 1, 2015, then and there willfully, unlawfully,
20 feloniously, and knowingly administer to H.C., a controlled substance, anesthetic, or
21 intoxicating agent, to-wit: Ketamine and/or Midazolam and/or an unknown substance, with
22 the intent thereby to enable or assist himself to commit a felony, to-wit: sexual assault and/or
23 kidnapping.

24 COUNT 14 – ADMINISTRATION OF DRUG TO AID COMMISSION OF FELONY

25 did, between January 1, 2014 and June 1, 2015, then and there willfully, unlawfully,
26 feloniously, and knowingly administer to L.T., a controlled substance, anesthetic, or
27 intoxicating agent, to-wit: Ketamine and/or Midazolam and/or an unknown substance, with

28 ///

1 the intent thereby to enable or assist himself to commit a felony, to-wit: sexual assault and/or
2 kidnapping.

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

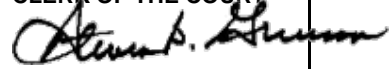
BY /s/ ALEXANDER CHEN
ALEXANDER CHEN
Chief Deputy District Attorney
Nevada Bar #010539

15AGJ053X/15F09138X/jm/SVU
LVMPD EV# 1506043283
(TK1)

EXHIBIT 2

EXHIBIT 2

CLERK OF THE COURT



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TRAN
CASE NO. C-15-309717-1
DEPT. NO. 25

DISTRICT COURT
CLARK COUNTY, NEVADA

* * * * *

THE STATE OF NEVADA,)
)
) Plaintiff,)
)
) vs.)
)
) BINH MINH CHUNG,)
)
) Defendant.)
 _____)

REPORTER'S TRANSCRIPT
OF
JURY TRIAL

BEFORE THE HONORABLE KATHLEEN DELANEY
DISTRICT COURT JUDGE

DATED: FRIDAY, MAY 12, 2017

REPORTED BY: Sharon Howard, C.C.R. #745

1 LAS VEGAS, NEVADA; FRIDAY, MAY 12, 2017

2 P R O C E E D I N G S

3 * * * * *

4
5 THE COURT: Good afternoon. Resuming in the
6 trial of State of Nevada vs. Binh Chung.

7 State may call their first witness.

8 MS. LUZAICH: State calls Alexis Kim.

9 THE COURT: Please take your seat and my clerk
10 will swear you in.

11 THE CLERK: You do solemnly swear the testimony
12 you are about to give in this action shall be the truth,
13 the whole truth, and nothing but the truth, so help you
14 God.

15 THE WITNESS: I do.

16 THE CLERK: State and spell your name for the
17 record.

18 THE WITNESS: Alexis Kim, A-l-e-x-i-s --
19 K-i-m.

20 THE CLERK: Thank you.

21 THE COURT: When you are ready.

22 DIRECT EXAMINATION

23 BY MS. LUZAICH:

24 Q. Good afternoon. May I call you Alexis?

25 A. Yes.

1 Q. Alexis, how old are you?

2 A. 19.

3 Q. When is your birthday?

4 A. January 5, 1998.

5 Q. Do you go to school?

6 A. Yes.

7 Q. What school do you attend?

8 A. I go to UNLV.

9 Q. Is this your first year at UNLV?

10 A. Yes.

11 Q. In fact, did you finish your finals
12 yesterday?

13 A. I did.

14 Q. How many did you take?

15 A. I only took 4.

16 Q. What classes did you take?

17 A. I took bio, calc, English, and a philosophy
18 class.

19 Q. So you started out with calculus and biology
20 your first year.

21 Is there something you want to do, ultimately?

22 A. I want to go to med school.

23 Q. You want to go to medical school?

24 A. Yes.

25 Q. How long have you wanted to go to medical

1 school?

2 A. Ever since I was a young girl.

3 Q. So pretty much your whole life?

4 A. Pretty much.

5 Q. You went to UNLV. Where did you go to high
6 school?

7 A. Las Vegas Academy.

8 Q. Is that school right down the street from
9 here?

10 A. Yes.

11 Q. Is that the school that you have to audition
12 to get into?

13 A. Yes.

14 Q. What did you do to get you into LVA -- Las
15 Vegas Academy?

16 A. I played a Tchaikovsky piece.

17 Q. What -- you went for music?

18 A. Yes.

19 Q. What instrument?

20 A. Cello.

21 Q. Did you grow up here in Las Vegas?

22 A. Born and raised.

23 Q. What's your mom's name?

24 A. Holly Kim.

25 Q. And she is here in town now?

1 A. Yes.

2 Q. She doesn't live here?

3 A. No.

4 Q. Who do you live with?

5 A. I live with my uncle Vinney, Mira, my aunt, my
6 grandma and her sister.

7 Q. And Uncle Vinney and aunt Mira's baby?

8 A. Yes.

9 Q. How long have you lived with uncle Vinney?

10 A. Practically my entire life.

11 Q. Have there been times that you and your mom
12 have lived with uncle Vinney while your mom was here in
13 Las Vegas?

14 A. Yes.

15 Q. I'll take you back when you were young. Where
16 your mom and dad married?

17 A. Yes.

18 Q. Did there come a time they got divorced?

19 A. Yes.

20 Q. Do you know how old you were when they split
21 up?

22 A. No.

23 Q. Were you young?

24 A. Yes.

25 Q. Kind of like elementary school?

1 A. Yes.

2 Q. When your mom and dad split up, did you and
3 mom your go back and live with the family?

4 A. Yes.

5 Q. When I say lived with the family, who did you
6 and your mom live with?

7 A. With my uncle Vinney and grandma and her
8 sister.

9 Q. And your grand father and your other uncle?

10 A. Yeah.

11 Q. Did your whole family live together for a long
12 time?

13 A. Yes.

14 Q. As you were growing up were you and your uncle
15 Vinney close?

16 A. Yes.

17 Q. Is uncle Vinney a bit older than your mom?

18 A. Yes.

19 Q. As you were growing up did you know your uncle
20 to have a really good friend?

21 A. Yes.

22 Q. Who was uncle Vinney's good friend?

23 A. Binh Chung.

24 Q. Do you see Binh Chung in court today?

25 A. Yes.

1 Q. Have you known him your whole life?

2 A. Yes.

3 Q. Can you point to where he's sitting?

4 A. Right there.

5 Q. At that table?

6 A. Yes.

7 Q. The one to the right?

8 A. Yes.

9 MS. LUZAICH: Record reflect identification of
10 the Defendant.

11 THE COURT: Record will so reflect.

12 BY MS. LUZAICH:

13 Q. As you've known him your whole life you
14 referred to him as?

15 A. Uncle Binh.

16 Q. What do you know uncle Binh to do for a
17 living?

18 A. He's a doctor.

19 Q. Was he your doctor for a lot of your life?

20 A. Yes.

21 Q. Would you go to him for check-ups, physicals
22 for school?

23 A. Yes.

24 Q. Also did you go to him if you had a cold or
25 felt sick or something like that?

1 A. Yes.

2 Q. He'd take good care of you for the most
3 part?

4 A. Yes.

5 Q. Do you know, did your mom also see the
6 Defendant as a doctor?

7 A. Yes.

8 Q. Did your whole family see him as a doctor?

9 A. Yes.

10 Q. In addition to seeing him as a doctor, would
11 you see him at your house?

12 A. Occasionally.

13 Q. What was he doing at your house?

14 A. Visiting family.

15 Q. Because he was really good friends with uncle
16 Vinney?

17 A. Yes.

18 Q. Did you learn at one point that he got
19 married?

20 A. Yes.

21 Q. Did you know his wife?

22 A. Yes.

23 Q. Did you know that he had kids?

24 A. Yes.

25 Q. Did you also know his kids?

1 A. I knew them, yes.

2 Q. You knew he had them?

3 A. Yeah.

4 Q. Did you at times see them?

5 A. Yes.

6 Q. Would he be at your house or with your family
7 for like events, parties, birthdays, things like that?

8 A. Yeah.

9 Q. As you were growing up would you see him and
10 talk to him on a fairly regular basis?

11 A. Yes.

12 Q. Did there come a time that you and your mom
13 moved out of the family house?

14 A. Yes.

15 Q. Did there also come a time that you noticed
16 that your mom had some issues?

17 A. Yes.

18 Q. What kind of issues did your mom have?

19 A. She was suicidal. She suffered from
20 depression and bipolar disorder.

21 Q. Would you see the results of her depression?

22 A. Yes.

23 Q. What did you see?

24 A. I saw her wanting to hurt herself.

25 Q. Did you see her want to hurt herself one time

1 or more than once?

2 A. More than once.

3 Q. How did you find out?

4 A. I saw it with my own eyes, and I saw what she
5 wrote within her journal entries.

6 Q. You saw what she wrote within her journal
7 entries how?

8 A. I came across it.

9 Q. Was it things that upset you about her state
10 of mind?

11 A. Yes.

12 Q. You say when you saw it with own eyes, did you
13 find your mom once?

14 A. More than once.

15 Q. You said she had suicidal thoughts. Did she
16 actually try to kill herself twice?

17 A. Yes.

18 Q. Was she taken somewhere when that happened?

19 A. Yes.

20 Q. Do you know where she was taken?

21 A. She was taken to a mental institution.

22 Q. Do you know when this was -- about?

23 A. This was during my 8th grade year.

24 Q. Let's say this is right now -- when did you
25 graduate high school?

1 A. 2016.

2 Q. So your 12th grade year 2015 school year?

3 A. Yes.

4 Q. You went through the school system from
5 kindergarten through high school without skipping a
6 grade?

7 A. Yes.

8 Q. You went through kindergarten and high school
9 without being held back a grade?

10 A. Yes.

11 Q. So when you saw this happen with your mom she
12 was in an institution for awhile.

13 Do you know how she got out?

14 A. The doctors let her out.

15 Q. Did somebody in particular help her get out?

16 A. Yes.

17 Q. Who is that?

18 A. Binh.

19 Q. The Defendant?

20 A. Yes.

21 Q. And after that, did you see that she would see
22 him as a doctor fairly often?

23 A. Yes.

24 Q. Was she on a lot of medications after that?

25 A. Yes.

1 Q. Would you see her take medications?

2 A. Yes.

3 Q. So you know she was taking them, as opposed to
4 skipping a lot?

5 A. Yes.

6 Q. What would those medications do to her?

7 A. They would make her real drossy and often
8 cause her to have mood swings.

9 Q. Okay. Would she forget things?

10 A. Yes.

11 Q. Would it be difficult to sometimes talk to
12 her?

13 A. Yes.

14 Q. Would it be difficult to communicate often?

15 A. Yes.

16 Q. Now, when that happened when she went to the
17 institution, were you guys still living with the whole
18 family or had you already moved out to your own place?

19 A. We still were living with the family.

20 Q. Do you know how much time later after that
21 happened that you guys moved out to your own place?

22 A. No.

23 Q. The same year or a couple years later. Do you
24 know?

25 A. A couple year later.

1 Q. Did -- when you were treated by the Defendant
2 we talked about your physicals and if you were sick and
3 had a cold. Some things like that.

4 Was there another thing that he ultimately treated
5 you for?

6 A. My acne.

7 Q. Acne. Just in case anybody here that doesn't
8 know, is that blemishes on your skin?

9 A. Yes.

10 Q. Initially how would he treat your acne?

11 A. He would either give me cream or--

12 Q. Would the cream help?

13 A. Somewhat. Not really.

14 Q. Did he offer to do something else?

15 A. Yes.

16 Q. What else did he offer to do?

17 A. A shot.

18 Q. Were you interested in that originally?

19 A. No.

20 Q. How come?

21 A. I just never wanted to do it.

22 Q. You don't like shots either?

23 A. I just didn't want to do it.

24 Q. Do you know around when it was that you
25 started having acne?

1 A. Middle school.

2 Q. Did there come a time eventually when you
3 thought maybe I will try it?

4 A. Yes.

5 Q. When was that?

6 A. My sophomore year of high school.

7 Q. And your sophomore year of high school is when
8 you were at LVA?

9 A. Yes.

10 Q. Where were you living by then?

11 A. I was living with me mom. Just me and my
12 mom.

13 Q. So when you guys moved out of your house and
14 into another place, where did you and mom move to?

15 A. Do you want me to state the address.

16 Q. Was it a house or apartment?

17 A. Apartment.

18 Q. How long did you lived in that apartment?

19 A. Not long though.

20 Q. Couple months. What was it near -- a main
21 road?

22 A. Windmill and it was right near the Windmill
23 library on the southwest side of town.

24 Q. Did you and your mom live in two different
25 apartments together?

1 A. Yes.

2 Q. Where was the other one?

3 A. Rainbow.

4 Q. Did you live in that one a long time?

5 A. No.

6 Q. Did there come a time that your mom actually
7 moved?

8 A. Yes.

9 Q. When your mom moved, where did she move to?

10 A. She moved to New York.

11 Q. Why did she move to New York?

12 A. She remarried.

13 Q. Who did she remarry?

14 A. Tom.

15 Q. Nice guy?

16 A. Yes.

17 Q. When did mom move to New York?

18 A. It was during my sophomore year.

19 Q. Of high school?

20 A. Yes.

21 Q. When mom moved, why did you not move with
22 her?

23 A. I wanted to stay and finish school.

24 Q. At LVA?

25 A. Yeah.

1 Q. Did your mom agree to that?

2 A. Yes.

3 Q. Who did you stay with when you stayed here in
4 Las Vegas when your mom went to New York?

5 A. I stayed with uncle Vinney and my aunt Mira
6 and my other sister and uncle.

7 Q. Uncle Vinney and aunt Mira got married?

8 A. Yes.

9 Q. Do you know when uncle Vinney got married?

10 A. 2013.

11 Q. You were in your freshman year of high
12 school?

13 A. Yes.

14 Q. Where did they get married?

15 A. Dominican Republic.

16 Q. Did you go?

17 A. Yes.

18 Q. Who else went?

19 A. The entire family, Binh and his wife, their
20 kids. A whole lot of other people.

21 Q. When you say Binh's wife, what is his wife's
22 name?

23 A. Brenda.

24 Q. Their kids were there as well?

25 A. Yes.

1 Q. Were you actually in the wedding?

2 A. Yes.

3 Q. When you came back here to Las Vegas after the
4 wedding were you and your mom living in the apartment?

5 A. Yes.

6 Q. So was it that next year, your sophomore year,
7 you started getting your acne treatment?

8 A. Yes.

9 Q. When your mom moved and you were staying with
10 uncle Vinney, did you continue to get acne treatment?

11 A. Yes.

12 Q. After your sophomore year of school, did you
13 work?

14 A. Yes.

15 Q. Where did you work?

16 A. At the MGM.

17 Q. What did you do at the MGM?

18 A. I was a pool attendant.

19 Q. Was that fun?

20 A. Not really.

21 Q. Did there come a time that you decided you
22 would do the actual acne treatment with the shot?

23 A. Yes.

24 Q. How did that come about?

25 A. I happened -- when I was at work Binh actually

1 text me and asked me if I wanted to do the acne treatment.

2 I said, yes.

3 Q. Okay. What made you change your mind, do you
4 know?

5 A. I just thought I should give it a go.

6 Q. Did you know what it was going to entail at
7 that point?

8 A. No.

9 Q. Did you then text back and say, yep, I'll try
10 it?

11 A. Yes.

12 Q. So then what did he do? Did he make
13 arrangements for you to do that?

14 A. Yes.

15 Q. How did he do that?

16 A. He text me and told me that he would come pick
17 me up at night before he put his kids to sleep.

18 Q. I'm sorry?

19 A. He told me that he would come at night after
20 he put his kids to sleep.

21 Q. Where was he going to come to?

22 A. My house.

23 Q. What was he going to do when he went to your
24 house?

25 A. Pick me up.

1 Q. Pick you up and do what?

2 A. Get my acne treatment.

3 Q. Bring you somewhere?

4 A. Bring me to his office.

5 Q. Are you nervous?

6 A. Yes.

7 Q. So this was the summer after your sophomore
8 year; is that right?

9 A. Summer of my sophomore year.

10 Q. Summer of your sophomore year before you
11 started your junior year?

12 A. Yes.

13 Q. So we're clear, the summer of 2014?

14 A. Yes.

15 Q. Did he come to the house and pick you up?

16 A. Yes.

17 Q. What time was it?

18 A. 10:00.

19 Q. Did you think it was odd to come to the house
20 pick you up at 10 o'clock?

21 A. No.

22 Q. Why not?

23 A. I knew him my entire life.

24 Q. He was your uncle Binh?

25 A. He was my uncle.

1 Q. When he came picked you up, did you see
2 anybody?

3 A. No.

4 Q. Was there anybody at the house?

5 A. My uncle, Vinney.

6 Q. Did you have communication with uncle Vinney?

7 A. Yes.

8 Q. What was the communication you had with uncle
9 Vinney?

10 A. I told him that I was going to go with uncle
11 Binh.

12 Q. Did he seem surprised at first?

13 A. No. I told him it was for a treatment, so he
14 didn't question it.

15 Q. He was okay with it, it seemed?

16 A. Yes.

17 Q. He didn't tell you get back in the house.
18 You're not going. Nothing like that?

19 A. No.

20 Q. Did you go with the Defendant?

21 A. Yes.

22 Q. In his car?

23 A. Yes.

24 Q. Where did he take you?

25 A. To his private practice.

1 Q. To the office?

2 A. Yes.

3 Q. It's a place you've been to before?

4 A. Yes.

5 Q. Do you know where it is?

6 A. On Durango.

7 Q. Durango and Warm Springs?

8 A. Yes.

9 Q. Is that near the house were you were living
10 in?

11 A. Yes.

12 Q. When you got there was anybody else there?

13 A. There was a lady and her children.

14 Q. Normally when you went to the office were
15 there workers there, you know, like assistants checking
16 people in, bringing people back?

17 A. Yes.

18 Q. Were they there that night?

19 A. No.

20 Q. When you got there, what did you do?

21 A. He took me into a separate room and he talked
22 to me.

23 Q. What room did he take you to?

24 A. One of the exam rooms.

25 Q. What did you talk about?

1 A. Personal things.

2 Q. Like what?

3 A. How me and mom was. How uncle Vinney was.

4 What I wanted to do in life. Just personal things.

5 Q. Uncle stuff?

6 A. Yeah.

7 Q. Did it make you feel calm and relaxed?

8 A. Yes.

9 Q. Then what?

10 A. Then he took me into another examination room
11 treatment.

12 Q. Did he tell you what he was going to do?

13 A. He told me he was going to give me a shot.

14 Q. Did he tell you anything about the shot?

15 A. It would make me drowsy.

16 Q. Anything else?

17 A. No.

18 Q. Now, when he took you to that exam room, was
19 there like an examination table in the room?

20 A. Yes.

21 Q. Did he give you the shot?

22 A. Yes.

23 Q. Was it just you and he in the room?

24 A. Yes.

25 Q. Where in relation to the table were you? Were

1 you sitting, standing, laying down?

2 A. I was laying down on the exam bed.

3 Q. What were you wearing when you went with him
4 to the office?

5 A. A green shirt and black shorts.

6 Q. Were you wearing any shoes?

7 A. Flip flops.

8 Q. When he gave you the shot you say were lying
9 down?

10 A. Yes.

11 Q. Then what?

12 A. I fell asleep. The first time I wrote up it
13 was two a dimly lit room, and I just felt really drowsy so
14 I fell back asleep again.

15 Q. When you say a dimly lit room, what do you
16 mean?

17 A. The lamb was facing the wall.

18 Q. When you got the shot and fell asleep, was the
19 room the same?

20 A. No.

21 Q. What was different?

22 A. It was bright.

23 Q. So you woke up and it was dimly lit, then you
24 fell back asleep. Then what?

25 A. The second time I woke up I wasn't feeling

1 right, and I looked down and I saw that my feet were in
2 stirrups. Then I saw that my pants were off and so I
3 started to cry and I was crying loudly so he heard me and
4 he came back in. And he came in between my legs and
5 hugged me and tried to comfort me.

6 Then the third time I wrote up he was injecting the
7 needles into my face and my pants were back on.

8 Q. How did you feel at that point?

9 A. I was feeling upset and nauseous. And I was
10 numb, so I couldn't move and I couldn't speak either.

11 Q. Did he say anything?

12 A. I had a bad reaction to the medication he gave
13 me.

14 Q. Then what happened?

15 A. I fell asleep and awhile later I woke up and I
16 started throwing up.

17 Q. Right there in the office?

18 A. Yes.

19 Q. Then what?

20 A. He helped me get back in his car and took me
21 home.

22 Q. When you say he helped you get back into his
23 car were you able to walk?

24 A. No.

25 Q. Did he say anything to you on the way home?

- 1 A. He told me not to tell anyone.
- 2 Q. Did he say why you shouldn't tell anyone?
- 3 A. He said your uncle Vinney would kill me.
- 4 Q. Did he take you home?
- 5 A. Yes.
- 6 Q. Were you able to walk into the house?
- 7 A. No.
- 8 Q. How did you get in?
- 9 A. He helped me.
- 10 Q. Where did he help you to?
- 11 A. My room.
- 12 Q. Do you know what time it was when you got
- 13 home?
- 14 A. Around 3:00.
- 15 Q. Was anybody else in the house up?
- 16 A. No.
- 17 Q. Did Binh leave?
- 18 A. Yes.
- 19 Q. Did you tell anybody what happened?
- 20 A. No.
- 21 Q. Why not, Alexis?
- 22 A. Because I was scared.
- 23 Q. What were you scared of?
- 24 A. I was scared no one would believe me.
- 25 Q. Was your mom still in New York?

1 A. Yes.

2 Q. Did you and your mom talk much while she was
3 in New York?

4 A. Sometimes.

5 Q. Did there come a time that your mom called you
6 upset about something?

7 A. Yes.

8 Q. Do you know when that was?

9 A. My junior year.

10 Q. What part of your junior year?

11 A. Toward the middle.

12 Q. While we're in court we can't talk about what
13 other people said, but based on what she told you was she
14 upset about somebody in particular?

15 A. Yes.

16 Q. Who was she upset about?

17 A. Binh.

18 Q. When she told you what she was upset about,
19 did you tell her anything?

20 A. Yes.

21 Q. What did you tell her?

22 A. I told her what happened to me.

23 Q. At that point, did you tell anybody else?

24 A. I told my grandma.

25 Q. Are you okay, Alexis?

1 A. Yes.

2 Q. Did you tell your uncle Vinney at that
3 point?

4 A. Yes.

5 Q. How did it come about that you told uncle
6 Vinney?

7 A. He asked me if something had happened.

8 Q. Let me back up a second.

9 After your mom told you what she told you, did you
10 talk to somebody else about your mom?

11 A. I talk to aunt Mira about it.

12 Q. Were you afraid your mom might do something?

13 A. I thought she would commit suicide again, so I
14 called her husband and told him what happened.

15 Q. Was your mom upset that you did that?

16 A. Yes.

17 Q. Did you keep it inside awhile longer because
18 of that?

19 A. Yes.

20 Q. I'm sorry. You said that you talked to your
21 aunt Mira and uncle Vinney. Who did you talk to first?

22 A. I talk to aunt Mira about it.

23 Q. Did that happen because she asked you
24 something or because you told her?

25 A. I told her.

1 Q. Was it your understanding that at some point
2 she told uncle Vinney?

3 A. Yes.

4 Q. You said uncle Vinney asked you about it?

5 A. Yes.

6 Q. Did you tell uncle Vinney what happened?

7 A. Yes.

8 Q. After you told uncle Vinney, did you talk to
9 anybody else?

10 A. We talked to Brenda.

11 Q. Brenda being the Defendant's wife?

12 A. Yes.

13 Q. Did you also go somewhere and tell somebody
14 else?

15 A. We went to the police station to report what
16 happened.

17 Q. Did you ultimately talk to a police
18 detective?

19 A. Yes.

20 Q. When you talked to the police detective were
21 you guys in a room being tape recorded?

22 A. Yes.

23 Q. Were there two detectives there?

24 A. Yes.

25 Q. Did you explain everything you explained for

1 the jury right now?

2 A. Yes.

3 Q. Did there come a time also that they later
4 asked you to look at some photographs?

5 A. Yes.

6 Q. Were you aware that there was -- somehow
7 memorialized?

8 Do you understand what I mean when I say that?

9 A. Did I know there were pictures?

10 Q. Do you know where the pictures came from?

11 A. His lap top.

12 Q. And they showed you some pictures?

13 A. Yes.

14 Q. Were you able to identify things that they
15 showed you?

16 A. Yes.

17 Q. Alexis, I'm going to show you some pictures,
18 is that all right?

19 A. Okay.

20 Q. If you look at the screen at Exhibit 45. Can
21 you tell what I'm looking at?

22 A. Yes.

23 Q. What am I looking at?

24 A. That's me.

25 Q. Showing you State's Exhibit 52. Can you tell

1 what that is?

2 A. Yes.

3 Q. What is that?

4 A. It's the shorts I was wearing.

5 Q. When were you wearing those shorts?

6 A. The night I received my acne treatment.

7 Q. At his office?

8 A. Yes.

9 Q. State's 41, do you recognize that?

10 A. Yes.

11 Q. What is that?

12 A. The shirt I was wearing.

13 Q. State's Exhibit 42, is that the back of the
14 shirt?

15 A. Yes.

16 Q. What is the logo on it, just for the record?

17 Is it a school?

18 A. Yes.

19 Q. What school?

20 A. Tulane University.

21 Q. State's Exhibit 40, what are we looking at?

22 A. The flip flops I was wearing.

23 Q. State's Exhibit 49, are there two photographs
24 in this exhibit?

25 A. Yes.

1 Q. What do the photographs show?

2 A. On the left is my couch and on the right is
3 the entryway of the apartment I lived at.

4 Q. Are both of those the apartment you and your
5 mom lived at?

6 A. Yes.

7 Q. Exhibit 50, are there two photos in this
8 exhibit also?

9 A. Yes.

10 Q. What are we looking at?

11 A. A couch.

12 Q. Are they both of the couch?

13 A. Yes.

14 Q. This is the apartment you and your mom lived
15 at?

16 A. Yes.

17 Q. Finally Exhibit 51, what are we looking at?

18 A. The couch, the one that was in my
19 apartment -- me and my mom's apartment.

20 Q. Thank you.

21 When the detectives showed you these pictures of
22 the clothes you were wearing, did they also ask if you had
23 the clothes still?

24 A. Yes.

25 Q. Did they ask you to go home and --

1 MR. ORAM: I object to leading.

2 THE COURT: I'll give some leeway to the
3 testimony. Overruled.

4 BY MS. LUZAICH:

5 Q. Did you go home and look for those items?

6 A. Yes.

7 Q. Did you find all of them?

8 A. No.

9 Q. What couldn't you find?

10 A. I couldn't find my underwear, and I couldn't
11 find my shorts.

12 Q. The shirt we saw in the picture, did you find
13 that?

14 A. Yes.

15 Q. And the flip flops, did you find those?

16 A. Yes.

17 Q. Do you do something with them?

18 A. I handed them over to detectives.

19 Q. Did you go by yourself or with anybody?

20 A. I went with uncle Vinney.

21 Q. Did you bring what we just talked about to
22 detectives?

23 A. Yes.

24 Q. I may have forgotten to ask you, prior to the
25 night you went there -- the acne treatments you had before

1 that -- did that take place in his office during the day
2 with staff there?

3 A. Yes.

4 Q. This was the only time you were there at night
5 with just you and him?

6 A. Yes.

7 Q. The photographs we were looking at of the
8 apartment and the couch, is that the apartment you guys
9 lived in on Windmill?

10 A. Yes.

11 MS. LUZAICH: Thank you, Alexis.

12 MS. LUZAICH: I'll pass the witness.

13 THE COURT: Mr. Oram.

14 CROSS-EXAMINATION

15 BY MR. ORAM:

16 Q. Good afternoon.

17 May I call you Alexis?

18 A. Yes.

19 Q. If for any reason you need a break or you
20 don't understand what I'm saying, just ask and I'll stop.
21 Okay?

22 A. Okay.

23 Q. Are you ready to go?

24 A. Yes.

25 Q. You received acne treatment; is that right?

1 A. Yes.

2 Q. You know we've all -- all of us have been
3 teenagers and we know sometimes our faces can be bad when
4 we are teenagers.

5 Did you have severe acne?

6 A. Yes.

7 Q. So you wanted it to be better?

8 A. Yes.

9 Q. So when I think of severe acne, looking back
10 at my time in high school, your face can get really bad.
11 Was your face really bad?

12 A. Yes.

13 Q. It was something you could notice and bothered
14 you?

15 A. Yes.

16 Q. Something you could see on pictures and you
17 didn't want that to be there, right?

18 A. Yes.

19 Q. I don't mean to embarrass you at all. I am
20 going to ask you questions. Okay?

21 A. Okay.

22 Q. Today you told the jury about your mother was
23 having quite a few problems. You described them as
24 bipolar. Do you remember that?

25 A. Yes.

1 Q. She had depression?

2 A. Yes.

3 Q. You said she had tried to commit suicide on a
4 couple of occasions?

5 A. Yes.

6 Q. You said that shortly before you went to the
7 police here you thought your mother could possibly kill
8 herself again?

9 A. Yes.

10 Q. Your mother was unstable?

11 A. Yes.

12 Q. Is that one of the reasons you didn't want to
13 go to New York with your mother?

14 A. Yes.

15 Q. Was that the biggest reason was because she
16 was unstable and you felt you didn't want to be around
17 that?

18 A. Part of the reason.

19 Q. So you chose to stay with your uncle Vinney
20 instead, right?

21 A. Yes.

22 Q. Let's go back to that treatment for a second.
23 You talk about this job you had at MGM. You didn't
24 like that a lot. It got hot by the pool?

25 A. Yes.

1 Q. Summer time of 2014?

2 A. Yes.

3 Q. Summer time in 2014?

4 A. Yes.

5 Q. You see the lady in front of you, we have to
6 say things out loud. Otherwise she can't take it down.

7 Had you ever received acne treatment by way of a
8 shot before the summer of 2014?

9 A. Once.

10 Q. When?

11 A. Before that night, one of the times mom was
12 with me.

13 Q. When was that?

14 A. I don't know.

15 Q. Where did you receive the shot?

16 A. At the office.

17 Q. So we're clear, prior to the summer of 2014
18 you are working at the MGM and you go to the office late
19 at night. You have the shot you described to the jury.
20 That is the second time you ever get a shot for acne,
21 right?

22 A. Yes.

23 Q. The other time you get a shot for acne your
24 mother lived here?

25 A. Yes.

1 Q. You got that shot for acne. You got it at
2 Binh Chung's office?

3 A. Yes.

4 Q. Did you not get a shot for acne when your
5 mother was present at the house while you were sitting on
6 the sofa, did you?

7 A. No.

8 Q. So if somebody said that that would be
9 wrong?

10 A. Yes.

11 Q. You did not get a shot for acne in your
12 apartment with your mother, while you are sitting on the
13 sofa?

14 A. No.

15 Q. You didn't get any shot for acne in the
16 apartment?

17 A. No.

18 Q. Not before or after that summer, right?

19 A. Yes.

20 THE COURT: I'm going to ask you to repeat the
21 question again. If you talk over each other, the reporter
22 has a difficult time catching what you are saying.

23 MR. ORAM: I'll try to be better with that and
24 let you finish your answer. Okay.

25 THE WITNESS: Okay.

1 BY MR. ORAM:

2 Q. You told the jury today that you told these
3 details to several people. You told the jury you had told
4 your grandmother before these details, right?

5 A. Yes.

6 Q. Was she the first person you told?

7 A. My mom was the first person.

8 Q. The first person you told was your mother?

9 A. My mother then my grandmother, yes.

10 Q. So the jury knows the order. You talked to
11 your mom, right?

12 A. Yes.

13 Q. Then at some point you tell your
14 grandmother?

15 A. Yes.

16 Q. Then who do you tell after your grandmother?

17 A. After that my Aunt Mira.

18 Q. Mire was three?

19 A. Yes.

20 Q. Then you tell Vinney?

21 A. Yes.

22 Q. Do you remember doing a handwriting --
23 handwritten statement to the police?

24 A. Yes.

25 Q. Have you reviewed it before you came?

1 When I say reviewed, did you read it before you
2 testified?

3 A. Barely.

4 Q. Sorry?

5 A. Barely.

6 Q. I'm quoting, "I never said anything until
7 conveniently when my mom told me that she was raped by
8 Binh Chung."

9 Remember saying that?

10 A. Yes.

11 Q. Do you also remember telling police -- you
12 gave a statement remember that. Where you talked to
13 them?

14 A. Yes.

15 Q. They made a transcription of it?

16 A. Yes.

17 Q. Have you had a chance to read it?

18 A. Yes.

19 Q. In there the police asked you had you told
20 anybody. Remember that?

21 A. Yes.

22 Q. You said, I didn't tell anyone. Remember
23 that?

24 A. Yes.

25 Q. They asked you how come you didn't tell

1 anybody and you said I was scared and confused. Is that
2 right?

3 A. Yes.

4 Q. Neither one of the statements, the handwritten
5 one or the recorded one, do you ever talk about telling
6 Mira and telling your grandmother. Do you realize that?

7 A. Yes.

8 Q. Was that because you had forgotten?

9 A. I just didn't state it.

10 Q. When the police asked you, had you told
11 anybody, you said, no?

12 A. I didn't tell anyone about the incident until
13 after I talked to my mom about it.

14 Q. I don't mean to quarrel with you at all.

15 Do you see that as a different answer then what you
16 told police?

17 A. Yes.

18 Q. You testified for a grand jury down in the
19 basement. Remember that?

20 A. Yes.

21 Q. A bunch of people in the room. Remember?

22 A. Yes.

23 Q. Then you say they asked you if you told
24 anybody. Do you remember what you told the grand jury?

25 A. No.

1 Q. Do you remember telling the grand jury you
2 told your aunt Mira?

3 A. Yes.

4 Q. You told you aunt Mira all the details?

5 A. Yeah.

6 Q. You didn't tell the grand jury that you talked
7 to your grandmother about it, right?

8 A. No.

9 Q. In fact, isn't today the first time you ever
10 said that you talked to your grandmother about it?

11 A. Yes.

12 Q. Are these hard to remember?

13 A. No. I remember the incident perfectly.

14 Q. Do you?

15 A. I just --

16 Q. You described an incident for the jury where
17 you'd gone with somebody you trusted and been given a shot
18 and waking up in out of consciousness?

19 A. Yes.

20 Q. Sounds horrific. Would you agree with that?

21 A. Yes.

22 Q. Something you would never forget?

23 A. Yes.

24 Q. When you went home and woke up the next day,
25 you must have been scared, right?

1 A. Yes.

2 Q. You must have been scared of the man you
3 called uncle Binh Chung?

4 A. Yes.

5 Q. You'd want to stay away from him then?

6 A. Yes.

7 Q. You wouldn't want to go back and be near him,
8 would you?

9 A. No.

10 Q. Because it was scary and horrible, fair?

11 A. Yes.

12 Q. When they showed you the pictures the
13 detectives and the State, you know, the pictures we saw
14 where you are saying that is me on that bench, those are
15 my sandals, those are my shorts, you know what I'm talking
16 about?

17 A. Yes.

18 Q. Did you notice there was a date at the top, a
19 date and time up at the top left. Did they ever show it
20 to you?

21 A. Yes.

22 Q. Do you remember the date?

23 A. No.

24 Q. July 2014, does that sound about right?

25 A. Yes.

1 Q. Would you agree -- so I'm not putting you on
2 the hot seat here -- whatever the date said that is what
3 you saw?

4 A. Yes.

5 Q. Did the date of that stamp seem right to you
6 at the proximate time you went to this office?

7 A. Yes.

8 Q. So we can tell from, let's say July 2014, you
9 would never go back because you are scared?

10 A. Yes.

11 Q. In August, 3 weeks later, did you go back to
12 get acne treatments?

13 A. No.

14 Q. Remember you told the grand jury you'd never
15 go back to get acne treatments?

16 A. No acne treatments.

17 Q. That is understandable. The grand jury and
18 the jury would recognize you were scared, right?

19 A. Yes.

20 Q. Do you remember going back -- excuse me --
21 going to Binh's office on August 5, 2014?

22 A. Yes.

23 Q. Did you sign -- did you go there to have your
24 blood drawn?

25 A. Yes.

1 Q. That is 3 weeks after you are telling us you
2 were in the office and this terrible thing happened?

3 A. Yes.

4 Q. Have you actually seen this blood draw
5 consent?

6 A. Yes.

7 Q. Can I show it to you?

8 A. Yes.

9 MR. ORAM: Permission to approach.

10 THE COURT: You may.

11 BY MR. ORAM:

12 Q. Alexis, I'm showing you what -- can you see
13 that?

14 A. Yes.

15 Q. Does it say I, and then there is a name to be
16 filled in? That's your name?

17 A. Yes.

18 Q. That's your handwriting?

19 A. Yes.

20 Q. That you understand the risk of having blood
21 drawn, having been given a choice to go to an outside
22 laboratory. I prefer to have blood drawn at Binh Chung's
23 address -- it says his address?

24 A. Yes.

25 Q. And by signing this it means not to hold Binh

1 Chung or anyone else liable for any problems that may
2 arise from the blood draw?

3 A. Yes.

4 Q. Whose signature is below that?

5 A. Mine.

6 Q. What is the date?

7 A. August 5, 2014.

8 MR. ORAM: Move for admission.

9 MS. LUZAICH: No objection.

10 THE COURT: This will be admitted as Defendant's
11 B.

12 MR. ORAM: Defendant's C.

13 THE COURT: Defendant's C is admitted. You may
14 publish.

15 BY MR. ORAM:

16 Q. Okay.

17 So what we're seeing up there, so you have gone
18 back to Binh Chung's office approximately 3 weeks later to
19 have your blood drawn?

20 A. Yes.

21 Q. And do you know that at that visit whether you
22 had any acne treatment?

23 A. No.

24 Q. You just had blood drawn?

25 A. Yes.

1 Q. Did you go with anybody that day?

2 A. My uncle Eric.

3 Q. Did you always go with your uncle Eric to the
4 doctor?

5 A. That was --

6 Q. Just that one time. So you are sure your
7 uncle Eric took you on August 5, 2014?

8 A. Yes.

9 Q. So you are sure that's after this incident you
10 told the jury about?

11 A. Yes.

12 MR. ORAM: Approach the clerk.

13 THE COURT: You may.

14 BY MR. ORAM:

15 Q. You went back in September?

16 A. Yes.

17 Q. You went back because you wanted Dr. Chung to
18 write you a note -- sick note, didn't you?

19 A. Yes.

20 Q. Okay.

21 MR. ORAM: Permission to approach.

22 THE COURT: You may.

23 BY MR. ORAM:

24 Q. You said you went back in September. I'm
25 showing you what has been marked as Defendant's Proposed

1 B. Does that seem about right, that you needed some type
2 of sick note, for lack of a better term, sometime in the
3 middle of September?

4 A. Yes.

5 Q. Dr. Chung gave you that order -- Binh Chung
6 gave you that?

7 A. Yes.

8 Q. Do you recognize that note?

9 A. Yes.

10 Q. That's here -- there for you?

11 A. Yes.

12 MR. ORAM: Move for admission.

13 MS. LUZAICH: No objection.

14 THE COURT: You may publish.

15 BY MR. ORAM:

16 Q. So this is the note that you got from
17 Dr. Chung two months after the incidents you described?

18 A. Yes.

19 Q. Do you recall who took you to see Binh Chung
20 on that day or do you go alone?

21 A. I went with someone, a relative uncle Eric.

22 MR. ORAM: Approach the clerk.

23 THE COURT: You may.

24 BY MR. ORAM:

25 Q. Who is Eric?

1 A. Meaning?

2 Q. Did you say a man named Eric took you?

3 A. Eric Chung, my uncle.

4 Q. You have an uncle -- as well as Vinney, you
5 have Eric?

6 A. Yes. I have 3 uncles.

7 Q. He was the one who took you both times?

8 A. Yeah.

9 Q. Was that the only other time you went back or
10 did you go back other times?

11 A. I believe two times.

12 Q. Are you sure of that?

13 A. Yes.

14 Q. Again, if my next question -- I don't mean to
15 embarrass you at all.

16 Didn't you go back in April of 2015 for something
17 described as woman problems?

18 A. Cramps, yes.

19 Q. I'm going to show you a document which has
20 been admitted as Defendant's Exhibit A. See if you
21 recognize it?

22 MR. ORAM: May I approach.

23 THE COURT: You may.

24 BY MR. ORAM:

25 Q. This has been admitted. Does that looked

1 about right, that you had 17-year-old woman problems?

2 A. Yes.

3 Q. The date at the top is April 13, 2013?

4 A. Yes.

5 MR. ORAM: Approach your clerk.

6 THE COURT: You may.

7 BY MR. ORAM:

8 Q. Is it fair to say, Alexis, that after this
9 incident you go back to Binh Chung's office 3 weeks later.
10 You want him or want somebody in his office to draw blood,
11 stick a needle in your arm, draw it however they draw
12 blood?

13 A. Yes.

14 Q. Then 8 months later want to go back to see
15 Binh Chung because you need to talk about female
16 problems?

17 A. Yes.

18 Q. You were asked in the grand jury if you had
19 ever gone back for any treatments and you said, no,
20 right?

21 A. Yes.

22 Q. Did you forget that you had gone back for
23 female problems?

24 A. Yes.

25 Q. Did you forget you had gone back 3 weeks later

1 and had your blood drawn?

2 A. I didn't remember the time or date. I
3 remembered I came back because I was sick and because
4 there was someone there with me.

5 Q. I'm sorry.

6 A. And because there was someone there with me.

7 Q. You collected your sandals. You remember
8 that?

9 A. Yes.

10 Q. But no shorts?

11 A. No.

12 Q. Where did you get the sandals from? In other
13 words, you knew police wanted them.

14 What I'm asking you is where did you get the
15 sandals from?

16 A. What store.

17 Q. I know that is a confusing question. What I'm
18 asking, you realized the police wanted the stuff you are
19 wearing?

20 A. Yes.

21 Q. Now, what I'm asking you for, if I could
22 follow you and what you're telling us.

23 If I'm following you, where, you know, you need to
24 get them. Where do you go to get them.

25 If I'm in the courtroom, I walked over here to this

1 lady here, I get -- I quote -- the sandals. What I'm
2 asking is do you understand where did you get them from?

3 A. My home.

4 Q. Where in your home?

5 A. In the shoe box.

6 Q. Where is the shoe box?

7 A. Near the door.

8 Q. In your room?

9 A. Near the door to my house.

10 Q. So by the front door?

11 A. Yes.

12 Q. You picked up sandals. What did you do with
13 them, put them in the bag?

14 A. Yes.

15 Q. What else did you find?

16 A. A shirt.

17 Q. And sandals. You can assure us they are the
18 sandals we see in the picture?

19 A. Yes.

20 Q. Do you share a room with your mother?

21 A. When I lived with her.

22 Q. Yes.

23 We saw pictures of a room. It looked -- some people
24 looking at it, it was like you were moving -- messy. Is
25 that fair?

1 A. Yes.

2 Q. Looks messy?

3 A. Yes.

4 Q. Did your mom and you stay in one room?

5 A. Yes.

6 Q. You shared clothes?

7 A. Sometimes, yes.

8 Q. In the last few weeks you have a civil lawyer,
9 don't you?

10 A. Yes.

11 Q. Did you authorize your civil lawyers to ask
12 for a million dollars?

13 A. No. I didn't ask them to take money.

14 Q. So you don't know if they have asked for a
15 million dollars?

16 A. No.

17 Q. In your handwritten statement you said
18 something about your mother and Binh Chung?

19 A. Yes.

20 Q. Do you remember telling -- writing -- because
21 the police asked you what you know -- you wrote out
22 that -- do you remember they were going out to the car
23 often?

24 A. Yes.

25 Q. Tell the jury what you saw them do, or what

1 you know about that?

2 A. I saw that he came over to my apartment and
3 then my mom went over -- it was a bad day she needed to
4 talk to him, so they went outside. I was in the house and
5 they went to the car to talk.

6 Q. That was often?

7 A. Once or twice -- couple times.

8 Q. Do you think what you said to the police was
9 accurate?

10 A. Yes.

11 MR. ORAM: Approach, your Honor.

12 THE COURT: You may.

13 BY MR. ORAM:

14 Q. If I showed you what you wrote to police,
15 would that refresh your memory of what you know?

16 A. Okay.

17 Q. If you would read just the sentence, then just
18 let me know when you are done.

19 A. Okay.

20 Q. Have you reviewed that?

21 A. Yes.

22 Q. Is it refreshing your memory of what you wrote
23 to police?

24 A. Yes.

25 Q. It says, he would often take my mom out of the

1 apartment into his car where he claimed they were just
2 talking?

3 A. Yes.

4 Q. That made you suspicious, didn't you?

5 A. I wrote that, yeah.

6 Q. That is where they would go and Binh told you
7 they were out there talking, right?

8 A. Yes.

9 Q. Did you think your mother was having an affair
10 with Binh Chung?

11 A. No.

12 THE COURT: For the record, you identified
13 something as a written statement. Can you identify the
14 date or something else for the record you showed the
15 witness.

16 MR. ORAM: I showed her her handwritten
17 statement which was dated June 4, 2015.

18 THE COURT: Thank you.

19 BY MR. ORAM:

20 Q. The first time you ever say anything about
21 this incident, allegation is after your mother calls you
22 up and she is very upset, right?

23 A. Yes.

24 Q. She is telling you the man you know to be like
25 an uncle has raped her?

1 A. Yes.

2 Q. She is -- you are scared she's going to take
3 her own life, right?

4 A. Yes.

5 Q. After that then you start to say -- right?

6 A. Yes.

7 Q. Now, I want to ask you, was there ever a
8 meeting between you, Mira, and Vinney about these
9 allegations?

10 A. Yes.

11 Q. Was that the first time you ever revealed it
12 other than to your mother?

13 A. Yes.

14 Q. When was it revealed to Mira?

15 A. After revealing it to my mom and grandmother.
16 I revealed it to them months later.

17 Q. You talked to your mom. At some point there
18 is a meeting with Vinney and Mira. And sometime in
19 between you talked to your grandmother?

20 A. After my mom talked to me about it I told her
21 what happened that same day. My mom told my grandmother
22 and so I told my grandmother too that day when she
23 called.

24 Q. How long before the meet with Vinney and Mira
25 did you tell your grandma, if you know? A week? Months?

1 Hours?

2 A. Months.

3 Q. Your grandmother didn't know anything about
4 this?

5 A. No.

6 MR. ORAM: Court's indulgence.

7 THE COURT: Yes.

8 BY MR. ORAM:

9 Q. You said your mother was in an institution?

10 A. Yes.

11 Q. You said today that Binh Chung helped her get
12 out of that?

13 A. Yes.

14 Q. When was she in the institution?

15 A. I don't remember the year, but I remember it
16 happening.

17 Q. Approximately?

18 A. I don't remember the year.

19 Q. Could you tell me approximately how old you
20 were at the time?

21 A. I don't remember.

22 Q. You don't remember when she was there, but you
23 remember Binh got her out. How remember that?

24 A. I just do.

25 Q. But you don't remember third grade or ninth

1 grade?

2 A. I don't remember what grade I was in. I know
3 it happened.

4 Q. How did you know that Binh got her out?

5 A. She told me.

6 Q. Not, you know -- your mother told you?

7 A. Yes.

8 Q. Other than -- your mother said Binh got her
9 out?

10 A. Yes.

11 MR. ORAM: That concludes my questions.

12 THE COURT: Any redirect for this witness.

13 REDIRECT EXAMINATION

14 BY MS. LUZAICH:

15 Q. Alexis, Mr. Oram asked you about your
16 handwritten statement and when you wrote it?

17 You wrote he took your mom out to the car and
18 claimed -- he claimed to be talking. What do you mean by
19 that, he claimed to be talking?

20 A. He told me -- they both told me they were
21 going to talk in the car.

22 Q. What did you think was happening?

23 A. That is what I thought was happening.

24 Q. When you write something claimed to be, it
25 indicates something else is happening?

1 MR. ORAM: Objection, leading.

2 THE COURT: Overruled.

3 THE WITNESS: Can you repeat the question.

4 BY MS. LUZAICH:

5 Q. I expect that Mr. Oram asked you about your
6 saying that because, again, when you say that somebody
7 claimed to do something, you are indicating you believe
8 they are not. That's not what really happened, that
9 something else happened?

10 A. Yeah.

11 Q. Understand what I mean?

12 A. Yes.

13 Q. If you write that he claims he was just
14 talking, do you believe he was doing something other than
15 just talking?

16 A. Yes.

17 Q. What do you believe he was doing?

18 A. When I was talking to my mom --

19 MR. ORAM: Objection, hearsay.

20 THE COURT: Can you answer the question without
21 telling us something that your mother said.

22 THE WITNESS: I believe something was happen to
23 her.

24 BY MS. LUZAICH:

25 Q. What do you believe was happening to her?

1 MR. ORAM: Judge, objection. Speculation.

2 MS. LUZAICH: He asked the question. He opened
3 the door.

4 THE COURT: I'm going to overrule.

5 And again, if you can help us understand when your
6 understanding was without telling us what your mother told
7 you.

8 THE WITNESS: I knew something bad was
9 happening.

10 BY MS. LUZAICH:

11 Q. Did you notice anything about her appearances
12 or condition when he got back?

13 A. She was drugged.

14 Q. And is that what you thought he was doing in
15 the car?

16 A. Yes.

17 Q. When your mother got out of the institution
18 did she take a lot of drugs after that?

19 A. Yes.

20 Q. Do you know what kind of drugs she took?

21 A. I don't know the names.

22 Q. Were they generally things for depression and
23 anxiety and stuff like that?

24 A. Yes.

25 Q. When she took them, how, if at all, would that

1 change her demeanor?

2 A. Yes.

3 Q. How would it?

4 A. She was often depressed. She had mood swings.
5 She was drowsy.

6 Q. And that's from taking those drugs?

7 A. Yes.

8 Q. Was she seeing the Defendant as a doctor after
9 she got out of the institution?

10 A. Yes.

11 Q. Did she see him often as a doctor after she
12 got out?

13 A. Yes.

14 Q. For years?

15 A. Yes.

16 Q. Was he prescribing her those drugs, as far as
17 you know?

18 A. Yes.

19 Q. Mr. Oram asked you a lot of questions about
20 you going back to see the Defendant after that acne
21 treatment.

22 First of all, you were 16, right?

23 A. Yes.

24 Q. At 16 do you get to choose your own doctor.

25 A. No.

1 Q. Do you go to where they tell you to go?

2 A. Yes.

3 Q. Did your whole family see Dr. Chung?

4 A. Yes.

5 Q. In August, after this occurred, a months
6 later, Mr. Oram asked you about the blood draw. If fact,
7 did you have a full physical for school?

8 A. Yes.

9 Q. Did you have a choice of what doctor to go to
10 for that?

11 A. No.

12 Q. Did someone take you to Dr. Chung?

13 MR. ORAM: I'd object to leading continuously.

14 THE COURT: Ms. Luzaich, if you could keep it
15 more in line of direct examination. More open-ended
16 questions.

17 BY MS. LUZAICH:

18 Q. Mr. Oram also asked you about going back to
19 the doctor in September. Why did you go there in
20 September?

21 A. I was sick.

22 Q. Did you have a choice of where to go?

23 A. No.

24 Q. When you went in April -- he showed you the
25 paper about woman problems -- why did you go to him?

1 A. I was having cramps.

2 Q. Did you have a choice of where to go?

3 A. No.

4 Q. Had you told anybody in the family, as of
5 then, what occurred?

6 A. No.

7 Q. Did they have any reason, that you were aware
8 of, to take you to anyone other than the doctor everybody
9 went to?

10 A. No.

11 Q. Other than your acne treatment late at night,
12 did you ever go to Dr. Chung by yourself?

13 A. No.

14 Q. Was it always a family member there with
15 you?

16 A. Yes.

17 Q. And, in fact, when you were asked at the grand
18 jury, you were asked the specific question. Did you go
19 back to him for acne treatments?

20 A. Yes.

21 Q. Did you go back to him for acne treatments?

22 A. No.

23 Q. Did you go to him for other things?

24 A. Yes.

25 Q. He also asked you about the dates on the

1 photos. Are you sure there was a date on the photos they
2 showed you?

3 A. I believe there was, yes.

4 Q. Are you aware that the photos came from the
5 videos?

6 A. Yes.

7 Q. Did you ever see any of those videos?

8 A. No.

9 Q. Now, when your mom called you after this
10 occurred, that phone call, we're talking about how upset
11 was she?

12 A. She was very upset.

13 Q. Was she hysterical on the phone?

14 A. Yes.

15 Q. It was after that you said that you told your
16 grandmother?

17 A. Yes.

18 Q. How did your grandmother react?

19 A. She was upset, but she didn't want to say
20 anything.

21 Q. Did she encourage you not to say anything?

22 A. Yes.

23 Q. Why?

24 A. She was scared too, I guess.

25 Q. Did she indicate that people wouldn't believe

1 you?

2 MR. ORAM: Objection, leading.

3 THE COURT: Sustained.

4 BY MS. LUZAICH:

5 Q. Were you concerned about anything if you had
6 told anybody?

7 A. I didn't think anybody would believe me.

8 Q. Why?

9 A. I just didn't think they would believe me.

10 Q. Over him?

11 A. Yes.

12 MS. LUZAICH: Thank you.

13 THE COURT: Mr. Oram, any recross.

14 REXCROSS-EXAMINATION

15 BY MR. ORAM:

16 Q. Alexis, first when you talked to the police,
17 after this happened, I never went back, right?

18 A. Yes.

19 Q. You didn't say I went back a few times. I had
20 no choice?

21 A. No.

22 Q. You were scared, confused and weren't going
23 back, right?

24 A. Yes.

25 Q. Today is a little different. It's you went

1 back a few times, but I guess when the prosecution asked
2 you you now say, well, you didn't have a choice?

3 A. Right.

4 Q. Alexis, at the time you were going back, you
5 were 17, right?

6 A. Yes.

7 Q. You were a junior in high school?

8 A. Yes.

9 Q. You worked a job at a casino here?

10 A. Yes.

11 Q. You are telling the jury you just didn't have
12 a choice?

13 A. I didn't.

14 Q. That is not something you ever mentioned to
15 police. You told them I never went back.

16 A. Yes.

17 Q. See the answer is very different?

18 A. Okay.

19 MS. LUZAICH: Objection, argumentative.

20 THE COURT: Sustained.

21 BY MR. ORAM:

22 Q. You told the grand jury the same thing, didn't
23 you?

24 A. Yeah.

25 Q. You didn't say I went back a few times, but I

1 had no choice, right?

2 A. Uh-huh.

3 MR. ORAM: Nothing further.

4 THE COURT: Ms. Luzaich, anything further.

5 MS. LUZAICH: No, thank you.

6 THE COURT: Any jurors have questions for this
7 witness.

8 It appears the jurors have questions. Complete your
9 questions, putting your name and badge number on the
10 question and my marshal will collect them when you're
11 ready.

12 MR. ORAM: May I reopen for one question.

13 THE COURT: Let's do this. Let's let the jurors
14 finish their questions now. Hold onto them for one
15 moment, then I'll give you some leeway to reopen.

16 MR. ORAM: Yes, your Honor.

17 THE COURT: By a show of hands when jurors have
18 completed their question they have at this time. Hang
19 onto your questions and as soon as the others are complete
20 I'll let you complete, Mr. Oram.

21 I'll obviously give opportunities for the jurors to
22 complete their questions once Mr. Oram reopens and
23 Ms. Luzaich to complete as well.

24 MR. ORAM: Thank you.

25 BY MR. ORAM:

1 Q. Alexis, when you talked about your mother
2 making suicide attempts, do you remember that whether she
3 had become depressed or suicidal previously, the ones you
4 talked about, because someone had accused her of an
5 affair?

6 A. No.

7 Q. You don't know or no?

8 A. I don't know.

9 MR. ORAM: Thank you.

10 THE COURT: Ms. Luzaich, any follow up to that
11 question.

12 MS. LUZAICH: No.

13 THE COURT: Any further questions from the
14 jurors. It appears the ones we have are ready to be
15 collected. Bring them forward.

16 May I have counsel at the bench please.

17 (Discussion held at the bench.)

18 THE COURT: I'm going to ask the questions to
19 the witness. Answer to the best of your ability,
20 remembering that it's the jury asking these questions.

21 First question: When did you talk to your mom on the
22 phone when she told you the details of what happened with
23 the Defendant.

24 A. During my junior year. It was after the
25 incident with me occurred and she talked to me in the

1 middle of the school year.

2 Q. If you could repeat your answer and if there
3 is any other specific details, I believe you concluded
4 with in the middle of the school year, but if you can
5 approximate anything like a month or year also to complete
6 your answer.

7 A. 2015.

8 Q. Counsel, indicated they couldn't hear you. It
9 would help us by speaking up and repeating your answer.

10 A. It happened -- my mom talked to me my junior
11 year in 2015.

12 Q. What color shirt were you wearing the night of
13 the acne treatment?

14 A. Green.

15 Q. In previous acne treatments were you given
16 drowsy medications?

17 A. Not that I remember.

18 Q. As far as you know was your mother seeing any
19 specialists for mental issues or only Dr. Chung?

20 A. Only him.

21 Q. Was the acne treatment the same process and
22 procedure as was given to you the first time?

23 A. No.

24 THE COURT: Any follow-up questions you want to
25 ask, Ms. Luzaich.

1 BY MS. LUZAICH:

2 Q. I don't mean to beet a dead horse. The
3 conversation you had with your mom when she called you and
4 she was upset, was that close in time to when you went to
5 the police?

6 A. Yes.

7 Q. In that conversation did your mom mention that
8 she had had a conversation with anybody else that caused
9 her to call you?

10 A. She had a conversation with Brenda.

11 MS. LUZAICH: Thank you. Nothing further.

12 THE COURT: Mr. Oram.

13 BY MR. ORAM:

14 Q. If I heard you correctly in response to what a
15 juror asked you, I thought I heard you say this
16 conversation with your mother occurred in the middle of
17 the year. Did I hear that right?

18 A. The middle of the school year -- junior
19 year.

20 Q. It's been a long time since I've been in
21 school, but I see the middle of the school year sort of as
22 Christmas time period; is that right? Or am I wrong?

23 A. I don't know.

24 Q. You told us it happened in the middle of the
25 year-- middle of the school year?

1 A. Yes.

2 Q. I'm asking you so I'm not --

3 A. I didn't report it until my junior year, in
4 the summer, so yeah.

5 Q. That's not my question?

6 A. What is your question.

7 Q. My question was you said the conversation
8 happened in the middle of the school year?

9 A. Yes.

10 Q. Could you tell me when you had the
11 conversation?

12 A. I don't remember.

13 Q. You don't remember.

14 You said to the jury you mother was going to Binh
15 Chung for psychological problems. You are not sure of
16 that at all?

17 A. Not just psychological. She went for
18 sickness.

19 Q. She also went to other people, didn't she, for
20 her psychological problems?

21 A. Not that I knew of.

22 Q. So the answer is you really don't know who she
23 was going to for that?

24 A. I knew she was going to him.

25 Q. Do you know a Dr. David Esanolu?

1 A. No.

2 MR. ORAM: Nothing further.

3 THE COURT: All right.

4 Thank you. Ms. Kim, you have completed your
5 testimony today. Thank you very much. You may exit the
6 courtroom.

7 Ladies and gentlemen, we're going to take a recess.
8 We'll return at 3 o'clock to reassume with the State's
9 next witness.

10 JURY ADMONITION

11 During the recess, ladies and gentlemen, you are
12 admonished not to converse among yourselves or with anyone
13 else, including, without limitation, the lawyers, parties
14 and witnesses, on any subject connected with this trial,
15 or any other case referred to during it, or read, watch,
16 or listen to any report of or commentary on the trial, or
17 any person connected with this trial, or any such other
18 case by any medium of information including, without
19 limitation, newspapers, television, internet or radio.

20 You are further admonished not to form or express any
21 opinion on any subject connected with this trial until the
22 case is finally submitted to you.

23 See you back in 15 minutes.

24 (Brief recess taken.)

25 THE COURT: The jury questions submitted in

1 conjunction with Ms. Kim's testimony have been marked as
2 Court Exhibits 12 and 13. All of the questions posed by
3 the jurors were asked.

4 The reason I wanted to make a quick record is
5 yesterday when we were referring to the questions not
6 asked by Juror 2, those were posed or intended to be posed
7 to Hailey Perrine, that was inadvertently marked
8 incorrectly as Court's Exhibit 12. That is, in fact,
9 Court's Exhibit 11. I wanted to make that record.

10 Anything else before we break.

11 MS. ALLEN: No.

12 THE COURT: Okay. See you at 3:00.

13 (Brief recess taken)

14 THE COURT: We are present now with counsel and
15 the Defendant, but no jurors. And Mr. Chen you wanted to
16 make a record before the next witness and we conclude
17 today.

18 MR. CHEN: Detective Jason Darr, he did much of
19 the computer forensics, will introduce the surveillance
20 videos off of this particular detective. Pursuant to our
21 conversation prior to trial though, during the playing of
22 the pornographic material we'll have the mainstream.
23 We've already tested it so only the jury can see it.
24 These other screens have been turned so that it will not
25 be viewable to the public, as well as -- I've already

1 spoken to court staff as well about having the Defendant
2 sit at a different location so he'll be able to see it, if
3 it's necessary for his testimony.

4 THE COURT: It is possible with no one behind
5 the defense table if the monitor was turned the other
6 direction. Nobody would be able to see it but the
7 Defendant and counsel.

8 Anything further before we continue.

9 MR. ORAM: Just briefly.

10 My understanding is the CD that's going to be played
11 with all videos there was one of a woman in a bra that
12 they are not going to play. They are never going to
13 introduce.

14 MS. LUZAICH: That's been redacted.

15 THE COURT: Let's get started.

16 On the record in State of Nevada vs. Binh Chung.
17 The Defendant is present with counsel, our jurors are
18 present.

19 The State can call their next witness.

20 MS. LUZAICH: State calls Lorelie Tran.

21 THE CLERK: You do solemnly swear the testimony
22 you are about to give in this action shall be the truth,
23 the whole truth, and nothing but the truth, so help you
24 God.

25 THE WITNESS: Yes.

1 THE CLERK: State and spell your name for the
2 record.

3 THE WITNESS: Lorelei Tran, L-o-r-e-l-e-i --
4 T-r-a-n.

5 THE COURT: Ms. Luzaich, when you are ready.

6 MS. LUZAICH: Thank you.

7 DIRECT EXAMINATION

8 BY MS. LUZAICH:

9 Q. How are you, ma'am. May I call you Lorelei?

10 A. Yes.

11 Q. Do you work?

12 A. Yes.

13 Q. What do you do?

14 A. I'm a supervisor now at Harrah's.

15 Q. For how long have you been a supervisor at
16 Harrah's?

17 A. 13 years.

18 Q. As part of your employment with Harrah's are
19 you required to get a physical every year?

20 A. Yes.

21 Q. For several years after 2010 did you see
22 Dr. Chung?

23 A. Yes.

24 Q. Do you see him here in court today?

25 A. Yes.

1 Q. Can you point to him and describe an article
2 of clothing he's wearing?

3 A. A red tie and gray suit.

4 MS. LUZAICH: Record reflect identification of
5 the Defendant.

6 THE COURT: The record will so reflect.

7 BY MS. LUZAICH:

8 Q. How did you get referred to Dr. Chung?

9 A. My husband goes to him. He was also was
10 referred by a friend of his, so I just started going to
11 him because it was close to our house.

12 Q. Your husband was going to him. Was he going to
13 him before you even met your husband?

14 A. I'm sorry.

15 Q. Was your husband seeing Dr. Chung as a doctor
16 even before he met you?

17 A. No.

18 Q. But he saw him for awhile?

19 A. Yes.

20 Q. Would he get a physical like you did?

21 A. Yes.

22 Q. Would he see him for any other reasons as
23 well?

24 A. To get medication.

25 Q. Around when was it you started seeing the

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CERTIFICATE
OF
CERTIFIED COURT REPORTER

* * * * *

I, the undersigned certified court reporter in and for the State of Nevada, do hereby certify:

That the foregoing proceedings were taken before me at the time and place therein set forth; that the testimony and all objections made at the time of the proceedings were recorded stenographically by me and were thereafter transcribed under my direction; that the foregoing is a true record of the testimony and of all objections made at the time of the proceedings.



Sharon Howard
C.C.R. #745

EXHIBIT 3

EXHIBIT 3

MAY 22 2017

DISTRICT COURT
CLARK COUNTY, NEVADA

BY: Boyle
S. BOYLE DEPUTY

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THE STATE OF NEVADA,
Plaintiff,

-vs-

BINH MINH CHUNG,
a.k.a. Ben Minh Chung,
Defendant.

CASE NO: C-15-309717-1

DEPT NO: XXV

VERDICT

We, the jury in the above entitled case, find the Defendant BINH MINH CHUNG,
aka, Ben Minh Chung, as follows:

COUNT 1 - USE OF MINOR IN PRODUCING PORNOGRAPHY

(Please check the appropriate box, select only one)

- Guilty of Use Of Minor In Producing Pornography
- Not Guilty

COUNT 2 - SEXUAL ASSAULT

(Please check the appropriate box, select only one)

- Guilty of Sexual Assault
- Not Guilty

COUNT 3 - SEXUAL ASSAULT

(Please check the appropriate box, select only one)

- Guilty of Sexual Assault
- Not Guilty

///

C-15-309717-1
VER
Verdict
4651720



4

1 **COUNT 4** - SEXUAL ASSAULT

2 *(Please check the appropriate box, select only one)*

3 Guilty of Sexual Assault

4 Not Guilty

5
6 **COUNT 5** - ADMINISTRATION OF DRUG TO AID COMMISSION OF FELONY

7 *(please check the appropriate box, select only one)*

8 Guilty of Administration Of Drug To Aid Commission Of Felony

9 Not Guilty

10
11 **COUNT 6** - SEXUAL ASSAULT

12 *(Please check the appropriate box, select only one)*

13 Guilty of Sexual Assault

14 Not Guilty

15
16 **COUNT 7** - BATTERY WITH INTENT TO COMMIT A SEXUAL ASSAULT

17 *(Please check the appropriate box, select only one)*

18 Guilty of Battery With Intent To Commit A Sexual Assault

19 Not Guilty

20
21 **COUNT 8** - ATTEMPT SEXUAL ASSAULT

22 *(Please check the appropriate box, select only one)*

23 Guilty of Attempt Sexual Assault

24 Not Guilty

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1 **COUNT 9** - OPEN OR GROSS LEWDNESS

2 *(Please check the appropriate box, select only one)*

- 3 Guilty of Open Or Gross Lewdness
4 Not Guilty

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6 **COUNT 10** - OPEN OR GROSS LEWDNESS

7 *(Please check the appropriate box, select only one)*

- 8 Guilty of Open Or Gross Lewdness
9 Not Guilty

10
11 **COUNT 11** - ADMINISTRATION OF DRUG TO AID COMMISSION OF FELONY

12 *(please check the appropriate box, select only one)*

- 13 Guilty of Administration Of Drug To Aid Commission Of Felony
14 Not Guilty

15
16 **COUNT 12** - KIDNAPPING IN THE FIRST DEGREE

17 *(please check the appropriate box, select only one)*

- 18 Guilty of Kidnapping In The First Degree
19 Guilty of Kidnapping In The Second Degree
20 Guilty of False Imprisonment
21 Not Guilty

22
23 **COUNT 13** - ADMINISTRATION OF DRUG TO AID COMMISSION OF FELONY

24 *(please check the appropriate box, select only one)*

- 25 Guilty of Administration Of Drug To Aid Commission Of Felony
26 Not Guilty

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COUNT 14 - ADMINISTRATION OF DRUG TO AID COMMISSION OF FELONY

(please check the appropriate box, select only one)

- Guilty of Administration Of Drug To Aid Commission Of Felony
- Not Guilty

DATED this 22 day of May, 2017



FOREPERSON

EXHIBIT 4

EXHIBIT 4

C-15-309717-1 State of Nevada
vs
Binh Chung

July 10, 2017 11:00 AM Sentencing

HEARD BY: Delaney, Kathleen E. COURTROOM: RJC Courtroom 03F

COURT CLERK: Boyle, Shelley

RECORDER:

REPORTER: Howard, Sharon

PARTIES PRESENT:

Christopher R Oram	Attorney for Defendant
Alexander G. Chen	Attorney for Plaintiff
Betsy Allen	Attorney for Defendant
Elissa Luzaich	Attorney for Plaintiff
Binh Minh Chung	Defendant
State of Nevada	Plaintiff

JOURNAL ENTRIES

Argument by Ms. Luzaich. COURT NOTED it received and reviewed letters of support received on behalf of Deft. Statement by Deft., argument by Mr. Oram. Victim Speaker's HC and HK SWORN IN and TESTIFIED. COURT ORDERED, by virtue of JURY VERDICT, in addition to the \$25.00 Administrative Assessment Fee, \$150.00 DNA Analysis Fee, \$3.00 DNA Collection, and with regard to COUNT 1, Restitution of \$4,690.66 to Clark County Social Services, Deft. SENTENCED as follows:

COUNT 1 - USE OF MINOR IN PRODUCING PORNOGRAPHY (F), LIFE with the possibility of parole after a MINIMUM of FIVE (5) YEARS SERVED in the Nevada Department of Corrections (NDC)

COUNT 2 - SEXUAL ASSAULT (F), to LIFE with the possibility of parole after a MINIMUM of TEN (10) YEARS SERVED in the NDC, CONSECUTIVE to COUNT 1

COUNT 3 - SEXUAL ASSAULT (F), LIFE with the possibility of parole after a MINIMUM of TEN (10) YEARS SERVED in the NDC, CONCURRENT to COUNT 2

COUNT 4 - SEXUAL ASSAULT (F), LIFE with the possibility of parole after a MINIMUM of TEN (10) YEARS SERVED in the NDC, CONSECUTIVE to COUNT 3

COUNT 5 - ADMINISTRATION OF DRUG TO AID COMMISSION OF FELONY (F), to a MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of SIXTY (60) MONTHS in the NDC, CONSECUTIVE to COUNT 4

COUNT 6 - SEXUAL ASSAULT (F), LIFE with the possibility of parole after a MINIMUM of TEN (10) YEARS SERVED in the NDC, CONSECUTIVE to COUNT 5

COUNT 7 - BATTERY WITH INTENT TO COMMIT A SEXUAL ASSAULT (F), LIFE with the possibility of parole after a MINIMUM of TWO (2) YEARS SERVED in the NDC, CONCURRENT to COUNT 6

COUNT 8 - ATTEMPT SEXUAL ASSAULT (F), to a MINIMUM of FORTY-EIGHT (48) MONTHS and MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS, CONSECUTIVE to COUNT 7

COUNT 11 - ADMINISTRATION OF DRUG TO AID COMMISSION OF FELONY (F), to a MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of SIXTY (60) MONTHS in the NDC, CONSECUTIVE to COUNT 8

COUNT 12 - KIDNAPPING IN THE FIRST DEGREE (F), LIFE with the possibility of parole after a MINIMUM of FIVE (5) YEARS SERVED in the Nevada Department of Corrections (NDC), CONSECUTIVE to COUNT 11

COUNT 13 - ADMINISTRATION OF DRUG TO AID COMMISSION OF FELONY (F), to a MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of SIXTY (60) MONTHS in the NDC, CONSECUTIVE to COUNT 12, for an AGGREGATE TOTAL of LIFE, with the possibility of parole after a MINIMUM of FIFTY (50) YEARS SERVED in the NDC, with SEVEN HUNDRED FIFTY-TWO (752) DAYS credit for time served.

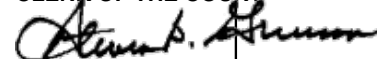
COURT FURTHER ORDERED, Deft. is to register as a sex offender in accordance with NRS 179D.460 within 48 hours after sentencing, a special SENTENCE OF LIFETIME SUPERVISION is imposed to commence upon release from any term of probation, parole or imprisonment. At the request of Mr. Oram, COURT ADDITIONALLY ORDERED, a Status Check SEE. BOND, if any, EXONERATED.

NDC

07/26/17 9:00 A.M. STATUS CHECK: APPEAL

EXHIBIT 5

EXHIBIT 5



JOC

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DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

BINH MINH CHUNG
aka BEN MINH CHUNG
#1136698

Defendant.

CASE NO. c-15-309717-1

DEPT. NO. XXV

JUDGMENT OF CONVICTION
(JURY TRIAL)

The Defendant previously entered a plea of not guilty to the crimes of COUNT 1 – USE OF MINOR IN PRODUCING PORNOGRAPHY (Category A Felony) in violation of NRS 200.700, 200.710.1, 200.750; COUNT 2 – SEXUAL ASSAULT (Category A Felony) in violation of NRS 200.364, 200.366; COUNT 3 – SEXUAL ASSAULT (Category A Felony) in violation of NRS 200.364, 200.366; COUNT 4 – SEXUAL ASSAULT (Category A Felony) in violation of NRS 200.364, 200.366; COUNT 5 – ADMINISTRATION OF DRUG TO AID COMMISSION OF A FELONY (Category B Felony) in violation of NRS 200.405, of COUNT 6 – SEXUAL ASSAULT (Category A Felony) in violation of NRS 200.364, 200.366; COUNT 7 – BATTERY WITH INTENT

1 TO COMMIT SEXUAL ASSAULT (Category A Felony) in violation of NRS 200.400.4;
2 COUNT 8 – ATTEMPT SEXUAL ASSAULT (Category B Felony) in violation of NRS
3 200.364, 200.366, 193.330; COUNT 9 – OPEN OR GROSS LEWDNESS (GROSS
4 MISDEMEANOR) in violation of NRS 201.210; COUNT 10 – OPEN OR GROSS
5 LEWDNESS (GROSS MISDEMEANOR) in violation of NRS 201.210; COUNT 11 -
6 ADMINISTRATION OF DRUG TO AID COMMISSION OF A FELONY (Category B
7 Felony) in violation of NRS 200.405, COUNT 12 – FIRST DEGREE KIDNAPPING
8 (Category A Felony) in violation of NRS 200.310, 300.320; COUNT 13 -
9 ADMINISTRATION OF DRUG TO AID COMMISSION OF A FELONY (Category B
10 Felony) in violation of NRS 200.405, AND of COUNT 14 ADMINISTRATION OF DRUG
11 TO AID COMMISSION OF A FELONY (Category B Felony) in violation of NRS 200.405,
12 and the matter having been tried before a jury and the Defendant having been found
13 guilty of the crimes of COUNT 1 – USE OF MINOR IN PRODUCING PORNOGRAPHY
14 Category A Felony) in violation of NRS 200.700, 200.710.1, 200.750 ; COUNT 2 –
15 SEXUAL ASSAULT (Category A Felony) in violation of NRS 200.364, 200.366; COUNT
16 3 – SEXUAL ASSAULT (Category A Felony) in violation of NRS 200.364, 200.366;
17 COUNT 4 – SEXUAL ASSAULT (Category A Felony) in violation of NRS 200.364,
18 200.366; COUNT 5 – ADMINISTRATION OF DRUG TO AID COMMISSION OF A
19 FELONY (Category B Felony) in violation of NRS 200.405, of COUNT 6 – SEXUAL
20 ASSAULT (Category A Felony) in violation of NRS 200.364, 200.366; COUNT 7 –
21 BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT (Category A Felony) in
22 violation of NRS 200.400.4; COUNT 8 – ATTEMPT SEXUAL ASSAULT (Category B
23 Felony) in violation of NRS 200.364, 200.366, 193.330; COUNT 11- ADMINISTRATION
24 OF DRUG TO AID COMMISSION OF A FELONY (Category B Felony) in violation of

1 NRS 200.405, COUNT 12 – FIRST DEGREE KIDNAPPING (Category A Felony) in
2 violation of NRS 200.310, 300.320; and COUNT 13 - ADMINISTRATION OF DRUG TO
3 AID COMMISSION OF A FELONY (Category B Felony) in violation of NRS 200.405,
4 thereafter, on the 10th day of July, 2017, the Defendant was present in court for
5 sentencing with counsel Christopher Oram, Esq. and Betsy Allen, Esq., and good cause
6 appearing,
7

8 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offenses and, in
9 addition to the \$25.00 Administrative Assessment Fee, \$4,690.66 Restitution payable to
10 Clark County Social Services, and \$150.00 DNA Analysis Fee including testing to
11 determine genetic markers plus \$3.00 DNA Collection Fee, the Defendant is
12 SENTENCED to the Nevada Department of Corrections (NDC) as follows: **COUNT 1 -**
13 **a MAXIMUM of LIFE with a MINIMUM Parole Eligibility of FIVE (5) YEARS; COUNT 2 -**
14 **a MAXIMUM of LIFE with a MINIMUM Parole Eligibility of TEN (10) YEARS,**
15 **CONSECUTIVE to COUNT 1; COUNT 3 - a MAXIMUM of LIFE with a MINIMUM Parole**
16 **Eligibility of TEN (10) YEARS, CONCURRENT with COUNT 2; COUNT 4 – a**
17 **MAXIMUM of LIFE with a MINIMUM Parole Eligibility of TEN (10) YEARS,**
18 **CONSECUTIVE to COUNT 3; COUNT 5 - a MAXIMUM of SIXTY (60) MONTHS with a**
19 **MINIMUM Parole Eligibility of TWENTY-FOUR (24) MONTHS, CONSECUTIVE to**
20 **COUNT 4; COUNT 6 - a MAXIMUM of LIFE with a MINIMUM Parole Eligibility of TEN**
21 **YEARS, CONSECUTIVE to COUNT 5; COUNT 7 - a MAXIMUM of LIFE with a**
22 **MINIMUM Parole Eligibility of TWO (2) YEARS, CONCURRENT with COUNT 6;**
23 **COUNT 8 - a MAXIMUM of ONE HUNDRED AND TWENTY (120) MONTHS with a**
24 **MINIMUM Parole Eligibility of FORTY-EIGHT (48) MONTHS, CONSECUTIVE to**
25 **COUNT 7; COUNT 11 – a MAXIMUM of SIXTY (60) MONTHS with a MINIMUM Parole**
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1 Eligibility of TWENTY-FOUR (24) MONTHS CONSECUTIVE to COUNT 8; **COUNT 12** -
2 a **MAXIMUM** of LIFE with a **MINIMUM** Parole Eligibility of FIVE (5) YEARS,
3 **CONSECUTIVE** to COUNT 11; COUNT 13 - a **MAXIMUM** of SIXTY (60) MONTHS with
4 a **MINIMUM** Parole Eligibility of TWENTY-FOUR (24) MONTHS CONSECUTIVE to
5 COUNT 12; with SEVEN HUNDRED AND FIFTY-TWO (752) DAYS credit for time
6 served. COUNTS 9, 10, and 14 NOT GUILTY. The **AGGREGATE TOTAL** sentence is
7 LIFE with a **MINIMUM PAROLE ELIGIBILITY OF FIFTY (50) YEARS**.
8

9 **FURTHER ORDERED**, a **SPECIAL SENTENCE** of LIFETIME SUPERVISION
10 is imposed to commence upon release from any term of imprisonment, probation or
11 parole. In addition, before the Defendant is eligible for parole, a panel consisting of
12 the Administrator of the Mental Health and Development Services of the Department
13 of Human Resources or his designee; the Director of the Department of corrections or
14 his designee; and a psychologist licensed to practice in this state; or a psychiatrist
15 licensed to practice medicine in Nevada must certify that the Defendant does not
16 represent a high risk to re-offend based on current accepted standards of assessment.
17

18 **ADDITIONALLY**, the Defendant is **ORDERED** to REGISTER as a sex offender
19 in accordance with NRS 179D.460 within FORTY-EIGHT (48) HOURS after any
20 release from custody.
21

22 DATED this 20th day of July, 2017.
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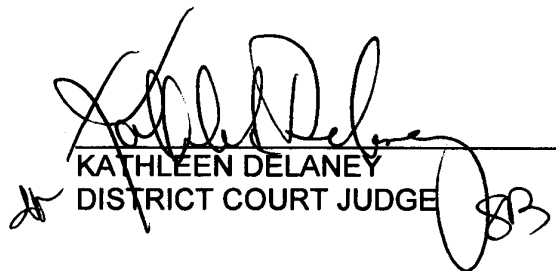
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KATHLEEN DELANEY
DISTRICT COURT JUDGE

EXHIBIT 6

EXHIBIT 6

IN THE SUPREME COURT OF THE STATE OF NEVADA

BINH MINH CHUNG, A/K/A BEN
MINH CHUNG,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 73657

FILED

JUN 26 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

This is an appeal from a judgment of conviction, pursuant to a jury verdict, of first-degree kidnapping, use of a minor in producing pornography, four counts of sexual assault, three counts of administration of a drug to aid commission of a felony, battery with intent to commit sexual assault, and attempted sexual assault. Eighth Judicial District Court, Clark County; Kathleen E. Delaney, Judge.

Appellant Binh Chung was found guilty of sexually assaulting H.K and A.K. and administering drugs to aid in the sexual assault of them. He was also found guilty of administering drugs to aid in the commission of a felony against one of his patients. Chung was a doctor practicing medicine in Las Vegas. His wife found videos of him engaging in sexual activities with H.K., a family friend and patient of Chung. The videos depicted H.K. in an unconscious and immobile state. Chung testified that H.K. was acting and the sex was consensual. H.K. testified that she did not remember anything after Chung administered a shot for her medical condition and that she never consented to sex with Chung. Chung also gave shots to other

patients causing them to pass out after which he touched them in a sexually inappropriate way.

On appeal, Chung argues: (1) the court admitted evidence that was prejudicial; (2) the State committed prosecutorial misconduct; (3) evidence was obtained under an invalid warrant; (4) the counts relating to his patients should have been severed from the counts relating to H.K.; (5) an independent psychological evaluation should have been ordered for H.K.; (6) the State vouched for a witness in the closing argument; (7) there was not sufficient evidence to sustain Count 4 and Count 6 of the indictment; (8) the kidnapping charge should have been dismissed as incidental; (9) an improper jury instruction was given; (10) the State referenced sealed information during sentencing; and (11) cumulative error warrants a new trial.

First, Chung argues video tapes of patients were improperly admitted because they show him as a person of bad character and that he acted in conformity with that trait. He also argues that the mention that he had thousands of photos on his computer was prejudicial. The district court held a hearing, outside the presence of the jury, and determined that five of the thirty-seven video tapes were admissible to show Chung's opportunity, intent and plan pursuant to NRS 48.045(2). This court requires the trial court to determine that: "(1) the incident is relevant to the crime charged; (2) the act is proven by clear and convincing evidence, and (3) the probative value of the evidence is not substantially outweighed by the danger of unfair prejudice." *Tinch v. State*, 113 Nev. 1170, 1176, 946 P.2d 1061, 1064-65 (1997). The district court properly applied this test and was within its discretion to admit the video tapes, and the brief mention of

photos was harmless error because the district court gave an immediate warning to the jury to disregard it.

Second, Chung argues that the prosecution engaged in misconduct when it referenced information outside the record in its rebuttal closing. In reviewing claims of prosecutorial misconduct, the court determines whether the prosecutor's conduct was improper and, if so, whether the improper conduct warrants reversal. *Valdez v. State*, 124 Nev. 1172, 1188, 196 P.3d 465, 476 (2008). Based on our review of the closing argument, the corresponding trial testimony of Chung where the "sleepassault.com" and "rapesection.com" websites were first mentioned, and the lack of objection at trial, we discern no misconduct that would require reversal during the State's closing. *Id.* at 1190, 196 P.3d at 477 (explaining that if an error has not been reserved by a contemporaneous objection, the reviewing court will use plain error review); *Mahan v. State*, 104 Nev. 13, 16, 752 P.2d 208, 210 (1988) (explaining improper remarks by the prosecution do not require reversal if the evidence is substantial and no prejudice was caused). While the State may have improperly referred to the websites in its closing argument, the misconduct did not create prejudice because the jury had already heard about those websites, and the convictions are strongly supported by the video tapes of the crimes. *Mahan*, 104 Nev. at 16, 752 P.2d at 210. Thus, the reference in closing argument to the websites does not warrant reversal. *Id.*

Third, Chung argues that the warrant used to search his office on June 5, 2015 was invalid because the typed date and time on the physical copy of the warrant was June 6, 2015 at 16:36. There is no dispute that the transcript of the telephonic warrant issued pursuant to NRS 179.045(3) has a date and time prior to the search of the office. A search warrant is not

defective simply because the original search warrant contains an error in reciting the time of issuance. *Sanchez v. State*, 103 Nev. 166, 168-69, 734 P.2d 726, 727-28 (1987) (finding a valid warrant when the time on the original warrant was listed as 6:46 p.m. as opposed to 7:36p.m., the time of the supplemental oral statement); *Lucas v. State*, 96 Nev. 428, 432, 610 P.2d 727, 730 (1980) (holding that a search warrant will still be valid if it specifies an incorrect address). Here, we conclude that the warrant issued pursuant to NRS 179.045(3) was valid at the time of the search and the evidence seized was properly admitted. *State v. Beckman*, 129 Nev. 481, 485-86, 305 P.3d 912, 916 (2013) (providing that suppression of evidence is a mixed question of law and fact, and this court reviews finding of fact for clear error and the related legal consequences of those findings de novo).

Fourth, Chung argues that the charges related to his medical patients should have been separate from the charges relating to H.K. and A.K. This court employs a test as to whether joinder of charges is “so manifestly prejudicial that it outweighs the dominant concern with judicial economy and compels the exercise of the court’s discretion to sever.” *Tabish v. State*, 119 Nev. 293, 304, 72 P.3d 584, 591 (2003) (internal quotation marks omitted). Also, this court has held that “charges with mutually cross-admissible evidence are properly joined.” *Zana v. State*, 125 Nev. 541, 549, 216 P.3d 244, 249 (2009). The district court did not abuse its discretion because the evidence from one of the separate proceedings for these charges would have been admissible under NRS 45.045(3) in the other proceeding and were part of a common scheme or plan.

Fifth, Chung argues that an independent psychological evaluation of H.K. should have been ordered. NRS 50.700(1) states, “a court may not order the victim of or a witness to the sexual offense to take or

submit to a psychological or psychiatric examination.” H.K. was the victim of a sexual assault, and, therefore, the court did not abuse its discretion.

Sixth, Chung argues that the State vouched for H.K. in its closing argument when it stated “but she did because that’s the truth and that’s what she was sworn to do.” The statement refers to H.K. testifying that she was molested by her father even though she previously told her psychiatrist that she had not been molested. In reviewing claims of prosecutorial misconduct, the court determines whether the prosecutor’s conduct was improper and, if so, whether the improper conduct warrants reversal. *Valdez*, 124 Nev. at 1188, 196 P.3d at 476. The State’s statement does not place the prestige of the government behind the witness, it merely reiterates that witnesses are sworn to tell the truth on the stand. Based on our review of the statement and lack of objection at trial, we discern no misconduct in the State’s remarks about her testimony during closing argument. *Id.* at 1190, 196 P.3d at 477 (explaining that if an error has not been reserved by a contemporaneous objection, the reviewing court will apply plain error review).

Seventh, Chung argues that there was not sufficient evidence for Count 4 and Count 6 of the indictment because it listed the subjects as “H.K. and/or A.K.” and “Jane Doe,” respectively. Because identity is not an element of sexual assault, the crime charged in Counts 4 and 6, Chung’s claim must fail. NRS 200.366(1). Chung also argues “there was insufficient evidence presented as to these two counts” without providing further detail. This court will not assess the weight of the evidence. *McNair v. State*, 108 Nev. 53, 56, 825 P.2d 571, 573 (1992) (“[I]t is the jury’s function, not that of the [reviewing] court, to assess the weight of the evidence and determine the credibility of witnesses.”). The evidence presented by the State, if

believed by the jury, is sufficient for a rational trier of fact to have found the elements of the sexual assault beyond a reasonable doubt. *See Jackson v. Virginia*, 443 U.S. 307, 319 (1979); *McNair*, 108 Nev. at 56, 825 P.2d at 573 (observing that the court will not disturb a verdict supported by substantial evidence).

Eighth, Chung argues that the kidnapping charge was incidental to the other charged offenses involving A.K. and should have been dismissed. To sustain convictions for kidnapping and an underlying offense arising out of the same conduct, the movement or restraint of the kidnapping must stand alone with independent significance from the underlying offense. *Mendoza v. State*, 122 Nev. 267, 275, 130 P.3d 176, 181 (2006). The determination of whether movement of the victim is incidental to the underlying charge is to be determined by the trier of fact. *Pascua v. State*, 122 Nev. 1001, 1005, 145 P.3d 1031, 1033 (2006). The district court should deny a motion to dismiss the kidnapping charge in all but the clearest cases. *Id.* at 1005, n.6, 145 P.3d at 1033 n.6 (citing *Sheriff v. Medberry*, 96 Nev. 202, 204, 606 P.2d 181, 182 (1980), which held that “whether the movement of the victims was incidental to the associated offense and whether the movement increased the risk of harm to the victims are questions of fact to be determined by the trier of fact in all but the clearest cases”). The movement of A.K. from her home to the medical office could have been determined by the jury to have had independent significance apart from the underlying sexual assault. As the motion to dismiss may only be granted in the clearest of cases, we conclude the district court correctly denied the motion.

Ninth, Chung objects to the reasonable doubt instruction. The instruction given is identical to the one set forth in NRS 175.211(1). This

court has repeatedly upheld the statutory reasonable doubt instruction against similar challenges. *See, e.g., Garcia v. State*, 121 Nev. 327, 339-40, 113 P.3d 836, 844 (2005); *Buchanan v. State*, 119 Nev. 201, 221, 69 P.3d 694, 708 (2003); *Noonan v. State*, 115 Nev. 184, 189-90, 980 P.2d 637, 640 (1999). Because Chung offers no new argument that would warrant a departure from that precedent, *see Armenta-Carpio v. State*, 129 Nev. 531, 535, 306 P.3d 395, 398 (2013) (observing that court will not overrule precedent unless there is a compelling reason to do so), the district court did not err in giving the statutory instruction.

Tenth, Chung argues the State should not have been allowed to reference sealed criminal proceedings in the sentencing hearing. Chung, however, failed to object to the inclusion of sealed information, and therefore, has forfeited appellate review on this issue. *Nunnery v. State*, 127 Nev. 749, 770, 263 P.3d 235, 249 (2011) (emphasizing that, in the context of presenting information at a sentencing hearing, “a defendant must object to any evidence in a PSI that he believes is unduly prejudicial or otherwise inadmissible; otherwise, he forfeits appellate review of that matter”). Thus, Chung is entitled to relief only if he can show plain error, and we conclude he does not. *Jeremias v. State*, 134 Nev., Adv. Op. 8, 412 P.3d 43, 49 (2018) (stating “[A] plain error affects a defendant’s substantial rights when it causes actual prejudice or a miscarriage of justice”). The mere reference to the sealed conviction did not affect Chung’s substantial rights because the court acknowledged arguments from both sides, as well as reports, letters from Chung’s family, patients and employees, victim impact statements, and Chung’s apology before sentencing. *Nunnery*, 127 Nev. at 770, 263 P.3d at 249 (holding that “NRS 175.552 establishes broad parameters as to what constitutes admissible evidence at a penalty phase”

and “the decision to admit evidence at a penalty hearing is left to the discretion of the trial judge”). It was not improper to consider the sealed information.

Lastly, because Chung has demonstrated only one error—prosecutorial misconduct during rebuttal closing argument by referencing evidence outside the record—there are not multiple errors to cumulate. *Mulder v. State*, 116 Nev. 1, 17, 992 P.2d 845, 854-55 (2000). Therefore, his claim for cumulative error must fail. We therefore

ORDER the judgment of the district court AFFIRMED.

Pickering J.
Pickering

Parraguirre J.
Parraguirre

Cadish J.
Cadish

cc: Hon. Kathleen E. Delaney, District Judge
Law Office of Christopher R. Oram
Attorney General/Carson City
Clark County District Attorney
Eighth District Court Clerk

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1 **BEFORE THE BOARD OF MEDICAL EXAMINERS**
2 **OF THE STATE OF NEVADA**

3 * * * * *

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6 **In the Matter of the Investigation of**)

Case No. 15-20478-1

7)
8 **BINH M. CHUNG, M.D.,**)

FILED

JUN 23 2015

9 License No. 11281.)

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

10 By: 

11 **ORDER OF SUMMARY SUSPENSION & NOTICE OF HEARING**

12 Prior to the preparation of this Order of Summary Suspension, Nevada State Board of
13 Medical Examiners (Board) staff presented evidence and information to an Investigative
14 Committee (IC) of the Board, composed of Theodore B. Berndt, M.D.,
15 Valerie J. Clark, BSN, RHU, LUTCF, and Michael J. Fischer, M.D., regarding Binh M. Chung,
16 M.D. (Dr. Chung). Upon review of the evidence and information presented by Board staff, which
17 is contained in the Las Vegas Metropolitan Police Department (LVMPD) police report filed by the
18 alleged minor female victim, the Memorandum of Detective Sean Taylor¹, and the Affidavit of
19 Detective Sean Taylor², the IC hereby **IMMEDIATELY SUSPENDS** Dr. Chung's license to
20 practice medicine in the state of Nevada pursuant to Nevada Revised Statute (NRS) 630.326(1),
21 based upon the following preliminary findings:

- 22 1. Dr. Chung is a physician licensed to practice medicine in the state of Nevada
23 (License No. 11281). He was originally licensed by the Board on January 3, 2005.
- 24 2. Dr. Chung currently practices medicine at 8785 W. Warm Springs Road, Ste. 109,
25 in Las Vegas, Nevada.

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28 ¹ The Memorandum is not disclosed in this Order to protect the identity of the alleged minor female victim but was contemporaneously served on Dr. Chung with this Order

² The Affidavit is not disclosed in this Order to protect the identity of the alleged minor female victim but was contemporaneously served on Dr. Chung with this Order

1 3. On June 15, 2015, a minor female filed a police report with LVMPD. Per the
2 police report, the minor female stated she went to see Dr. Chung at his medical office for an acne
3 problem. Dr. Chung injected the minor female with a medication that caused her to become
4 groggy. As the minor female was phasing in and out of consciousness, she realized her legs were
5 propped up and her pants were off. Fearing that something was happening to her, the minor
6 female began to cry. At this point, Dr. Chung came between the legs of the minor female and
7 began to abuse her. The minor female immediately passed out. When the minor female awoke,
8 Dr. Chung took her home. After the minor female was at home she awoke around three o'clock in
9 the morning knowing that something was very wrong.

10 4. The police report also asserts that the wife of Dr. Chung found records and text
11 messages/pictures from Dr. Chung's personal computer of other women whom he has assaulted.

12 5. On June 20, 2015, Dr. Chung was arrested and booked on one Class A felony count
13 of using or permitting the use of a minor, age 14 or older, in the production of pornography or as a
14 subject to produce porn, a violation of NRS 200.710 and NRS 200.750, and 10 Class A felony
15 counts of possession of visual pornography of a person under age 16, 10 violations of NRS
16 200.730.

17 6. On June 22, 2015, the Board received a Memorandum from Detective Sean Taylor
18 of the LVMPD Sex Crimes Detail. The Memorandum detailed that several search warrants were
19 obtained and served on Dr. Chung between June 4, 2015 and June 20, 2015. These search
20 warrants resulted in the following items being seized from Dr. Chung's residence and/or medical
21 practice: Ketamine and computers, hard drives and/or storage devices containing hundreds of
22 child pornography videos.

23 7. Based on the foregoing, the IC reasonably determines and believes that the health,
24 safety and welfare of the public is at imminent risk and that a summary suspension of
25 Dr. Chung's license to practice medicine in the state of Nevada is necessary to remove the risk of
26 imminent harm to the health, safety and welfare of the public.

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Accordingly, pursuant to NRS 630.326(1):

IT IS HEREBY ORDERED that the license to practice medicine in the state of Nevada of Dr. Chung (License No. 11281) is **HEREBY SUSPENDED** until further order of the IC or Board; and

IT IS FURTHER ORDERED that pursuant to NRS 630.326(2), a hearing on this matter is set for the **July 27, 2015, at 10:00 a.m.**, at the Board's office located at 1105 Terminal Way, Ste. 301, Reno, NV 89502, to determine whether this suspension may continue, unless the parties mutually agree in writing to a divergent time frame.

DATED this 23rd day of June, 2015.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: Theodore B. Berndt
Theodore Berndt, M.D.
Chairman, Investigative Committee

Nevada State Board of Medical Examiners

Affidavit of Service

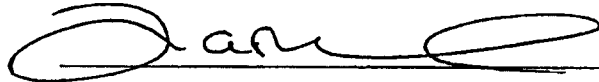
I, Lara Ward, Investigator, Las Vegas Office for the Nevada State Board of Medical Examiners, received the following documents on June 23rd 2015 for personal service on Binh Chung, M.D, Case No: 15-20478-1

1. Complaint and Notice of Hearing and Pre Hearing
2. Complaint and Request for Summary Suspension
3. Order of the Board
4. Order of Summary Suspension and Notice of Hearing

I was able to serve process by hand delivering copies of the above documents to Binh Chung, M.D. at the Clark County Detention Center, located at 330 S Casino Center Boulevard, Las Vegas, NV 89101 on June 23, 2015. Present with me was Investigator Kim Friedman.

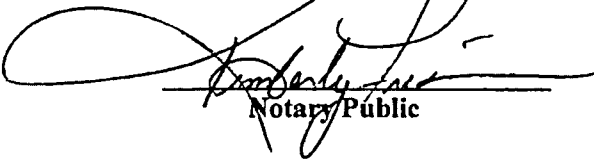
Signed this 23rd day of June, 2015.

Under Penalty of Perjury:



COUNTY OF CLARK
STATE OF NEVADA

SUBSCRIBED and SWORN to before me
This 23rd day of June, 2015



Notary Public



OFFICE OF THE GENERAL COUNSEL
Nevada State Board of Medical Examiners
1105 Terminal Way #301
Reno, Nevada 89502
(775) 688-2559

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**BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA**

* * * * *

**In the Matter of Charges and
Complaint Against
Binh M. Chung, M.D.,
Respondent.**

Case No. 15-20478-1

FILED

JUL - 9 2015

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: _____

COMPLAINT

The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners (Board) hereby issues this formal Complaint (Complaint) against Binh M. Chung, M.D. (Respondent), a licensed physician in Nevada. After investigating this matter, the IC has a reasonable basis to believe that Respondent has violated provisions of the Nevada Revised Statutes (NRS) chapter 630 and the Nevada Administrative Code (NAC) chapter 630 (collectively Medical Practice Act). The IC alleges the following facts:

1. Respondent is a physician licensed to practice medicine in the state of Nevada (License No. 11281). He was originally licensed by the Board, pursuant to the Medical Practice Act, on January 3, 2005. His licensure status is currently Suspended-Indefinitely.

2. Respondent's practice location is 8785 W. Warm Springs Road, Ste. 109, in Las Vegas, Nevada.

3. On June 4, 2015, a minor female² filed a police report with the Las Vegas Metropolitan Police Department (LVMP). Per the police report, the minor female was being treated at Respondent's medical office for an acne problem when Respondent injected the minor

¹ The Investigative Committee of the Nevada State Board of Medical Examiners is composed of Board members Theodore B. Berndt, M.D., Chairman, Valerie J. Clark, BSN, RHU, LUTCF, Member, and Michael J. Fischer, M.D., Member.

² The identity of the minor female is not disclosed in this Complaint to protect her identity, but her identity is disclosed in the Patient Designation contemporaneously served on Respondent with this Complaint.

1 female with a medication that caused her to become groggy. As the minor female was phasing in
2 and out of consciousness, she realized her legs were propped up in stirrups and her pants were off.
3 Fearing that something was happening to her, the minor female began to cry. At this point,
4 Respondent came between the legs of the minor female and began to abuse her. The minor female
5 immediately passed out. The minor female also remembered another time during this encounter
6 when she awoke and vomited. Ultimately, Respondent revived the minor female and informed
7 her that she had a bad reaction to the acne treatment. Respondent also asked the minor female to
8 remain silent about the alleged bad reaction she had to the acne treatment. Subsequently,
9 Respondent took the minor female home. At this time, the minor female knew something was
10 very wrong.

11 4. The police report also asserts that the wife of Respondent found multiple videos on
12 Respondent's personal computer and/or flash drive that showed Respondent, in his medical office,
13 having sex with women who appeared to be unresponsive.

14 5. Between June 4, 2015 and June 20, 2015, detectives for LVMP served several
15 search warrants on Respondent. These search warrants resulted in the following items being
16 seized from Respondent's residence and/or medical practice: Ketamine computers/electronics,
17 hard drives and/or storage devices containing hundreds of pornography videos, and at least 10
18 child pornography videos.

19 6. On June 20, 2015, Respondent was arrested and booked on one Class A felony
20 count of using or permitting the use of a minor, age 14 or older, in the production of pornography
21 or as a subject to produce porn, one violation of NRS 200.710 and NRS 200.750, and 10 Class A
22 felony counts of possession of visual pornography of a person under age 16, 10 violations of NRS
23 200.730.

24 7. On June 23, 2015, the Board summarily suspended Respondent's license to practice
25 medicine in Nevada.

26 8. Based on the foregoing, the IC charges Respondent with the following violations of
27 the Medical Practice Act:

28 ///

Count I

9. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

10. The IC may initiate disciplinary action against a licensee when a licensee engages in any sexual activity with a patient who is currently being treated by the licensee. NRS 630.301(5).

11. Based on the foregoing factual allegations, Respondent violated NRS 630.301(5) when he sexually assaulted a patient he was treating for acne.

12. By reason of the foregoing, Respondent is subject to discipline by the Board as provided in NRS 630.352.

Count II

13. All of the allegations contained in the above paragraphs are hereby incorporated by reference as though fully set forth herein.

14. The IC may initiate disciplinary action against a licensee when a licensee engages in conduct that brings the medical profession into disrepute. NRS 630.301(9).

15. Based on the foregoing factual allegations, Respondent violated NRS 630.301(9) when he sexually assaulted a patient he was treating for acne.

16. Based on the foregoing factual allegations, Respondent also violated NRS 630.301(9) when he sexually assaulted multiple unresponsive women in his medical office.

17. By reason of the foregoing, Respondent is subject to discipline by the Board as provided in NRS 630.352.

WHEREFORE, the IC prays:

1. That the Board give Respondent notice of the charges herein against him and give him notice that he may file an answer to the Complaint herein as set forth in NRS 630.339(2) within twenty (20) days of service of the Complaint;

2. That the Board set a time and place for a formal hearing after holding an Early Case Conference pursuant to NRS 630.339(3);

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3. That the Board determine what sanctions to impose if it finds and concludes that there has been a violation or violations of the Medical Practice Act committed by Respondent;

4. That the Board make, issue and serve on Respondent its findings of fact, conclusions of law and order, in writing, to include sanctions to be imposed; and

5. That the Board take such other and further action as may be just and proper in these premises.

DATED this 9th day of July, 2015.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 
Erin L. Albright, Esq.
General Counsel
Attorney for the Investigative Committee

OFFICE OF THE GENERAL COUNSEL
Nevada State Board of Medical Examiners
1105 Terminal Way #301
Reno, Nevada 89502
(775) 688-2559

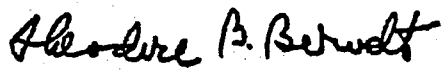
VERIFICATION

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STATE OF NEVADA)
 : ss.
COUNTY OF WASHOE)

Theodore B. Berndt, M.D., hereby deposes and states under penalty of perjury under the laws of the state of Nevada that he is the Chairman of the Investigative Committee of the Nevada State Board of Medical Examiners that authorized the foregoing Complaint against the Respondent herein; that he has read the foregoing Complaint; and that based upon information discovered during the course of the investigation into a complaint against Respondent, he believes the allegations and charges in the foregoing Complaint against Respondent are true, accurate and correct.

Dated this 9th day of July, 2015.



Theodore B. Berndt, M.D.

1 **BEFORE THE BOARD OF MEDICAL EXAMINERS**
2 **OF THE STATE OF NEVADA**

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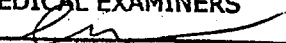
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6 **In the Matter of the Investigation of**)
7)
8 **BINH M. CHUNG, M.D.,**)
9)
10 **License No. 11281.**)

Case No. 15-20478-1

FILED

JUN 23 2015

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: 

11 **ORDER OF SUMMARY SUSPENSION & NOTICE OF HEARING**

12 Prior to the preparation of this Order of Summary Suspension, Nevada State Board of
13 Medical Examiners (Board) staff presented evidence and information to an Investigative
14 Committee (IC) of the Board, composed of Theodore B. Berndt, M.D.,
15 Valerie J. Clark, BSN, RHU, LUTCF, and Michael J. Fischer, M.D., regarding Binh M. Chung,
16 M.D. (Dr. Chung). Upon review of the evidence and information presented by Board staff, which
17 is contained in the Las Vegas Metropolitan Police Department (LVMPD) police report filed by the
18 alleged minor female victim, the Memorandum of Detective Sean Taylor¹, and the Affidavit of
19 Detective Sean Taylor², the IC hereby **IMMEDIATELY SUSPENDS** Dr. Chung's license to
20 practice medicine in the state of Nevada pursuant to Nevada Revised Statute (NRS) 630.326(1),
21 based upon the following preliminary findings:

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- 24 2. Dr. Chung currently practices medicine at 8785 W. Warm Springs Road, Ste. 109,
25 in Las Vegas, Nevada.

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28 ¹ The Memorandum is not disclosed in this Order to protect the identity of the alleged minor female victim but was contemporaneously served on Dr. Chung with this Order

² The Affidavit is not disclosed in this Order to protect the identity of the alleged minor female victim but was contemporaneously served on Dr. Chung with this Order

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5 propped up and her pants were off. Fearing that something was happening to her, the minor
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21 practice: Ketamine and computers, hard drives and/or storage devices containing hundreds of
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26 imminent harm to the health, safety and welfare of the public.

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Accordingly, pursuant to NRS 630.326(1):

IT IS HEREBY ORDERED that the license to practice medicine in the state of Nevada of Dr. Chung (License No. 11281) is **HEREBY SUSPENDED** until further order of the IC or Board; and

IT IS FURTHER ORDERED that pursuant to NRS 630.326(2), a hearing on this matter is set for the **July 27, 2015, at 10:00 a.m.**, at the Board's office located at 1105 Terminal Way, Ste. 301, Reno, NV 89502, to determine whether this suspension may continue, unless the parties mutually agree in writing to a divergent time frame.

DATED this 23rd day of June, 2015.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: Theodore B. Berndt
Theodore Berndt, M.D.
Chairman, Investigative Committee

**BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA**

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**In the Matter of Charges and
Complaint Against
Binh M. Chung, M.D.,
Respondent.**

Case No. 15-20478-1

PATIENT DESIGNATION¹

Minor Female



OFFICE OF THE GENERAL COUNSEL
Nevada State Board of Medical Examiners
1105 Terminal Way #301
Reno, Nevada 89502
(775) 688-2559

¹ This Patient Designation, which contains the identity of any patient involved in the Complaint filed in this matter, is not a public record. It is provided to ensure Respondent has complete information related to the allegations in the Complaint. Patient identities are not disclosed to protect patient privacy.

Nevada State Board of Medical Examiners

Affidavit of Service

I, Lara Ward, Investigator, Las Vegas Office for the Nevada State Board of Medical Examiners, received the following documents on July 13th 2015 for service on Binh Chung, M.D, Case No: 15-20478-1

1. Complaint and Notice of Hearing and Pre Hearing
2. X Complaint and Patient Designation
3. Order of the Board
4. X Stipulation and Order for Indefinite Summary Suspension

I was able to serve process by hand delivering copies of the above documents to Christopher Oram, legal counsel for Dr. Chung at the 520 Law Building, located at 520 S 4th Street, #200, Las Vegas, NV 89101 on July 14, 2015. Present with me was Investigator Kim Friedman.

Signed this 14th day of July, 2015.
Under Penalty of Perjury:

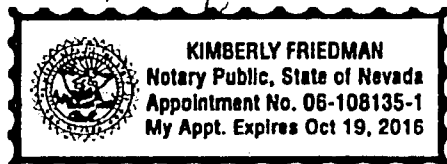


COUNTY OF CLARK
STATE OF NEVADA

SUBSCRIBED and SWORN to before me
This 14th day of July, 2015



Notary Public



1 **BEFORE THE BOARD OF MEDICAL EXAMINERS**
2 **OF THE STATE OF NEVADA**

3 * * * * *

4 In the Matter of the Investigation of)
5)
6 BINH M. CHUNG, M.D.,)
7 License No. 11281.)
8)

Case No. 15-20478-1
FILED

JUL 20 2015

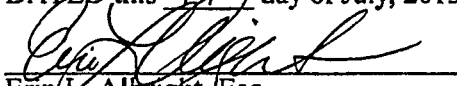
NEVADA STATE BOARD OF
MEDICAL EXAMINERS
By: 

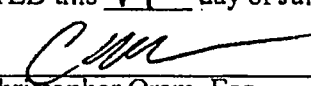
9 **STIPULATION AND ORDER FOR INDEFINITE SUMMARY SUSPENSION**

10 The parties hereby agree and stipulate that the hearing on the Order of Summary Suspension
11 currently scheduled for July 27, 2015, at 10:00 a.m., be vacated pending the resolution of Binh M.
12 Chung, M.D.'s corresponding criminal matter. To protect the public and to allow Dr. Chung to
13 prepare for and defend his criminal matter, the parties hereby stipulate to an indefinite suspension of
14 Dr. Chung's license to practice medicine in Nevada pursuant to Nevada Revised Statute (NRS)
15 630.326(1). By agreement of the parties, Dr. Chung's license to practice medicine is hereby
16 suspended indefinitely until further order of the Board, order of the Investigative Committee or
17 written agreement of the parties. Therefore, Dr. Chung, individually, and by and through
18 undersigned counsel, hereby waives the right to a hearing within 45 days pursuant to NRS 630.326(2)
19 and agrees to an indefinite suspension of his license to practice medicine in Nevada until further order
20 of the Board, order of the Investigative Committee or written agreement of the parties.

21 DATED this 14th day of July, 2015.

DATED this 14th day of July, 2015.

22 By: 
23 Erin L. Albright, Esq.
Attorney for the Investigative Committee

By: 
Christopher Oram, Esq.
Attorney for Binh M. Chung, M.D.

24 **ORDER**

25 **IT IS SO ORDERED.**

26 DATED this 15 day of July, 2015.

27 
28 CHARLES WOODMAN, ESQ.
Administrative Hearing Officer

OFFICE OF THE GENERAL COUNSEL
Nevada State Board of Medical Examiners
1105 Terminal Way #301
Reno, Nevada 89502
(775) 688-2559

1 **BEFORE THE BOARD OF MEDICAL EXAMINERS**
2 **OF THE STATE OF NEVADA**

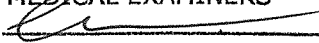
3 * * * * *

4 **FILED**

5 JUL 17 2017

6 **In the Matter of the Investigation of**)

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: 

7)
8 **BINH MINH CHUNG, M.D.,**)

9 **License No. 11281**)
10 _____)

11 **ORDER OF IMMEDIATE SUSPENSION**

12 This Order of Immediate Suspension is issued by Nevada State Board of Medical
13 Examiners (Board) pursuant to NRS 630.3675.¹ Dr. Chung is a physician licensed to practice
14 medicine in the state of Nevada (License No. 11281) and originally licensed by the Board on
15 January 3, 2005. Based upon the evidence and information in possession of the Board, the Board
16 hereby **IMMEDIATELY SUSPENDS** Dr. Chung's license to practice medicine in the state of
17 Nevada based upon the issuance of a Verdict where Dr. Chung was found guilty of eleven (11)
18 Felony Counts in District Court, Clark County, Nevada, in Case No. C-15-309717-1, Dept. No.
19 XXV on May 22, 2017. **See Exhibit A. IT IS HEREBY ORDERED** that Dr. Chung's license to
20 practice medicine in the state of Nevada is **HEREBY IMMEDIATELY SUSPENDED** until
21 further order of the Board.

22 DATED: July 17, 2017.

23 NEVADA STATE BOARD OF MEDICAL EXAMINERS

24
25 By: 
26 Michael J. Fischer, M.D., President

27 _____
28 ¹ **NRS 630.3675 Immediate suspension of license for conviction of felony relating to license holder's practice.**
If the holder of a license that is issued or renewed pursuant to this chapter is convicted of a felony for a violation of
any federal or state law or regulation relating to the holder's practice, the conviction operates as an immediate
suspension of the license.

EXHIBIT A

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MAY 22 2017

DISTRICT COURT
CLARK COUNTY, NEVADA

BY, S. Boyle
S. BOYLE DEPUTY

THE STATE OF NEVADA,
Plaintiff,

-vs-

BINH MINH CHUNG,
a.k.a. Ben Minh Chung,
Defendant.

CASE NO: C-15-309717-1

DEPT NO: XXV

VERDICT

We, the jury in the above entitled case, find the Defendant BINH MINH CHUNG, aka, Ben Minh Chung, as follows:

COUNT 1 - USE OF MINOR IN PRODUCING PORNOGRAPHY

(Please check the appropriate box, select only one)

Guilty of Use Of Minor In Producing Pornography

Not Guilty

COUNT 2 - SEXUAL ASSAULT

(Please check the appropriate box, select only one)

Guilty of Sexual Assault

Not Guilty

COUNT 3 - SEXUAL ASSAULT

(Please check the appropriate box, select only one)

Guilty of Sexual Assault

Not Guilty

C-15-309717-1
VER
Verdict
4851720



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1 **COUNT 4 - SEXUAL ASSAULT**

2 *(Please check the appropriate box, select only one)*

3 Guilty of Sexual Assault

4 Not Guilty

5
6 **COUNT 5 - ADMINISTRATION OF DRUG TO AID COMMISSION OF FELONY**

7 *(please check the appropriate box, select only one)*

8 Guilty of Administration Of Drug To Aid Commission Of Felony

9 Not Guilty

10
11 **COUNT 6 - SEXUAL ASSAULT**

12 *(Please check the appropriate box, select only one)*

13 Guilty of Sexual Assault

14 Not Guilty

15
16 **COUNT 7 - BATTERY WITH INTENT TO COMMIT A SEXUAL ASSAULT**

17 *(Please check the appropriate box, select only one)*

18 Guilty of Battery With Intent To Commit A Sexual Assault

19 Not Guilty

20
21 **COUNT 8 - ATTEMPT SEXUAL ASSAULT**

22 *(Please check the appropriate box, select only one)*

23 Guilty of Attempt Sexual Assault

24 Not Guilty

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1 **COUNT 9** - OPEN OR GROSS LEWDNESS

2 *(Please check the appropriate box, select only one)*

3 Guilty of Open Or Gross Lewdness

4 Not Guilty

5
6 **COUNT 10** - OPEN OR GROSS LEWDNESS

7 *(Please check the appropriate box, select only one)*

8 Guilty of Open Or Gross Lewdness

9 Not Guilty

10
11 **COUNT 11** - ADMINISTRATION OF DRUG TO AID COMMISSION OF FELONY

12 *(please check the appropriate box, select only one)*

13 Guilty of Administration Of Drug To Aid Commission Of Felony

14 Not Guilty

15
16 **COUNT 12** - KIDNAPPING IN THE FIRST DEGREE

17 *(please check the appropriate box, select only one)*

18 Guilty of Kidnapping In The First Degree

19 Guilty of Kidnapping In The Second Degree

20 Guilty of False Imprisonment

21 Not Guilty

22
23 **COUNT 13** - ADMINISTRATION OF DRUG TO AID COMMISSION OF FELONY

24 *(please check the appropriate box, select only one)*

25 Guilty of Administration Of Drug To Aid Commission Of Felony

26 Not Guilty

27 ///

28 ///

1 COUNT 14 - ADMINISTRATION OF DRUG TO AID COMMISSION OF FELONY

2 *(please check the appropriate box, select only one)*

3 Guilty of Administration Of Drug To Aid Commission Of Felony

4 Not Guilty

5 DATED this 22 day of May, 2017

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8 _____ FOREPERSON
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5 DISTRICT COURT
6 CLARK COUNTY, NEVADA

7 *****

8 STATE OF NEVADA

CASE NO.: C-15-309717-1

9 VS

DEPARTMENT 25

10 BINH CHUNG

11 CRIMINAL ORDER TO STATISTICALLY CLOSE CASE

12 Upon review of this matter and good cause appearing,

13 IT IS HEREBY ORDERED that the Clerk of the Court is hereby directed to
14 statistically close this case for the following reason:

15 DISPOSITIONS:

- 16 Nolle Prosequi (before trial)
- 17 Dismissed (after diversion)
- 18 Dismissed (before trial)
- 19 Guilty Plea with Sentence (before trial)
- 20 Transferred (before/during trial)
- 21 Bench (Non-Jury) Trial
 - 22 Dismissed (during trial)
 - 23 Acquittal
 - 24 Guilty Plea with Sentence (during trial)
 - 25 Conviction
- 26 Jury Trial
 - 27 Dismissed (during trial)
 - 28 Acquittal
 - Guilty Plea with Sentence (during trial)
 - Conviction

29 Other Manner of Disposition

30 DATED this 11th day of July, 2017.

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C-15-309717-1 State of Nevada
vs
Binh Chung

July 10, 2017 11:00 AM Sentencing

HEARD BY: Delaney, Kathleen E. COURTROOM: RJC Courtroom 03F

COURT CLERK: Boyle, Shelley

RECORDER:

REPORTER: Howard, Sharon

PARTIES PRESENT:

Christopher R Oram	Attorney for Defendant
Alexander G. Chen	Attorney for Plaintiff
Betsy Allen	Attorney for Defendant
Elissa Luzaich	Attorney for Plaintiff
Binh Minh Chung	Defendant
State of Nevada	Plaintiff

JOURNAL ENTRIES

Argument by Ms. Luzaich. COURT NOTED it received and reviewed letters of support received on behalf of Deft. Statement by Deft., argument by Mr. Oram. Victim Speaker's HC and HK SWORN IN and TESTIFIED. COURT ORDERED, by virtue of JURY VERDICT, in addition to the \$25.00 Administrative Assessment Fee, \$150.00 DNA Analysis Fee, \$3.00 DNA Collection, and with regard to COUNT 1, Restitution of \$4,690.66 to Clark County Social Services, Deft. SENTENCED as follows:

- ⚡ COUNT 1 - USE OF MINOR IN PRODUCING PORNOGRAPHY (F), LIFE with the possibility of parole after a MINIMUM of FIVE (5) YEARS SERVED in the Nevada Department of Corrections (NDC)
- ⚡ COUNT 2 - SEXUAL ASSAULT (F), to LIFE with the possibility of parole after a MINIMUM of TEN (10) YEARS SERVED in the NDC, CONSECUTIVE to COUNT 1
- ⚡ COUNT 3 - SEXUAL ASSAULT (F), LIFE with the possibility of parole after a MINIMUM of TEN (10) YEARS SERVED in the NDC, CONCURRENT to COUNT 2
- ⚡ COUNT 4 - SEXUAL ASSAULT (F), LIFE with the possibility of parole after a MINIMUM of TEN (10) YEARS SERVED in the NDC, CONSECUTIVE to COUNT 3
- ⚡ COUNT 5 - ADMINISTRATION OF DRUG TO AID COMMISSION OF FELONY (F), to a MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of SIXTY (60) MONTHS in the NDC, CONSECUTIVE to COUNT 4
- ⚡ COUNT 6 - SEXUAL ASSAULT (F), LIFE with the possibility of parole after a MINIMUM of TEN (10) YEARS SERVED in the NDC, CONSECUTIVE to COUNT 5
- ⚡ COUNT 7 - BATTERY WITH INTENT TO COMMIT A SEXUAL ASSAULT (F), LIFE with the possibility of parole after a MINIMUM of TWO (2) YEARS SERVED in the NDC, CONCURRENT to COUNT 6

← COUNT 8 - ATTEMPT SEXUAL ASSAULT (F), to a MINIMUM of FORTY-EIGHT (48) MONTHS and MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS, CONSECUTIVE to COUNT 7

← COUNT 11 - ADMINISTRATION OF DRUG TO AID COMMISSION OF FELONY (F), to a MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of SIXTY (60) MONTHS in the NDC, CONSECUTIVE to COUNT 8

← COUNT 12 - KIDNAPPING IN THE FIRST DEGREE (F), LIFE with the possibility of parole after a MINIMUM of FIVE (5) YEARS SERVED in the Nevada Department of Corrections (NDC), CONSECUTIVE to COUNT 11

← COUNT 13 - ADMINISTRATION OF DRUG TO AID COMMISSION OF FELONY (F), to a MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of SIXTY (60) MONTHS in the NDC, CONSECUTIVE to COUNT 12, for an AGGREGATE TOTAL of LIFE, with the possibility of parole after a MINIMUM of FIFTY (50) YEARS SERVED in the NDC, with SEVEN HUNDRED FIFTY-TWO (752) DAYS credit for time served.

COURT FURTHER ORDERED, Deft. is to register as a sex offender in accordance with NRS 179D.460 within 48 hours after sentencing, a special SENTENCE OF LIFETIME SUPERVISION is imposed to commence upon release from any term of probation, parole or imprisonment. At the request of Mr. Oram, COURT ADDITIONALLY ORDERED, a Status Check SEE. BOND, if any, EXONERATED.

NDC

07/26/17 9:00 A.M. STATUS CHECK: APPEAL

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Location : District Court Criminal [Images](#) [Help](#)

REGISTER OF ACTIONS

CASE NO. C-15-309717-1

State of Nevada vs Binh Chung

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Case Type: **Felony/Gross Misdemeanor**
Date Filed: **09/30/2015**
Location: **Department 25**
Cross-Reference Case Number: **C309717**
Defendant's Scope ID #: **1136698**
Grand Jury Case Number: **15AGJ053X**
ITAG Case ID: **1725476**
Supreme Court No.: **69572**

PARTY INFORMATION

Defendant Chung, Binh Minh

Lead Attorneys
Christopher R Oram
Retained
7023845563(W)

Plaintiff State of Nevada

Steven B Wolfson
702-671-2700(W)

CHARGE INFORMATION

Charges: Chung, Binh Minh

	Statute	Level	Date
1. USE OF MINOR IN PRODUCING PORNOGRAPHY	200.710.1	Felony	01/01/2013
2. SEXUAL ASSAULT	200.366.2b	Felony	01/01/2013
3. SEXUAL ASSAULT	200.366.2b	Felony	01/01/2013
4. SEXUAL ASSAULT	200.366.2b	Felony	01/01/2013
5. ADMINISTRATION OF DRUG TO AID COMMISSION OF FELONY	200.405	Felony	01/01/2013
6. SEXUAL ASSAULT	200.366.2b	Felony	01/01/2013
7. BATTERY WITH INTENT TO COMMIT SEXUAL ASSAULT	200.400.4b	Felony	01/01/2013
8. ATTEMPT SEXUAL ASSAULT	200.366.2b	Felony	01/01/2013
9. OPEN OR GROSS LEWDNESS	201.210.1a	Gross Misdemeanor	01/01/2013
10. OPEN OR GROSS LEWDNESS	201.210.1a	Gross Misdemeanor	01/01/2013
11. ADMINISTRATION OF DRUG TO AID COMMISSION OF FELONY	200.405	Felony	01/01/2013
12. KIDNAPPING IN THE FIRST DEGREE	200.310.1	Felony	01/01/2013
13. ADMINISTRATION OF DRUG TO AID COMMISSION OF FELONY	200.405	Felony	01/01/2014
14. ADMINISTRATION OF DRUG TO AID COMMISSION OF FELONY	200.405	Felony	01/01/2014
15. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD	200.730.1	Felony	06/04/2015
16. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD	200.730.1	Felony	06/04/2015
17. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD	200.730.1	Felony	06/04/2015
18. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD	200.730.1	Felony	06/04/2015
19. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD	200.730.1	Felony	06/04/2015
20. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD	200.730.1	Felony	06/04/2015
21. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD	200.730.1	Felony	06/04/2015
22. POSSESSION OF VISUAL PRESENTATION DEPICTING SEXUAL CONDUCT OF A CHILD	200.730.1	Felony	06/04/2015
23. ADMINISTRATION OF DRUG TO AID COMMISSION OF FELONY	200.405	Felony	01/01/2014
24. ADMINISTRATION OF DRUG TO AID COMMISSION OF FELONY	200.405	Felony	01/01/2014

25.ADMINISTRATION OF DRUG TO AID COMMISSION OF FELONY	200.405	Felony	01/01/2014
26.ADMINISTRATION OF DRUG TO AID COMMISSION OF FELONY	200.405	Felony	01/01/2014
27.ADMINISTRATION OF DRUG TO AID COMMISSION OF FELONY	200.405	Felony	01/01/2014
28.ADMINISTRATION OF DRUG TO AID COMMISSION OF FELONY	200.405	Felony	01/01/2014
29.ADMINISTRATION OF DRUG TO AID COMMISSION OF FELONY	200.405	Felony	01/01/2014
30.ADMINISTRATION OF DRUG TO AID COMMISSION OF FELONY	200.405	Felony	01/01/2014
31.ADMINISTRATION OF DRUG TO AID COMMISSION OF FELONY	200.405	Felony	01/01/2014
32.ADMINISTRATION OF DRUG TO AID COMMISSION OF FELONY	200.405	Felony	01/01/2014
33.ADMINISTRATION OF DRUG TO AID COMMISSION OF FELONY	200.405	Felony	01/01/2014
34.ADMINISTRATION OF DRUG TO AID COMMISSION OF FELONY	200.405	Felony	01/01/2014

EVENTS & ORDERS OF THE COURT

07/10/2017 Sentencing (11:00 AM) (Judicial Officer Delaney, Kathleen E.)

Minutes

07/10/2017 11:00 AM

- Argument by Ms. Luzaich. COURT NOTED it received and reviewed letters of support received on behalf of Deft. Statement by Deft., argument by Mr. Oram. Victim Speaker's HC and HK SWORN IN and TESTIFIED. COURT ORDERED, by virtue of JURY VERDICT, in addition to the \$25.00 Administrative Assessment Fee, \$150.00 DNA Analysis Fee, \$3.00 DNA Collection, and with regard to COUNT 1, Restitution of \$4,690.66 to Clark County Social Services, Deft. SENTENCED as follows: COUNT 1 - USE OF MINOR IN PRODUCING PORNOGRAPHY (F), LIFE with the possibility of parole after a MINIMUM of FIVE (5) YEARS SERVED in the Nevada Department of Corrections (NDC) COUNT 2 - SEXUAL ASSAULT (F), to LIFE with the possibility of parole after a MINIMUM of TEN (10) YEARS SERVED in the NDC, CONSECUTIVE to COUNT 1 COUNT 3 - SEXUAL ASSAULT (F), LIFE with the possibility of parole after a MINIMUM of TEN (10) YEARS SERVED in the NDC, CONCURRENT to COUNT 2 COUNT 4 - SEXUAL ASSAULT (F), LIFE with the possibility of parole after a MINIMUM of TEN (10) YEARS SERVED in the NDC, CONSECUTIVE to COUNT 3 COUNT 5 - ADMINISTRATION OF DRUG TO AID COMMISSION OF FELONY (F), to a MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of SIXTY (60) MONTHS in the NDC, CONSECUTIVE to COUNT 4 COUNT 6 - SEXUAL ASSAULT (F), LIFE with the possibility of parole after a MINIMUM of TEN (10) YEARS SERVED in the NDC, CONSECUTIVE to COUNT 5 COUNT 7 - BATTERY WITH INTENT TO COMMIT A SEXUAL ASSAULT (F), LIFE with the possibility of parole after a MINIMUM of TWO (2) YEARS SERVED in the NDC, CONCURRENT to COUNT 6 COUNT 8 - ATTEMPT SEXUAL ASSAULT (F), to a MINIMUM of FORTY-EIGHT (48) MONTHS and MAXIMUM of ONE HUNDRED TWENTY (120) MONTHS, CONSECUTIVE to COUNT 7 COUNT 11 - ADMINISTRATION OF DRUG TO AID COMMISSION OF FELONY (F), to a MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of SIXTY (60) MONTHS in the NDC, CONSECUTIVE to COUNT 8 COUNT 12 - KIDNAPPING IN THE FIRST DEGREE (F), LIFE with the possibility of parole after a MINIMUM of FIVE (5) YEARS SERVED in the Nevada Department of Corrections (NDC), CONSECUTIVE to COUNT 11 COUNT 13 - ADMINISTRATION OF DRUG TO AID COMMISSION OF FELONY (F), to a MINIMUM of TWENTY-FOUR (24) MONTHS and a MAXIMUM of SIXTY (60) MONTHS in the NDC, CONSECUTIVE to COUNT 12, for an AGGREGATE TOTAL of LIFE, with the possibility of parole after a MINIMUM of FIFTY (50) YEARS SERVED in the NDC, with SEVEN HUNDRED

FIFTY-TWO (752) DAYS credit for time served. COURT FURTHER ORDERED, Def. is to register as a sex offender in accordance with NRS 179D.460 within 48 hours after sentencing, a special SENTENCE OF LIFETIME SUPERVISION is imposed to commence upon release from any term of probation, parole or imprisonment. At the request of Mr. Oram, COURT ADDITIONALLY ORDERED, a Status Check SEE. BOND, if any, EXONERATED. NDC 07/26/17 9:00 A.M. STATUS CHECK: APPEAL

Parties Present

Return to Register of Actions


OFFICE OF THE GENERAL COUNSEL
Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, Nevada 89521
(775) 688-2559

1 **BEFORE THE BOARD OF MEDICAL EXAMINERS**
2 **OF THE STATE OF NEVADA**

3 * * * * *

4
5 **In the Matter of Charges and Complaint**
6 **Against**
7 **BINH MINH CHUNG, M.D.,**
8 **Respondent.**

Case No. 15-20478-1

FILED
JUL 18 2019
NEVADA STATE BOARD OF
MEDICAL EXAMINERS
By: 

9
10 **FIRST AMENDED COMPLAINT**

11 The Investigative Committee¹ (IC) of the Nevada State Board of Medical Examiners
12 (Board), by and through Robert Kilroy, Esq., General Counsel and attorney for the IC, having a
13 reasonable basis to believe that Binh Minh Chung, M.D. (Respondent) violated the provisions of
14 Nevada Revised Statutes (NRS) Chapter 630 and Nevada Administrative Code (NAC) Chapter 630
15 (collectively, the Medical Practice Act), hereby issues its Complaint, stating the IC's charges and
16 allegations as follows:

17 1. Respondent was originally licensed (License No. 11281) in Nevada on January 3,
18 2005. On June 23, 2015, Respondent was summarily suspended from the practice of medicine
19 pursuant to NRS 630.326(1). On June 30, 2015, Respondent's license expired. On July 9, 2015, the
20 IC filed a formal Complaint against Respondent, alleging two violations of the Nevada Medical
21 Practice Act. On July 20, 2015, the IC and Respondent entered into a Stipulation and Order for
22 Indefinite Summary Suspension. On July 17, 2017, the Board ordered an Immediate Suspension
23 based upon jury verdict that found Respondent guilty of eleven (11) felony counts in District Court,
24 Clark County, Nevada, in Case No. C-15-309717-1, Dept. No. XXV, on May 22, 2017. Among
25 these counts are the Administration of a Drug to Aid Commission of a Felony (two counts), the Use
26 of a Minor in Producing Pornography, Sexual Assault, Battery with Intent to Commit a Sexual
27

28 ¹ The Investigative Committee of the Nevada State Board of Medical Examiners, at the time this formal Complaint was authorized for filing, was composed of Board members Wayne Hardwick, Chariman, Theodore B. Berndt, M.D., and Mr. M. Neil Duxbury.

1 Assault, Kidnapping in the First Degree, all of which felony counts relate to Respondent's practice
2 of medicine. On June 26, 2019, the Supreme Court of Nevada issued an Order of Affirmance based
3 upon Respondent's appeal from a Judgment of Conviction, pursuant to the aforementioned jury
4 verdict.

5 **COUNT I**

6 **NRS 630.301(1)**

7 **(Conviction of a Felony Relating to the Practice of Medicine)**

8 2. All of the allegations contained in the above paragraphs are hereby incorporated by
9 reference as though fully set forth herein.

10 3. NRS 630.301(1) provides that the conviction of a felony relating to the practice of
11 medicine or the ability to practice medicine is grounds for initiating disciplinary action or denying
12 licensure.

13 4. Respondent was convicted of 11 felony counts which relate to his practice of
14 medicine.

15 5. By reason of the foregoing, Respondent is subject to discipline by the Nevada State
16 Board of Medical Examiners as provided in NRS 630.352.

17 **WHEREFORE**, the Investigative Committee prays:

18 1. That the Board give Respondent notice of the charges herein against him and give
19 him notice that he may file an answer to the Complaint herein as set forth in NRS 630.339(2)
20 within twenty (20) days of service of the Complaint;

21 2. That the Board set a time and place for a formal hearing after holding an Early
22 Case Conference pursuant to NRS 630.339(3);

23 3. That the Board determine what sanctions to impose if it determines there has been
24 a violation or violations of the Medical Practice Act committed by Respondent;

25 4. That the Board make, issue and serve on Respondent its findings of fact,
26 conclusions of law and order, in writing, that includes the sanctions imposed; and

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5. That the Board take such other and further action as may be just and proper in these premises.

DATED this 11 day of July, 2019.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: 
Robert Kilroy, Esq., General Counsel
Attorney for the Investigative Committee

VERIFICATION


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STATE OF NEVADA)
) ss.
COUNTY OF WASHOE)

Wayne Hardwick, hereby deposes and states under penalty of perjury under the laws of the state of Nevada that he is the Chairman of the Investigative Committee of the Nevada State Board of Medical Examiners that authorized the foregoing First Amended Complaint against the Respondent herein; that he has read the foregoing First Amended Complaint; and based upon information discovered during the course of the investigation into a complaint against Respondent, he believes the allegations and charges in the foregoing First Amended Complaint against Respondent are true, accurate and correct.

Dated this 18th day of July, 2019.

INVESTIGATIVE COMMITTEE NEVADA STATE
BOARD OF MEDICAL EXAMINERS



Wayne Hardwick, M.D., Chairman,

CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on the 6th day of November, 2019, I served a filed copy of the FIRST AMENDED COMPLAINT, via USPS e-certified, return receipt mail to the following:

**Binh Minh Chung, #1181843
Lovelock Correction Center
1200 Prison Road
Lovelock, NV 89419**

Dated this 6th day of November, 2019.

Sheri L. Quigley
Sheri L. Quigley, Legal Assistant

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**BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA**

* * * * *

**In the Matter of Charges and Complaint
Against
BINH MINH CHUNG, M.D.,
Respondent.**

Case No. 15-20478-1

FILED

NOV 20 2019

**NEVADA STATE BOARD OF
MEDICAL EXAMINERS**
By: 

PROOF OF SERVICE

FIRST AMENDED COMPLAINT

OFFICE OF THE GENERAL COUNSEL
Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, Nevada 89521
(775) 688-2559

1 **BEFORE THE BOARD OF MEDICAL EXAMINERS**
2 **OF THE STATE OF NEVADA**

3 * * * * *

4 **In the Matter of Charges and Complaint**
5 **Against**
6 **BINH MINH CHUNG, M.D.,**
7 **Respondent.**

Case No. 15-20478-1

8
9 **DECLARATION OF SERVICE**

10 I, Connie Campbell, declare I am an employee of the Lovelock Correctional Center, County
11 of Pershing, State of Nevada. I am a competent person 18 years of age or older and not a party to or
12 attorney in this proceeding. I certify that the person, firm, or corporation served is the identical one
13 named in this action.

14 On the 13th day of November 2019, at 11:40 (a.m.) p.m., I served a true copy of
15 the original First Amended Complaint by delivering it to Respondent, Binh Minh Chung, M.D., ID
16 #1181843, in person at the following address 1200 Prison Road, Lovelock, Nevada 89419, within
17 the County of Pershing, State of Nevada.

18 Affiant does hereby affirm under penalty of perjury under the law of the State of Nevada
19 that the foregoing is true and correct.

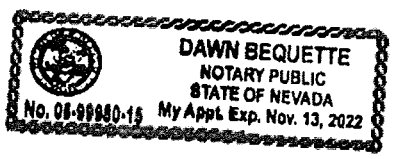
20 Signed this 13th day of November, 2019.

21 Connie Campbell
22 Connie Campbell

23 COUNTY OF PERSHING
24 STATE OF NEVADA

25 SUBSCRIBED and SWORN to before
26 This 13th day of November, 2019

27 [Signature]
28 Notary Public



1 **BEFORE THE BOARD OF MEDICAL EXAMINERS**
2 **OF THE STATE OF NEVADA**

3
4 In the Matter of Charges and)
5 Complaint Against)
6 BINH MINH CHUNG, M.D.,)
7 Respondent.)

CASE NO.: 15-20478-1

Early Case Conference: 10:30 A.M.
Friday, December 10, 2021

FILED

NOV 23 2021

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: 

10 **NOTICE AND ORDER SCHEDULING EARLY CASE CONFERENCE**

11 **TO: ROBERT KILROY, Esq., Deputy General Counsel and Attorney for the**
12 **Investigative Committee of the Nevada State Board of Medical Examiners;**

13 **BINH MINH CHUNG, M.D., c/o Nevada Dept. Of Prisons**

14 **NOTICE IS HEREBY GIVEN** that on July 18, 2019, a Complaint was filed in the
15 name of the Investigative Committee of the Nevada State Board of Medical Examiners pursuant
16 to Chapter 630 of the Nevada Revised Statutes, charging Respondent with violation of the
17 Medical Practice Act. A true and correct copy of said Complaint was served upon Respondent
18 on or about November 9, 2019.

19 **ACCORDINGLY, NOTICE IS HEREBY GIVEN** that in compliance with NRS
20 **630.339(3),¹ an Early Case Conference will be conducted on Friday, December 10, 2021,**
21 **beginning at 10:30 A.M.,** in the Conference Room at the Office of the Nevada State Board of

22 ¹3. Within 20 days after the filing of the answer, the parties shall hold an early case conference at which the
23 parties and the hearing officer appointed by the Board or a member of the Board must preside. At the early case
24 conference, the parties shall in good faith:

25 a) Set the earliest possible hearing date agreeable to the parties and the hearing officer, panel of the Board
or the Board, including the estimated duration of the hearing;

b) Set dates:

(1) By which all documents must be exchanged;

(2) By which all prehearing motions and responses thereto must be filed;

(3) On which to hold the prehearing conference; and

(4) For any other foreseeable actions that may be required for the matter;

(c) Discuss or attempt to resolve all or any portion of the evidentiary or legal issues in the matter;

(d) Discuss the potential for settlement of the matter on terms agreeable to the parties; and

(e) Discuss and deliberate any other issues that may facilitate the timely and fair conduct of the matter.

1 Medical Examiners, located at 9600 Gateway Drive, Reno, Nevada 89521, or as soon thereafter
2 as it may be heard.

3 **NOTICE IS FURTHER HEREBY GIVEN** that the Early Case Conference shall be
4 attended by the parties in person or by any party's legal counsel of record and will be conducted
5 by the undersigned Hearing Officer in order to discuss and designate the dates for the Pre-
6 Hearing Conference and Hearing, and other procedural matters established in NRS 630.339.
7 Respondent may elect to participate in the Early Case Conference by telephone if prior
8 arrangements are made with the Deputy General Counsel for the Investigative Committee of the
9 Nevada State Board of Medical Examiners in sufficient time prior to the time and date fixed to
10 arrange that alternative means of participation.²

11 At the Pre-Hearing Conference, in accordance with NAC 630.465³, each party shall
12 provide the other party with a copy of the list of witnesses each party intends to call to testify,
13 including therewith, the qualifications of each witness so identified, and a summary of the
14 testimony of each witness. If a witness is not on the list of witnesses, that witness may not be
15 allowed to testify at the hearing unless good cause is shown for omitting the witness from said
16 list.⁴

17
18 ² It is anticipated that Respondent will attend via phone from the Nevada State Prison.

19 ³1. At least 30 days before a hearing but not earlier than 30 days after the date of service upon the physician
20 or physician assistant of a formal complaint that has been filed with the Board pursuant to NRS 630.311, unless a
21 different time is agreed to by the parties, the presiding member of the Board or panel of members of the Board or the
22 hearing officer shall conduct a prehearing conference with the parties and their attorneys. All documents presented
23 at the prehearing conference are not evidence, are not part of the record and may not be filed with the Board.

24 ² Each party shall provide to every other party a copy of the list of proposed witnesses and their
25 qualifications and a summary of the testimony of each proposed witness. A witness whose name does not appear on
26 the list of proposed witnesses may not testify at the hearing unless good cause is shown.

27 ³ All evidence, except rebuttal evidence, which is not provided to each party at the prehearing conference
28 may not be introduced or admitted at the hearing unless good cause is shown.

⁴ Each party shall submit to the presiding member of the Board or panel or to the hearing officer
conducting the conference each issue which has been resolved by negotiation or stipulation and an estimate, to the
nearest hour, of the time required for presentation of its oral argument.

⁴ In identifying a patient as a witness the parties are cautioned to omit from any pleadings filed with the
undersigned administrative hearing officer any addresses, telephone numbers, social security numbers, or other
personal information regarding such individual and to confine their submissions in this regard to the Patient
Designation of the witness, qualifications for the relevancy of any testimony sought to be elicited from that witness
and a summary of the anticipated testimony.

1 All evidence, except rebuttal evidence, which is not provided to each party at the Pre-
2 Hearing Conference may not be introduced or admitted at the hearing unless good cause is
3 shown.

4 **NOTICE IS FURTHER HEREBY GIVEN** that the attorney for the Investigative
5 Committee and Respondent's legal counsel shall keep the undersigned Hearing Officer advised
6 of each issue which has been resolved by negotiation or stipulation, if any, and provide at the
7 Pre-Hearing Conference an estimate, to the nearest hour, of the time required for presentation of
8 their respective cases.

9 **NOTICE IS FINALLY HEREBY GIVEN** that the possible sanctions authorized by
10 NRS 630.352 and NRS 622.400 to be imposed on the Respondent based on a sustained charge in
11 regard to one or more of the issues raised in said Complaint include one or more of the following
12 sanctions:

- 13 A. Placement on probation for a specified period on any of the conditions specified in
14 the order;
- 15 B. Administration of a public reprimand;
- 16 C. Suspension of his license for a specified period or until further order of the Board;
- 17 D. Revocation of his license to practice;
- 18 E. A requirement that he participate in a program to correct alcohol or drug
19 dependence or any other impairment;
- 20 F. A requirement that there be specified supervision of his practice;
- 21 G. A requirement that he perform public service without compensation;
- 22 H. A requirement that he take a physical or mental examination or an examination
23 testing his medical competence;
- 24 I. A requirement that he fulfill certain training or educational requirements, or both,
25 as specified by the Board;
- 26 J. Imposition of a fine on you not to exceed \$5,000 for each violation;

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///

1 K. A requirement that a practitioner licensed by the State Board of Medical
2 Examiners, pursuant to NRS 622.400 pay all costs incurred by the Board relating
3 to the disciplinary proceedings as more fully set forth in said statute.

4 DATED this 22 day of November, 2021.



5 CHARLES B. WOODMAN, ESQ., Hearing Officer
6 Nevada State Board of Medical Examiners
7 548 W. Plumb Lane, Suite B
8 Reno, Nevada 89509
9 (775) 786-9800
10 hardywoodmanlaw@msn.com

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1 **CERTIFICATE OF SERVICE**

2 I certify that on this day, I personally delivered or mailed, postage pre-paid, at Reno,
3 Nevada, a true file-stamped copy of the foregoing NOTICE AND ORDER SCHEDULING
4 EARLY CASE CONFERENCE addressed as follows:

5 ROBERT KILROY, ESQ.
6 Deputy General Counsel and Attorney for the Investigative Committee of the Nevada
7 State Board of Medical Examiners
8 9600 Gateway Drive
9 Reno, Nevada 89521

10 BINH MINH CHUNG, M.D., c/o Nevada Dept. Of Prisons

11 DATED this ___ day of _____, 2021.

12 _____
13 Legal Assistant
14 Nevada State Board of Medical Examiners

OFFICE OF THE GENERAL COUNSEL
Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, Nevada 89521
(775) 688-2559

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA

In the Matter of Charges and Complaint

Case No. 15-20478-1

Against:

BINH MINH CHUNG, M.D.,

Respondent.

FILED

DEC - 1 2021

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: 


DECLARATION OF SERVICE

I, Connie Campbell, declare I am an employee of the Lovelock Correctional Center, County of Pershing, State of Nevada. I am a competent person over the age of 18 years and not a party to or attorney in this proceeding.

On the 30th day of November, 2021, at 1:30 a.m./p.m., I caused to be served the NOTICE AND ORDER FOR EARLY CASE CONFERENCE filed November 23, 2021 in the above-captioned case on the Respondent and prisoner, Binh Minh Chung, M.D., at the following address 1200 Prison Road, Lovelock, Nevada 89419.

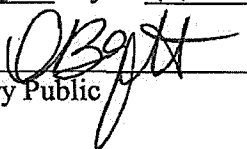
Affiant does hereby affirm under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

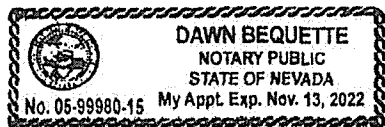
Signed this 30th day of November, 2021.


CONNIE CAMPBELL

COUNTY OF Pershing
STATE OF NEVADA

SUBSCRIBED and SWORN to before me
This 30th day of November, 2021.


Notary Public



OFFICE OF THE GENERAL COUNSEL
Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, Nevada 89521
(775) 688-2559

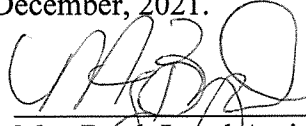
CERTIFICATE OF MAILING

I hereby certify that I am employed by Nevada State Board of Medical Examiners and that on the 1st day of December, 2021, I served, via USPS Certified Mail postage pre-paid, a copy of the DECLARATION OF SERVICE with the Notice and Order for Early Case Conference to the following:

**Binh Minh Chung, #1181843
Lovelock Correction Center
1200 Prison Road
Lovelock, NV 89419**

USPS Tracking No. 9171 9690 0935 0252 5620 70

Dated this 1st day of December, 2021.



Meg Byrd, Legal Assistant
Nevada State Board of Medical Examiners

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DEC 13 2021

NEVADA STATE BOARD
MEDICAL EXAMINERS

By: 

**BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA**

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In the Matter of Charges and
Complaint Against
BINH MINH CHUNG, M.D.,
Respondent.

CASE NO.: 15-20478-1
Early Case Conference: 10:00 A.M.
Wednesday, December 29, 2021

AMENDED NOTICE AND ORDER SCHEDULING EARLY CASE CONFERENCE

TO: ROBERT KILROY, Esq., Deputy General Counsel and Attorney for the
Investigative Committee of the Nevada State Board of Medical Examiners;
BINH MINH CHUNG, M.D., c/o Nevada Dept. Of Prisons

NOTICE IS HEREBY GIVEN that the prior Notice and Order Scheduling Early Case
Conference is hereby amended due to Dr. Chung's inability to participate at the originally set
Conference. (It is noted that Dr. Chung was not at fault for his inability to participate).

Accordingly, the Early Case Conference shall occur on Wednesday, December 29,
2021, at 10:00 a.m. At that time, Dr. Chung shall call Mr. Kilroy at (775) 324-9349. Mr.
Kilroy's staff will then conference the undersigned Hearing Officer into the call.

All other provisions of the prior Order remain in force.

DATED this 13 day of December, 2021.



CHARLES B. WOODMAN, Hearing Officer
Nevada State Board of Medical Examiners
548 W. Plumb Lane, Suite B
Reno, Nevada 89509
(775) 786-9800
hardywoodmanlaw@msn.com

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CERTIFICATE OF SERVICE

I certify that on this day, I personally delivered or mailed, postage pre-paid, at Reno, Nevada, a true file-stamped copy of the foregoing NOTICE AND ORDER SCHEDULING EARLY CASE CONFERENCE addressed as follows:

ROBERT KILROY, ESQ.
Deputy General Counsel and Attorney for the Investigative Committee of the Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, Nevada 89521

BINH MINH CHUNG, M.D., c/o Nevada Dept. Of Prisons

DATED this 13th day of December 2021.



Legal Assistant
Nevada State Board of Medical Examiners

1 IN THE NEVADA STATE BOARD OF
2 MEDICAL EXAMINERS

3 * * * * *

4 BOARD OF MEDICAL EXAMINERS
5 OF THE STATE OF NEVADA,

Case No.: 15-20478-1

6 Complaint Against,

7 FILED

8 BINH CHUNG, MD,
9 Respondent.

DEC 20 2021

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: 

11 MOTION FOR STAY AND ABEYANCE TO MEDICAL BOARD'S COMPLAINT.

13 COMES NOW Respondent, Binh Chung, MD, pro se, and moves the Board of
14 Medical Examiners of the State of Nevada and Hearing Officer Charles
15 B. Woodman, ESQ, to stay the proceeding. In support of this Motion,
16 Chung states as follows:

17 1). In good faith, Respondent has filed responses to the Board's Invest-
18 igative Committee (IC) general counsel, Mr. Robert Kilroy, twice on
19 November 26, 2019 [See Exhibit 1] and October 4, 2021 [See Exhibit 2] via
20 Nevada Department of Corrections (NDOC) staff members, Ms. Bellinger
21 and Ms. Connie Campbell, respectively, regarding this complaint. Respon-
22 dent has on both occasion requested a Stay and Abeyance to leave
23 and address his State Writ of Habeas Corpus (Post-Conviction), to no
24 avail. Mr. Kilroy has not acknowledged that he has received Respon-
25 dent's request. Instead, Respondent received a notice for an Early
26 Case Conference for December 10, 2021, which the IC failed to scheduled
27 with the NDOC.

28 2). The rights of a Writ of Habeas Corpus is guaranteed by the U.S.

1 Constitution Article 1, Section 9; Nevada Constitution Article 1, Section 5;
2 and NRS Title 3, Chapter 34. This right shall not be interfered upon
3 or encroached upon by any statutes, boards or agencies. As
4 defined by NRS 34.360:

5 every person unlawfully committed, detained, confined, or res-
6 trained of his liberty, under any pretense whatever, may prosecute
7 a writ of habeas corpus to inquire into the cause of such imprison-
8 ment or restraint.

9 Respondent has filed a State Writ of Habeas Corpus in the District Court and,
10 based on meritorious grounds, have been granted an appointment of counsel.
11 In addition, his Habeas counsel, Ms. Jean Schwartzer, Esq, has advised
12 him not to comment on any material within his criminal proceedings
13 nor to sign any agreements. Because the elements or grounds of
14 claims of defense in Petitioner's Habeas and Board's complaint
15 are both inter related, the actions of one affects the other. It
16 is the maxim that "what you say or do, can and will be used
17 against you in a court of law" applies to this case.

18 3). However, I do want to address some procedural points for evidenti-
19 ary or legal matters; not focusing on the merits within his Habeas.
20 As a matter of law, his constitutional rights to habeas corpus
21 supersedes any proceedings by this Board. As an evidentiary ques-
22 tion of matter of law, does the investigative committee plan to
23 refer to the trial and/or appellate record in his criminal case?
24 If so, his defense will be based on the argument that trial and
25 appellate counsel was ineffective. This would be practically
26 identical to one of his claims in the Habeas Corpus. Petitioner's,
27 in general, have a 1-year time period to file their petition after
28 the remittur is issued by the highest court of the State of

1 Nevada in their Direct Appeal. Respondent has filed his petition in a
2 timely manner and, in general, Habeas Corpus have been known to
3 be reversed and remanded in the past for a new trial.

4 4). This Board is not the appropriate venue to determine whether
5 or not respondent's criminal defense trial and appellate attorney
6 was ineffective as per the Sixth and Fourteenth Amendments to
7 the U.S. Constitution. These are highly technical issues best
8 settled by the judicial habeas court.

9 5). Physician's have a constitutional right to practice his or her
10 profession. Kassabian v. State Board of Med. Examiners, 68 Nev. 455
11 (1951). It is well-established that a fundamental right may not
12 be impaired without due process of law. Mariola v. State, 120 Nev. 671,
13 674-75 (2004). Moreover, the Nevada Supreme Courts have recognized
14 that a physician's interest in practicing medicine is a property
15 right that must be afford due process. Minton v. Bd. of Med. Exam-
16 ers, 110 Nev 1060, 1082 (1994); Mohar v. State Board, 105 Nev. 213, 216
17 (1989). This right is guaranteed by the Fifth and Fourteenth
18 Amendments to the U.S. Constitution. I intend to aggressively
19 defend this right in the Board's action. However, because of
20 the simultaneous proceeding in my Habeas, I cannot proceed
21 in the Board's administrative proceeding at this time. This
22 presents an Unconstitutional Dilemma for Respondent. This
23 puts him in a difficult position and forces him to have to decide
24 between his Habeas or this Board's complaint. The rights of
25 Respondent supersedes any issue of a administrative action.

26 6). When taking all things into consideration, the balance of both
27 equities and hardship is in Respondent's favor. Respondent
28 risk losing everything and suffering irreparable harm if he

1 addresses this complaint matter at this time. On the other hand, the
2 Board's responsibility is to protect the public health, safety, and
3 welfare. However, this respondent is currently in prison and poses
4 no harm to the public. There is no exigent reason for the Board
5 to compel this issue and violate Respondent's Habeas right.
6 Furthermore, the Board has summarily suspended his license, so
7 legally, he cannot even practice medicine, which would make
8 this complaint issue moot. So the scale would tip in Respondent's
9 favor for suffering the most hardship and irreparable harm with
10 sanctions, among other things; fees and fines; a public reprimand,
11 and the possibilities of practicing medicine in the future. In
12 considering the balance of equities, the Board, in the interest of
13 administering justice, should consider granting this stay to uphold
14 the substantiate proceeding in this subject-matter to provide
15 Respondent an opportunity at fairness and equities. To do
16 otherwise, would be an abuse of authority.

17 7). In the Amended Complaint, the Board is in factual error. On
18 line 21 and 22, it states: "On July 20, 2015, the IC and Respon-
19 dent entered into a Stipulation and Order for Indefinite
20 Summary Suspension." This is erroneous because Respondent did
21 not stipulated to his Indefinite Summary Suspension. The Board
22 has a responsibility to correct any erroneous factual allegation
23 against respondent *sua sponte*.

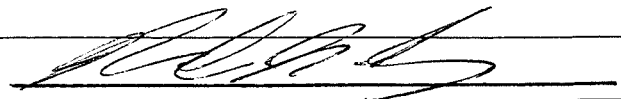
24 8). Respondent request this Motion to Stay this Administrative
25 action of the Board while other judicial action such as a Writ
26 of Habeas Corpus, is pending, to prevent encroachment and
27 jeopardizing his Habeas. Because respondent does not have
28 the ~~option~~ to participate in this administrative action, at this

1 time; to proceed forward would violate his Habeas rights. And
2 to proceed forward with the hearing now without an adequate
3 opportunity for Respondent to defend his case, before the Board,
4 at a future date, would violate his licensing rights as well.
5 If both parties can not stipulate to a stay, Respondent plans
6 on filing a lawsuit against this Board in district court
7 with a Writ of Prohibition or a Motion for Injunction. In
8 Nevada, the Administrative Procedure Act (APA), codified in
9 NRS Chapter 233B, governs the judicial review of administrative
10 agency decisions. Tate v. The State of Nevada Board of Med.
11 Examiners, 131 Nev. 675, 678 (2019). Also, Respondent plans to
12 file a Motion for Dismissal to the Board if both parties cannot
13 stipulate to this stay. Judicial courts are very familiar to
14 State Writ of Habeas Corpus and the rights conferred to Petitioners
15 by it and have the power to enjoin this Board from taking action
16 that would interfere with his Habeas. The Board may not abridge this right.
17 In the interest of administering justice, this Board should wait until
18 the resolution of Respondent's pending Habeas petition.

19 CONCLUSION.

20 Wherefore, for the foregoing reasons, Chung prays this Nevada
21 Medical Board and Hearing Officer grant the requested relief to Stay

22 Dated this 16th day of December, 2021.

23 

24 Binh Chung, #1181843

25 Lovelock Correctional Center

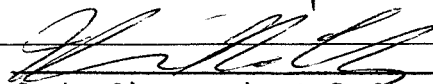
26 1200 PRISON ROAD

27 Lovelock, NV 89419.

1 VERIFICATION.

2 Under the penalty of perjury, the undersigned declares that he is the
3 respondent named in the foregoing motion and knows the content thereof;
4 and that the motion is true of his own knowledge.

5 Dated this 16th day of December, 2021

6 
7 Binh Chung, #1181843

8 Lovelock Correctional Center.

9 1200 Prison Road.

10 Lovelock, NV 89419.

11 Certificate of Service By Mail.

12 I, Binh Chung, hereby certify that on the 16th day of December
13 2021, I did deposit in the United States Post Office at Lovelock, Nevada,
14 in a sealed envelope with postage fully pre-paid thereon, a true and
15 correct copy of the above and foregoing Motion for Stay and Abeyance
16 To Medical Board's Complaint, addressed to the following:

17 Robert Kilroy, Esq.

18 Deputy General Counsel and Attorney for the Investigative Committee.
19 State Board of Medical Examiners

20 9600 Gateway Drive

21 Reno, Nevada 89521

22
23 Charles B. Woodman, Esq, Hearing Officer.

24 Nevada State Board of Medical Examiners

25 548 W. Plumb Lane, Suite B

26 Reno, Nevada 89509.

27 By: 

28 Binh Chung, #1181843

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Lovelock Correction Center
1200 Prison Road.
Lovelock, NV 89419

EXHIBIT 1

1 ATTACHMENT

2 *****

3
4 BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA,

Case No. 15-20478-1

5
6 Complaint Against,

7 BINH M. CHUNG, MD,
8 Respondent.

Signed this November 26, 2019 and
in the presence of Caseworker
Bellinger in the AM, given to her
custody to send to Medical Board of
Examiner and the IC.

9 RESPONSE TO SETTLEMENT AGREEMENT

10 Comes now, Binh Chung, MD, and moves the BOARD OF MEDICAL
11 EXAMINERS OF THE STATE OF NEVADA to consider the following facts:

12 1) I do not have counsel.

13 2) I am indigent and can not afford an attorney, as a prisoner at Lowlock
14 Correctional Center.

15 3) I was not given notice of the formal First Amended Complaint until
16 November 18, 2019, despite it being originally issued on July 18, 2019.

17 4) I received this Settlement Agreement November 20, 2019.

18 5) I have not had the opportunity to consult with competent counsel
19 concerning the nature and significance of this Complaint matter.

20 6) I am pursuing an on-going criminal defense litigation through a Writ
21 of Habeas Corpus to vindicate me.

22 7) I am invoking my Fifth Amendment rights to the U.S. Constitution.

23 8) I respectfully request that the Board of Medical Examiners and
24 the Investigative Committee order a Stay and Abeyance and grant a
25 leave for me pending my resolution regarding the criminal litigation.

26 Dated this 26 day of November, 2019

27 By: 

28 Binh M. Chung, M.D., Respondent.

EXHIBIT 2

1 RESPONSE TO SETTLEMENT AGREEMENT

2 * * * * *

3
4 BOARD OF MEDICAL EXAMINERS
5 OF THE STATE OF NEVADA,

Case No. 15-20478-1

6 Complaint Against,

7 BINH M. CHUNG, MD
8 Respondent.

9 Comes now, Binh Chung, M.D., and moves the BOARD OF MEDICAL
10 EXAMINERS OF THE STATE OF NEVADA to consider the following facts:

11 1). I have sent a Response to the Nevada State Board of Medical Examiners
12 [NSBME], a State Agency, on November 26, 2019, via a NDOC employee Case-
13 Worker, Ms. Bellinger, see [Exhibit 1] and in my Response, I requested a
14 Stay and Leave pending the resolution of my criminal and civil
15 litigations, see [Exhibit 2] against the State.

16 2). Subsequently, I received a Notice of Attorney Visit on November 26,
17 2019 for December 2, 2019, see [Exhibit 3], with Robert Kilroy; for which
18 attorney Kilroy acquiesced to the Response by a No Show nor a follow-
19 up notice.

20 3). I do not have counsel for this matter and am indigent petitioner
21 [Exhibit 4].

22 4). I am invoking my Fifth and Fourteenth Amendment rights to the
23 U.S. Constitution:

24 "The Fifth Amendment guarantee is both simple and fundamental.
25 A respondent may not be compelled to be a witness against himself
26 in any respect... [respondent] has a right to chose not to talk... to
27 talk only with counsel present, or to discontinue talking any time."
28 Colorado v. Spring, 479 US 564 (1987).

1 "nor shall be compelled in any criminal case to be a witness against
2 himself, nor be deprived of life, liberty, or property, without
3 due process of law." quoting the Fifth Amendment to the U.S.
4 Constitution.

5 "nor shall any State deprive any person of life, liberty, or
6 property; without due process of law." quoting the Fourteenth
7 Amendment to the U.S. Constitution and citing Black's Law
8 Dictionary.

9 5). Under the Due Process, as guaranteed by the U.S. Constitution,
10 I am actively and aggressively litigating my criminal proceedings
11 and am optimistic I will prevail and will NOT do anything
12 to compromise my defense.

13 6). Please take judicial notice that the State [NSBME] does
14 not have Qualified Immunity on this matter if it proceeds
15 further:

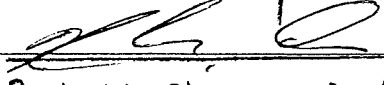
16 Qualified Immunity shields government officials from civil
17 liability insofar as their conduct does not violate clearly
18 established statutory or constitutional rights of which a
19 reasonable person would have known. Immunity applies to all
20 but... those who knowingly violate the law. Government
21 officials are immune from liability unless 1) the officers' con-
22 duct violates a federal statutory or constitutional right; 2)
23 the right was clearly established at the time of the
24 conduct; and 3) an objectively reasonable officer would
25 have understood that the conduct violated the right.

26 7). This proposed agreement is clearly intended to create
27 mental duress and stress on respondent.

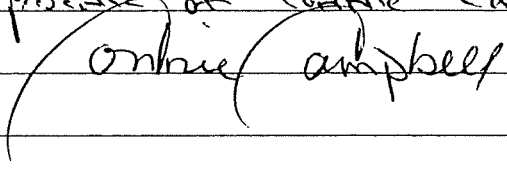
28 8). Nonetheless, I respectfully request, again, that the Board/

1 NSBME continue to grant my request for a Stay and Abeyance,
2 and leave as originally proposed. I will promptly notify
3 you if anything should change regarding my status.

4 Dated this 4th day of October, 2021.

5 By: 
6 Binh M. Chung, M.D., Respondent.

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8 Signed in the presence of Corrine Campbell. 10/4/21.

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OFFICE OF THE GENERAL COUNSEL
Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, Nevada 89521
(775) 688-2559

1 **BEFORE THE BOARD OF MEDICAL EXAMINERS**
2 **OF THE STATE OF NEVADA**

3 * * * * *

4 **In the Matter of Charges and Complaint**

Case No. 15-20478-1

5 **Against:**

FILED

6 **BINH MINH CHUNG, M.D.,**

DEC 21 2021

7 **Respondent.**

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: 

8 **DECLARATION OF SERVICE**

9
10 I, Connie Campbell, declare I am an employee of the Lovelock Correctional Center, County
11 of Pershing, State of Nevada. I am a competent person over the age of 18 years and not a party to or
12 attorney in this proceeding.

13 On the 20th day of Dec., 2021, at 9:10 (a.m)/p.m., I caused to be served the
14 NOTICE AND ORDER FOR EARLY CASE CONFERENCE filed December 13, 2021 in the
15 above-captioned case on the Respondent and prisoner, Binh Minh Chung, M.D., at the following
16 address 1200 Prison Road, Lovelock, Nevada 89419.

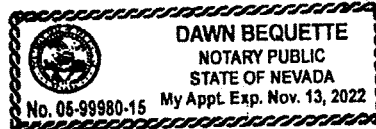
17 Affiant does hereby affirm under penalty of perjury under the law of the State of Nevada
18 that the foregoing is true and correct.

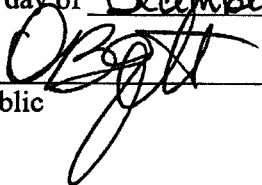
19 Signed this 20th day of December, 2021.

20
21 
CONNIE CAMPBELL

22 COUNTY OF Pershing
23 STATE OF NEVADA

24 SUBSCRIBED and SWORN to before
25 This 20th day of December, 2021.



26 
27 Notary Public
28

1 **BEFORE THE BOARD OF MEDICAL EXAMINERS**
2 **OF THE STATE OF NEVADA**

3
4 In the Matter of Charges and)
5 Complaint Against)
6 BINH MINH CHUNG, M.D.,)
7 Respondent.)

CASE NO.: 15-20478-1
Status Conference: 10:00 A.M.
Friday, June 24, 2022

FILED

8 **DEC 30 2021**

9 NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: *J. Hall*

10 **ORDER SCHEDULING STATUS CONFERENCE**

11 **TO: ROBERT KILROY, Esq., Deputy General Counsel and Attorney for the**
12 **Investigative Committee of the Nevada State Board of Medical Examiners;**
13 **BINH MINH CHUNG, M.D., c/o Nevada Dept. Of Prisons.**

14 An Early Case Conference was held telephonically on December 29, 2021, at 10:00
15 a.m. Present on the conference call were Robert Kilroy, Esq., on behalf of the Investigative
16 Committee of the Nevada State Board of Medical Examiners ("IC"), and also present was Dr.
17 Binh M. Chung, M.D., participating from his in-custody situation in the Department of Prisons.
18 In light of Dr. Chung's pending habeas corpus petition in the Eighth Judicial District Court,
19 and with the consent of counsel for the IC, and with good cause appearing therefore,

20 **THIS MATTER IS CONTINUED** for a period of six months, at which time a Status
21 Conference will be conducted telephonically to determine the status of Dr. Chung's habeas
22 corpus petition, and the continued prosecution of the Complaint on file herein. Accordingly,

23 ///
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1 **NOTICE IS HEREBY GIVEN** that a Status Conference is hereby set for and shall be
2 conducted telephonically on Friday, June 24, 2022, at 10:00 a.m. Counsel for the IC shall
3 coordinate with Dr. Chung and with the Nevada Department of Prisons to ensure that the
4 telephonic Status Conference occurs.

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DATED this 29th day of December, 2021.



CHARLES B. WOODMAN, Hearing Officer
Nevada State Board of Medical Examiners
548 W. Plumb Lane, Suite B
Reno, Nevada 89509
(775) 786-9800
hardywoodmanlaw@msn.com

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CERTIFICATE OF SERVICE

I certify that on this day, I personally delivered or mailed, postage pre-paid, at Reno, Nevada, a true file-stamped copy of the foregoing ORDER SCHEDULING STATUS CONFERENCE addressed as follows:

ROBERT KILROY, ESQ.
Deputy General Counsel and Attorney for the Investigative Committee of the Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, Nevada 89521

BINH MINH CHUNG, M.D., c/o Nevada Dept. Of Prisons

DATED this 30th day of December, 2021.



Legal Assistant
Nevada State Board of Medical Examiners

OFFICE OF THE GENERAL COUNSEL
Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, Nevada 89521
(775) 688-2559

1 **BEFORE THE BOARD OF MEDICAL EXAMINERS**
2 **OF THE STATE OF NEVADA**

3 * * * * *

4 **In the Matter of Charges and Complaint**

Case No. 15-20478-1

5 **Against:**

6 **BINH MINH CHUNG, M.D.,**

7 **Respondent.**

FILED

APR 28 2022

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

8 **AFFIDAVIT OF SERVICE** By: _____
9

10 I, Connie Campbell, declare I am an employee of the Lovelock Correctional Center, County
11 of Pershing, State of Nevada. I am a competent person over the age of 18 years and not a party to or
12 attorney in this proceeding.

13 On the 25th day of April, 2022, at 9:30 a.m. p.m., I caused to be served the
14 ORDER SCHEDULING STATUS CONFERENCE filed December 30, 2021 in the above-
15 captioned case on the Respondent and prisoner, Binh Minh Chung, M.D., at the following address
16 1200 Prison Road, Lovelock, Nevada 89419.

17 Affiant does hereby affirm under penalty of perjury under the law of the State of Nevada
18 that the foregoing is true and correct.

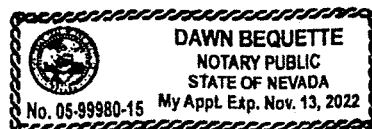
19 Signed this 25th day of April, 2022.

20 Connie Campbell
21 CONNIE CAMPBELL

22 COUNTY OF Pershing
23 STATE OF NEVADA

24 SUBSCRIBED and SWORN to before
25 This 25th day of April, 2022.

26 _____
27 Notary Public
28



1 **BEFORE THE BOARD OF MEDICAL EXAMINERS**
2 **OF THE STATE OF NEVADA**

3
4 In the Matter of Charges and)
5 Complaint Against)
6 BINH MINH CHUNG, M.D.,)
7 Respondent.)

CASE NO.: 15-20478-1

FILED

JUN 27 2022

8 NEVADA STATE BOARD OF
9 MEDICAL EXAMINERS

By: 

10 **ORDER AFTER TELEPHONIC STATUS CONFERENCE**

11 TO: Donald White, Esq., Deputy General Counsel and Attorney for the
12 Investigative Committee of the Nevada State Board of Medical Examiners;
13 BINH MINH CHUNG, M.D., c/o Nevada Dept. Of Prisons

This hearing officer held a telephonic Status Conference in this case on June 24, 2022.

14 Present via phone was Donald White, Esq., Deputy General Counsel and Attorney for the
15 Investigative Committee of the Nevada State Board of Medical Examiners. Also present via
16 phone was Dr. Binh M. Chung. During the status conference, a discussion was had
17 concerning the status of Dr. Chung's pending habeas corpus petition in the Nevada District
18 Court system. Dr. Chung desires to maintain the status quo of this case while his habeas
19 corpus petition is litigated in District Court. Mr. White, as counsel for the Investigative
20 Committee, had no objection to maintaining the status quo here pending resolution of Dr.
21 Chung's legal petition in court. It is clear to the parties that maintaining the status quo in this
22 case holds the suspension of Dr. Chung's medical license in place pending further action by
23 this hearing officer and/or the Nevada State Board of Medical Examiners.

24 ///

25 ///


26 ///

27 ///

28

1 Accordingly, in order to monitor progress and resolution of Dr. Chung's habeas
2 petition, this case shall be continued for an additional status hearing on Wednesday, December
3 7, 2022, at 10:00 a.m. Dr. Chung's medical license remains suspended.

4
5 DATED this 24 day of June, 2022.



6
7
8 CHARLES B. WOODMAN, Hearing Officer
9 Nevada State Board of Medical Examiners
10 548 W. Plumb Lane, Suite B
11 Reno, Nevada 89509
12 (775) 786-9800
13 hardywoodmanlaw@msn.com
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CERTIFICATE OF SERVICE

I, Meg Byrd, Legal Assistant for the Nevada State Board of Medical Examiners, hereby certify that on June 27, 2022, I mailed the ORDER AFTER TELEPHONIC STATUS CONFERENCE via USPS Certified Mail to the following recipient(s):

BINH CHUNG, M.D. #1181843
Lovelock Correction Center
1200 Prison Road
Lovelock, NV 89419
Respondent

USPS Certified Tracking No.: 9171 9690 0935 0254 7606 65

Additionally, the following parties were served via electronic mail, a filed-stamped copy of the above-entitled document:

CHARLES WOODMAN
HARDYWOODMANLAW@MSN.COM ;
TIFFANY@WOODMANLAWGROUP.COM

DONALD K. WHITE, J.D.
DWHITE@MEDBOARD.NV.GOV

DATED this 27th day of June, 2022.



MEG BYRD, Legal Assistant
Nevada State Board of Medical Examiners

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**BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA**

* * * * *

**In the Matter of Charges and Complaint
Against
BINH MINH CHUNG, M.D.,
Respondent.**

Case No. 15-20478-1

FILED

JUL - 6 2022

NEVADA STATE BOARD OF
MEDICAL EXAMINERS
By: 

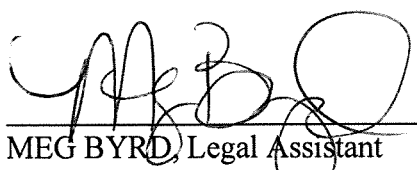
PROOF OF SERVICE

I, Meg Byrd, Legal Assistant for the Nevada State Board of Medical Examiners, hereby certify that on June 27, 2022, I mailed by USPS Certified Mail No. 9171969009350254760665 to the following recipient(s):

**Binh Minh Chung, M.D. #1181843
Lovelock Correction Center
120 Prison Road
Lovelock, NV 89419**

the Order After Status Conference filed June 27, 2022 which was confirmed delivered on June 29, 2022. *See Exhibit 1.*

DATED this 5th day of July, 2022.



MEG BYRD, Legal Assistant
Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, Nevada 89521

EXHIBIT 1

EXHIBIT 1



July 5, 2022

Dear Meg Byrd:

The following is in response to your request for proof of delivery on your item with the tracking number:
9171 9690 0935 0254 7606 65.

Item Details

Status:	Delivered to Agent for Final Delivery
Status Date / Time:	June 29, 2022, 10:43 am
Location:	LOVELOCK, NV 89419
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Recipient Signature

Signature of Recipient: (Authorized Agent)	<i>JM Blevins</i>
Address of Recipient:	<i>1200 Pittsfr</i>

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

Track Another Package +

Tracking Number: 9171969009350254760665

[Remove X](#)

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June 29, 2022, 10:43 am

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Your item has been delivered to an agent for final delivery in LOVELOCK, NV 89419 on June 29, 2022 at 10:43 am.

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June 29, 2022, 7:25 am

Arrived at Post Office

LOVELOCK, NV 89419

June 28, 2022, 5:26 pm

Departed USPS Regional Facility

RENO NV DISTRIBUTION CENTER

June 27, 2022, 10:32 pm

Arrived at USPS Regional Facility

RENO NV DISTRIBUTION CENTER

June 27, 2022, 9:17 pm

Accepted at USPS Origin Facility

RENO, NV 89521

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FAQs

1 BEFORE THE NEVADA STATE BOARD OF MEDICAL EXAMINERS.

2
3 BOARD OF MEDICAL EXAMINERS

Case No.: 15-20478-1

4 OF THE STATE OF NEVADA,

FILED

5
6 Complaint Against,

NOV 16 2022

7
8 BINH CHUNG, MD,

NEVADA STATE BOARD OF
MEDICAL EXAMINERS
BY: 

9 Respondent.

10 NOTICE OF TRANSFER OF RESPONDENT TO HIGH DESERT FOR COURT

11 HEARING ON HIS MOTION TO CORRECT ILLEGAL SENTENCE.


12 COMES NOW Respondent, Binh Chung, MD, in prose, moves the Board
13 of Medical Examiners of the State of Nevada and Hearing Officer Charles
14 B. Woodman, ESQ, to take notice that Respondent will be at High Desert
15 State Prison (2201 Cold Creek Rd, Indian Springs, NV 89070) for the Status
16 hearing scheduled for Wednesday, December 7, 2022, at 10:00 a.m. Re-
17 spondent was originally scheduled at Lovelock Correctional Center.
18 Please be advised that Respondent is scheduled to have a Hearing for
19 his Motion To Correct Illegal Sentence in the Eight Judicial District Court
20 on November 30, 2022. Respondent respectfully request Donald K. White,
21 J.D. - the Nevada State Board of Medical Examiners, to contact High Desert
22 State Prison to make alternative arrangement for the December 7, 2022
23 status hearing. In addition, Respondent is notifying all interested
24 parties that his pending Habeas Corpus in the District Court has
25 been rescheduled to February 28, 2023.

26 ///

27 ///

28 ///

1 Dated this 14th day of November, 2022.

2 

3 Binh Chung, MD

4 Lovelock Correctional Center

5 1200 Prison Rd.

6 Lovelock, Nevada 89419

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Certificate Of Service By Mail.

I, Binh Chung, MD, hereby Certify that on the 14th day of November, 2022, I did deposit in the United States Post Office at Lovelock, Nevada, in a sealed envelope with postage fully pre-paid thereon, a true and correct copy of the above and foregoing Notice Of Transfer Of Respondent To High Desert For Court Hearing On His Motion To Correct Illegal Sentence, addressed to the following:

Donald White, Esq.

Deputy General Counsel and Attorney for the Investigate Committee

State Board of Medical Examiners

9600 Gateway Drive

Reno, Nevada 89521

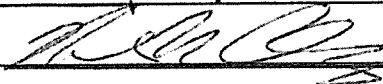
Charles B. Woodman, Esq., Hearing Officer.

Nevada State Board of Medical Examiners

548 W. Plumb Lane, Suite B

Reno, Nevada 89509

Dated this 14th day of November, 2022.



Binh Chung, MD.

Lovelock Correctional Center

1200 Prison Road.

Lovelock, Nevada 89419.

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CERTIFICATE OF SERVICE

I, Meg Byrd, Legal Assistant for the Nevada State Board of Medical Examiners, hereby certify that on December 2nd, 2022, I mailed the ORDER RESCHEDULING TELEPHONIC STATUS CONFERENCE via USPS Certified Mail to the following recipient(s):

BINH CHUNG, M.D. #1181843
High Desert State Prison
P.O. Box 650
22010 Cold Creek Road
Indian Springs, NV 89070
Respondent

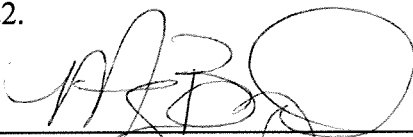
USPS Certified Tracking No.: 9171 9690 0935 0254 7642 05

Additionally, the following parties were served via electronic mail, a filed-stamped copy of the above-entitled document:


CHARLES WOODMAN
HARDYWOODMANLAW@MSN.COM ;
TIFFANY@WOODMANLAWGROUP.COM

DONALD K. WHITE, J.D.
DWHITE@MEDBOARD.NV.GOV

DATED this 2nd day of December, 2022.



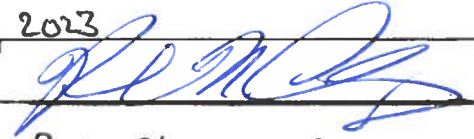
MEG BYRD, Legal Assistant
Nevada State Board of Medical Examiners

1	<u>BEFORE THE NEVADA STATE BOARD OF MEDICAL EXAMINERS</u>	
2	<u>BOARD OF MEDICAL EXAMINERS</u>	
3	<u>OF THE STATE OF NEVADA</u>	Case No.: 15-20478-1
4		
5	Complaint Against,	FILED
6		MAR 28 2023
7	BINH CHUNG, MD,	NEVADA STATE BOARD OF MEDICAL EXAMINERS
8	Respondent.	By: 

9 STATUS UPDATE FOR THE NEXT SCHEDULED TELEPHONIC
 10 CONFERENCE

11 To all parties involved, please take notice that Respondent
 12 has a scheduled Status Check for his Writ of Habeas Corpus in the Eighth
 13 Judicial District Court, Clark County simultaneously scheduled as the
 14 Telephonic Status Conference on March 28, 2023 with Mr. Charles Woodman,
 15 Hearing Conference officer and Donald K. White, Esq., Senior Investigator
 16 of the NSBME. There is a high likelihood that Respondent's Habeas Att-
 17 orney will reschedule the hearing date to a future date. Respondent
 18 respectfully request both parties above to reschedule the conference to
 19 a future date, if possible. Respondent will keep all parties updated as
 20 soon as he finds out the new schedule. Respondent apologies for any
 21 inconvenience.

22 DATED this 22nd day of March, 2023

23 

24 Binh Chung, MD
 25 H.D.S.P.
 26 P.O. Box 650
 27 22010 Cold Creek Road
 28 Indian Springs, NV 89070.

CERTIFICATE OF SERVICE BY MAIL

I, Binh Chung, M.D., hereby Certify that on the 22nd day of March, 2023, I did deposit in the U.S. Post Office at High Desert State Prison, in a sealed envelope with postage fully pre paid thereon, a true and corrected copy of the above and foregoing Status Update For The Next Scheduled Telephonic Conference, addressed to the following:

Donald White, Esq.

Deputy General Counsel and Attorney for the Investigative Committee
State Board of Medical Examiners

9600 Gateway Drive

Reno, NV 89521

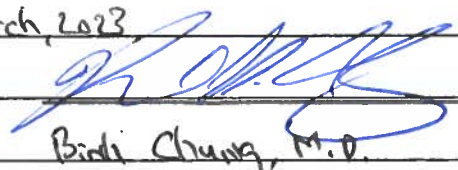
Charles B. Woodman, Esq., Hearing Officer

Nevada State Board of Medical Examiners

548 Plumb Lane, Suite B

Reno, NV 89509

Dated this 22nd day of March, 2023.



Binh Chung, M.D.

High Desert State Prison

P.O. Box 650

22010 Cold Creek Road

Indian Springs, NV 89070

1 **BEFORE THE BOARD OF MEDICAL EXAMINERS**
2 **OF THE STATE OF NEVADA**

3 * * * * *

4 **In the Matter of Charges and Complaint**

Case No. 15-20478-1

5 **Against:**

6 **BINH MINH CHUNG, M.D.,**

7 **Respondent.**

FILED

APR - 4 2023

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: 

9 **ORDER TO CONTINUE TELEPHONIC STATUS CONFERENCE**

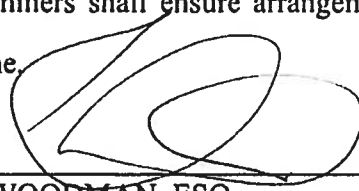
10 To: Donald K. White, J.D., Senior Deputy General Counsel and Attorney for the
11 Investigative Committee of the Nevada State Board of Medical Examiners

12 BINH MINH CHUNG, M.D., Respondent

13 Currently, this case is stayed pending the resolution of Respondent's case in the Eighth
14 Judicial District Court regarding his Writ of Habeas Corpus. Having been advised that the hearing
15 date for Respondent's Writ of Habeus Corpus was to be rescheduled, the status conference
16 scheduled for March 28, 2023, is hereby reset for July 26, 2023 at 10:00 a.m.

17 **THEREFORE, IT IS SO ORDERED**, the telephonic status conference scheduled for
18 March 28, 2023 is hereby continued to **July 26, 2023 at 10:00 a.m.** Counsel for the Investigative
19 Committee of the Nevada State Board of Medical Examiners shall ensure arrangements are in
20 place for Respondent to attend the conference by telephone.

21 DATED this 4 day of April 2023.

22 
23 CHARLES WOODMAN, ESQ.
24 *Hearing Officer*

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA

* * * * *

In the Matter of Charges and Complaint
Against
BINH MINH CHUNG, M.D.,
Respondent.

Case No. 15-20478-1

FILED

APR 24 2023

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: 

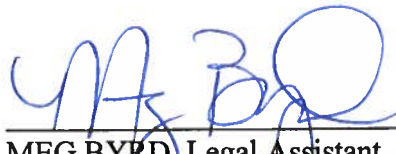
PROOF OF SERVICE

I, Meg Byrd, Legal Assistant for the Nevada State Board of Medical Examiners, hereby certifies that on April 13, 2023, I mailed by USPS Certified Mail No. 9171969009350254767718 to the following recipient(s):

**Binh Minh Chung, M.D. #1181843
High Desert State Prison
P.O. Box 650
22010 Cold Creek Road
Indian Springs, NV 89070**

the Order to Continue Status Conference filed April 4, 2023 which was confirmed delivered on April 17, 2023. See **Exhibit 1**.

DATED this 21st day of April, 2023.



MEG BYRD, Legal Assistant
Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, Nevada 89521

EXHIBIT 1

EXHIBIT 1



April 21, 2023



Dear Meg Byrd:

The following is in response to your request for proof of delivery on your item with the tracking number:
9171 9690 0935 0254 7677 18.

Item Details

Status:	Delivered, Individual Picked Up at Post Office
Status Date / Time:	April 17, 2023, 8:19 am
Location:	INDIAN SPRINGS, NV 89018
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Recipient Signature

Signature of Recipient:	
Address of Recipient:	

Note: Scanned image may reflect a different destination address due to Intended Recipient's delivery instructions on file.

Thank you for selecting the United States Postal Service® for your mailing needs. If you require additional assistance, please contact your local Post Office™ or a Postal representative at 1-800-222-1811.

Sincerely,
United States Postal Service®
475 L'Enfant Plaza SW
Washington, D.C. 20260-0004

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9171969009350254767718

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Latest Update

Your item was picked up at the post office at 8:19 am on April 17, 2023 in INDIAN SPRINGS, NV 89018.

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USPS Tracking Plus[®]

Feedback

Delivered

Delivered, Individual Picked Up at Post Office

INDIAN SPRINGS, NV 89018

April 17, 2023, 8:19 am

Available for Pickup

INDIAN SPRINGS, NV 89018

April 17, 2023, 6:36 am

Arrived at Post Office

INDIAN SPRINGS, NV 89018

April 17, 2023, 6:02 am

In Transit to Next Facility

April 16, 2023

Arrived at USPS Regional Origin Facility

LAS VEGAS NV DISTRIBUTION CENTER

April 15, 2023, 3:40 pm

Arrived at USPS Regional Origin Facility

RENO NV DISTRIBUTION CENTER

April 14, 2023, 10:58 pm

USPS picked up item

RENO, NV 89521

April 14, 2023, 1:20 pm

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USPS Tracking Plus®



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FAQs

1 BEFORE THE NEVADA STATE BOARD OF MEDICAL EXAMINERS

2 BOARD OF MEDICAL EXAMINERS

3 OF THE STATE OF NEVADA

Case No. : 15-20478-1

4

5 Complaint Against,

6

7 BINH CHUNG

8 Respondent.

FILED

JUL 17 2023

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: 


9 STATUS UPDATE FOR THE NEXT SCHEDULED TELEPHONIC CONFERENCE

10 To all parties involved, please take notice that Respondent hearing
11 for his Writ of Habeas Corpus in the Eighth Judicial District Court, Clark
12 County : Dept. 25 has once again been rescheduled to January 31, 2024.
13 Respondent apologies for any inconvenience. Respondent has a telephonic
14 Status Conference with Mr. Charles Woodman, Hearing Officer and
15 Donald K. White, Senior Investigator of the NSBME on July 26, 2023
16 at 10:00 a.m. Respondent requests Mr. Charles Woodman and Mr. Donald
17 K. White to reschedule the telephonic Status Conference to a future date,
18 if possible. Also, will you please notify the Nevada Department of
19 Correction at High Desert State Prison to reschedule as well. Thank
20 you for your assistance in this matter.

21 DATED this 16TH day of July, 2023.

22

23


Binh Chung, MD

24

High Desert State Prison

25

P.O. Box 650

26

Indian Springs, NV 89070

27

28

CERTIFICATE OF SERVICE BY MAIL

I, Binh Chung, MD, hereby certify that on the 10th day of July, 2023, I did deposit in the U.S. Post Office at High Desert State Prison, in a sealed envelope with postage fully prepaid thereon, a true and correct copy of the above and foregoing Status Update For The Next Scheduled Telephonic Conference, addressed to the following:

Donald K. White, Esq.

Deputy General Counsel and Attorney for the Investigative Committee
State Board of Medical Examiners

9600 Gateway Drive

Reno, NV 89521

Charles B. Woodman, Esq., Hearing Officer

Nevada State Board of Medical Examiners

548 W. Plumb Lane, Suite B

Reno, NV 89509

DATED this 10th day of July, 2023.



Binh Chung, M.D.

High Desert State Prison

P.O. Box 650

Indian Springs, NV 89070

1 **BEFORE THE BOARD OF MEDICAL EXAMINERS**
2 **OF THE STATE OF NEVADA**

3 * * * * *

4 **In the Matter of Charges and Complaint**

Case No. 15-20478-1

5 **Against:**

FILED

6 **BINH MINH CHUNG, M.D.,**

AUG 03 2023

7 **Respondent.**

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: 

9 **ORDER TO CONTINUE TELEPHONIC STATUS CONFERENCE**

10 **To: Donald K. White, J.D., Senior Deputy General Counsel and Attorney for the**
11 **Investigative Committee of the Nevada State Board of Medical Examiners**

12 **BINH MINH CHUNG, M.D., Respondent**

13 Currently, this case is stayed pending the resolution of Respondent's case in the Eighth
14 Judicial District Court regarding his Writ of Habeas Corpus. Having been advised that the hearing
15 date for Respondent's Writ of Habeas Corpus was to be rescheduled, the status conference
16 scheduled for July 26, 2023, is hereby reset for August 28, 2023 at 10:00 a.m.

17 **THEREFORE, IT IS HEREBY ORDERED,** the telephonic status conference scheduled
18 for July 26, 2023 is hereby continued to August 28, 2023 at 10:00 a.m. Counsel for the
19 Investigative Committee of the Nevada State Board of Medical Examiners shall ensure
20 arrangements are in place for Respondent to attend the conference by telephone.

21
22 DATED this 2 day of August 2023.

23 
24 **CHARLES WOODMAN, ESQ.**
25 *Hearing Officer*

1 **BEFORE THE BOARD OF MEDICAL EXAMINERS**
2 **OF THE STATE OF NEVADA**

3
4 In the Matter of Charges and)
5 Complaint Against)
6 BINH MINH CHUNG, M.D.,)
7 Respondent.)

CASE NO.: 15-20478-1
Early Case Conference: 10:00 A.M.
Thursday, November 2, 2023

FILED

SEP - 5 2023

NEVADA STATE BOARD OF
MEDICAL EXAMINERS
By: _____

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9
10 **NOTICE AND ORDER SCHEDULING EARLY CASE CONFERENCE**

11 TO: DONALD K. WHITE, J.D., Senior Deputy General Counsel and Attorney for the
12 Investigative Committee of the Nevada State Board of Medical Examiners;
13 BINH MINH CHUNG, M.D., c/o Nevada Dept. Of Prisons

14 NOTICE IS HEREBY GIVEN that on July 18, 2019, a Complaint was filed in the
15 name of the Investigative Committee of the Nevada State Board of Medical Examiners pursuant
16 to Chapter 630 of the Nevada Revised Statutes, charging Respondent with violation of the
17 Medical Practice Act. A true and correct copy of said Complaint was served upon Respondent
18 on or about November 9, 2019.

19 ACCORDINGLY, NOTICE IS HEREBY GIVEN that in compliance with NRS
20 630.339(3), **an Early Case Conference will be conducted on Thursday, November 2, 2023,**
21 **beginning at 10:00 A.M.,** in the Conference Room at the Office of the Nevada State Board of

22
23 ¹3. Within 20 days after the filing of the answer, the parties shall hold an early case conference at which the
24 parties and the hearing officer appointed by the Board or a member of the Board must preside. At the early case
25 conference, the parties shall in good faith:

- 26 a) Set the earliest possible hearing date agreeable to the parties and the hearing officer, panel of the Board
27 or the Board, including the estimated duration of the hearing;
28 b) Set dates:
(1) By which all documents must be exchanged;
(2) By which all prehearing motions and responses thereto must be filed;
(3) On which to hold the prehearing conference; and
(4) For any other foreseeable actions that may be required for the matter;
(c) Discuss or attempt to resolve all or any portion of the evidentiary or legal issues in the matter;
(d) Discuss the potential for settlement of the matter on terms agreeable to the parties; and
(e) Discuss and deliberate any other issues that may facilitate the timely and fair conduct of the matter.

1 Medical Examiners, located at 9600 Gateway Drive, Reno, Nevada 89521, or as soon thereafter
2 as it may be heard.

3 **NOTICE IS FURTHER HEREBY GIVEN** that the Early Case Conference shall be
4 attended by the parties in person or by any party's legal counsel of record and will be conducted
5 by the undersigned Hearing Officer in order to discuss and designate the dates for the Pre-
6 Hearing Conference and Hearing, and other procedural matters established in NRS 630.339.
7 Respondent will participate in the Early Case Conference by telephone via arrangements with the
8 Deputy General Counsel for the Investigative Committee of the Nevada State Board of Medical
9 Examiners.²

10 At the Pre-Hearing Conference, in accordance with NAC 630.465³, each party shall
11 provide the other party with a copy of the list of witnesses each party intends to call to testify,
12 including therewith, the qualifications of each witness so identified, and a summary of the
13 testimony of each witness. If a witness is not on the list of witnesses, that witness may not be
14 allowed to testify at the hearing unless good cause is shown for omitting the witness from said
15 list.⁴

16 All evidence, except rebuttal evidence, which is not provided to each party at the Pre-
17

18 ² It is anticipated that Respondent will attend via phone from the Nevada State Prison.

19 ¹ At least 30 days before a hearing but not earlier than 30 days after the date of service upon the physician
20 or physician assistant of a formal complaint that has been filed with the Board pursuant to NRS 630.311, unless a
21 different time is agreed to by the parties, the presiding member of the Board or panel of members of the Board or the
22 hearing officer shall conduct a prehearing conference with the parties and their attorneys. All documents presented
23 at the prehearing conference are not evidence, are not part of the record and may not be filed with the Board.

22 2. Each party shall provide to every other party a copy of the list of proposed witnesses and their
23 qualifications and a summary of the testimony of each proposed witness. A witness whose name does not appear on
24 the list of proposed witnesses may not testify at the hearing unless good cause is shown.

23 3. All evidence, except rebuttal evidence, which is not provided to each party at the prehearing conference
24 may not be introduced or admitted at the hearing unless good cause is shown.

24 4. Each party shall submit to the presiding member of the Board or panel or to the hearing officer
25 conducting the conference each issue which has been resolved by negotiation or stipulation and an estimate, to the
26 nearest hour, of the time required for presentation of its oral argument.

26 ⁴ In identifying a patient as a witness the parties are cautioned to omit from any pleadings filed with the
27 undersigned administrative hearing officer any addresses, telephone numbers, social security numbers, or other
28 personal information regarding such individual and to confine their submissions in this regard to the Patient
Designation of the witness, qualifications for the relevancy of any testimony sought to be elicited from that witness
and a summary of the anticipated testimony.

1 Hearing Conference may not be introduced or admitted at the hearing unless good cause is
2 shown.

3 **NOTICE IS FURTHER HEREBY GIVEN** that the attorney for the Investigative
4 Committee and Respondent shall keep the undersigned Hearing Officer advised of each issue
5 which has been resolved by negotiation or stipulation, if any, and provide at the Pre-Hearing
6 Conference an estimate, to the nearest hour, of the time required for presentation of their
7 respective cases.

8 **NOTICE IS FINALLY HEREBY GIVEN** that the possible sanctions authorized by
9 NRS 630.352 and NRS 622.400 to be imposed on the Respondent based on a sustained charge in
10 regard to one or more of the issues raised in said Complaint include one or more of the following
11 sanctions:

- 12 A. Placement on probation for a specified period on any of the conditions specified in
13 the order;
- 14 B. Administration of a public reprimand;
- 15 C. Suspension of his license for a specified period or until further order of the Board;
- 16 D. Revocation of his license to practice;
- 17 E. A requirement that he participate in a program to correct alcohol or drug
18 dependence or any other impairment;
- 19 F. A requirement that there be specified supervision of his practice;
- 20 G. A requirement that he perform public service without compensation;
- 21 H. A requirement that he take a physical or mental examination or an examination
22 testing his medical competence;
- 23 I. A requirement that he fulfill certain training or educational requirements, or both,
24 as specified by the Board;
- 25 J. Imposition of a fine on you not to exceed \$5,000 for each violation;

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K. A requirement that a practitioner licensed by the State Board of Medical Examiners, pursuant to NRS 622.400 pay all costs incurred by the Board relating to the disciplinary proceedings as more fully set forth in said statute.

DATED this 5 day of September, 2023.



CHARLES B. WOODMAN, ESQ., Hearing Officer
Nevada State Board of Medical Examiners
548 W. Plumb Lane, Suite B
Reno, Nevada 89509
(775) 786-9800
hardywoodmanlaw@msn.com

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CERTIFICATE OF SERVICE

I certify that on this day, I personally delivered or mailed, postage pre-paid, at Reno, Nevada, a true file-stamped copy of the foregoing NOTICE AND ORDER SCHEDULING EARLY CASE CONFERENCE addressed as follows:

DONALD K. WHITE, J.D.
Deputy General Counsel and Attorney for the Investigative Committee of the Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, Nevada 89521

BINH MINH CHUNG, M.D., c/o Nevada Dept. Of Prisons

DATED this 5th day of Sept, 2023.



Legal Assistant
Nevada State Board of Medical Examiners

1 **BEFORE THE BOARD OF MEDICAL EXAMINERS**
2 **OF THE STATE OF NEVADA**

FILED

NOV - 7 2023

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: _____

3
4 In the Matter of Charges and
5 Complaint Against
6 BINH MINH CHUNG, M.D.,
7 Respondent.

CASE NO.: 15-20478-1

8
9 **NOTICE AND ORDER SCHEDULING PRE-HEARING AND HEARING**

10 TO: Donald K. White, J.D., Deputy General Counsel and Attorney for the
11 Investigative Committee of the Nevada State Board of Medical Examiners
12 9600 Gateway Drive
13 Reno, NV 89521

14 Binh Minh Chung, M.D., c/o Nevada Dept. Of Prisons

15 On Thursday, November 2, 2023, a telephonic Early Case Conference was conducted in
16 this matter. Donald K. White, Esq. was present on behalf of the Investigative Committee in the
17 conference room of the Nevada State Board of Medical Examiners. Dr. Chung appeared via
18 phone. The undersigned Hearing Officer also participated telephonically. Formal dates were set
19 for the pre-hearing conference, exchange of documents, and the hearing date.

20 Accordingly, in compliance with NAC 630.465, a **pre-hearing conference will be**
21 **conducted on Monday, March 18, 2024, beginning at the hour of 10:00 A.M., Pacific**
22 **Standard Time, in the conference room at the Office of the Nevada State Board of Medical**
23 **Examiners, 9600 Gateway Drive, Reno, Nevada 89521. The conference, to be attended by the**
24 **parties in person or by counsel,¹ will be conducted before the undersigned hearing officer to**
25 **assure that all written information and documentation to be presented by the parties at the formal**
26 **hearing is fully and completely exchanged.**

27 At the pre-hearing conference each party is to provide the other party with a copy of the

28 ¹Respondent or Respondent's counsel may participate in the pre-hearing conference by telephone if prior arrangements are made with counsel for the Investigative Committee.


1 list of witnesses they intend to call to testify, including their qualifications, as well as a brief
2 summary of their anticipated testimony. If a witness is not included in the list of witnesses, that
3 witness may not be allowed to testify at the hearing unless good cause is shown.

4 **The formal hearing in this matter is hereby scheduled for Monday, April 22, 2024,**
5 **commencing at 9:00 A.M. and Tuesday, April 23, 2024, commencing at 9:00 A.M.** at the
6 Office of the Nevada State Board of Medical Examiners, 9600 Gateway Drive, Reno, Nevada
7 89521. Respondent must be present at the hearing in person. Following the hearing, the hearing
8 officer will submit to the Board a synopsis of the testimony taken at the hearing and make a
9 recommendation on the veracity of witnesses if there is conflicting evidence or if credibility of
10 witnesses is a determining factor, and thereafter the Board will render its decision. NAC
11 **630.470.**

12 Any other hearings previously set in this matter which conflict with the hearing schedule
13 set out herein are vacated.

14 It is further ordered that legal counsel for the Investigative Committee and Respondent or
15 Respondent's counsel shall keep this hearing officer advised of each issue which has been
16 resolved by negotiation or stipulation, or any other change in the status of this case.

17 DATED this 6 day of November, 2023



18
19 CHARLES B. WOODMAN, ESQ., Hearing Officer
20 Nevada State Board of Medical Examiners
21 548 W. Plumb Lane, Suite B
22 Reno, Nevada 89509
23 (775) 786-9800
24 hardywoodmanlaw@msn.com
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CERTIFICATE OF SERVICE

I certify that on this day, I personally delivered or mailed, postage pre-paid, at Reno, Nevada, a true file-stamped copy of the foregoing document addressed as follows:

Donald K. White, J.D., Deputy General Counsel and Attorney for the Investigative Committee of the Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, NV 89521

Binh Minh Chung, M.D., c/o Nevada Dept. Of Prisons

DATED this 8th day of November, 2023.



Legal Assistant
Nevada State Board of Medical Examiners

1 **BEFORE THE BOARD OF MEDICAL EXAMINERS**
2 **OF THE STATE OF NEVADA**

3 * * * * *

4
5 **In the Matter of Charges and Complaint**
6 **Against**
7 **BINH MINH CHUNG, M.D.,**
8 **Respondent.**

Case No. 15-20478-1

FILED

MAR 12 2024

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: *[Signature]*

9
10 **PREHEARING CONFERENCE STATEMENT OF THE INVESTIGATIVE**
11 **COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS**

12 The Investigative Committee (IC) of the Nevada State Board of Medical Examiners
13 (Board) submits the following Prehearing Conference Statement in accordance with
14 NAC 630.465 and the Hearing Officer's Scheduling Order filed on November 7, 2023.

15 **I. LIST OF WITNESSES**

16 The IC of the Board lists the following witnesses whom it may call at the hearing on the
17 charges in the Complaint against Respondent filed herein:

- 18 a. Ernesto Diaz, Chief of Investigations or his designee
19 Nevada State Board of Medical Examiners

20 Mr. Diaz or his designee is expected to verify documentary evidence obtained during the
21 investigation of this case and testify regarding the investigation of this matter.

- 22 b. Binh Minh Chung, M.D.

23 Dr. Chung is expected to testify regarding the facts and circumstances surrounding the
24 formal Complaint in this case.

25 c. All witnesses identified by Respondent in his prehearing conference statement
26 and/or in any subsequent amended, revised or supplemental prehearing conference statement, or
27 list of witnesses disclosed by Respondent of persons he may call to testify at the hearing herein.

28 ///

1 The IC reserves the right to amend and supplement this list as required for prosecution of
 2 this case.

3 **II. LIST OF EXHIBITS**

4 The IC of the Board lists the following exhibits that it may introduce at the hearing on the
 5 charges and formal Complaint against the Respondent. Additionally, the IC of the Board reserves
 6 the right to rely on all exhibits listed in Respondent's prehearing conference statement and any
 7 supplement and/or amendment thereof.

EXHIBIT NO.	DESCRIPTION	BATES RANGE (NSBME)
1	Plaintiff's Third Amended Indictment ; State of Nevada vs. Binh Minhg Chung; District Court Clark County Nevada, Case No. C-15-309717-1	001-005
2	Partial Jury Trial Transcript May 12, 2017 ; State of Nevada vs. Binh Minhg Chung; District Court Clark County Nevada, Case No. C-15-309717-1	006-081
3	Verdict ; State of Nevada vs. Binh Minhg Chung; District Court Clark County Nevada, Case No. C-15-309717-1	082-085
4	Court Minutes Regarding Sentencing of Binh Chung dated July 10, 2017 ; State of Nevada vs. Binh Minh Chung; District Court Clark County Nevada, Case No. C-15-309717-1	086-087
5	Judgment of Conviction ; State of Nevada vs. Binh Minhg Chung; District Court Clark County Nevada, Case No. C-15-309717-1	088-091

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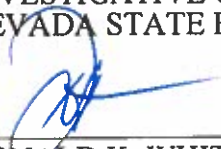
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The IC reserves the right to use any exhibits relied upon or identified by Respondent and reserves the right to amend and supplement this list of exhibits as required prior to the Prehearing Conference.

DATED this 12th day of March, 2024.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: _____


DONALD K. WHITE
Senior Deputy General Counsel
9600 Gateway Drive
Reno, NV 89521
Tel: (775) 688-2559
Email: dwhite@medboard.nv.gov
Attorney for the Investigative Committee

OFFICE OF THE GENERAL COUNSEL
Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, Nevada 89521
(775) 688-2559

CERTIFICATE OF SERVICE

I hereby certify that I am employed by the Nevada State Board of Medical Examiners and that on the 12th day of March, 2024, I served a file-stamped copy of the foregoing PREHEARING CONFERENCE STATEMENT OF THE INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS, via USPS Certified Mail, postage pre-paid, to the following parties:

BINH CHUNG, M.D. #1181843
High Desert State Prison
P.O. Box 650
22010 Cold Creek Road
Indian Springs, NV 89070
Respondent

CHARLES B. WOODMAN, ESQ.
Law Offices of Charles Woodman, Esq.
548 W. Plumb Lane, Suite B
Reno, NV 89501-2001
Hearing Officer

Respondent Tracking No.: 9171 9690 0935 0241 6242 22


Hearing Officer Tracking No.: 9171 9690 0935 0241 6242 39

Additionally, the following parties were served via electronic mail, a filed-stamped copy of the above-entitled document:

CHARLES WOODMAN
HARDYWOODMANLAW@MSN.COM ;
TIFFANY@WOODMANLAWGROUP.COM

DONALD K. WHITE, J.D.
DWHITE@MEDBOARD.NV.GOV

DATED this 12th day of March, 2024.



MEG BYRD
Legal Assistant
Nevada State Board of Medical Examiners



March 15, 2024

Dear Meg Byrd:

The following is in response to your request for proof of delivery on your item with the tracking number:
9171 9690 0935 0241 6242 22.

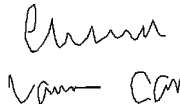
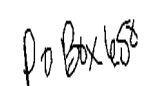
Item Details

Status:	Delivered, Individual Picked Up at Post Office
Status Date / Time:	March 14, 2024, 8:30 am
Location:	INDIAN SPRINGS, NV 89018
Postal Product:	Priority Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic Up to \$100 insurance included

Shipment Details

Weight:	1lb, 1.0oz
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Recipient Signature

Signature of Recipient:	
Address of Recipient:	

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Washington, D.C. 20260-0004



March 15, 2024

Dear Meg Byrd:

The following is in response to your request for proof of delivery on your item with the tracking number:
9171 9690 0935 0241 6242 39.



Item Details

Status:	Delivered, Left with Individual
Status Date / Time:	March 13, 2024, 11:13 am
Location:	RENO, NV 89509
Postal Product:	Priority Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Shipment Details

Weight:	2.6oz
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Washington, D.C. 20260-0004

OFFICE OF THE GENERAL COUNSEL
Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, Nevada 89521
(775) 688-2559

1 **BEFORE THE BOARD OF MEDICAL EXAMINERS**
2 **OF THE STATE OF NEVADA**

3 * * * * *

4
5 **In the Matter of Charges and Complaint**
6 **Against**
7 **BINH MINH CHUNG, M.D.,**
8 **Respondent.**

Case No. 15-20478-1

FILED

MAR 14 2024

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: 

9
10 **FIRST SUPPLEMENTAL PREHEARING CONFERENCE STATEMENT OF**
11 **THE INVESTIGATIVE COMMITTEE OF**
12 **THE NEVADA STATE BOARD OF MEDICAL EXAMINERS**

13 The Investigative Committee (IC) of the Nevada State Board of Medical Examiners
14 (Board) submits the following First Supplemental Prehearing Conference Statement in accordance
15 with NAC 630.465 and the Hearing Officer's Scheduling Order filed on November 7, 2023 (**new**
16 **items are in bold font**).

17 **I. LIST OF WITNESSES**

18 The IC of the Board lists the following witnesses whom it may call at the hearing on the
19 charges in the Complaint against Respondent filed herein:

- 20 a. Ernesto Diaz, Chief of Investigations or his designee
21 Nevada State Board of Medical Examiners

22 Mr. Diaz or his designee is expected to verify documentary evidence obtained during the
23 investigation of this case and testify regarding the investigation of this matter.

- 24 b. Binh Minh Chung, M.D.

25 Dr. Chung is expected to testify regarding the facts and circumstances surrounding the
26 formal Complaint in this case.

27 **///**
28 **///**

1 c. All witnesses identified by Respondent in his prehearing conference statement
 2 and/or in any subsequent amended, revised or supplemental prehearing conference statement, or
 3 list of witnesses disclosed by Respondent of persons he may call to testify at the hearing herein.

4 The IC reserves the right to amend and supplement this list as required for prosecution of
 5 this case.

6 **II. LIST OF EXHIBITS**

7 The IC of the Board lists the following exhibits that it may introduce at the hearing on the
 8 charges and formal Complaint against the Respondent. Additionally, the IC of the Board reserves
 9 the right to rely on all exhibits listed in Respondent's prehearing conference statement and any
 10 supplement and/or amendment thereof.

EXHIBIT NO.	DESCRIPTION	BATES RANGE (NSBME)
1	Plaintiff's Third Amended Indictment; State of Nevada vs. Binh Minhg Chung; District Court Clark County Nevada, Case No. C-15-309717-1	001-005
2	Partial Jury Trial Transcript May 12, 2017; State of Nevada vs. Binh Minhg Chung; District Court Clark County Nevada, Case No. C-15-309717-1	006-081
3	Verdict; State of Nevada vs. Binh Minhg Chung; District Court Clark County Nevada, Case No. C-15-309717-1	082-085
4	Court Minutes Regarding Sentencing of Binh Chung dated July 10, 2017 ; State of Nevada vs. Binh Minh Chung; District Court Clark County Nevada, Case No. C-15-309717-1	086-087
5	Judgment of Conviction; State of Nevada vs. Binh Minhg Chung; District Court Clark County Nevada, Case No. C-15-309717-1	088-091
6	Order of Affirmance; Binh Minh Chung vs. The State of Nevada; The Supreme Court of the State of Nevada, Case No. 73657	092-099

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OFFICE OF THE GENERAL COUNSEL
Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, Nevada 89521
(775) 688-2559


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The IC reserves the right to use any exhibits relied upon or identified by Respondent and reserves the right to amend and supplement this list of exhibits as required prior to the Prehearing Conference.

DATED this 13th day of March, 2024.

INVESTIGATIVE COMMITTEE OF THE
NEVADA STATE BOARD OF MEDICAL EXAMINERS

By: _____


DONALD K. WHITE
Senior Deputy General Counsel
9600 Gateway Drive
Reno, NV 89521
Tel: (775) 688-2559
Email: dwhite@medboard.nv.gov
Attorney for the Investigative Committee

OFFICE OF THE GENERAL COUNSEL
Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, Nevada 89521
(775) 688-2559

CERTIFICATE OF SERVICE

I hereby certify that I am employed by the Nevada State Board of Medical Examiners and that on the 14th day of March, 2024, I served a file-stamped copy of the foregoing FIRST SUPPLEMENTAL PREHEARING CONFERENCE STATEMENT OF THE INVESTIGATIVE COMMITTEE OF THE NEVADA STATE BOARD OF MEDICAL EXAMINERS, via USPS Certified Mail, postage pre-paid, to the following parties:

BINH CHUNG, M.D. #1181843
High Desert State Prison
P.O. Box 650
22010 Cold Creek Road
Indian Springs, NV 89070
Respondent

CHARLES B. WOODMAN, ESQ.
Law Offices of Charles Woodman, Esq.
548 W. Plumb Lane, Suite B
Reno, NV 89501-2001
Hearing Officer

Respondent Tracking No.: _____ 9171 9690 0935 0241 6244 51

Hearing Officer Tracking No.: _____ 9171 9690 0935 0241 6244 68

Additionally, the following parties were served via electronic mail, a filed-stamped copy of the above-entitled document:

CHARLES WOODMAN
HARDYWOODMANLAW@MSN.COM ;
TIFFANY@WOODMANLAWGROUP.COM

DONALD K. WHITE, J.D.
DWHITE@MEDBOARD.NV.GOV

DATED this 14th day of March, 2024.


MEG BYRD
Legal Assistant
Nevada State Board of Medical Examiners



March 19, 2024

Dear Meg Byrd:

The following is in response to your request for proof of delivery on your item with the tracking number:
9171 9690 0935 0241 6244 51.

Item Details

Status:	Delivered, Individual Picked Up at Post Office
Status Date / Time:	March 18, 2024, 9:22 am
Location:	INDIAN SPRINGS, NV 89018
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Shipment Details

Weight:	0.4oz
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Recipient Signature

Signature of Recipient:



Address of Recipient:



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March 18, 2024

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The following is in response to your request for proof of delivery on your item with the tracking number:
9171 9690 0935 0241 6244 68.



Item Details

Status:	Delivered, Left with Individual
Status Date / Time:	March 15, 2024, 12:20 pm
Location:	RENO, NV 89509
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Shipment Details

Weight:	0.4oz
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Recipient Signature

Signature of Recipient:	
Address of Recipient:	

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**BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF NEVADA**

In the Matter of Charges and)
Complaint Against)
BINH MINH CHUNG, M.D.,)
Respondent.)

CASE NO.: 15-20478-1
FORMAL HEARING:
APRIL 22-23, 2024

FILED

MAR 18 2024

NEVADA STATE BOARD OF
MEDICAL EXAMINERS

By: 

ORDER AFTER PRE-HEARING CONFERENCE

**TO: DONALD K. WHITE, J.D., Senior Deputy General Counsel and Attorney for
the Investigative Committee of the Nevada State Board of Medical Examiners;**
BINH MINH CHUNG, M.D., c/o Nevada Dept. Of Prisons

This Order follows a telephonic pre-hearing conference held this date pursuant to a prior order scheduling same. Present on the call was Mr. White on behalf of the Board, and Dr. Chung representing himself. Dr. Chung requested, consistent with his past requests, that the formal hearing of this case be continued until his habeas corpus petition in his criminal case is resolved. That request is again denied so that this case can be brought to conclusion. Mr. White made clear that in the event the underlying criminal conviction is overturned, then any adverse action taken by the Board of Medical Examiners against Dr. Chung's license based upon such conviction could be set aside by the Board upon the motion of Dr. Chung.

Dr. Chung requested that the hearing be postponed long enough to allow him to file a motion to dismiss. That request was also denied but a deadline for filing any such motion is set for Wednesday, April 17, 2024. Mr. White would then have until the date of commencement of the formal hearing to respond to such motion. In the event a motion is timely filed, that motion and any response by the Board will be addressed at the time of commencing the formal hearing.

DATED this 18 day of March, 2024.



CHARLES B. WOODMAN, Hearing Officer

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CERTIFICATE OF SERVICE

I certify that on this day, I personally delivered or mailed, postage pre-paid, at Reno, Nevada, a true file-stamped copy of the foregoing ORDER AFTER PRE-HEARING CONFERENCE addressed as follows:

DONALD K. WHITE, J.D.
Deputy General Counsel and Attorney for the Investigative Committee of the Nevada State Board of Medical Examiners
9600 Gateway Drive
Reno, Nevada 89521

BINH MINH CHUNG, M.D., c/o Nevada Dept. Of Prisons

DATED this 18th day of March 2024. 9171 9690 0935 0241 6246 73



Legal Assistant
Nevada State Board of Medical Examiners



March 25, 2024

Dear Meg Byrd:

The following is in response to your request for proof of delivery on your item with the tracking number:
9171 9690 0935 0241 6246 73.

Item Details

Status:	Delivered, Individual Picked Up at Post Office
Status Date / Time:	March 21, 2024, 8:46 am
Location:	INDIAN SPRINGS, NV 89018
Postal Product:	First-Class Mail®
Extra Services:	Certified Mail™ Return Receipt Electronic

Shipment Details

Weight:	0.1oz
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Recipient Signature

Signature of Recipient:



Address of Recipient:



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