

settled with the VVWD, in which some of the water rights were returned in addition to a cash settlement.

Now that he's been exonerated, Coache said he plans to attempt to recover some of his costs. A new Nevada law will only be marginally helpful to him.

"Effective October 1, [2019,] I'm eligible to apply for money that the legislature just put in statutes for ... wrongful prosecution," he said. "I can get \$50,000 a year for being in prison, \$25,000 a year for being on parole, and \$25,000 for attorney's fees, which, of course, is an embarrassment to the system of what an attorney costs to do these things."

All told, Coache said he will be petitioning the state for \$200,000 under Assembly Bill 267, which went into effect last year. He is also considering other legal options. He recently received an agreement with Las Vegas Metro Police to return his assets, including cash plus interest, seized from him in 2011.

He said the process has permanently changed him.

"It's part of my life now," he said. "People want to whine and bitch about their lives. Go spend 30 days in solitary confinement. Your view will change quite a bit."

Whipple, who also successfully defended Cliven Bundy against federal prosecutors, said Coache's case is a warning.

"It shows how dangerous the process can be when people are not fair," he said. "There's a tremendous amount of power on the side of the state, between ... law enforcement and the district attorney's office. They have so substantial an amount of power.

"When they intentionally choose to use that power in a way that the only thing that matters is winning, then the process can be turned upside down," he added. "In my mind, that's what happened. It was a horrible injustice."

## Media silence

The news media glommed onto Coache's case for years. There were repeated front-page stories showing him shackled and in prison garb.

Once tried and convicted, the media went silent. Once exonerated, the silence continued.

Jeff German, an investigative reporter with the Las Vegas Review-Journal, covered Coache's case. When asked about why there was no follow-up on the Nevada Supreme Court ruling, he said he was busy with other stories.

"I've moved on from that case," he said. "My plate is full [of] other stories."

Barbara Ellestad, who was publishing an independent news website during the time, wrote numerous articles about the Virgin Valley Water District case. She later became a board member on the Virgin Valley Water Board, only to resign in 2018.

Her dual role as journalist and board member came into question while she served on the board. News reports raised concerns about a conflict of interest. Ellestad now works for the Mesquite Local Citizen.

The most recent report found on the Ellestad's website mentioning Coache is from July 18, the day before the Nevada Supreme Court ruled in his favor.

"Johnson and Coache were later convicted in a criminal trial and sentenced to almost three years in prison," she reported.

In 2015, while serving on the VVWD board, she wrote in the Mesquite Local News: "As Editor/Publisher of the Mesquite Citizen Journal, I wrote numerous articles about the Virgin Valley Water District civil lawsuit from its beginning in 2011. It's only fitting to write one more article detailing its conclusion."

When asked recently about Coache's case, and his exoneration by the Nevada Supreme Court, Ellestad said she was uncomfortable answering questions.

"I can see where this is going, so I'm not going to talk with you," she said before

hanging up the phone.

Except for the Nevada Today news website, there has been no mention in the news media of Coache's exoneration by the Nevada Supreme Court.

Walter Pavlo, author and expert on white collar crime, recently penned an essay in Forbes about the news media's role in convictions.

"When a government organization makes an allegation of a fraud or a crime, it gives the press free reign to write exactly what they put in the indictment," he said. "That should be taken as a great responsibility on behalf of the government. If the person is exonerated or found not guilty, you can't undo the damage that's been done."

The news media, he said, aids in that process.

"Not guilty or a reversal is really seen as somebody who got off on a technicality," he added, not as the prosecution being wrong in the first place. "The media allows the prosecutors to walk away without consequence."

Whipple said lack of news coverage about Coache's exoneration is highly unfortunate, because, legally, cases such as Coache's are incredibly rare.

"I've seen cases reversed for error," he said. "But not because there's no evidence." □

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