by Guy Rocha, former Nevada State Archivist

A surprising change of venue for the Darren Mack murder trial from Reno to Las Vegas in October 2007 raised the question: Had this ever happened before in Nevada?

Seemingly no one could remember a change of venue involving a murder case in the recent past. Was this a first, or the first in a long time? Unfortunately, there is no comprehensive list that identifies every change of venue for murder trials in Nevada history.

When posed with the question, I knew that the murder trial of J. W. Rover had been moved from Winnemucca to Reno in 1876 following the Nevada Supreme Court overturning two murder convictions on technicalities. The Humboldt County jury pool was depleted and Rover was sent to Washoe County for trial. Ultimately, Rover was convicted, and hanged in Reno on February 19, 1878.

Another change of venue associated with a murder trial involved Robert H. Crozier. In 1877, Crozier was granted a change of venue from Elko to Winnemucca by the district judge. Crozier was found guilty in the murder of Charles Silverstein, alas "Montana Charley," and hanged in Winnemucca on October 30, 1877.

Thanks to the book Killed at the Gap (2003), we know that after two trials held in Austin for Alfred Vaughan, killer of brothers John and William Litster on December 28, 1893, the District Attorney was granted a change of venue to Reno. The Lander County jury pool was exhausted for the third trial mandated by the State Supreme Court. The Washoe County jury convicted Vaughan on April 10, 1896; however, he cheated the gallows by taking an overdose of morphine.

Four men involved in the sensational murder of Jack Welch in Humboldt County were first tried in Winnemucca in 1903. Thomas F. Gorman, Al Linderman, Fred Reidt and John P. Sevener were found guilty. However, the Supreme Court ordered a retrial and the venue changed to

Reno. Again, the men were found guilty. The largest multiple execution in Nevada history occurred on November 17, 1905 when the four men were executed at the State Prison using double gallows.

The Washoe County district judge in the Mack case relied on a precedent set in 1907. After the district judge denied a change of venue, Patrick “Patsy” Dwyer was convicted of murder in Austin in November 1906 and sentenced to death. Dwyer’s case was appealed to the Nevada Supreme Court while he awaited execution at the State Prison in Carson City. In July 1907, the Supreme Court reversed the judgment and ordered a new trial with a change of venue.

Patrick McCarran, one of the attorneys representing Dwyer in his appeal, also represented Dwyer in his Elko murder trial. The jury acquitted Dwyer of murder on January 29, 1908 and set him free.

Nevada law at the time permitted McCarran, the Nye County district attorney, to maintain a private practice. McCarran, one of Nevada’s most successful defense attorneys, later served as a Nevada Supreme Court Justice and a long-time U. S. Senator.

An anomalous situation, also in 1907 resulted in a change of venue for a murder trial in Esmeralda County. The murder trial of labor leaders Morrie Preston and Joseph W. Smith began in Hawthorne and concluded in Goldfield because a new law moved the Esmeralda County seat in the middle of the trial. In this case, the jury remained the same, but the courthouse was relocated. Preston was convicted of second-degree murder and Smith of voluntary manslaughter.

By all indications, changes of venues for murder trials are rare in Nevada and occurred years ago. The exception is a case in 1980 that virtually nobody remembered except one of the defense attorneys in the trial who is now a Nevada Supreme Court Justice.

In February 1980, the murder trial of Patrick Charles McKenna was moved from Las Vegas to Minden. The Clark County district judge who ordered the change of venue presided in the case in Douglas County. McKenna stood accused of killing his jail mate in a fit of rage after his recent conviction in a high-profile Clark County trial. McKenna was found guilty and sentenced to death. The conviction and death penalty were later reversed by the Nevada Supreme Court. In a subsequent trial, McKenna was again found guilty and sentenced to death. He is now in the Ely State Prison awaiting execution and, after multiple failed jail and prison escapes, is considered one of the most dangerous prisoners in the state.

Although McKenna's murder trial in Minden in 1980 was well-covered by the media in southern Nevada, the case did not get much attention in northern Nevada. People living in northern Nevada at the time of the trial don't remember it today. Thanks to Justice Michael Cherry, who was in the Minden courtroom representing McKenna, we know there was a change of venue in a murder trial in recent memory.

Photo Credit: The Supreme Court of Nevada sits for a portrait, circa 1908. These were the same Justices who heard the Dwyer case and the same courtroom in the Nevada State Capitol in which the hearing took place. Today the room is preserved as a museum room. On the bench, left to right: Justices Frank Norcross, George Talbot, and James Sweeney. Center row, left to right: James Finch, court reporter; J.W. Legate, court clerk; and William Kinney, bailiff. The two men in the foreground are unidentified. Photo courtesy of the Nevada State Museum.

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