

1 **IN THE SUPREME COURT OF THE STATE OF NEVADA**

2 No. 83451

3
4 **JACK LEAL,**

5 Appellant,

6 vs.

7 **THE STATE OF NEVADA,**

8 Respondent.

9
10
11 Electronically Filed
12 Sep 29 2021 06:16 a.m.
13 Elizabeth A. Brown
14 Clerk of Supreme Court

12 **Appeal from the Judgment of Conviction and Post-Conviction Denial of**
13 **Relief for Writ of Habeas Corpus - Eighth Judicial District Court, Clark**
14 **County The Honorable Judge Michael P. Villani 8th Judicial District**
15 **Court Judge Department 17, Presiding, Order Dismissing Petition for**
16 **Writ of Habeas Corpus Issued September 6, 2021,**
17 **District Court Case No. A-20-814369-W**

18 **APPELLANT'S APPENDIX VOLUME 1 OF 2 TO OPENING BRIEF**

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CERTIFICATE OF SERVICE

I hereby certify that service of the foregoing Appendices Volume 1 and 2 was made on September 29, 2021, upon the appropriate parties hereto by electronic filing using the Nevada Supreme Court eFlex eFile system which will send a notice of electronic filing to:

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A paper copy has been forwarded to Appellant Jack Leal at:

Mr. Jack Leal DOC 1183500
THREE LAKES VALLEY CONSERVATION CAMP (TLVCC)
Southern Desert Correctional Center
P.O. Box 208
Indian Springs, Nevada 89070-0208

BY /s/Diane C. Lowe
DIANE C. LOWE, ESQ.
Nevada Bar #14573


CLERK OF THE COURT

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8 **DISTRICT COURT**

9 **CLARK COUNTY, STATE OF NEVADA**

10 THE STATE OF NEVADA,

11 Plaintiff,

12 vs.

13 \$6,616.04; \$150,489.13; and 1024 SANTA
HELENA AVENUE, HENDERSON,
14 NEVADA 89002, MORE PARTICULARLY
DESCRIBED AS FOLLOWS: LOT 223 OF
15 AMENDED MISSION HILLS ESTATES, AS
SHOWN BY MAP THEREOF ON FILE IN
16 BOOK 17 OF PLATS, PAGE 12 IN THE
OFFICE OF THE COUNTY RECORDER
17 OF CLARK COUNTY, NEVADA,
TOGETHER WITH A PORTION OF
18 VACATED ROAD KNOWN AS LOT 223-A
AND APPURTENANCES THEREON; APN:
19 179-33-710-056,

20 Defendant(s).

Case No.: A-16-744347-C

Dept. No.: XI

[Exempt from arbitration under NRS 38.255
and NAR 3(A) as a declaratory action]

21 **COMPLAINT FOR FORFEITURE**

22
23 The STATE OF NEVADA (hereinafter "Plaintiff"), by and through Attorney General
24 Adam Paul Laxalt and Senior Deputy Attorney General Michael C. Kovac, in an action for
25 forfeiture *in rem* of the property described below, hereby alleges and complains as follows:

26 ///
27 ///
28 ///

Office of the Attorney General
555 East Washington Avenue, Suite 3900
Las Vegas, Nevada 89101

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I.

PARTIES AND JURISDICTION

1. This is a civil action for the forfeiture of property, brought by Plaintiff pursuant to NRS 179.1171, 179.1231, and 207.490, and shall have priority over other civil proceedings pursuant to NRS 179.1173, 179.1231, and 207.490.

2. This action is exempt from arbitration under NRS 38.255(3)(g) and (l), as well as NAR 3(A), as it constitutes an action for declaratory relief and it involves unusual circumstances that constitute good cause for removal from the program.

3. This action is *in rem* and involves property located in Clark County, Nevada.

4. Plaintiff is informed and believes and, therefore alleges upon information and belief, that the person(s) and/or entities that may have any ownership interest in the property at issue are: 1024 SANTA HELENA TRUST; JACK LEAL; JESSICA GARCIA; and/or PARCELNOMICS, LLC.

II.

GENERAL ALLEGATIONS

5. Plaintiff hereby incorporates by reference each and every preceding paragraph as though fully stated herein.

6. On or about September 2, 2016, within Clark County, State of Nevada, and pursuant to a search and seizure warrant issued by the Las Vegas Township Justice Court upon probable cause, a duly authorized law enforcement officer of the State of Nevada seized property consisting of:

- a. \$6,616.04 from a Bank of America account ending in 5085; and
- b. \$150,489.13 from a Bank of America account ending in 9635 (hereinafter, collectively referred to as "the Currency").

7. The two Bank of America accounts referenced above, from which the Currency was seized, were opened under the name of PARCELNOMICS, LLC.

8. At all relevant times, LEAL and GARCIA engaged in business in the State of Nevada through PARCELNOMICS, LLC, a limited liability company formed under the laws of

1 the State of Nevada.

2 9. At all relevant times, LEAL and GARCIA were managing members of
3 PARCELNOMICS, LLC.

4 10. At all relevant times, LEAL and GARCIA were the signors on the two Bank of
5 America accounts referenced above, from which the Currency was seized.

6 11. At all relevant times, LEAL and GARCIA operated PARCELNOMICS, LLC, out of
7 Clark County, Nevada, specifically, 3157 Rainbow Boulevard, #248, Las Vegas, Nevada,
8 and/or Post Office Box 3157 Rainbow Boulevard, Las Vegas, Nevada.

9 12. On or about January 14, 2016, GARCIA purchased real property located at 1024
10 Santa Helena Avenue, Henderson, Nevada 89002 (APN: 179-33-710-056) (hereinafter,
11 referred to as the "Real Property") with proceeds directly or indirectly derived from the crimes
12 noted herein.

13 13. On or about January 21, 2016 GARCIA transferred title to said Real Property to
14 1024 Santa Helena Trust.

15 14. Despite said transfer, GARCIA has remained the beneficial owner of said Real
16 Property and continues maintain control over it.

17 15. LEAL, GARCIA and/or PARCELNOMICS, LLC, committed the crimes of
18 racketeering and/or theft, a technological crime, through fraudulent sales of real property,
19 including, but are not limited to, the following:

20 a. On or about June 1, 2015 through August 7, 2015, PARCELNOMICS,
21 LLC, LEAL, and/or GARCIA knowingly obtained \$3,500 or more from LoryLee Plancarte by
22 personally, or through an agent acting at the direction of PARCELNOMICS, LLC, LEAL
23 and/or GARCIA, selling Plancarte a home located at 8109 Jo Mary Drive, Las Vegas,
24 Nevada, by either personally, or through an agent acting at the direction of
25 PARCELNOMICS, LLC, LEAL, and/or GARCIA, falsely representing to Plancarte that, at the
26 time of said sale, PARCELNOMICS, LLC, LEAL, and/or GARCIA possessed title to said
27 property, which was free and clear of existing liens and all other security interests;
28 PARCELNOMICS, LLC, LEAL, and/or GARCIA utilized the website Zillow.com to advertise

1 the sale of said property to Plancarte. Plancarte paid PARCELNOMICS, LLC, LEAL, and/or
2 GARCIA \$70,000 for said property.

3 b. On or about September 20, 2015 through September 21, 2015,
4 PARCELNOMICS, LLC, LEAL, and/or GARCIA knowingly obtained \$3,500 or more from
5 Edelyn Rubin by personally, or through an agent acting at the direction of PARCELNOMICS,
6 LLC, LEAL, and/or GARCIA, selling Rubin a home located at 4018 Cotton Seed Court, Las
7 Vegas, Nevada, by either personally, or through an agent acting at the direction of
8 PARCELNOMICS, LLC, LEAL, and/or GARCIA, falsely representing to Rubin that, at the time
9 of said sale, PARCELNOMICS, LLC, LEAL, and/or GARCIA possessed title to said property,
10 which was free and clear of existing liens and all other security interests; Defendants utilized
11 the website Zillow.com to advertise the sale of said property to Rubin. Rubin paid
12 PARCELNOMICS, LLC, LEAL, and/or GARCIA \$75,000 for said property.

13 c. On or about August 1, 2015 through September 30, 2015,
14 PARCELNOMICS, LLC, LEAL, and/or GARCIA knowingly obtained \$3,500 or more from
15 Chatty Becker by personally, or through an agent acting at the direction of PARCELNOMICS,
16 LLC, LEAL, and/or GARCIA, selling Becker a home located at 9816 Eagle Rock Court, Las
17 Vegas, Nevada, by either personally, or through an agent acting at the direction of
18 PARCELNOMICS, LLC, LEAL, and/or GARCIA, falsely representing to Becker that, at the
19 time of said sale, PARCELNOMICS, LLC, LEAL, and/or GARCIA possessed title to said
20 property, which was free and clear of existing liens and all other security interests;
21 PARCELNOMICS, LLC, LEAL, and/or GARCIA utilized the website Craigslist.org to advertise
22 the sale of said property to Becker. Becker paid PARCELNOMICS, LLC, LEAL, and/or
23 GARCIA \$87,500 for said property.

24 d. On or about August 1, 2015 through August 30, 2015, PARCELNOMICS,
25 LLC, LEAL, and/or GARCIA knowingly obtained \$3,500 or more from Irene Segura by
26 personally, or through an agent acting at the direction of PARCELNOMICS, LLC, LEAL,
27 and/or GARCIA, selling Segura a home located at 4824 Morning Falls Avenue, Las Vegas,
28 Nevada, by either personally, or through an agent acting at the direction of

1 PARCELNOMICS, LLC, LEAL, and/or GARCIA, falsely representing to Segura that, at the
2 time of said sale, PARCELNOMICS, LLC, LEAL, and/or GARCIA possessed title to said
3 property, which was free and clear of existing liens; PARCELNOMICS, LLC, LEAL, and/or
4 GARCIA utilized the website Zillow.com to advertise the sale of said property to Segura.
5 Segura paid PARCELNOMICS, LLC, LEAL, and/or GARCIA \$57,500 for said property.

6 e. On or about March 1, 2015 through April 30, 2015, PARCELNOMICS,
7 LLC, LEAL, and/or GARCIA knowingly obtained \$3,500 or more from Lih-Ling Yang by
8 personally, or through an agent acting at the direction of PARCELNOMICS, LLC, LEAL,
9 and/or GARCIA, selling Yang a home located at 2051 Donna Street, North Las Vegas,
10 Nevada, 6360 Katella Avenue, Las Vegas, NV, and/or 4326 Oasis Plains Avenue, Las
11 Vegas, Nevada by either personally, or through an agent acting at the direction of
12 PARCELNOMICS, LLC, LEAL, and/or GARCIA, falsely representing to Yang that, at the time
13 of said sale, PARCELNOMICS, LLC, LEAL, and/or GARCIA possessed title to said property,
14 which was free and clear of existing liens and all other security interests; PARCELNOMICS,
15 LLC, LEAL, and/or GARCIA utilized the website eBay.com to advertise the sale of said
16 property to Yang. Yang paid PARCELNOMICS, LLC, LEAL, and/or GARCIA \$98,620 for said
17 property.

18 f. On or about August 1, 2015 through March 21, 2016, PARCELNOMICS,
19 LLC, LEAL, and/or GARCIA knowingly obtained \$3,500 or more from Lina Palafox by
20 personally, or through an agent acting at the direction of PARCELNOMICS, LLC, LEAL,
21 and/or GARCIA, selling Palafox a home located at 6213 Lawton Avenue, Las Vegas, Nevada
22 and/or 2005 Aquarius Drive, by either personally, or through an agent acting at the direction
23 of PARCELNOMICS, LLC, LEAL, and/or GARCIA, falsely representing to Palafox that, at the
24 time of said sale, PARCELNOMICS, LLC, LEAL, and/or GARCIA possessed title to said
25 property, which was free and clear of existing liens and all other security interests, with the
26 exception of possible sewer or trash liens; PARCELNOMICS, LLC, LEAL, and/or GARCIA
27 utilized the website Zillow.com to advertise the sale of said property to Palafox. Palafox paid
28 PARCELNOMICS, LLC, LEAL, and/or GARCIA \$90,300 for said property.

1 g. On or about September 21, 2015, PARCELNOMICS, LLC, LEAL, and/or
2 GARCIA knowingly obtained \$3,500 or more from Adilson Gibellato by personally, or through
3 an agent acting at the direction of PARCELNOMICS, LLC, LEAL, and/or GARCIA, selling
4 Gibellato a home located at 4701 Wandering Way, Tampa, Florida, by either personally, or
5 through an agent acting at the direction of PARCELNOMICS, LLC, LEAL, and/or GARCIA,
6 falsely representing to Gibellato that, at the time of said sale, PARCELNOMICS, LLC, LEAL,
7 and/or GARCIA possessed title to said property, which was free and clear of existing liens
8 and all other security interests; PARCELNOMICS, LLC, LEAL, and/or GARCIA utilized the
9 website Zillow.com to advertise the sale of said property to Gibellato. Gibellato paid
10 PARCELNOMICS, LLC, LEAL, and/or GARCIA \$85,000 for said property.

11 III.

12 **FIRST CAUSE OF ACTION**

13 **Civil Forfeiture of Property Attributable to or Used in the Commission of One or More**
14 **Acts of Racketeering and/or Felony Theft – NRS 179.1171, 179.1164, 179.121**

14 16. Plaintiff hereby incorporates by reference each and every preceding paragraph
15 as though fully stated herein.

16 17. As alleged in greater detail above, PARCELNOMICS, LLC, LEAL, and/or
17 GARCIA committed the crime(s) of:

18 a. Racketeering under NRS 207.400(1)(c), by conducting or participating,
19 directly or indirectly, in (i) the affairs of an enterprise through racketeering activity, and/or (ii)
20 racketeering activity through the affairs on an enterprise, while employed by or associated
21 with said enterprise; and/or

22 b. Theft in an amount of \$3,500 or more by material misrepresentation
23 under NRS 205.0832 and NRS 205.0835(4), by obtaining, and/or conspiring with another to
24 obtain, personal property of another person by material misrepresentation with intent to
25 deprive that person of the property.

26 18. The Currency and Real Property constitute proceeds attributable to, and/or
27 instrumentalities used in the commission of, said crimes committed by PARCELNOMICS,
28 LLC, LEAL, and/or GARCIA within Clark County, State of Nevada, in or about March of 2015

1 through March of 2016, and therefore, the Currency and Real Property are subject to forfeiture
2 pursuant to NRS 179.1171, 179.1164, and 179.121.

3 III.
4 **SECOND CAUSE OF ACTION**
5 **Civil Forfeiture of Property Derived from, Realized through, or Used or Intended to Be**
6 **Used in the Course of, One or More Technological Crimes Punishable as a Felony –**
7 **NRS 179.1229**

8 19. Plaintiff hereby incorporates by reference each and every preceding paragraph
9 as though fully stated herein.

10 20. As alleged in greater detail above, PARCELNOMICS, LLC, LEAL, and/or
11 GARCIA committed the crime(s) of:

12 a. Racketeering under NRS 207.400(1)(c), by conducting or participating,
13 directly or indirectly, in (i) the affairs of an enterprise through racketeering activity, and/or (ii)
14 racketeering activity through the affairs on an enterprise, while employed by or associated
15 with said enterprise; and/or

16 b. Theft in an amount of \$3,500 or more by material misrepresentation
17 under NRS 205.0832 and NRS 205.0835(4), by obtaining, and/or conspiring with another to
18 obtain, personal property of another person by material misrepresentation with intent to
19 deprive that person of the property.

20 21. The crimes set forth above involved, directly or indirectly, a component, device,
21 equipment, system or network that, alone or in conjunction with any other component, device,
22 equipment, system, or network, is designed or had the capability to be programmed or
23 generate, process, store, retrieve, convey, emit, transmit, receive, relay, record or reproduce
24 any data, information, image, program, signal or sound in a technological format.

25 22. PARCELNOMICS, LLC, LEAL, and/or GARCIA, while committing, attempting to
26 commit, or conspiring with unknown individuals to commit, the crimes stated above, directly
27 and/or indirectly utilized websites, including Zillow.com, Craigslist.org, and/or eBay.com to
28 solicit the victims of the above-noted crimes to purchase the above-named properties.

29 23. The Currency and Real Property constitute property derived from, realized
30 through, or used or intended to be used in the course of, one or more technological crimes

1 punishable as a felony and noted above, committed by PARCELNOMICS, LLC, LEAL, and/or
2 GARCIA within Clark County, State of Nevada in or about March of 2015 through March of
3 2016, and therefore, the Currency and Real Property are subject to forfeiture pursuant to NRS
4 179.1229.

5
6 **THIRD CAUSE OF ACTION**
Civil Forfeiture of Property Used in the Course of, Intended for Use in the Course of,
Derived from, or Gained through, Racketeering – NRS 207.460, 207.490

7 1. Plaintiff hereby incorporates by reference each and every preceding paragraph
8 as though fully stated herein.

9 2. The Currency and Real Property constitute property used in the course of,
10 intended for use in the course of, derived from, or gained through, one or more acts of
11 racketeering committed by PARCELNOMICS, LLC, LEAL, and/or GARCIA, in violation of NRS
12 207.400(1)(c), within Clark County, State of Nevada in or about March of 2015 through March
13 of 2016, as described in greater detail above, and therefore, the Currency and Real Property
14 are subject to forfeiture pursuant to NRS 207.460, 207.490.

15 **IV.**

16 **PRAYER**

17 **WHEREFORE, Plaintiff STATE OF NEVADA prays for the following relief:**

18 1. That all persons interested in the above-named Currency and Real Property be
19 noticed to appear and show cause, if any they have, why the forfeiture of the Currency and
20 Real Property should not be judicially declared and confirmed;

21 2. That upon such hearing as may be ordered, the Court issue an order declaring that
22 the STATE OF NEVADA is the owner of the Currency and Real Property by way of statutory
23 civil forfeiture;

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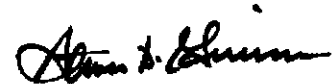
- 3. For reasonable attorney's fees and costs of suit; and
- 4. For such other and further relief as the Court deems just and proper.

Dated this 30th day of September, 2016.

SUBMITTED BY:

ADAM PAUL LAXALT
Attorney General

/s/ Michael C. Kovac
MICHAEL C. KOVAC
Senior Deputy Attorney General



CLERK OF THE COURT

1 LIS
ADAM PAUL LAXALT
2 Attorney General
MICHAEL C. KOVAC (Bar No.: 11177)
3 Senior Deputy Attorney General
State of Nevada
4 Office of the Attorney General
555 East Washington Ave., Ste. 3900
5 Las Vegas, Nevada 89101
(702) 486-5706 – office
6 (702) 486-2377 – fax
mkovac@ag.nv.gov
7 Attorneys for the State of Nevada

8 DISTRICT COURT

9 CLARK COUNTY, STATE OF NEVADA

10 THE STATE OF NEVADA,

11 Plaintiff,

12 vs.

13 \$6,616.04; \$150,489.13; and 1024 SANTA
HELENA AVENUE, HENDERSON,
14 NEVADA 89002, MORE PARTICULARLY
DESCRIBED AS FOLLOWS: LOT 223 OF
15 AMENDED MISSION HILLS ESTATES, AS
SHOWN BY MAP THEREOF ON FILE IN
16 BOOK 17 OF PLATS, PAGE 12 IN THE
OFFICE OF THE COUNTY RECORDER
17 OF CLARK COUNTY, NEVADA,
18 TOGETHER WITH A PORTION OF
VACATED ROAD KNOWN AS LOT 223-A
19 AND APPURTENANCES THEREON; APN:
20 179-33-710-056,

21 Defendant(s).

Case No.: A-16-744347-C

Dept. No.: XI

NOTICE OF LIS PENDENS

22
23 NOTICE IS HEREBY GIVEN that the above-entitled action concerning and affecting
24 real property as described herein was commenced on September 30, 2016, by Plaintiff, the
25 State of Nevada, against Defendants \$6,616.04; \$150,489.13; and 1024 SANTA HELENA
26 AVENUE, HENDERSON, NEVADA 89002, MORE PARTICULARLY DESCRIBED AS
27 FOLLOWS: LOT 223 OF AMENDED MISSION HILLS ESTATES, AS SHOWN BY MAP
28 THEREOF ON FILE IN BOOK 17 OF PLATS, PAGE 12 IN THE OFFICE OF THE COUNTY

1 RECORDER OF CLARK COUNTY, NEVADA, TOGETHER WITH A PORTION OF VACATED
2 ROAD KNOWN AS LOT 223-A AND APPURTENANCES THEREON; APN: 179-33-710-056,
3 and is now pending in the above-captioned matter in this Court, located at 200 Lewis Avenue,
4 Las Vegas, Nevada.

5 The action affects title to or right to possess that certain real property commonly
6 known as **1024 Santa Helena Avenue, Henderson, Nevada 89002**, Parcel No. 179-33-
7 710-056, and legally described as:

8 1024 SANTA HELENA AVENUE, HENDERSON, NEVADA 89002,
9 MORE PARTICULARLY DESCRIBED AS FOLLOWS: LOT 223
10 OF AMENDED MISSION HILLS ESTATES, AS SHOWN BY MAP
11 THEREOF ON FILE IN BOOK 17 OF PLATS, PAGE 12 IN THE
12 OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY,
13 NEVADA, TOGETHER WITH A PORTION OF VACATED ROAD
14 KNOWN AS LOT 223-A AND APPURTENANCES THEREON;
15 APN: 179-33-710-056.

13 The parties to said action are set forth in the caption of the present notice.

14 Dated this 30th day of September, 2016.

15 SUBMITTED BY:
16 ADAM PAUL LAXALT
17 Attorney General

18 /s/ Michael C. Kovac
19 MICHAEL C. KOVAC
20 Senior Deputy Attorney General
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JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

FILED

2016 NOV 29 P 3 30

THE STATE OF NEVADA,
Plaintiff

VS

JACK LEAL
Defendant

CASE NO: 16F19220B
DEPT NO: JC Department 7

2016 NOV 29 10:00 AM
JSM

SUMMONS

THE STATE OF NEVADA TO:
JACK LEAL
1421 North Jones Boulevard, #116
Las Vegas, NV 89108

YOU ARE HEREBY SUMMONED TO APPEAR before me at the Las Vegas Township Justice Court, 200 E Lewis Ave, Las Vegas, Nevada on the following date and time:

27th day of December, 2016 at 7:30 AM in RJC Courtroom 8A
(Verify the courtroom location by viewing the courthouse monitors upon arrival)

Your appearance is required to answer the charge(s) of:

COUNT:	CC:	NRS:	CHARGE:
001	0030051191	207.400	Racketeering [53190]
002	0030051191	205.0835.4	Theft, \$3500+ [55991]
003	0030051191	205.0835.4	Theft, \$3500+ [55991]
004	0030051191	205.0835.4	Theft, \$3500+ [55991]
005	0030051191	205.0835.4	Theft, \$3500+ [55991]
006	0030051191	205.0835.4	Theft, \$3500+ [55991]
007	0030051191	205.0835.4	Theft, \$3500+ [55991]
008	0030051191	205.0835.4	Theft, \$3500+ [55991]
009	0030051191	205.0835.4	Theft, \$3500+ [55991]
010	0030051191	205.0835.4	Theft, \$3500+ [55991]
011	0030051191	205.0835.4	Theft, \$3500+ [55991]
012	0030051191	205.0835.4	Theft, \$3500+ [55991]
013	0030051191	205.0835.4	Theft, \$3500+ [55991]
014	0030051191	205.377	Fraud/deceit in course of enterprise/occup [55110]

16F19220B
SM1
Summons Issued
7330516

Summons JC7



Revised on December 10, 2012

APPELLANT'S APPENDIX

71 of 153

CC: Attorney

Dated this 29th day of November, 2016



KAREN BENNETT-HARON
JUSTICE OF THE PEACE

CERTIFICATE OF MAILING

I hereby certify that service of the SUMMONS was made this 29th day of November, 2016 by depositing a copy in the U.S. Mail, postage prepaid, to the above referenced address.

BY 

FILED

2016 NOV 29 P 3

ADAM PAUL LAXALTE
Attorney General
LAS VEGAS, NEVADA



WESLEY K DUNCAN
First Assistant Attorney General

NICHOLAS A TRUTANICH
First Assistant Attorney General

STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL

555 E Washington Ave Suite 3900
Las Vegas, Nevada 89101

November 23, 2016

**REQUEST FOR SUMMONS AND
FILE-STAMPED COPIES**

Clerk of the Court
Las Vegas Justice Court
200 Lewis Avenue
Las Vegas, Nevada 89155

Re: **State of Nevada v. Parcelnomics, Jack Leal, Jessica Garcia**
Case No. 16F19220A/B/C

Dear Clerk

This is to request that Summonses be issued in the above-referenced matter addressed to:

Jessica Garcia, Resident Agent
Parcelnomics
3157 N. Rainbow Blvd. #248
Las Vegas, NV 89108

Jessica Garcia
c/o Michael D. Pariente, Esq.
3960 Howard Hughes Parkway, Suite
615
Las Vegas, NV 89169

Jack Leal
c/o Michael D. Pariente, Esq.
3960 Howard Hughes Parkway, Suite
615
Las Vegas, NV 89169

Jack Leal
1421 North Jones Boulevard, #116
Las Vegas, NV 89108

Jessica Garcia
2915 N. Jones Blvd.
Las Vegas, NV 89108

Please forward the Summons and certificate of service to Marsha Landreth, Legal Secretary II, at mlandreth@ag.nv.gov and Julie Fox-McCullough, Supervising Legal Secretary, at jfox@ag.nv.gov.

In addition, please file-stamp the attached copies of the Complaint and return to the Office of the Attorney General along with a copy of this cover sheet.

16F19220A
RECEIVED
Request for Summons
7330668



Telephone 702-486-3420 • Fax 702-486-3768 • Web ag.nv.gov • E-mail ag@ag.nv.gov
Twitter @NevadaAG • Facebook /NVAttorneyGeneral • YouTube NevadaAG

APPELLANT'S APPENDIX

73 of 153

Clerk, LV Justice Court
Page 2
November 23, 2016

Please contact me at (702) 486-3305 if you have any questions or need any additional information.

Sincerely,



Marsha Landreth
Legal Secretary II

JUSTICE COURT, LAS VEGAS TOWNSHIP
CLARK COUNTY, NEVADA

FILED

THE STATE OF NEVADA,
Plaintiff

CASE NO: 16F19220B

2016 NOV 29 P 3 30

VS

DEPT NO: JC Department 7

JUSTICE COURT
LAS VEGAS, NEVADA

JACK LEAL

SUMMONS

DEPUTY

Defendant

THE STATE OF NEVADA TO:
JACK LEAL
1421 North Jones Boulevard, #116
Las Vegas, NV 89108

RETURNED SUMMONS

YOU ARE HEREBY SUMMONED TO APPEAR before me at the Las Vegas Township Justice Court, 200 E Lewis Ave, Las Vegas, Nevada on the following date and time:

27th day of December, 2016 at 7:30 AM in RJC Courtroom 8A
(Verify the courtroom location by viewing the courthouse monitors upon arrival)

Your appearance is required to answer the charge(s) of:

COUNT:	CC:	NRS:	CHARGE:
001	0030051191	207.400	Racketeering [53190]
002	0030051191	205.0835.4	Theft, \$3500+ [55991]
003	0030051191	205.0835.4	Theft, \$3500+ [55991]
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006	0030051191	205.0835.4	Theft, \$3500+ [55991]
007	0030051191	205.0835.4	Theft, \$3500+ [55991]
008	0030051191	205.0835.4	Theft, \$3500+ [55991]
009	0030051191	205.0835.4	Theft, \$3500+ [55991]
010	0030051191	205.0835.4	Theft, \$3500+ [55991]
011	0030051191	205.0835.4	Theft, \$3500+ [55991]
012	0030051191	205.0835.4	Theft, \$3500+ [55991]
013	0030051191	205.0835.4	Theft, \$3500+ [55991]
014	0030051191	205.377	Fraud/deceit in course of enterprise/occup [55110]

16F19220B
SUMR
Summons Returned
798366

Summons JC7



APPELLANT'S APPENDIX

Revised on December 10, 2012

75 of 153

CC: Attorney

Dated this 29th day of November, 2016



KAREN BENNETT-HARON
JUSTICE OF THE PEACE

CERTIFICATE OF MAILING

I hereby certify that service of the SUMMONS was made this 29th day of November, 2016 by depositing a copy in the U.S. Mail, postage prepaid, to the above referenced address.

BY: _____

JUSTICE COURT, LAS VEGAS TOWNSHIP
200 LEWIS AVE 2ND FL
BOX 552511
LAS VEGAS NV 89155-2511
RETURN SERVICE REQUESTED

FILED

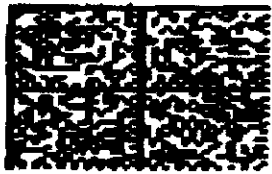
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Justice Court
LAS VEGAS NEVADA

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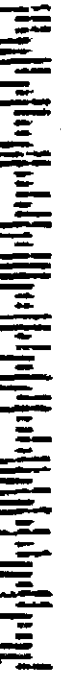


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77 of 15

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APPELLANT'S APPENDIX

FILED

2016 JUN 29 P 1:31

CLERK OF COURT
CLARK COUNTY, NEVADA

JSM

1 **COMP**
2 **ADAM PAUL LAXALT**
3 **Attorney General**
4 **Michael C. Kovac (Bar. No. 11177)**
5 **Senior Deputy Attorney General**
6 **State of Nevada**
7 **Office of the Attorney General**
8 **555 E. Washington Ave., Ste. 3900**
9 **(702) 486-3420 (phone)**
10 **(702) 486-3768 (fax)**
11 **MKovac@ag.nv.gov**

12 **Attorneys for the State of Nevada**

13 **JUSTICE COURT, LAS VEGAS TOWNSHIP**
14 **CLARK COUNTY, NEVADA**

15 **STATE OF NEVADA,**) **Case No. 16F19220A/B/C**
16)
17 **Plaintiff,**) **Dept. No. 7**
18)
19 **v**)
20)
21 **PARCELNOMICS, LLC (d/b/a**)
22 **INVESTMENT DEALS); JACK LEAL;**)
23 **and JESSICA GARCIA,**)
24)
25 **Defendant(s).**)

26 **CRIMINAL COMPLAINT**

27 **ADAM PAUL LAXALT, Attorney General for the State of Nevada, complains and charges**
28 **that:**

29 **The above-named defendant(s), PARCELNOMICS, LLC (d/b/a INVESTMENT DEALS); JACK**
30 **LEAL; and JESSICA GARCIA, have committed the following crimes: one count of**
31 **RACKETEERING, a category "B" felony, in violation of NRS 207.400(1)(c); 12 counts of THEFT IN**
32 **THE AMOUNT OF \$3,500 OR MORE, a technological crime under NRS 205A.030 and a category**
33 **"B" felony, in violation of NRS 205.0832; and one count of MULTIPLE TRANSACTIONS**
34 **INVOLVING FRAUD OR DECEIT IN COURSE OF ENTERPRISE OR OCCUPATION, a category**
35 **"B" felony, in violation of NRS 205.377.**

36 **///**

37 **///**

16F19220A
CRM
Criminal Complaint
7327956



of 153

APPELLANT'S APPENDIX

1 All of the acts alleged herein have been committed or completed on or about March 1, 2015
2 through March 31, 2016, by the above-named Defendant, within the County of Clark, State of Nevada,
3 in the following manner:

4 **COUNT 1**
5 **RACKETEERING**
6 **Category "B" Felony - NRS 207.400(1)(c)**

7 On or about March 1, 2015 through March 31, 2016, the Defendant(s), PARCELNOMICS,
8 LLC (d/b/a INVESTMENT DEALS), JACK LEAL, and JESSICA GARCIA, in the County of Clark,
9 State of Nevada, while employed by or associated with an enterprise, conducted or participated, directly
10 or indirectly, in: (i) the affairs of the enterprise through racketeering activity, and/or (ii) racketeering
11 activity through the affairs of the enterprise, to wit:

- 12 1. The allegations contained in Counts Two through 13 are hereby incorporated herein as if
13 fully set forth in this count.

14 **The Enterprise**

- 15 2. During all relevant times, Defendants PARCELNOMICS, LLC (d/b/a INVESTMENT
16 DEALS), JACK LEAL, and JESSICA GARCIA carried out business activities conducted
17 within Clark County, Nevada, through companies doing business as PARCELNOMICS,
18 LLC, and/or INVESTMENT DEALS
- 19 3. During all relevant times, Defendant PARCELNOMICS, LLC (d/b/a INVESTMENT
20 DEALS) was registered with the Nevada Secretary of State's Office as a Nevada Limited
21 Liability Company.
- 22 4. During all relevant times, Defendant PARCELNOMICS, LLC (d/b/a INVESTMENT
23 DEALS) maintained a bank account with Bank of America, with said account ending in
24 9635, for the purpose of receiving deposits unlawfully obtained from those victimized by
25 the unlawful acts of Defendants described herein.
- 26 5. During all relevant times, Defendant PARCELNOMICS, LLC, maintained a bank account
27 with Bank of America, with said account ending in 5085, for the purpose of receiving
28 deposits unlawfully obtained from those victimized by the unlawful acts of Defendants
described herein.

- 1 6. During all relevant times, Defendant JACK LEAL: (i) acted as a managing member of
2 Defendant PARCELNOMICS, LLC (d/b/a INVESTMENT DEALS); (ii) opened and
3 maintained a post office box located in Clark County, Nevada, and used by Defendants to
4 conduct the unlawful activities described herein; (iii) was a signor on the Bank of America
5 accounts established in Clark County, Nevada, and ending in 9635 and 5085 that were
6 instruments of the unlawful acts described herein; and (iv) personally conducted, and/or
7 directed other agents of Defendants to conduct, the sales of properties described in Counts
8 Two through Eight contained herein, knowingly, falsely representing to the purchasers that
9 said properties were not encumbered by liens or other security interests.
- 10 7. During all relevant times, Defendant JESSICA GARICA: (i) acted as a managing member
11 of Defendant PARCELNOMICS, LLC (d/b/a INVESTMENT DEALS); (ii) opened and
12 maintained a post office box located in Clark County, Nevada, and used by Defendants to
13 conduct the unlawful activities described herein; (iii) was a signor on the Bank of America
14 accounts established in Clark County, Nevada, and ending in 9635 and 5085 that were
15 instruments of the unlawful acts described herein; and (iv) personally conducted, and/or
16 directed other agents of Defendants to conduct, the sales of properties described in Counts
17 Two through Eight contained herein, knowingly, falsely representing to the purchasers that
18 said properties were not encumbered by liens or other security interests.
- 19 8. Defendant LEAL, through Defendant PARCELNOMICS, LLC (d/b/a INVESTMENT
20 DEALS), purchased the properties named herein through a bankruptcy trustee sale, knowing
21 that said properties were encumbered by liens and/or other security interests.
- 22 9. Through Defendant PARCELNOMICS, LLC (d/b/a INVESTMENT DEALS), all of the
23 Defendants, either personally or by and through their agent(s), solicited through internet
24 advertisements prospective purchasers of real property, including the properties Defendant
25 LEAL purchased at the bankruptcy trustee sale described herein.
- 26 10. Said advertisements were placed on Zillow.com, Craigslist.org, and eBay.com
- 27 11. Defendants LEAL and GARCIA, through Defendant PARCELNOMICS, LLC (d/b/a
28 INVESTMENT DEALS), personally misrepresented to the prospective purchasers that the

1 properties' titles were not encumbered by liens or other security interests, or directed agents
2 of PARCELNOMICS, LLC (d/b/a INVESTMENT DEALS) to make said
3 misrepresentations.

4 **Racketeering Activity**

5 12. As described in greater detail in Counts Two through Eight, which charge the defendants
6 with multiple counts of theft constituting a technological crime, all of the defendants, either
7 personally or by and through their agent(s), fraudulently obtained thousands of dollars from
8 numerous individuals by means of knowingly and falsely representing to said individuals
9 that the titles to the properties being sold by the defendants were not encumbered by liens or
10 other security interests.

11 13. Each of the properties named herein were, at the time the defendants sold said properties to
12 the victims named herein, encumbered with liens and/or other security interests.

13 14. As a result of said misrepresentations, each of the victims named herein suffered losses of
14 \$25,000.00 or more.

15 15. Defendants, either personally or by and through their agent(s), perpetrated said fraudulent
16 acts on LoryLee Plancarte, Edelyn Rubin, Chatty Becker, Irene Segura, Lih-Ling Yang,
17 Lina Palafox, Juan Eloy Ramirez, Pham Delaware Realty, Catherine Wyngarden, Shahram
18 Bozorgnia, Tat Lam, and Adilson Gibellato.

19 **Property Derived from, Realized through, or Used or Intended to Be Used in the Course of the**
20 **Unlawful Acts**

21 As a result of said acts, the defendants unlawfully obtained \$886,800.00 from their victims.

22 **COUNT 2**

23 **THEFT IN THE AMOUNT OF \$3,500 OR MORE**

24 **Category "B" Felony - NRS 205.0832; 205A.030**

25 The Defendant(s), PARCELNOMICS, LLC (d/b/a INVESTMENT DEALS), JACK LEAL, and
26 JESSICA GARCIA, in the County of Clark, State of Nevada, did without lawful authority, knowingly
27 obtain property or services of another person by a material misrepresentation with intent to deprive that
28 person of the property or services, with the value of said property being \$3,500 or more, by way of acts
that involved, directly or indirectly, any component, device, equipment, system or network that, alone

1 or in conjunction with any other component, device, equipment, system or network, is designed or has
2 the capability to (a) be programmed; or (b) generate, process, store, retrieve, convey, emit, transmit,
3 receive, relay, record or reproduce any data, information, image, program, signal or sound in a
4 technological format, including, without limitation, a format that involves analog, digital, electronic,
5 electromagnetic, magnetic or optical technology, to wit:

6 On or about June 1, 2015 through August 7, 2015, Defendants knowingly obtained \$3,500 or more
7 from LoryLee Plancarte by personally, or through an agent acting at Defendants' direction, selling
8 Plancarte a home located at 8109 Jo Mary Drive, Las Vegas, Nevada, by either personally or through
9 an agent acting at Defendants' direction, falsely representing to Plancarte that, at the time of said sale,
10 Defendants possessed title to said property, which was free and clear of existing liens and all other
11 security interests; Defendants utilized the website Zillow.com to advertise the sale of said property to
12 Plancarte. The allegations contained in Count One are hereby incorporated herein as if fully set forth in
13 this count.

14 All of which constitutes the crime of THEFT IN THE AMOUNT OF \$3,500 OR MORE, a category
15 "B" felony, in violation NRS 205.0832; 205A.030.

16 **COUNT 3**
17 **THEFT IN THE AMOUNT OF \$3,500 OR MORE**
18 **Category "B" Felony - NRS 205.0832; 205A.030**

19 The Defendant(s), PARCELNOMICS, LLC (d/b/a INVESTMENT DEALS), JACK LEAL,
20 and JESSICA GARCIA, in the County of Clark, State of Nevada, did without lawful authority,
21 knowingly obtain property or services of another person by a material misrepresentation with intent to
22 deprive that person of the property or services, with the value of said property being \$3,500 or more, by
23 way of acts that involved, directly or indirectly, any component, device, equipment, system or network
24 that, alone or in conjunction with any other component, device, equipment, system or network, is
25 designed or has the capability to (a) be programmed, or (b) generate, process, store, retrieve, convey,
26 emit, transmit, receive, relay, record or reproduce any data, information, image, program, signal or
27 sound in a technological format, including, without limitation, a format that involves analog, digital,
28 electronic, electromagnetic, magnetic or optical technology, to wit:

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1 On or about September 20, 2015 through September 21, 2015, Defendants knowingly obtained
2 \$3,500 or more from Edelyn Rubin by personally, or through an agent acting at Defendants' direction,
3 selling Rubin a home located at 4018 Cotton Seed Court, Las Vegas, Nevada, by either personally or
4 through an agent acting at Defendants' direction, falsely representing to Rubin that, at the time of said
5 sale, Defendants possessed title to said property, which was free and clear of existing liens and all other
6 security interests; Defendants utilized the website Zillow.com to advertise the sale of said property to
7 Rubin. The allegations contained in Count One are hereby incorporated herein as if fully set forth in
8 this count.

9 All of which constitutes the crime of THEFT IN THE AMOUNT OF \$3,500 OR MORE, a category
10 "B" felony, in violation NRS 205.0832; 205A.030.

11 **COUNT 4**
12 **THEFT IN THE AMOUNT OF \$3,500 OR MORE**
13 **Category "B" Felony - NRS 205.0832; 205A.030**

14 The Defendant(s), PARCELNOMICS, LLC (d/b/a INVESTMENT DEALS), JACK LEAL, and
15 JESSICA GARCIA, in the County of Clark, State of Nevada, did without lawful authority, knowingly
16 obtain property or services of another person by a material misrepresentation with intent to deprive that
17 person of the property or services, with the value of said property being \$3,500 or more, by way of acts
18 that involved, directly or indirectly, any component, device, equipment, system or network that, alone
19 or in conjunction with any other component, device, equipment, system or network, is designed or has
20 the capability to (a) be programmed; or (b) generate, process, store, retrieve, convey, emit, transmit,
21 receive, relay, record or reproduce any data, information, image, program, signal or sound in a
22 technological format, including, without limitation, a format that involves analog, digital, electronic,
23 electromagnetic, magnetic or optical technology, to wit:

24 On or about August 1, 2015 through September 30, 2015, Defendants knowingly obtained \$3,500
25 or more from Chatty Becker by personally, or through an agent acting at Defendants' direction, selling
26 Becker a home located at 9816 Eagle Rock Court, Las Vegas, Nevada, by either personally or through
27 an agent acting at Defendants' direction, falsely representing to Becker that, at the time of said sale,
28 Defendants possessed title to said property, which was free and clear of existing liens and all other
security interests; Defendants utilized the website Craigslist.org to advertise the sale of said property to

1 Becker. The allegations contained in Count One are hereby incorporated herein as if fully set forth in
2 this count.

3 All of which constitutes the crime of THEFT IN THE AMOUNT OF \$3,500 OR MORE, a category
4 "B" felony, in violation NRS 205.0832; 205A.030.

5 **COUNT 5**
6 **THEFT IN THE AMOUNT OF \$3,500 OR MORE**
7 **Category "B" Felony - NRS 205.0832; 205A.030**

8 The Defendant(s), PARCELNOMICS, LLC (d/b/a INVESTMENT DEALS), JACK LEAL, and
9 JESSICA GARCIA, in the County of Clark, State of Nevada, did without lawful authority, knowingly
10 obtain property or services of another person by a material misrepresentation with intent to deprive that
11 person of the property or services, with the value of said property being \$3,500 or more, by way of acts
12 that involved, directly or indirectly, any component, device, equipment, system or network that, alone
13 or in conjunction with any other component, device, equipment, system or network, is designed or has
14 the capability to (a) be programmed; or (b) generate, process, store, retrieve, convey, emit, transmit,
15 receive, relay, record or reproduce any data, information, image, program, signal or sound in a
16 technological format, including, without limitation, a format that involves analog, digital, electronic,
17 electromagnetic, magnetic or optical technology, to wit:

18 On or about August 1, 2015 through August 30, 2015, Defendants knowingly obtained \$3,500 or
19 more from Irene Segura by personally, or through an agent acting at Defendants' direction, selling
20 Segura a home located at 4824 Morning Falls Avenue, Las Vegas, Nevada, by either personally or
21 through an agent acting at Defendants' direction, falsely representing to Segura that, at the time of said
22 sale, Defendants possessed title to said property, which was free and clear of existing liens; Defendants
23 utilized the website Zillow.com to advertise the sale of said property to Segura. The allegations
24 contained in Count One are hereby incorporated herein as if fully set forth in this count.

25 All of which constitutes the crime of THEFT IN THE AMOUNT OF \$3,500 OR MORE, a category
26 "B" felony, in violation NRS 205.0832; 205A.030.

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COUNT 6
THEFT IN THE AMOUNT OF \$3,500 OR MORE
Category "B" Felony - NRS 205.0832; 205A.030

The Defendant(s), PARCELNOMICS, LLC (d/b/a INVESTMENT DEALS), JACK LEAL, and JESSICA GARCIA, in the County of Clark, State of Nevada, did without lawful authority, knowingly obtain property or services of another person by a material misrepresentation with intent to deprive that person of the property or services, with the value of said property being \$3,500 or more, by way of acts that involved, directly or indirectly, any component, device, equipment, system or network that, alone or in conjunction with any other component, device, equipment, system or network, is designed or has the capability to (a) be programmed; or (b) generate, process, store, retrieve, convey, emit, transmit, receive, relay, record or reproduce any data, information, image, program, signal or sound in a technological format, including, without limitation, a format that involves analog, digital, electronic, electromagnetic, magnetic or optical technology, to wit:

On or about March 1, 2015 through April 30, 2015, Defendants knowingly obtained \$3,500 or more from Lih-Ling Yang by personally, or through an agent acting at Defendants' direction, selling Yang a home located at 2051 Donna Street, North Las Vegas, Nevada, 6360 Katella Avenue, Las Vegas, NV, and/or 4326 Oasis Plains Avenue, Las Vegas, Nevada by either personally or through an agent acting at Defendants' direction, falsely representing to Yang that, at the time of said sale, Defendants possessed title to said property, which was free and clear of existing liens and all other security interests; Defendants utilized the website eBay.com to advertise the sale of said property to Yang. The allegations contained in Count One are hereby incorporated herein as if fully set forth in this count.

All of which constitutes the crime of THEFT IN THE AMOUNT OF \$3,500 OR MORE, a category "B" felony, in violation NRS 205 0832; 205A.030.

COUNT 7
THEFT IN THE AMOUNT OF \$3,500 OR MORE
Category "B" Felony - NRS 205.0832; 205A.030

The Defendant(s), PARCELNOMICS, LLC (d/b/a INVESTMENT DEALS), JACK LEAL, and JESSICA GARCIA, in the County of Clark, State of Nevada, did without lawful authority, knowingly obtain property or services of another person by a material misrepresentation with intent to deprive that person of the property or services, with the value of said property being \$3,500 or more, by way of acts

1 that involved, directly or indirectly, any component, device, equipment, system or network that, alone
2 or in conjunction with any other component, device, equipment, system or network, is designed or has
3 the capability to (a) be programmed; or (b) generate, process, store, retrieve, convey, emit, transmit,
4 receive, relay, record or reproduce any data, information, image, program, signal or sound in a
5 technological format, including, without limitation, a format that involves analog, digital, electronic,
6 electromagnetic, magnetic or optical technology, to wit:

7 On or about August 1, 2015 through March 21, 2016, Defendants knowingly obtained \$3,500 or
8 more from Lina Palafox by personally, or through an agent acting at Defendants' direction, selling
9 Palafox a home located at 6213 Lawton Avenue, Las Vegas, Nevada and/or 2005 Aquarius Drive, by
10 either personally or through an agent acting at Defendants' direction, falsely representing to Palafox
11 that, at the time of said sale, Defendants possessed title to said property, which was free and clear of
12 existing liens and all other security interests, with the exception of possible sewer or trash liens;
13 Defendants utilized the website Zillow.com to advertise the sale of said property to Palafox. The
14 allegations contained in Count One are hereby incorporated herein as if fully set forth in this count.

15 All of which constitutes the crime of THEFT IN THE AMOUNT OF \$3,500 OR MORE, a category
16 "B" felony, in violation NRS 205.0832; 205A.030.

17 **COUNT 8**
18 **THEFT IN THE AMOUNT OF \$3,500 OR MORE**
19 **Category "B" Felony - NRS 205.0832; 205A.030**

20 The Defendant(s), PARCELNOMICS, LLC (d/b/a INVESTMENT DEALS), JACK LEAL, and
21 JESSICA GARCIA, in the County of Clark, State of Nevada, did without lawful authority, knowingly
22 obtain property or services of another person by a material misrepresentation with intent to deprive that
23 person of the property or services, with the value of said property being \$3,500 or more, by way of acts
24 that involved, directly or indirectly, any component, device, equipment, system or network that, alone
25 or in conjunction with any other component, device, equipment, system or network, is designed or has
26 the capability to (a) be programmed; or (b) generate, process, store, retrieve, convey, emit, transmit,
27 receive, relay, record or reproduce any data, information, image, program, signal or sound in a
28 technological format, including, without limitation, a format that involves analog, digital, electronic,
electromagnetic, magnetic or optical technology, to wit:

1 On or about September 21, 2015, Defendants knowingly obtained \$3,500 or more from Adilson
2 Gibellato by personally, or through an agent acting at Defendants' direction, selling Gibellato a home
3 located at 4701 Wandering Way, Tampa, Florida, by either personally or through an agent acting at
4 Defendants' direction, falsely representing to Gibellato that, at the time of said sale, Defendants
5 possessed title to said property, which was free and clear of existing liens and all other security
6 interests; Defendants utilized the website Zillow.com to advertise the sale of said property to Gibellato.
7 The allegations contained in Count One are hereby incorporated herein as if fully set forth in this count.

8 All of which constitutes the crime of THEFT IN THE AMOUNT OF \$3,500 OR MORE, a category
9 "B" felony, in violation NRS 205.0832; 205A.030.

10 **COUNT 9**
11 **THEFT IN THE AMOUNT OF \$3,500 OR MORE**
12 **Category "B" Felony - NRS 205.0832; 205A.030**

13 The Defendant(s), PARCELNOMICS, LLC (d/b/a INVESTMENT DEALS), JACK LEAL, and
14 JESSICA GARCIA, in the County of Clark, State of Nevada, did without lawful authority, knowingly
15 obtain property or services of another person by a material misrepresentation with intent to deprive that
16 person of the property or services, with the value of said property being \$3,500 or more, by way of acts
17 that involved, directly or indirectly, any component, device, equipment, system or network that, alone
18 or in conjunction with any other component, device, equipment, system or network, is designed or has
19 the capability to (a) be programmed; or (b) generate, process, store, retrieve, convey, emit, transmit,
20 receive, relay, record or reproduce any data, information, image, program, signal or sound in a
21 technological format, including, without limitation, a format that involves analog, digital, electronic,
22 electromagnetic, magnetic or optical technology, to wit:

23 On or about March 5, 2015, Defendants knowingly obtained \$3,500 or more from Juan Eloy
24 Ramirez by personally, or through an agent acting at Defendants' direction, selling Ramirez a home
25 located at 8628 Catalonia Drive, Las Vegas, Nevada, by either personally or through an agent acting at
26 Defendants' direction, falsely representing to Ramirez that, at the time of said sale, Defendants
27 possessed title to said property, which was free and clear of existing liens and all other security
28 interests; Defendants utilized a website to advertise the sale of said property to Ramirez. The
allegations contained in Count One are hereby incorporated herein as if fully set forth in this count.

1 All of which constitutes the crime of THEFT IN THE AMOUNT OF \$3,500 OR MORE, a category
2 "B" felony, in violation NRS 205.0832; 205A.030.

3 **COUNT 10**
4 **THEFT IN THE AMOUNT OF \$3,500 OR MORE**
5 **Category "B" Felony - NRS 205.0832; 205A.030**

6 The Defendant(s), PARCELNOMICS, LLC (d/b/a INVESTMENT DEALS), JACK LEAL, and
7 JESSICA GARCIA, in the County of Clark, State of Nevada, did without lawful authority, knowingly
8 obtain property or services of another person by a material misrepresentation with intent to deprive that
9 person of the property or services, with the value of said property being \$3,500 or more, by way of acts
10 that involved, directly or indirectly, any component, device, equipment, system or network that, alone
11 or in conjunction with any other component, device, equipment, system or network, is designed or has
12 the capability to (a) be programmed; or (b) generate, process, store, retrieve, convey, emit, transmit,
13 receive, relay, record or reproduce any data, information, image, program, signal or sound in a
14 technological format, including, without limitation, a format that involves analog, digital, electronic,
15 electromagnetic, magnetic or optical technology, to wit:

16 On or about April 13, 2016, Defendants knowingly obtained \$3,500 or more from Pham Delaware
17 Realty by personally, or through an agent acting at Defendants' direction, selling Pham Delaware
18 Realty a home located at 7159 Iron Oak Avenue, Las Vegas, Nevada 89113, by either personally or
19 through an agent acting at Defendants' direction, falsely representing to Pham Delaware Realty that, at
20 the time of said sale, Defendants possessed title to said property, which was free and clear of existing
21 liens and all other security interests; Defendants utilized a website to advertise the sale of said property
22 to Pham Delaware Realty. The allegations contained in Count One are hereby incorporated herein as if
23 fully set forth in this count.

24 All of which constitutes the crime of THEFT IN THE AMOUNT OF \$3,500 OR MORE, a category
25 "B" felony, in violation NRS 205.0832; 205A.030.

26 **COUNT 11**
27 **THEFT IN THE AMOUNT OF \$3,500 OR MORE**
28 **Category "B" Felony - NRS 205.0832; 205A.030**

29 The Defendant(s), PARCELNOMICS, LLC (d/b/a INVESTMENT DEALS), JACK LEAL, and
30 JESSICA GARCIA, in the County of Clark, State of Nevada, did without lawful authority, knowingly

1 obtain property or services of another person by a material misrepresentation with intent to deprive that
2 person of the property or services, with the value of said property being \$3,500 or more, by way of acts
3 that involved, directly or indirectly, any component, device, equipment, system or network that, alone
4 or in conjunction with any other component, device, equipment, system or network, is designed or has
5 the capability to (a) be programmed; or (b) generate, process, store, retrieve, convey, emit, transmit,
6 receive, relay, record or reproduce any data, information, image, program, signal or sound in a
7 technological format, including, without limitation, a format that involves analog, digital, electronic,
8 electromagnetic, magnetic or optical technology, to wit:

9 On or about September 28, 2015, Defendants knowingly obtained \$3,500 or more from Catherine
10 Wyngarden by personally, or through an agent acting at Defendants' direction, selling Wyngarden a
11 home located at 9816 Eagle Rock Court, Las Vegas, Nevada, by either personally or through an agent
12 acting at Defendants' direction, falsely representing to Wyngarden that, at the time of said sale,
13 Defendants possessed title to said property, which was free and clear of existing liens and all other
14 security interests; Defendants utilized a website to advertise the sale of said property to Wyngarden.
15 The allegations contained in Count One are hereby incorporated herein as if fully set forth in this count.

16 All of which constitutes the crime of THEFT IN THE AMOUNT OF \$3,500 OR MORE, a category
17 "B" felony, in violation NRS 205.0832; 205A.030.

18 **COUNT 12**
19 **THEFT IN THE AMOUNT OF \$3,500 OR MORE**
20 **Category "B" Felony - NRS 205.0832; 205A.030**

21 The Defendant(s), PARCELNOMICS, LLC (d/b/a INVESTMENT DEALS), JACK LEAL, and
22 JESSICA GARCIA, in the County of Clark, State of Nevada, did without lawful authority, knowingly
23 obtain property or services of another person by a material misrepresentation with intent to deprive that
24 person of the property or services, with the value of said property being \$3,500 or more, by way of acts
25 that involved, directly or indirectly, any component, device, equipment, system or network that, alone
26 or in conjunction with any other component, device, equipment, system or network, is designed or has
27 the capability to (a) be programmed; or (b) generate, process, store, retrieve, convey, emit, transmit,
28 receive, relay, record or reproduce any data, information, image, program, signal or sound in a

1 technological format, including, without limitation, a format that involves analog, digital, electronic,
2 electromagnetic, magnetic or optical technology, to wit:

3 On or about March 9, 2015, Defendants knowingly obtained \$3,500 or more from Shahram
4 Bozorgnia by personally, or through an agent acting at Defendants' direction, selling Bozorgnia a home
5 located at 2730 Sandy Lane, Las Vegas, Nevada, by either personally or through an agent acting at
6 Defendants' direction, falsely representing to Bozorgnia that, at the time of said sale, Defendants
7 possessed title to said property, which was free and clear of existing liens and all other security
8 interests; Defendants utilized a website to advertise the sale of said property to Bozorgnia. The
9 allegations contained in Count One are hereby incorporated herein as if fully set forth in this count.

10 All of which constitutes the crime of THEFT IN THE AMOUNT OF \$3,500 OR MORE, a category
11 "B" felony, in violation NRS 205.0832; 205A.030.

12 **COUNT 13**
13 **THEFT IN THE AMOUNT OF \$3,500 OR MORE**
14 **Category "B" Felony - NRS 205.0832; 205A.030**

15 The Defendant(s), PARCELNOMICS, LLC (d/b/a INVESTMENT DEALS), JACK LEAL, and
16 JESSICA GARCIA, in the County of Clark, State of Nevada, did without lawful authority, knowingly
17 obtain property or services of another person by a material misrepresentation with intent to deprive that
18 person of the property or services, with the value of said property being \$3,500 or more, by way of acts
19 that involved, directly or indirectly, any component, device, equipment, system or network that, alone
20 or in conjunction with any other component, device, equipment, system or network, is designed or has
21 the capability to (a) be programmed; or (b) generate, process, store, retrieve, convey, emit, transmit,
22 receive, relay, record or reproduce any data, information, image, program, signal or sound in a
23 technological format, including, without limitation, a format that involves analog, digital, electronic,
24 electromagnetic, magnetic or optical technology, to wit:

25 On or about April 16, 2015, Defendants knowingly obtained \$3,500 or more from Tat Lam by
26 personally, or through an agent acting at Defendants' direction, selling Lam a home located at 556
27 Liverpool Avenue, Henderson, Nevada, by either personally or through an agent acting at Defendants'
28 direction, falsely representing to Lam that, at the time of said sale, Defendants possessed title to said
property, which was free and clear of existing liens and all other security interests; Defendants utilized

1 the website Zillow.com to advertise the sale of said property to Lam. The allegations contained in
2 Count One are hereby incorporated herein as if fully set forth in this count.

3 All of which constitutes the crime of THEFT IN THE AMOUNT OF \$3,500 OR MORE, a category
4 "B" felony, in violation NRS 205.0832; 205A.030.

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6 **COUNT 14**
7 **MULTIPLE TRANSACTIONS INVOLVING FRAUD OR DECEIT IN COURSE OF**
8 **ENTERPRISE OR OCCUPATION**
9 **Category "B" Felony - NRS 205.377**

10 The Defendant(s), PARCELNOMICS, LLC (d/b/a INVESTMENT DEALS), JACK LEAL, and
11 JESSICA GARCIA, in the County of Clark, State of Nevada, did, in the course of an enterprise or
12 occupation, knowingly and with the intent to defraud, engaged in an act, practice or course of business
13 or employed a device, scheme or artifice which operated or would have operated as a fraud or deceit
14 upon a person by means of a false representation or omission of a material fact that: (a) the person
15 knew to be false or omitted; (b) the person intended another to rely on; and (c) resulted in a loss to any
16 person who relied on the false representation or omission, in at least two transactions that had the same
17 or similar pattern, intents, results, accomplices, victims or methods of commission, or were otherwise
18 interrelated by distinguishing characteristics and were not isolated incidents within 4 years and in
19 which the aggregate loss or intended loss was more than \$650, to wit:

20 On or about March 1, 2015 through March 31, 2016, in and through the course of a real estate
21 enterprise known as PARCELNOMICS, LLC (d/b/a INVESTMENT DEALS), Defendants knowingly
22 and with the intent to defraud, obtained thousands of dollars from LoryLee Plancart, Edelyn Rubin,
23 Chatty Becker, Irene Segura, Lih-Ling Yang, Lina Palafox, Juan Eloy Ramirez, Pham Delaware
24 Realty, Catherine Wyngarden, Shahram Bozorgnia, Tat Lam, and Adilson Gibellato by means of
25 knowingly and falsely representing to said individuals that the titles to properties being sold to them by
26 the defendants were not encumbered by liens or other security interests, intending that said individuals
27 rely on said misrepresentations, and resulting in a loss of more than \$650.00. The allegations contained
28 in counts one through 13 are hereby repeated and incorporated herein as if fully set forth in this count.

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1 **CRIMINAL FORFEITURE ALLEGATION AS TO COUNT 1**

2 **NRS 207.420(1)**

3 The State of Nevada hereby gives notice to the defendants that, upon their conviction of the offense
4 charged in Count 1, the State of Nevada will seek forfeiture of property, namely \$886,800.00, pursuant
5 to NRS 207.420(1), which provides for the forfeiture of real or personal property derived from, realized
6 through, or used or intended for use in the course of an unlawful act that constitutes a violation of NRS

7 In the event that any of the above-described forfeitable property:

8 (a) Cannot be located,

9 (b) Has been sold to a purchaser in good faith for value,

10 (c) Has been placed beyond the jurisdiction of the court,

11 (d) Has been substantially diminished in value by the conduct of the defendant;

12 (e) Has been commingled with other property which cannot be divided without difficulty or undue
13 injury to innocent persons, or

14 (f) Is otherwise unreachable without undue injury to other persons, the State of Nevada will seek
15 forfeiture of other property of the defendants, including but not limited to real property located
16 at 1024 Santa Helena Avenue, Henderson, Nevada, up to the value of the property that is
17 unreachable.

18 **CRIMINAL FORFEITURE ALLEGATION AS TO COUNT 2**

19 **NRS 179.1219(1)**

20 The State of Nevada hereby gives notice to the defendants that, upon their conviction of the offense
21 charged in Count 2, the State of Nevada will seek forfeiture of property, namely \$70,000, pursuant to
22 NRS 179.1219(1), which provides for the forfeiture of real or personal property derived from, realized
23 through, or used or intended for use in the course of an unlawful act that constitutes a technological
24 crime under NRS 205A.030.

25 In the event that any of the above-described forfeitable property.

26 (a) Cannot be located;

27 (b) Has been sold to a purchaser in good faith for value;

- 1 (c) Has been placed beyond the jurisdiction of the court;
- 2 (d) Has been substantially diminished in value by the conduct of the defendant;
- 3 (e) Has been commingled with other property which cannot be divided without difficulty or undue
4 injury to innocent persons; or
- 5 (f) Is otherwise unreachable without undue injury to other persons, the State of Nevada will seek
6 forfeiture of other property of the defendants, including but not limited to real property located
7 at 1024 Santa Helena Avenue, Henderson, Nevada, up to the value of the property that is
8 unreachable.

9 **CRIMINAL FORFEITURE ALLEGATION AS TO COUNT 3**
10 **NRS 179.1219(1)**

11 The State of Nevada hereby gives notice to the defendants that, upon their conviction of the offense
12 charged in Count 3, the State of Nevada will seek forfeiture of property, namely \$75,000, pursuant to
13 NRS 179.1219(1), which provides for the forfeiture of real or personal property derived from, realized
14 through, or used or intended for use in the course of an unlawful act that constitutes a technological
15 crime under NRS 205A.030

16 In the event that any of the above-described forfeitable property:

- 17 (a) Cannot be located;
- 18 (b) Has been sold to a purchaser in good faith for value;
- 19 (c) Has been placed beyond the jurisdiction of the court;
- 20 (d) Has been substantially diminished in value by the conduct of the defendant;
- 21 (e) Has been commingled with other property which cannot be divided without difficulty or undue
22 injury to innocent persons; or
- 23 (f) Is otherwise unreachable without undue injury to other persons, the State of Nevada will seek
24 forfeiture of other property of the defendants, including but not limited to real property located
25 at 1024 Santa Helena Avenue, Henderson, Nevada, up to the value of the property that is
26 unreachable.

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1 **CRIMINAL FORFEITURE ALLEGATION AS TO COUNT 4**
2 **NRS 179.1219(1)**

3 The State of Nevada hereby gives notice to the defendants that, upon their conviction of the offense
4 charged in Count 4, the State of Nevada will seek forfeiture of property, namely \$87,500, pursuant to
5 NRS 179.1219(1), which provides for the forfeiture of real or personal property derived from, realized
6 through, or used or intended for use in the course of an unlawful act that constitutes a technological
7 crime under NRS 205A.030.

8 In the event that any of the above-described forfeitable property:

- 9 (a) Cannot be located;
- 10 (b) Has been sold to a purchaser in good faith for value;
- 11 (c) Has been placed beyond the jurisdiction of the court;
- 12 (d) Has been substantially diminished in value by the conduct of the defendant;
- 13 (e) Has been commingled with other property which cannot be divided without difficulty or undue
14 injury to innocent persons; or
- 15 (f) Is otherwise unreachable without undue injury to other persons, the State of Nevada will seek
16 forfeiture of other property of the defendants, including but not limited to real property located
17 at 1024 Santa Helena Avenue, Henderson, Nevada, up to the value of the property that is
18 unreachable.

19 **CRIMINAL FORFEITURE ALLEGATION AS TO COUNT 5**
20 **NRS 179.1219(1)**

21 The State of Nevada hereby gives notice to the defendants that, upon their conviction of the offense
22 charged in Count 5, the State of Nevada will seek forfeiture of property, namely \$57,000, pursuant to
23 NRS 179.1219(1), which provides for the forfeiture of real or personal property derived from, realized
24 through, or used or intended for use in the course of an unlawful act that constitutes a technological
25 crime under NRS 205A.030.

26 In the event that any of the above-described forfeitable property:

- 27 (a) Cannot be located;
- 28 (b) Has been sold to a purchaser in good faith for value;

- 1 (c) Has been placed beyond the jurisdiction of the court;
- 2 (d) Has been substantially diminished in value by the conduct of the defendant,
- 3 (e) Has been commingled with other property which cannot be divided without difficulty or undue
- 4 injury to innocent persons; or
- 5 (f) Is otherwise unreachable without undue injury to other persons, the State of Nevada will seek
- 6 forfeiture of other property of the defendants, including but not limited to real property located
- 7 at 1024 Santa Helena Avenue, Henderson, Nevada, up to the value of the property that is
- 8 unreachable.

9 **CRIMINAL FORFEITURE ALLEGATION AS TO COUNT 6**
10 **NRS 179.1219(1)**

11 The State of Nevada hereby gives notice to the defendants that, upon their conviction of the offense

12 charged in Count 6, the State of Nevada will seek forfeiture of property, namely \$98,620, pursuant to

13 NRS 179.1219(1), which provides for the forfeiture of real or personal property derived from, realized

14 through, or used or intended for use in the course of an unlawful act that constitutes a technological

15 crime under NRS 205A.030.

16 In the event that any of the above-described forfeitable property:

- 17 (a) Cannot be located;
- 18 (b) Has been sold to a purchaser in good faith for value;
- 19 (c) Has been placed beyond the jurisdiction of the court;
- 20 (d) Has been substantially diminished in value by the conduct of the defendant;
- 21 (e) Has been commingled with other property which cannot be divided without difficulty or undue
- 22 injury to innocent persons; or
- 23 (f) Is otherwise unreachable without undue injury to other persons, the State of Nevada will seek
- 24 forfeiture of other property of the defendants, including but not limited to real property located
- 25 at 1024 Santa Helena Avenue, Henderson, Nevada, up to the value of the property that is
- 26 unreachable.

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1 **CRIMINAL FORFEITURE ALLEGATION AS TO COUNT 7**
2 **NRS 179.1219(1)**

3 The State of Nevada hereby gives notice to the defendants that, upon their conviction of the offense
4 charged in Count 7, the State of Nevada will seek forfeiture of property, namely \$90,300, pursuant to
5 NRS 179.1219(1), which provides for the forfeiture of real or personal property derived from, realized
6 through, or used or intended for use in the course of an unlawful act that constitutes a technological
7 crime under NRS 205A.030.

8 In the event that any of the above-described forfeitable property:

- 9 (a) Cannot be located;
- 10 (b) Has been sold to a purchaser in good faith for value;
- 11 (c) Has been placed beyond the jurisdiction of the court;
- 12 (d) Has been substantially diminished in value by the conduct of the defendant;
- 13 (e) Has been commingled with other property which cannot be divided without difficulty or undue
14 injury to innocent persons; or
- 15 (f) Is otherwise unreachable without undue injury to other persons, the State of Nevada will seek
16 forfeiture of other property of the defendants, including but not limited to real property located
17 at 1024 Santa Helena Avenue, Henderson, Nevada, up to the value of the property that is
18 unreachable.

19 **CRIMINAL FORFEITURE ALLEGATION AS TO COUNT 8**
20 **NRS 179.1219(1)**

21 The State of Nevada hereby gives notice to the defendants that, upon their conviction of the offense
22 charged in Count 8, the State of Nevada will seek forfeiture of property, namely \$85,000, pursuant to
23 NRS 179.1219(1), which provides for the forfeiture of real or personal property derived from, realized
24 through, or used or intended for use in the course of an unlawful act that constitutes a technological
25 crime under NRS 205A.030.

26 In the event that any of the above-described forfeitable property:

- 27 (a) Cannot be located;
- 28

- 1 (b) Has been sold to a purchaser in good faith for value;
- 2 (c) Has been placed beyond the jurisdiction of the court;
- 3 (d) Has been substantially diminished in value by the conduct of the defendant;
- 4 (e) Has been commingled with other property which cannot be divided without difficulty or undue
- 5 injury to innocent persons; or
- 6 (f) Is otherwise unreachable without undue injury to other persons, the State of Nevada will seek
- 7 forfeiture of other property of the defendants, including but not limited to real property located
- 8 at 1024 Santa Helena Avenue, Henderson, Nevada, up to the value of the property that is
- 9 unreachable.

10 **CRIMINAL FORFEITURE ALLEGATION AS TO COUNT 9**

11 **NRS 179.1219(1)**

12 The State of Nevada hereby gives notice to the defendants that, upon their conviction of the offense

13 charged in Count 9, the State of Nevada will seek forfeiture of property, namely \$50,000, pursuant to

14 NRS 179.1219(1), which provides for the forfeiture of real or personal property derived from, realized

15 through, or used or intended for use in the course of an unlawful act that constitutes a technological

16 crime under NRS 205A.030.

17 In the event that any of the above-described forfeitable property:

- 18 (a) Cannot be located;
- 19 (b) Has been sold to a purchaser in good faith for value;
- 20 (c) Has been placed beyond the jurisdiction of the court;
- 21 (d) Has been substantially diminished in value by the conduct of the defendant;
- 22 (e) Has been commingled with other property which cannot be divided without difficulty or undue
- 23 injury to innocent persons, or
- 24 (f) Is otherwise unreachable without undue injury to other persons, the State of Nevada will seek
- 25 forfeiture of other property of the defendants, including but not limited to real property located
- 26 at 1024 Santa Helena Avenue, Henderson, Nevada, up to the value of the property that is
- 27 unreachable.
- 28

1 **CRIMINAL FORFEITURE ALLEGATION AS TO COUNT 10**
2 **NRS 179.1219(1)**

3 The State of Nevada hereby gives notice to the defendants that, upon their conviction of the offense
4 charged in Count 10, the State of Nevada will seek forfeiture of property, namely \$90,000, pursuant to
5 NRS 179.1219(1), which provides for the forfeiture of real or personal property derived from, realized
6 through, or used or intended for use in the course of an unlawful act that constitutes a technological
7 crime under NRS 205A.030.

8 In the event that any of the above-described forfeitable property:

- 9 (a) Cannot be located;
- 10 (b) Has been sold to a purchaser in good faith for value;
- 11 (c) Has been placed beyond the jurisdiction of the court;
- 12 (d) Has been substantially diminished in value by the conduct of the defendant;
- 13 (e) Has been commingled with other property which cannot be divided without difficulty or undue
14 injury to innocent persons; or
- 15 (f) Is otherwise unreachable without undue injury to other persons, the State of Nevada will seek
16 forfeiture of other property of the defendants, including but not limited to real property located
17 at 1024 Santa Helena Avenue, Henderson, Nevada, up to the value of the property that is
18 unreachable.

19 **CRIMINAL FORFEITURE ALLEGATION AS TO COUNT 11**
20 **NRS 179.1219(1)**

21 The State of Nevada hereby gives notice to the defendants that, upon their conviction of the offense
22 charged in Count 11, the State of Nevada will seek forfeiture of property, namely \$115,000, pursuant to
23 NRS 179.1219(1), which provides for the forfeiture of real or personal property derived from, realized
24 through, or used or intended for use in the course of an unlawful act that constitutes a technological
25 crime under NRS 205A.030.

26 In the event that any of the above-described forfeitable property:

- 27 (a) Cannot be located;
- 28 (b) Has been sold to a purchaser in good faith for value;

- 1 (c) Has been placed beyond the jurisdiction of the court;
- 2 (d) Has been substantially diminished in value by the conduct of the defendant;
- 3 (e) Has been commingled with other property which cannot be divided without difficulty or undue
4 injury to innocent persons; or
- 5 (f) Is otherwise unreachable without undue injury to other persons, the State of Nevada will seek
6 forfeiture of other property of the defendants, including but not limited to real property located
7 at 1024 Santa Helena Avenue, Henderson, Nevada, up to the value of the property that is
8 unreachable.

9 **CRIMINAL FORFEITURE ALLEGATION AS TO COUNT 12**
10 **NRS 179.1219(1)**

11 The State of Nevada hereby gives notice to the defendants that, upon their conviction of the offense
12 charged in Count 12, the State of Nevada will seek forfeiture of property, namely \$25,000, pursuant to
13 NRS 179.1219(1), which provides for the forfeiture of real or personal property derived from, realized
14 through, or used or intended for use in the course of an unlawful act that constitutes a technological
15 crime under NRS 205A.030.

16 In the event that any of the above-described forfeitable property:

- 17 (a) Cannot be located;
- 18 (b) Has been sold to a purchaser in good faith for value;
- 19 (c) Has been placed beyond the jurisdiction of the court;
- 20 (d) Has been substantially diminished in value by the conduct of the defendant;
- 21 (e) Has been commingled with other property which cannot be divided without difficulty or undue
22 injury to innocent persons; or
- 23 (f) Is otherwise unreachable without undue injury to other persons, the State of Nevada will seek
24 forfeiture of other property of the defendants, including but not limited to real property located
25 at 1024 Santa Helena Avenue, Henderson, Nevada, up to the value of the property that is
26 unreachable.

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1 **CRIMINAL FORFEITURE ALLEGATION AS TO COUNT 13**
2 **NRS 179.1219(1)**

3 The State of Nevada hereby gives notice to the defendants that, upon their conviction of the offense
4 charged in Count 13, the State of Nevada will seek forfeiture of property, namely \$53,500, pursuant to
5 NRS 179.1219(1), which provides for the forfeiture of real or personal property derived from, realized
6 through, or used or intended for use in the course of an unlawful act that constitutes a technological
7 crime under NRS 205A.030.

8 In the event that any of the above-described forfeitable property:

- 9 (a) Cannot be located;
- 10 (b) Has been sold to a purchaser in good faith for value;
- 11 (c) Has been placed beyond the jurisdiction of the court;
- 12 (d) Has been substantially diminished in value by the conduct of the defendant;
- 13 (e) Has been commingled with other property which cannot be divided without difficulty or undue
14 injury to innocent persons; or
- 15 (f) Is otherwise unreachable without undue injury to other persons, the State of Nevada will seek
16 forfeiture of other property of the defendants, including but not limited to real property located
17 at 1024 Santa Helena Avenue, Henderson, Nevada, up to the value of the property that is
18 unreachable.

19 **CRIMINAL FORFEITURE ALLEGATION AS TO COUNT 14**
20 **NRS 179.1219(1)**

21 The State of Nevada hereby gives notice to the defendants that, upon their conviction of the offense
22 charged in Count 13, the State of Nevada will seek forfeiture of property, namely \$53,500, pursuant to
23 NRS 179.1219(1), which provides for the forfeiture of real or personal property derived from, realized
24 through, or used or intended for use in the course of an unlawful act that constitutes a technological
25 crime under NRS 205A.030.

26 In the event that any of the above-described forfeitable property:

- 27 (a) Cannot be located;
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- (b) Has been sold to a purchaser in good faith for value;
- (c) Has been placed beyond the jurisdiction of the court;
- (d) Has been substantially diminished in value by the conduct of the defendant;
- (e) Has been commingled with other property which cannot be divided without difficulty or undue injury to innocent persons; or
- (f) Is otherwise unreachable without undue injury to other persons, the State of Nevada will seek forfeiture of other property of the defendants, including but not limited to real property located at 1024 Santa Helena Avenue, Henderson, Nevada, up to the value of the property that is unreachable.

All of which is contrary to the form, force and effect of the statutes in such cases made and provided, and against the peace and dignity of the state of Nevada.

The Complainant requests a Summons be issued at this time pursuant to NRS 171.106.

DATED this 21st day of November, 2016.

SUBMITTED BY

ADAM PAUL LAXALT
Attorney General

By: Michael C. Kovac
Michael C. Kovac (Bar. No. 11177)
Senior Deputy Attorney General
Attorneys for the State of Nevada

**Justice Court, Las Vegas Township
Clark County, Nevada**

Department: 07

Court Minutes



L007440974

16F19220B State of Nevada vs. LEAL, JACK

Lead Atty: Jason G. Weiner

12/27/2016 7:30:00 AM Initial Appearance (No ball posted)

Result: Matter Heard

PARTIES PRESENT: State Of Nevada Attorney Kallas, Chelsea Weiner, Jason G.

Judge: Pro Tempore, Judge

Court Reporter: O'Neill, Jennifer

Court Clerk: Meccia, Cherie

Pro Tempore: Hua, Jeannie

PROCEEDINGS

Hearings: 2/7/2017 8:00:00 AM: Negotiations

Added

Events: **Counsel Confirms as Attorney of Record**

J. Weiner, Esq

Amended Criminal Complaint

Filed in open court

Initial Appearance Completed

Defense Advised of Charges on Criminal Complaint, Waives Reading of Criminal Complaint

Motion to Continue - Defense

for negotiations - Motion granted

1 ACOM
2 ADAM PAUL LAXALT
3 Attorney General
4 Michael C. Kovac (Bar. No. 11177)
5 Senior Deputy Attorney General
6 State of Nevada
7 Office of the Attorney General
8 555 E. Washington Ave., Ste. 3900
9 (702) 486-3420 (phone)
10 (702) 486-3768 (fax)
11 MKovac@ag.nv.gov

FILED IN OPEN
COURT ON
DEC 27 2016

C. Moore
Court Clerk

7 Attorneys for the State of Nevada


8 JUSTICE COURT, LAS VEGAS TOWNSHIP
9 CLARK COUNTY, NEVADA

10 STATE OF NEVADA,) Case No. 16F19220A/B/C
11 Plaintiff,) Dept. No. 7
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17 AMENDED CRIMINAL COMPLAINT

18 ADAM PAUL LAXALT, Attorney General for the State of Nevada, complains and charges that:
19 The above-named defendant(s), PARCELNOMICS, LLC (d/b/a INVESTMENT DEALS); JACK
20 LEAL; and JESSICA GARCIA, have committed the following crimes: one count of RACKETEERING,
21 a category "B" felony, in violation of NRS 207.400(1)(c); 12 counts of THEFT IN THE AMOUNT OF
22 \$3,500 OR MORE, a technological crime under NRS 205A.030 and a category "B" felony, in violation
23 of NRS 205.0832; and one count of MULTIPLE TRANSACTIONS INVOLVING FRAUD OR DECEIT
24 IN COURSE OF ENTERPRISE OR OCCUPATION, a category "B" felony, in violation of NRS
25 205.377.

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16F19220A
ACRM
Amended Criminal Complaint
748083


1 All of the acts alleged herein have been committed or completed on or about March 1, 2015
2 through March 31, 2016, by the above-named Defendant, within the County of Clark, State of Nevada,
3 in the following manner:

4 **COUNT 1**
5 **RACKETEERING**
6 **Category "B" Felony - NRS 207.400(1)(c)**

7 On or about March 1, 2015 through March 31, 2016, the Defendant(s), PARCELNOMICS, LLC
8 (d/b/a INVESTMENT DEALS), JACK LEAL, and JESSICA GARCIA, in the County of Clark, State of
9 Nevada, while employed by or associated with an enterprise, conducted or participated, directly or
10 indirectly, in: (i) the affairs of the enterprise through racketeering activity, and/or (ii) racketeering activity
11 through the affairs of the enterprise, to wit:

- 12 1. The allegations contained in Counts Two through 13 are hereby incorporated herein as if fully
13 set forth in this count.

14 **The Enterprise**

- 15 2. During all relevant times, Defendants PARCELNOMICS, LLC (d/b/a INVESTMENT
16 DEALS), JACK LEAL, and JESSICA GARCIA carried out business activities conducted
17 within Clark County, Nevada, through companies doing business as PARCELNOMICS,
18 LLC, and/or INVESTMENT DEALS.
- 19 3. During all relevant times, Defendant PARCELNOMICS, LLC (d/b/a INVESTMENT
20 DEALS) was registered with the Nevada Secretary of State's Office as a Nevada Limited
21 Liability Company.
- 22 4. During all relevant times, Defendant PARCELNOMICS, LLC (d/b/a INVESTMENT
23 DEALS) maintained a bank account with Bank of America, with said account ending in 9635,
24 for the purpose of receiving deposits unlawfully obtained from those victimized by the
25 unlawful acts of Defendants described herein.
- 26 5. During all relevant times, Defendant PARCELNOMICS, LLC, maintained a bank account
27 with Bank of America, with said account ending in 5085, for the purpose of receiving deposits
28 unlawfully obtained from those victimized by the unlawful acts of Defendants described
herein.

- 1 6. During all relevant times, Defendant JACK LEAL: (i) acted as a managing member of
2 Defendant PARCELNOMICS, LLC (d/b/a INVESTMENT DEALS); (ii) opened and
3 maintained a post office box located in Clark County, Nevada, and used by Defendants to
4 conduct the unlawful activities described herein; (iii) was a signor on the Bank of America
5 accounts established in Clark County, Nevada, and ending in 9635 and 5085 that were
6 instruments of the unlawful acts described herein; and (iv) personally conducted, and/or
7 directed other agents of Defendants to conduct, the sales of properties described in Counts
8 Two through Eight contained herein, knowingly, falsely representing to the purchasers that
9 said properties were not encumbered by liens or other security interests.
- 10 7. During all relevant times, Defendant JESSICA GARICA: (i) acted as a managing member of
11 Defendant PARCELNOMICS, LLC (d/b/a INVESTMENT DEALS); (ii) opened and
12 maintained a post office box located in Clark County, Nevada, and used by Defendants to
13 conduct the unlawful activities described herein; (iii) was a signor on the Bank of America
14 accounts established in Clark County, Nevada, and ending in 9635 and 5085 that were
15 instruments of the unlawful acts described herein; and (iv) personally conducted, and/or
16 directed other agents of Defendants to conduct, the sales of properties described in Counts
17 Two through Eight contained herein, knowingly, falsely representing to the purchasers that
18 said properties were not encumbered by liens or other security interests.
- 19 8. Defendant LEAL, through Defendant PARCELNOMICS, LLC (d/b/a INVESTMENT
20 DEALS), purchased the properties named herein through a bankruptcy trustee sale, knowing
21 that said properties were encumbered by liens and/or other security interests.
- 22 9. Through Defendant PARCELNOMICS, LLC (d/b/a INVESTMENT DEALS), all of the
23 Defendants, either personally or by and through their agent(s), solicited through internet
24 advertisements prospective purchasers of real property, including the properties Defendant
25 LEAL purchased at the bankruptcy trustee sale described herein.
- 26 10. Said advertisements were placed on Zillow.com, Craigslist.org, and eBay.com.
- 27 11. Defendants LEAL and GARCIA, through Defendant PARCELNOMICS, LLC (d/b/a
28 INVESTMENT DEALS), personally misrepresented to the prospective purchasers that the

1 properties' titles were not encumbered by liens or other security interests, or directed agents
2 of PARCELNOMICS, LLC (d/b/a INVESTMENT DEALS) to make said misrepresentations.

3 **Racketeering Activity**

4 12. As described in greater detail in Counts Two through Eight, which charge the defendants with
5 multiple counts of theft constituting a technological crime, all of the defendants, either
6 personally or by and through their agent(s), fraudulently obtained thousands of dollars from
7 numerous individuals by means of knowingly and falsely representing to said individuals that
8 the titles to the properties being sold by the defendants were not encumbered by liens or other
9 security interests.

10 13. Each of the properties named herein were, at the time the defendants sold said properties to
11 the victims named herein, encumbered with liens and/or other security interests.

12 14. As a result of said misrepresentations, each of the victims named herein suffered losses of
13 \$25,000.00 or more.

14 15. Defendants, either personally or by and through their agent(s), perpetrated said fraudulent acts
15 on LoryLee Plancarte, Edelyn Rubin, Chatty Becker, Irene Segura, Lih-Ling Yang, Lina
16 Palafox, Juan Eloy Ramirez, Pham Delaware Realty, Catherine Wyngarden, Shahram
17 Bozorgnia, Tat Lam, and Adilson Gibellato.

18 **Property Derived from, Realized through, or Used or Intended to Be Used in the Course of the**
19 **Unlawful Acts**

20 As a result of said acts, the defendants unlawfully obtained \$846,300 from their victims.

21 **COUNT 2**

22 **THEFT IN THE AMOUNT OF \$3,500 OR MORE**

23 **Category "B" Felony - NRS 205.0832; 205A.030**

24 The Defendant(s), PARCELNOMICS, LLC (d/b/a INVESTMENT DEALS), JACK LEAL, and
25 JESSICA GARCIA, in the County of Clark, State of Nevada, did without lawful authority, knowingly
26 obtain property or services of another person by a material misrepresentation with intent to deprive that
27 person of the property or services, with the value of said property being \$3,500 or more, by way of acts
28 that involved, directly or indirectly, any component, device, equipment, system or network that, alone or
in conjunction with any other component, device, equipment, system or network, is designed or has the

1 capability to (a) be programmed; or (b) generate, process, store, retrieve, convey, emit, transmit, receive,
2 relay, record or reproduce any data, information, image, program, signal or sound in a technological
3 format, including, without limitation, a format that involves analog, digital, electronic, electromagnetic,
4 magnetic or optical technology, to wit:

5 On or about June 1, 2015 through August 7, 2015, Defendants knowingly obtained \$3,500 or more
6 from LoryLee Plancarte by personally, or through an agent acting at Defendants' direction, selling
7 Plancarte a home located at 8109 Jo Mary Drive, Las Vegas, Nevada, by either personally or through an
8 agent acting at Defendants' direction, falsely representing to Plancarte that, at the time of said sale,
9 Defendants possessed title to said property, which was free and clear of existing liens and all other
10 security interests; Defendants utilized the website Zillow.com to advertise the sale of said property to
11 Plancarte. The allegations contained in Count One are hereby incorporated herein as if fully set forth in
12 this count.

13 All of which constitutes the crime of THEFT IN THE AMOUNT OF \$3,500 OR MORE, a category
14 "B" felony, in violation NRS 205.0832; 205A.030.

15 **COUNT 3**
16 **THEFT IN THE AMOUNT OF \$3,500 OR MORE**
17 **Category "B" Felony - NRS 205.0832; 205A.030**

18 The Defendant(s), PARCELNOMICS, LLC (d/b/a INVESTMENT DEALS), JACK LEAL, and
19 JESSICA GARCIA, in the County of Clark, State of Nevada, did without lawful authority, knowingly
20 obtain property or services of another person by a material misrepresentation with intent to deprive that
21 person of the property or services, with the value of said property being \$3,500 or more, by way of acts
22 that involved, directly or indirectly, any component, device, equipment, system or network that, alone or
23 in conjunction with any other component, device, equipment, system or network, is designed or has the
24 capability to (a) be programmed; or (b) generate, process, store, retrieve, convey, emit, transmit, receive,
25 relay, record or reproduce any data, information, image, program, signal or sound in a technological
26 format, including, without limitation, a format that involves analog, digital, electronic, electromagnetic,
27 magnetic or optical technology, to wit:

28 ///

1 On or about September 20, 2015 through September 21, 2015, Defendants knowingly obtained
2 \$3,500 or more from Edelyn Rubin by personally, or through an agent acting at Defendants' direction,
3 selling Rubin a home located at 4018 Cotton Seed Court, Las Vegas, Nevada, by either personally or
4 through an agent acting at Defendants' direction, falsely representing to Rubin that, at the time of said
5 sale, Defendants possessed title to said property, which was free and clear of existing liens and all other
6 security interests; Defendants utilized the website Zillow.com to advertise the sale of said property to
7 Rubin. The allegations contained in Count One are hereby incorporated herein as if fully set forth in this
8 count.

9 All of which constitutes the crime of THEFT IN THE AMOUNT OF \$3,500 OR MORE, a category
10 "B" felony, in violation NRS 205.0832; 205A.030.

11 **COUNT 4**
12 **THEFT IN THE AMOUNT OF \$3,500 OR MORE**
13 **Category "B" Felony - NRS 205.0832; 205A.030**

14 The Defendant(s), PARCELNOMICS, LLC (d/b/a INVESTMENT DEALS), JACK LEAL, and
15 JESSICA GARCIA, in the County of Clark, State of Nevada, did without lawful authority, knowingly
16 obtain property or services of another person by a material misrepresentation with intent to deprive that
17 person of the property or services, with the value of said property being \$3,500 or more, by way of acts
18 that involved, directly or indirectly, any component, device, equipment, system or network that, alone or
19 in conjunction with any other component, device, equipment, system or network, is designed or has the
20 capability to (a) be programmed; or (b) generate, process, store, retrieve, convey, emit, transmit, receive,
21 relay, record or reproduce any data, information, image, program, signal or sound in a technological
22 format, including, without limitation, a format that involves analog, digital, electronic, electromagnetic,
23 magnetic or optical technology, to wit:

24 On or about August 1, 2015 through September 30, 2015, Defendants knowingly obtained \$3,500 or
25 more from Chatty Becker by personally, or through an agent acting at Defendants' direction, selling
26 Becker a home located at 9816 Eagle Rock Court, Las Vegas, Nevada, by either personally or through
27 an agent acting at Defendants' direction, falsely representing to Becker that, at the time of said sale,
28 Defendants possessed title to said property, which was free and clear of existing liens and all other
security interests; Defendants utilized the website Craigslist.org to advertise the sale of said property to

1 Becker. The allegations contained in Count One are hereby incorporated herein as if fully set forth in this
2 count.

3 All of which constitutes the crime of THEFT IN THE AMOUNT OF \$3,500 OR MORE, a category
4 "B" felony, in violation NRS 205.0832; 205A.030.

5 **COUNT 5**
6 **THEFT IN THE AMOUNT OF \$3,500 OR MORE**
7 **Category "B" Felony - NRS 205.0832; 205A.030**

8 The Defendant(s), PARCELNOMICS, LLC (d/b/a INVESTMENT DEALS), JACK LEAL, and
9 JESSICA GARCIA, in the County of Clark, State of Nevada, did without lawful authority, knowingly
10 obtain property or services of another person by a material misrepresentation with intent to deprive that
11 person of the property or services, with the value of said property being \$3,500 or more, by way of acts
12 that involved, directly or indirectly, any component, device, equipment, system or network that, alone or
13 in conjunction with any other component, device, equipment, system or network, is designed or has the
14 capability to (a) be programmed; or (b) generate, process, store, retrieve, convey, emit, transmit, receive,
15 relay, record or reproduce any data, information, image, program, signal or sound in a technological
16 format, including, without limitation, a format that involves analog, digital, electronic, electromagnetic,
17 magnetic or optical technology, to wit:

18 On or about August 1, 2015 through August 30, 2015, Defendants knowingly obtained \$3,500 or
19 more from Irene Segura by personally, or through an agent acting at Defendants' direction, selling Segura
20 a home located at 4824 Morning Falls Avenue, Las Vegas, Nevada, by either personally or through an
21 agent acting at Defendants' direction, falsely representing to Segura that, at the time of said sale,
22 Defendants possessed title to said property, which was free and clear of existing liens; Defendants utilized
23 the website Zillow.com to advertise the sale of said property to Segura. The allegations contained in
24 Count One are hereby incorporated herein as if fully set forth in this count.

25 All of which constitutes the crime of THEFT IN THE AMOUNT OF \$3,500 OR MORE, a category
26 "B" felony, in violation NRS 205.0832; 205A.030.

27 ///
28 ///

COUNT 6
THEFT IN THE AMOUNT OF \$3,500 OR MORE
Category "B" Felony - NRS 205.0832; 205A.030

The Defendant(s), PARCELNOMICS, LLC (d/b/a INVESTMENT DEALS), JACK LEAL, and JESSICA GARCIA, in the County of Clark, State of Nevada, did without lawful authority, knowingly obtain property or services of another person by a material misrepresentation with intent to deprive that person of the property or services, with the value of said property being \$3,500 or more, by way of acts that involved, directly or indirectly, any component, device, equipment, system or network that, alone or in conjunction with any other component, device, equipment, system or network, is designed or has the capability to (a) be programmed; or (b) generate, process, store, retrieve, convey, emit, transmit, receive, relay, record or reproduce any data, information, image, program, signal or sound in a technological format, including, without limitation, a format that involves analog, digital, electronic, electromagnetic, magnetic or optical technology, to wit:

On or about March 1, 2015 through April 30, 2015, Defendants knowingly obtained \$3,500 or more from Lih-Ling Yang by personally, or through an agent acting at Defendants' direction, selling Yang a home located at 2051 Donna Street, North Las Vegas, Nevada, 6360 Katella Avenue, Las Vegas, NV, and/or 4326 Oasis Plains Avenue, Las Vegas, Nevada by either personally or through an agent acting at Defendants' direction, falsely representing to Yang that, at the time of said sale, Defendants possessed title to said property, which was free and clear of existing liens and all other security interests; Defendants utilized the website eBay.com to advertise the sale of said property to Yang. The allegations contained in Count One are hereby incorporated herein as if fully set forth in this count.

All of which constitutes the crime of THEFT IN THE AMOUNT OF \$3,500 OR MORE, a category "B" felony, in violation NRS 205.0832; 205A.030.

COUNT 7
THEFT IN THE AMOUNT OF \$3,500 OR MORE
Category "B" Felony - NRS 205.0832; 205A.030

The Defendant(s), PARCELNOMICS, LLC (d/b/a INVESTMENT DEALS), JACK LEAL, and JESSICA GARCIA, in the County of Clark, State of Nevada, did without lawful authority, knowingly obtain property or services of another person by a material misrepresentation with intent to deprive that person of the property or services, with the value of said property being \$3,500 or more, by way of acts

1 that involved, directly or indirectly, any component, device, equipment, system or network that, alone or
2 in conjunction with any other component, device, equipment, system or network, is designed or has the
3 capability to (a) be programmed; or (b) generate, process, store, retrieve, convey, emit, transmit, receive,
4 relay, record or reproduce any data, information, image, program, signal or sound in a technological
5 format, including, without limitation, a format that involves analog, digital, electronic, electromagnetic,
6 magnetic or optical technology, to wit:

7 On or about August 1, 2015 through March 21, 2016, Defendants knowingly obtained \$3,500 or more
8 from Lina Palafox by personally, or through an agent acting at Defendants' direction, selling Palafox a
9 home located at 6213 Lawton Avenue, Las Vegas, Nevada and/or 2005 Aquarius Drive, by either
10 personally or through an agent acting at Defendants' direction, falsely representing to Palafox that, at the
11 time of said sale, Defendants possessed title to said property, which was free and clear of existing liens
12 and all other security interests, with the exception of possible sewer or trash liens; Defendants utilized
13 the website Zillow.com to advertise the sale of said property to Palafox. The allegations contained in
14 Count One are hereby incorporated herein as if fully set forth in this count.

15 All of which constitutes the crime of THEFT IN THE AMOUNT OF \$3,500 OR MORE, a category
16 "B" felony, in violation NRS 205.0832; 205A.030.

17 **COUNT 8**
18 **THEFT IN THE AMOUNT OF \$3,500 OR MORE**
19 **Category "B" Felony - NRS 205.0832; 205A.030**

20 The Defendant(s), PARCELNOMICS, LLC (d/b/a INVESTMENT DEALS), JACK LEAL, and
21 JESSICA GARCIA, in the County of Clark, State of Nevada, did without lawful authority, knowingly
22 obtain property or services of another person by a material misrepresentation with intent to deprive that
23 person of the property or services, with the value of said property being \$3,500 or more, by way of acts
24 that involved, directly or indirectly, any component, device, equipment, system or network that, alone or
25 in conjunction with any other component, device, equipment, system or network, is designed or has the
26 capability to (a) be programmed; or (b) generate, process, store, retrieve, convey, emit, transmit, receive,
27 relay, record or reproduce any data, information, image, program, signal or sound in a technological
28 format, including, without limitation, a format that involves analog, digital, electronic, electromagnetic,
magnetic or optical technology, to wit:

1 On or about September 21, 2015, Defendants knowingly obtained \$3,500 or more from Adilson
2 Gibellato by personally, or through an agent acting at Defendants' direction, selling Gibellato a home
3 located at 4701 Wandering Way, Tampa, Florida, by either personally or through an agent acting at
4 Defendants' direction, falsely representing to Gibellato that, at the time of said sale, Defendants
5 possessed title to said property, which was free and clear of existing liens and all other security interests;
6 Defendants utilized the website Zillow.com to advertise the sale of said property to Gibellato. The
7 allegations contained in Count One are hereby incorporated herein as if fully set forth in this count.

8 All of which constitutes the crime of THEFT IN THE AMOUNT OF \$3,500 OR MORE, a category
9 "B" felony, in violation NRS 205.0832; 205A.030.

10 **COUNT 2**
11 **THEFT IN THE AMOUNT OF \$3,500 OR MORE**
12 **Category "B" Felony - NRS 205.0832; 205A.030**

13 The Defendant(s), PARCELNOMICS, LLC (d/b/a INVESTMENT DEALS), JACK LEAL, and
14 JESSICA GARCIA, in the County of Clark, State of Nevada, did without lawful authority, knowingly
15 obtain property or services of another person by a material misrepresentation with intent to deprive that
16 person of the property or services, with the value of said property being \$3,500 or more, by way of acts
17 that involved, directly or indirectly, any component, device, equipment, system or network that, alone or
18 in conjunction with any other component, device, equipment, system or network, is designed or has the
19 capability to (a) be programmed; or (b) generate, process, store, retrieve, convey, emit, transmit, receive,
20 relay, record or reproduce any data, information, image, program, signal or sound in a technological
21 magnetic or optical technology, to wit:

22 On or about March 5, 2015, Defendants knowingly obtained \$3,500 or more from Juan Eloy Ramirez
23 by personally, or through an agent acting at Defendants' direction, selling Ramirez a home located at
24 8628 Catalonia Drive, Las Vegas, Nevada, by either personally or through an agent acting at Defendants'
25 direction, falsely representing to Ramirez that, at the time of said sale, Defendants possessed title to said
26 property, which was free and clear of existing liens and all other security interests; Defendants utilized a
27 website to advertise the sale of said property to Ramirez. The allegations contained in Count One are
28 hereby incorporated herein as if fully set forth in this count.

1 All of which constitutes the crime of THEFT IN THE AMOUNT OF \$3,500 OR MORE, a category
2 "B" felony, in violation NRS 205.0832; 205A.030.

3 **COUNT 10**
4 **THEFT IN THE AMOUNT OF \$3,500 OR MORE**
5 **Category "B" Felony - NRS 205.0832; 205A.030**

6 The Defendant(s), PARCELNOMICS, LLC (d/b/a INVESTMENT DEALS), JACK LEAL, and
7 JESSICA GARCIA, in the County of Clark, State of Nevada, did without lawful authority, knowingly
8 obtain property or services of another person by a material misrepresentation with intent to deprive that
9 person of the property or services, with the value of said property being \$3,500 or more, by way of acts
10 that involved, directly or indirectly, any component, device, equipment, system or network that, alone or
11 in conjunction with any other component, device, equipment, system or network, is designed or has the
12 capability to (a) be programmed; or (b) generate, process, store, retrieve, convey, emit, transmit, receive,
13 relay, record or reproduce any data, information, image, program, signal or sound in a technological
14 format, including, without limitation, a format that involves analog, digital, electronic, electromagnetic,
15 magnetic or optical technology, to wit:

16 On or about April 13, 2016, Defendants knowingly obtained \$3,500 or more from Pham Delaware
17 Realty by personally, or through an agent acting at Defendants' direction, selling Pham Delaware Realty
18 a home located at 7159 Iron Oak Avenue, Las Vegas, Nevada 89113, by either personally or through an
19 agent acting at Defendants' direction, falsely representing to Pham Delaware Realty that, at the time of
20 said sale, Defendants possessed title to said property, which was free and clear of existing liens and all
21 other security interests; Defendants utilized a website to advertise the sale of said property to Pham
22 Delaware Realty. The allegations contained in Count One are hereby incorporated herein as if fully set
23 forth in this count.

24 All of which constitutes the crime of THEFT IN THE AMOUNT OF \$3,500 OR MORE, a category
25 "B" felony, in violation NRS 205.0832; 205A.030.

26 **COUNT 11**
27 **THEFT IN THE AMOUNT OF \$3,500 OR MORE**
28 **Category "B" Felony - NRS 205.0832; 205A.030**

29 The Defendant(s), PARCELNOMICS, LLC (d/b/a INVESTMENT DEALS), JACK LEAL, and
30 JESSICA GARCIA, in the County of Clark, State of Nevada, did without lawful authority, knowingly

1 obtain property or services of another person by a material misrepresentation with intent to deprive that
2 person of the property or services, with the value of said property being \$3,500 or more, by way of acts
3 that involved, directly or indirectly, any component, device, equipment, system or network that, alone or
4 in conjunction with any other component, device, equipment, system or network, is designed or has the
5 capability to (a) be programmed; or (b) generate, process, store, retrieve, convey, emit, transmit, receive,
6 relay, record or reproduce any data, information, image, program, signal or sound in a technological
7 format, including, without limitation, a format that involves analog, digital, electronic, electromagnetic,
8 magnetic or optical technology, to wit:

9 On or about September 28, 2015, Defendants knowingly obtained \$3,500 or more from Catherine
10 Wyngarden by personally, or through an agent acting at Defendants' direction, selling Wyngarden a home
11 located at 9816 Eagle Rock Court, Las Vegas, Nevada, by either personally or through an agent acting at
12 Defendants' direction, falsely representing to Wyngarden that, at the time of said sale, Defendants
13 possessed title to said property, which was free and clear of existing liens and all other security interests;
14 Defendants utilized a website to advertise the sale of said property to Wyngarden. The allegations
15 contained in Count One are hereby incorporated herein as if fully set forth in this count.

16 All of which constitutes the crime of THEFT IN THE AMOUNT OF \$3,500 OR MORE, a category
17 "B" felony, in violation NRS 205.0832; 205A.030.

18 **COUNT 12**
19 **THEFT IN THE AMOUNT OF \$3,500 OR MORE**
20 **Category "B" Felony - NRS 205.0832; 205A.030**

21 The Defendant(s), PARCELNOMICS, LLC (d/b/a INVESTMENT DEALS), JACK LEAL, and
22 JESSICA GARCIA, in the County of Clark, State of Nevada, did without lawful authority, knowingly
23 obtain property or services of another person by a material misrepresentation with intent to deprive that
24 person of the property or services, with the value of said property being \$3,500 or more, by way of acts
25 that involved, directly or indirectly, any component, device, equipment, system or network that, alone or
26 in conjunction with any other component, device, equipment, system or network, is designed or has the
27 capability to (a) be programmed; or (b) generate, process, store, retrieve, convey, emit, transmit, receive,
28 relay, record or reproduce any data, information, image, program, signal or sound in a technological

1 format, including, without limitation, a format that involves analog, digital, electronic, electromagnetic,
2 magnetic or optical technology, to wit:

3 On or about March 9, 2015, Defendants knowingly obtained \$3,500 or more from Shahram Bozorgnia
4 by personally, or through an agent acting at Defendants' direction, selling Bozorgnia a home located at
5 2730 Sandy Lane, Las Vegas, Nevada, by either personally or through an agent acting at Defendants'
6 direction, falsely representing to Bozorgnia that, at the time of said sale, Defendants possessed title to
7 said property, which was free and clear of existing liens and all other security interests; Defendants
8 utilized a website to advertise the sale of said property to Bozorgnia. The allegations contained in Count
9 One are hereby incorporated herein as if fully set forth in this count.

10 All of which constitutes the crime of THEFT IN THE AMOUNT OF \$3,500 OR MORE, a category
11 "B" felony, in violation NRS 205.0832; 205A.030.

12 **COUNT 13**
13 **THEFT IN THE AMOUNT OF \$3,500 OR MORE**
14 **Category "B" Felony - NRS 205.0832; 205A.030**

15 The Defendant(s), PARCELNOMICS, LLC (d/b/a INVESTMENT DEALS), JACK LEAL, and
16 JESSICA GARCIA, in the County of Clark, State of Nevada, did without lawful authority, knowingly
17 obtain property or services of another person by a material misrepresentation with intent to deprive that
18 person of the property or services, with the value of said property being \$3,500 or more, by way of acts
19 that involved, directly or indirectly, any component, device, equipment, system or network that, alone or
20 in conjunction with any other component, device, equipment, system or network, is designed or has the
21 capability to (a) be programmed; or (b) generate, process, store, retrieve, convey, emit, transmit, receive,
22 relay, record or reproduce any data, information, image, program, signal or sound in a technological
23 format, including, without limitation, a format that involves analog, digital, electronic, electromagnetic,
24 magnetic or optical technology, to wit:

25 On or about April 16, 2015, Defendants knowingly obtained \$3,500 or more from Tat Lam by
26 personally, or through an agent acting at Defendants' direction, selling Lam a home located at 556
27 Liverpool Avenue, Henderson, Nevada, by either personally or through an agent acting at Defendants'
28 direction, falsely representing to Lam that, at the time of said sale, Defendants possessed title to said
property, which was free and clear of existing liens and all other security interests; Defendants utilized

1 the website Zillow.com to advertise the sale of said property to Lam. The allegations contained in Count
2 One are hereby incorporated herein as if fully set forth in this count.

3 All of which constitutes the crime of THEFT IN THE AMOUNT OF \$3,500 OR MORE, a category
4 "B" felony, in violation NRS 205.0832; 205A.030.

5
6 **COUNT 14**
7 **MULTIPLE TRANSACTIONS INVOLVING FRAUD OR DECEIT IN COURSE OF**
8 **ENTERPRISE OR OCCUPATION**
9 **Category "B" Felony - NRS 205.377**

10 The Defendant(s), PARCELNOMICS, LLC (d/b/a INVESTMENT DEALS), JACK LEAL, and
11 JESSICA GARCIA, in the County of Clark, State of Nevada, did, in the course of an enterprise or
12 occupation, knowingly and with the intent to defraud, engaged in an act, practice or course of business
13 or employed a device, scheme or artifice which operated or would have operated as a fraud or deceit upon
14 a person by means of a false representation or omission of a material fact that: (a) the person knew to be
15 false or omitted; (b) the person intended another to rely on; and (c) resulted in a loss to any person who
16 relied on the false representation or omission, in at least two transactions that had the same or similar
17 pattern, intents, results, accomplices, victims or methods of commission, or were otherwise interrelated
18 by distinguishing characteristics and were not isolated incidents within 4 years and in which the aggregate
19 loss or intended loss was more than \$650, to wit:

20 On or about March 1, 2015 through March 31, 2016, in and through the course of a real estate
21 enterprise known as PARCELNOMICS, LLC (d/b/a INVESTMENT DEALS), Defendants knowingly
22 and with the intent to defraud, obtained thousands of dollars from LoryLee Plancarte, Edelyn Rubin,
23 Chatty Becker, Irene Segura, Lih-Ling Yang, Lina Palafox, Juan Eloy Ramirez, Pham Delaware Realty,
24 Catherine Wyngarden, Shahram Bozorgnia, Tai Lam, and Adilson Gibellato by means of knowingly and
25 falsely representing to said individuals that the titles to properties being sold to them by the defendants
26 were not encumbered by liens or other security interests, intending that said individuals rely on said
27 misrepresentations, and resulting in a loss of more than \$650.00. The allegations contained in counts one
28 through 13 are hereby repeated and incorporated herein as if fully set forth in this count.

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CRIMINAL FORFEITURE ALLEGATION AS TO COUNT 1
NRS 207.420(1)

The State of Nevada hereby gives notice to the defendants that, upon their conviction of the offense charged in Count 1, the State of Nevada will seek forfeiture of property, namely \$886,800.00, pursuant to NRS 207.420(1), which provides for the forfeiture of real or personal property derived from, realized through, or used or intended for use in the course of an unlawful act that constitutes a violation of NRS 207.400.

In the event that any of the above-described forfeitable property:

- (a) Cannot be located;
- (b) Has been sold to a purchaser in good faith for value;
- (c) Has been placed beyond the jurisdiction of the court;
- (d) Has been substantially diminished in value by the conduct of the defendant;
- (e) Has been commingled with other property which cannot be divided without difficulty or undue injury to innocent persons; or
- (f) Is otherwise unreachable without undue injury to other persons, the State of Nevada will seek forfeiture of other property of the defendants, including but not limited to real property located at 1024 Santa Helena Avenue, Henderson, Nevada, up to the value of the property that is unreachable.

CRIMINAL FORFEITURE ALLEGATION AS TO COUNT 2
NRS 179.1219(1)

The State of Nevada hereby gives notice to the defendants that, upon their conviction of the offense charged in Count 2, the State of Nevada will seek forfeiture of property, namely \$70,000, pursuant to NRS 179.1219(1), which provides for the forfeiture of real or personal property derived from, realized through, or used or intended for use in the course of an unlawful act that constitutes a technological crime under NRS 205A.030.

In the event that any of the above-described forfeitable property:

- (a) Cannot be located;
- (b) Has been sold to a purchaser in good faith for value;

- 1 (c) Has been placed beyond the jurisdiction of the court;
- 2 (d) Has been substantially diminished in value by the conduct of the defendant;
- 3 (e) Has been commingled with other property which cannot be divided without difficulty or undue
4 injury to innocent persons; or
- 5 (f) Is otherwise unreachable without undue injury to other persons, the State of Nevada will seek
6 forfeiture of other property of the defendants, including but not limited to real property located at
7 1024 Santa Helena Avenue, Henderson, Nevada, up to the value of the property that is
8 unreachable.

9 **CRIMINAL FORFEITURE ALLEGATION AS TO COUNT 3**
10 **NRS 179.1219(1)**

11 The State of Nevada hereby gives notice to the defendants that, upon their conviction of the offense
12 charged in Count 3, the State of Nevada will seek forfeiture of property, namely \$75,000, pursuant to
13 NRS 179.1219(1), which provides for the forfeiture of real or personal property derived from, realized
14 through, or used or intended for use in the course of an unlawful act that constitutes a technological
15 crime under NRS 205A.030.

16 In the event that any of the above-described forfeitable property:

- 17 (a) Cannot be located;
- 18 (b) Has been sold to a purchaser in good faith for value;
- 19 (c) Has been placed beyond the jurisdiction of the court;
- 20 (d) Has been substantially diminished in value by the conduct of the defendant;
- 21 (e) Has been commingled with other property which cannot be divided without difficulty or undue
22 injury to innocent persons; or
- 23 (f) Is otherwise unreachable without undue injury to other persons, the State of Nevada will seek
24 forfeiture of other property of the defendants, including but not limited to real property located
25 at 1024 Santa Helena Avenue, Henderson, Nevada, up to the value of the property that is
26 unreachable.

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1 **CRIMINAL FORFEITURE ALLEGATION AS TO COUNT 4**
2 **NRS 179.1219(1)**

3 The State of Nevada hereby gives notice to the defendants that, upon their conviction of the offense
4 charged in Count 4, the State of Nevada will seek forfeiture of property, namely \$37,000, pursuant to
5 NRS 179.1219(1), which provides for the forfeiture of real or personal property derived from, realized
6 through, or used or intended for use in the course of an unlawful act that constitutes a technological
7 crime under NRS 205A.030.

8 In the event that any of the above-described forfeitable property:

9 (a) Cannot be located;

10 (b) Has been sold to a purchaser in good faith for value;

11 (c) Has been placed beyond the jurisdiction of the court;

12 (d) Has been substantially diminished in value by the conduct of the defendant;

13 (e) Has been commingled with other property which cannot be divided without difficulty or undue
14 injury to innocent persons; or

15 (f) Is otherwise unreachable without undue injury to other persons, the State of Nevada will seek
16 forfeiture of other property of the defendants, including but not limited to real property located
17 at 1024 Santa Helena Avenue, Henderson, Nevada, up to the value of the property that is
18 unreachable.

19 **CRIMINAL FORFEITURE ALLEGATION AS TO COUNT 5**
20 **NRS 179.1219(1)**

21 The State of Nevada hereby gives notice to the defendants that, upon their conviction of the offense
22 charged in Count 5, the State of Nevada will seek forfeiture of property, namely \$57,500, pursuant to
23 NRS 179.1219(1), which provides for the forfeiture of real or personal property derived from, realized
24 through, or used or intended for use in the course of an unlawful act that constitutes a technological
25 crime under NRS 205A.030.

26 In the event that any of the above-described forfeitable property:

27 (a) Cannot be located;

28 (b) Has been sold to a purchaser in good faith for value;

- 1 (c) Has been placed beyond the jurisdiction of the court;
- 2 (d) Has been substantially diminished in value by the conduct of the defendant;
- 3 (e) Has been commingled with other property which cannot be divided without difficulty or undue
- 4 injury to innocent persons; or
- 5 (f) Is otherwise unreachable without undue injury to other persons, the State of Nevada will seek
- 6 forfeiture of other property of the defendants, including but not limited to real property located
- 7 at 1024 Santa Helena Avenue, Henderson, Nevada, up to the value of the property that is
- 8 unreachable.

9 **CRIMINAL FORFEITURE ALLEGATION AS TO COUNT 6**
10 **NRS 179.1219(1)**

11 The State of Nevada hereby gives notice to the defendants that, upon their conviction of the offense

12 charged in Count 6, the State of Nevada will seek forfeiture of property, namely \$98,000, pursuant to

13 NRS 179.1219(1), which provides for the forfeiture of real or personal property derived from, realized

14 through, or used or intended for use in the course of an unlawful act that constitutes a technological

15 crime under NRS 205A.030.

16 In the event that any of the above-described forfeitable property:

- 17 (a) Cannot be located;
- 18 (b) Has been sold to a purchaser in good faith for value;
- 19 (c) Has been placed beyond the jurisdiction of the court;
- 20 (d) Has been substantially diminished in value by the conduct of the defendant;
- 21 (e) Has been commingled with other property which cannot be divided without difficulty or undue
- 22 injury to innocent persons; or
- 23 (f) Is otherwise unreachable without undue injury to other persons, the State of Nevada will seek
- 24 forfeiture of other property of the defendants, including but not limited to real property located
- 25 at 1024 Santa Helena Avenue, Henderson, Nevada, up to the value of the property that is
- 26 unreachable.

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1 **CRIMINAL FORFEITURE ALLEGATION AS TO COUNT 7**
2 **NRS 179.1219(1)**

3 The State of Nevada hereby gives notice to the defendants that, upon their conviction of the offense
4 charged in Count 7, the State of Nevada will seek forfeiture of property, namely \$90,300, pursuant to
5 NRS 179.1219(1), which provides for the forfeiture of real or personal property derived from, realized
6 through, or used or intended for use in the course of an unlawful act that constitutes a technological
7 crime under NRS 205A.030.

8 In the event that any of the above-described forfeitable property:

- 9 (a) Cannot be located;
- 10 (b) Has been sold to a purchaser in good faith for value;
- 11 (c) Has been placed beyond the jurisdiction of the court;
- 12 (d) Has been substantially diminished in value by the conduct of the defendant;
- 13 (e) Has been commingled with other property which cannot be divided without difficulty or undue
14 injury to innocent persons; or
- 15 (f) Is otherwise unreachable without undue injury to other persons, the State of Nevada will seek
16 forfeiture of other property of the defendants, including but not limited to real property located
17 at 1024 Santa Helena Avenue, Henderson, Nevada, up to the value of the property that is
18 unreachable.

19 **CRIMINAL FORFEITURE ALLEGATION AS TO COUNT 8**
20 **NRS 179.1219(1)**

21 The State of Nevada hereby gives notice to the defendants that, upon their conviction of the offense
22 charged in Count 8, the State of Nevada will seek forfeiture of property, namely \$85,000, pursuant to
23 NRS 179.1219(1), which provides for the forfeiture of real or personal property derived from, realized
24 through, or used or intended for use in the course of an unlawful act that constitutes a technological
25 crime under NRS 205A.030.

26 In the event that any of the above-described forfeitable property:

- 27 (a) Cannot be located;
- 28

- 1 (b) Has been sold to a purchaser in good faith for value;
2 (c) Has been placed beyond the jurisdiction of the court;
3 (d) Has been substantially diminished in value by the conduct of the defendant;
4 (e) Has been commingled with other property which cannot be divided without difficulty or undue
5 injury to innocent persons; or
6 (f) Is otherwise unreachable without undue injury to other persons, the State of Nevada will seek
7 forfeiture of other property of the defendants, including but not limited to real property located
8 at 1024 Santa Helena Avenue, Henderson, Nevada, up to the value of the property that is
9 unreachable.

10 **CRIMINAL FORFEITURE ALLEGATION AS TO COUNT 9**
11 **NRS 179.1219(1)**

12 The State of Nevada hereby gives notice to the defendants that, upon their conviction of the offense
13 charged in Count 9, the State of Nevada will seek forfeiture of property, namely \$50,000, pursuant to
14 NRS 179.1219(1), which provides for the forfeiture of real or personal property derived from, realized
15 through, or used or intended for use in the course of an unlawful act that constitutes a technological
16 crime under NRS 205A.030.

17 In the event that any of the above-described forfeitable property:

- 18 (a) Cannot be located;
19 (b) Has been sold to a purchaser in good faith for value;
20 (c) Has been placed beyond the jurisdiction of the court;
21 (d) Has been substantially diminished in value by the conduct of the defendant;
22 (e) Has been commingled with other property which cannot be divided without difficulty or undue
23 injury to innocent persons; or
24 (f) Is otherwise unreachable without undue injury to other persons, the State of Nevada will seek
25 forfeiture of other property of the defendants, including but not limited to real property located at
26 1024 Santa Helena Avenue, Henderson, Nevada, up to the value of the property that is
27 unreachable.
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CRIMINAL FORFEITURE ALLEGATION AS TO COUNT 10
NRS 179.1219(1)

The State of Nevada hereby gives notice to the defendants that, upon their conviction of the offense charged in Count 10, the State of Nevada will seek forfeiture of property, namely \$90,000, pursuant to NRS 179.1219(1), which provides for the forfeiture of real or personal property derived from, realized through, or used or intended for use in the course of an unlawful act that constitutes a technological crime under NRS 205A.030.

In the event that any of the above-described forfeitable property:

- (a) Cannot be located;
- (b) Has been sold to a purchaser in good faith for value;
- (c) Has been placed beyond the jurisdiction of the court;
- (d) Has been substantially diminished in value by the conduct of the defendant;
- (e) Has been commingled with other property which cannot be divided without difficulty or undue injury to innocent persons; or
- (f) Is otherwise unreachable without undue injury to other persons, the State of Nevada will seek forfeiture of other property of the defendants, including but not limited to real property located at 1024 Santa Helena Avenue, Henderson, Nevada, up to the value of the property that is unreachable.

CRIMINAL FORFEITURE ALLEGATION AS TO COUNT 11
NRS 179.1219(1)

The State of Nevada hereby gives notice to the defendants that, upon their conviction of the offense charged in Count 11, the State of Nevada will seek forfeiture of property, namely \$115,000, pursuant to NRS 179.1219(1), which provides for the forfeiture of real or personal property derived from, realized through, or used or intended for use in the course of an unlawful act that constitutes a technological crime under NRS 205A.030.

In the event that any of the above-described forfeitable property:

- (a) Cannot be located;
- (b) Has been sold to a purchaser in good faith for value;

- 1 (c) Has been placed beyond the jurisdiction of the court;
- 2 (d) Has been substantially diminished in value by the conduct of the defendant;
- 3 (e) Has been commingled with other property which cannot be divided without difficulty or undue
4 injury to innocent persons; or
- 5 (f) Is otherwise unreachable without undue injury to other persons, the State of Nevada will seek
6 forfeiture of other property of the defendants, including but not limited to real property located
7 at 1024 Santa Helena Avenue, Henderson, Nevada, up to the value of the property that is
8 unreachable.

9 **CRIMINAL FORFEITURE ALLEGATION AS TO COUNT 12**
10 **NRS 179.1219(1)**

11 The State of Nevada hereby gives notice to the defendants that, upon their conviction of the offense
12 charged in Count 12, the State of Nevada will seek forfeiture of property, namely \$25,000, pursuant to
13 NRS 179.1219(1), which provides for the forfeiture of real or personal property derived from, realized
14 through, or used or intended for use in the course of an unlawful act that constitutes a technological
15 crime under NRS 205A.030.

16 In the event that any of the above-described forfeitable property;

- 17 (a) Cannot be located;
- 18 (b) Has been sold to a purchaser in good faith for value;
- 19 (c) Has been placed beyond the jurisdiction of the court;
- 20 (d) Has been substantially diminished in value by the conduct of the defendant;
- 21 (e) Has been commingled with other property which cannot be divided without difficulty or undue
22 injury to innocent persons; or
- 23 (f) Is otherwise unreachable without undue injury to other persons, the State of Nevada will seek
24 forfeiture of other property of the defendants, including but not limited to real property located
25 at 1024 Santa Helena Avenue, Henderson, Nevada, up to the value of the property that is
26 unreachable.

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1 **CRIMINAL FORFEITURE ALLEGATION AS TO COUNT 13**
2 **NRS 179.1219(1)**

3 The State of Nevada hereby gives notice to the defendants that, upon their conviction of the offense
4 charged in Count 13, the State of Nevada will seek forfeiture of property, namely \$53,500, pursuant to
5 NRS 179.1219(1), which provides for the forfeiture of real or personal property derived from, realized
6 through, or used or intended for use in the course of an unlawful act that constitutes a technological
7 crime under NRS 205A.030.

8 In the event that any of the above-described forfeitable property:

9 (a) Cannot be located;

10 (b) Has been sold to a purchaser in good faith for value;

11 (c) Has been placed beyond the jurisdiction of the court;

12 (d) Has been substantially diminished in value by the conduct of the defendant;

13 (e) Has been commingled with other property which cannot be divided without difficulty or undue
14 injury to innocent persons; or

15 (f) Is otherwise unreachable without undue injury to other persons, the State of Nevada will seek
16 forfeiture of other property of the defendants, including but not limited to real property located
17 at 1024 Santa Helena Avenue, Henderson, Nevada, up to the value of the property that is
18 unreachable.

19 All of which is contrary to the form, force and effect of the statutes in such cases made and
20 provided, and against the peace and dignity of the state of Nevada.

21 The Complainant requests a Summons be issued at this time pursuant to NRS 171.106.

22 DATED this 20th day of December, 2016.

23 SUBMITTED BY

24 ADAM PAUL LAXALT
25 Attorney General

26 By: Michael C. Kovac
27 Michael C. Kovac (Bar. No. 11177)
28 Senior Deputy Attorney General
Attorneys for the State of Nevada

Justice Court, Las Vegas Township
Clark County, Nevada

Department: 07

Court Minutes



L007620138

16F19220B State of Nevada vs. LEAL, JACK

Lead Atty: Jason G. Weiner

2/7/2017 8:00:00 AM Negotiations (No bail posted)

Result: Matter Heard

PARTIES PRESENT: State Of Nevada Attorney
Kallas, Chelsea
Weiner, Jason G.

Judge: Bennett-Maron, Karen P.

Court Reporter: O'Neill, Jennifer

Court Clerk: Meccia, Cherie

PROCEEDINGS

Hearings: 3/7/2017 8:00:00 AM: Negotiations Added

Events: Motion to Continue - Defense
for negotiations - Motion granted
Continued For Negotiations

**Justice Court, Las Vegas Township
Clark County, Nevada**

Department: 07

Court Minutes



L007730414

16F19220B State of Nevada vs. LEAL, JACK

Lead Atty: Jason G. Weiner

3/7/2017 8:00:00 AM Negotiations (No bail posted)

Result: Matter Heard

PARTIES PRESENT: State Of Nevada Attorney LoGrippo, Frank Weiner, Jason G.

Judge: Bennett-Maron, Karen P.

Court Reporter: O'Neill, Jennifer

Court Clerk: Meccia, Chene

PROCEEDINGS

Hearings: 4/4/2017 8:00:00 AM: Negotiations Added

Events: Continued by Stipulation of Counsel

Stipulation

filed in open court

Continued For Negotiations

Notify

Review Date: 3/8/2017

Attorney General/clm via email

AB + C Defs.
Requesting 2 weeks
lead AG M hospital

702-671-0606

Kristi

1 JASON G. WEINER, ESQ.
Nevada Bar Number 7555
2 WEINER LAW GROUP, LLC.
2820 W. Charleston Blvd., Suite D35
3 Las Vegas, Nevada 89102
4 Tel. No. (702) 202-0500
5 Fax No. (702) 202-4999
Attorney for Defendant
6 JESSICA GARCIA

FILED IN OPEN
COURT ON
MAR 07 2017
Chelsoa
Court Clerk

7 JUSTICE COURT, LAS VEGAS TOWNSHIP
8 COUNTY OF CLARK, STATE OF NEVADA

9 THE STATE OF NEVADA,

CASE NO. 16F19220C

10 Plaintiff,

DEPT. 7

11 JESSICA GARCIA,


12 Defendant.


13 STIPULATION AND ORDER TO CONTINUE

14
15 Plaintiff, by and through its attorney, Deputy Attorney General, MICHAEL C KOVAC
16 ESQ., and Defendant JESSICA GARCIA, by and through her attorney, JASON G. WEINER,
17 ESQ., of the law firm of WEINER LAW GROUP, LLC., hereby stipulate that the negotiations
18 hearing in the above entitled case, currently scheduled for March 7, 2017, at 08:00 a.m., be
19 vacated and continued to a date most convenient to the calendar of this Honorable Court,
20 considering that counsel for the Plaintiff will be temporarily unavailable during that period of
21 time. DATED this ____ day of March, 2017.

22 WEINER LAW GROUP, LLC.

OFFICE OF THE DISTRICT ATTORNEY

23
24
25 
26 JASON G. WEINER, ESQ.
Nevada State Bar No. 7555
27 2820 W. Charleston Blvd., Suite D35
Las Vegas, Nevada 89102
28 Attorney for the Defendant
JESSICA GARCIA


MICHAEL C. KOVAK, ESQ.
Deputy Attorney General
Nevada State Bar No. 11177
555 E. Washington Ave., #3900
Las Vegas, Nevada 89101
Attorney for the Plaintiff



WEINER LAW GROUP, LLC
2820 W. Charleston Blvd. #35
Las Vegas, Nevada 89102
Tel: (702) 202-0500 Fax: (702) 202-4999

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STATE OF NEVADA vs. JESSICA GARCIA

Case No. 16F19220C

ORDER

Upon the foregoing Stipulation of Counsel, both counsel being under the obligation not to continue the proceedings for the purpose of delay, IT IS THEREFORE ORDERED that the sentencing in the above matter previously scheduled on March 7, 2017 at 08:00 a.m., is vacated and re-scheduled to April 4, 2017 at 8:00 a.m.

Dated this 7th day of March, 2017.



DISTRICT COURT JUDGE
Justice

WEINER LAW GROUP, LLC
2820 W. Charleston Blvd, #205
Las Vegas, Nevada 89102
Tel (702) 302-6800 Fax (702) 302-4979

**Justice Court, Las Vegas Township
Clark County, Nevada**

Department: 07

Court Minutes



L007828103

16F192208 State of Nevada vs. LEAL, JACK

Lead Atty: Jason G. Weiner

4/4/2017 8:00:00 AM Negotiations (No ball posted)

Result: Matter Heard

PARTIES PRESENT: State Of Nevada Attorney Kovac, Michael Weiner, Jason G.

Judge: Bennett-Haron, Karen P.

Court Reporter: O'Neill, Jennifer

Court Clerk: Meccia, Cherie

PROCEEDINGS

Hearings: 4/11/2017 8:00 00 AM: Status Check Added

Events: Motion to Continue - Defense
to file a corrected Waiver - motion granted

Justice Court, Las Vegas Township
Clark County, Nevada

Department: 07

Court Minutes



L007854931

16F192208 State of Nevada vs. LEAL, JACK

Lead Atty: Jason G. Weiner

4/11/2017 8:00:00 AM Status Check (No bail posted)

Result: Bound Over

PARTIES PRESENT: State Of Nevada Attorney Kovac, Michael
Weiner, Jason G.

Judge: Bennett-Haron, Karen P.

Court Reporter: Ott, Shawn

Court Clerk: Meccla, Cherie

PROCEEDINGS

Events: Waiver

of Unconditional Bindover filed in open court

Unconditional Bind Over to District Court

Review Date: 4/12/2017

Defendant unconditionally waives right to Preliminary Hearing. Defendant Bound Over to District Court as Charged. Defendant to Appear in the Lower Level Arraignment Courtroom A.

Case Closed - Bound Over

District Court Appearance Date Set

Apr 20 2017 10:00AM: No bail posted

Plea/Disp: 001: Racketeering [53190]

Disposition: Waiver of Preliminary Hearing - Bound Over to District Court

002: Theft, \$3500+ [55991]

Disposition: Waiver of Preliminary Hearing - Bound Over to District Court

003: Theft, \$3500+ [55991]

Disposition: Waiver of Preliminary Hearing - Bound Over to District Court

004: Theft, \$3500+ [55991]

Disposition: Waiver of Preliminary Hearing - Bound Over to District Court

005: Theft, \$3500+ [55991]

Disposition: Waiver of Preliminary Hearing - Bound Over to District Court

006: Theft, \$3500+ [55991]

Disposition: Waiver of Preliminary Hearing - Bound Over to District Court

007: Theft, \$3500+ [55991]

Disposition: Waiver of Preliminary Hearing - Bound Over to District Court

008: Theft, \$3500+ [55991]

Disposition: Waiver of Preliminary Hearing - Bound Over to District Court

Las Vegas Justice Court: Department 07

LVJC.RW.Criminal.MinuteOrderByEv APPELLANT'S APPENDIX

691670153:33 PM

**Justice Court, Las Vegas Township
Clark County, Nevada**

009: Theft, \$3500+ [55991]

Disposition: Waiver of Preliminary Hearing - Bound Over to District Court

010: Theft, \$3500+ [55991]

Disposition: Waiver of Preliminary Hearing - Bound Over to District Court

011: Theft, \$3500+ [55991]

Disposition: Waiver of Preliminary Hearing - Bound Over to District Court

012: Theft, \$3500+ [55991]

Disposition: Waiver of Preliminary Hearing - Bound Over to District Court

013: Theft, \$3500+ [55991]

Disposition: Waiver of Preliminary Hearing - Bound Over to District Court

014: Fraud/deceit in course of enterprise/occup [55110]

Disposition: Waiver of Preliminary Hearing - Bound Over to District Court

LAS VEGAS JUSTICE COURT
FILED IN OPEN COURT

APR 11 2017
BY C. Messier
CLERK

1 JASON G. WEINER, ESQ.
2 Nevada Bar. No. 7555
3 WEINER LAW GROUP.
4 2820 W. Charleston Blvd; Ste 35
5 Las Vegas, Nevada, 89102
6 Telephone: (702) 202-0500
7 Attorneys for Defendant

16F19220B
WAN
Weiner
705-6828



8 JUSTICE COURT, LAS VEGAS TOWNSHIP
9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,

11 Plaintiff,

12 vs.

13 JACK LEAL,

14 Defendant.

Case No. 16F19220B

Dept. No. 7

15 UNCONDITIONAL WAIVER OF PRELIMINARY HEARING

16 I, JACK LEAL, knowingly and voluntarily enter an unconditional waiver of my Preliminary
17 Hearing in the above-entitled case.

18 I, JACK LEAL, enter this unconditional waiver as this matter has been negotiated. I have
19 agreed to plead Guilty to one (1) count of Multiple Transactions involving Fraud, a category B
20 Felony, in violation of NRS 205.377. The State has agreed to recommend a sentence of probation,
21 not exceed five (5) years, with an underlying 36-90 months imprisonment. Additionally full
22 restitution, in the amount of \$757,420.00 must be made to the named victims jointly and severally
23 with co-defendant Garcia.

24 I understand that I may either follow through with any negotiations or I may choose to reject
25 said offers and proceed to trial, but I will not return to Justice Court for a Preliminary Hearing
26 under any circumstances.
27
28

WEINER LAW GROUP, LLC
2820 W. Charleston Blvd, #305
Las Vegas, Nevada 89102
Tel: (702) 202-0500 Fax: (702) 202-4000

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2420 W. Charleston Blvd., #205
Las Vegas, Nevada 89102
Tel: (702) 200-6500 Fax: (702) 200-4999

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I, JACK LEAL, further understand that I am waiving my rights as follows:

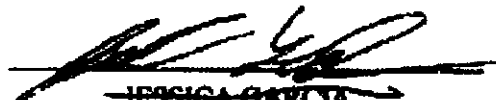
1. Preliminary Hearing before the Court;
2. Right to cross examine witnesses;
3. Right to compulsory service of process to subpoena witnesses on my behalf;
4. Right to testify or not testify on my behalf at a Preliminary Hearing;
5. That I have been offered no awards, immunities or promises, other than in the plea

bargain, and acknowledge that no one is in a position to forecast the sentence to be imposed by the District Court.

I, JACK LEAL, understand that the maximum penalty which may be imposed by this Court is that I may be imprisoned in the Nevada Department of Corrections for a period of not less than one year and not more than twenty years; I further understand that I am eligible for probation should the Court so approve.

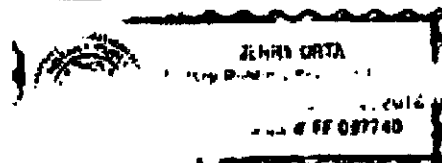
I declare under penalty of perjury that the foregoing is true and correct.

Executed on 4-10-2017
(Date)

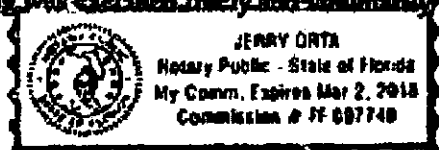

JESSICA GARCIA
Jack Leal

ACKNOWLEDGMENT

Florida
STATE OF NEVADA }
COUNTY OF ~~CLARK~~ } ss.
Orange



On the 10 day of April, 2017, personally appeared before me, a Notary Public in and for the said County and State, Defendant, who acknowledged to me that the foregoing Unconditional Waiver of Preliminary Hearing was executed freely and voluntarily and for the uses and purposes therein stated.

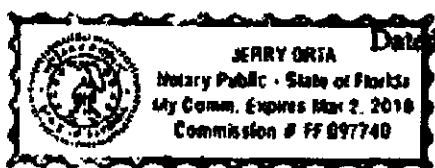



JERRY ORTA
Notary Public - State of Florida
My Comm. Expires Mar 2, 2018
Commission # FF 097740

CONFLICT-OF-INTEREST WAIVER

I, Jack Leal, am a defendant in the case of *State of Nevada v. Jack Leal*, Case Number 16F192208. I acknowledge that attorney Jason G. Weiner, Esq. of the Weiner Law Group, LLC, will be representing both myself and my co-defendant in the above-stated case. I understand that this dual-representation may result in a conflict-of-interest wherein my attorney will be precluded from taking certain actions, including actions that would be beneficial to my individual case, because he is obligated to protect both my interests and the interests of my co-defendant simultaneously. This possibility has been fully and completely explained to me by my attorney who has additionally provided a copy of NRPC 1.7 (attached) which delineates his responsibilities.

In spite of the known risk, I hereby knowingly, intelligently, and voluntarily consent to dual representation wherein attorney Jason G. Weiner, Esq. of the Weiner Law Group will represent both me and my co-defendant in the above-stated case and I do hereby waive any right to later file an appeal or claim ineffective assistance of counsel based on a conflict-of-interest arising out of this dual representation.



Dated this 10th day of April, 2017


SIGNATURE

SUBSCRIBED AND SWORN TO
before me this 10 day of April, 2017.


NOTARY PUBLIC

Rule 1.7. Conflict of Interest: Current Clients.

(a) Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if:

(1) The representation of one client will be directly adverse to another client; or

(2) There is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.

(b) Notwithstanding the existence of a concurrent conflict of interest under paragraph (a), a lawyer may represent a client if:

(1) The lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client;

(2) The representation is not prohibited by law;

(3) The representation does not involve the assertion of a claim by one client against another client represented by the lawyer in the same litigation or other proceeding before a tribunal; and

(4) Each affected client gives informed consent, confirmed in writing.


Initial

vs
Jack Leal

April 20, 2017 10:00 AM Initial Arraignment

HEARD BY: Henry, Jennifer COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Kristen Brown

RECORDER: Kiara Schmidt

REPORTER:

PARTIES

PRESENT: Kovac, Michael C. Attorney for the State
Leal, Jack Defendant
State of Nevada Plaintiff
Weiner, Jason G. Attorney for the Defendant

JOURNAL ENTRIES

- At the request of counsel, COURT ORDERED, matter CONTINUED.

NIC

4/24/17 10:00 AM ARRAIGNMENT CONTINUED (LLA)

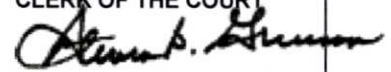
PRINT DATE: 05/01/2017

Page 1 of 1

Minutes Date: April 20, 2017

APPELLANT'S APPENDIX

84 of 153



1 TRAN

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DISTRICT COURT

6

CLARK COUNTY, NEVADA

7

8

THE STATE OF NEVADA,

)

CASE NO. C-17-322664-2

9

Plaintiff,

)

DEPT. XVII

10

vs.

)

(ARRAIGNMENT HELD IN DEPT. LLA)

11

JACK LEAL,

)

12

)

13

Defendant.

)

14

BEFORE THE HONORABLE JENNIFER L. HENRY, HEARING MASTER
THURSDAY, APRIL 20, 2017

15

16

**RECORDER'S TRANSCRIPT OF HEARING RE:
INITIAL ARRAIGNMENT**

17

18

APPEARANCES:

19

20

For the State:

MICHAEL KOVAC, ESQ.,
Senior Deputy Attorney General

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22

For the Defendant:

JASON WEINER, ESQ.,
Attorney at Law

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RECORDED BY: KIARA SCHMIDT, COURT RECORDER

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THURSDAY, APRIL 20, 2017

* * * * *

P R O C E E D I N G S

THE CLERK: Page 14, Jack Leal, C322664-2. Page 15, Jessica Garcia, C322664-3.

THE COURT: Okay. And can I get the --

MR. KOVAC: Good morning. Michael Kovac for the Attorney General's office.

THE COURT: Thank you.

MR. WEINER: And we're just going to ask to continue this to Monday either -- probably the afternoon calendar would probably be simpler.

THE COURT: Okay. And are you representing both co-defendants?

MR. WEINER: Yes, your Honor. Conflict waivers were filed in Justice Court at the waiver --

THE COURT: Okay. So you did waive conflicts and he's okay representing both of you?

THE DEFENDANT: Yes.

THE COURT: Okay. And, counsel, any objection to a Monday continuance?

MR. KOVAC: No, that's fine, your Honor.

THE COURT: You said you wanted a one o'clock setting?

1 MR. WEINER: Yeah, probably just to make sure I'm
2 not caught up in District Court upstairs.

3 THE COURT: Okay. One o'clock setting is fine.

4 THE CLERK: That'll be --

5 THE COURT: I'm sorry. And are you okay coming
6 back at one o'clock?

7 MR. KOVAC: Yeah, that's fine.

8 THE COURT: Okay.

9 THE CLERK: April 24th, one o'clock.

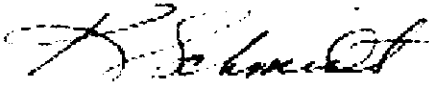
10 MR. WEINER: Thank you, your Honor.

11 THE COURT: Thank you.

12 (Whereupon, the proceedings concluded.)

13 * * * * *

14 ATTEST: I do hereby certify that I have truly and correctly
15 transcribed the audio/video proceedings in the above-
entitled case to the best of my ability.

16
17 
18 _____
Kiara Schmidt, Court Recorder/Transcriber

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FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

APR 24 2017

BY Kristen Brown
KRISTEN BROWN, DEPUTY

1 GPA
2 ADAM PAUL LAXALT
3 Attorney General
4 Michael C. Kovac Bar No. 11177
5 Senior Deputy Attorney General
6 Chelsea Kallas Bar No. 13902
7 Deputy Attorney General
8 Office of the Attorney General
9 555 E. Washington Ave., Ste. 3900
10 Las Vegas, Nevada 89101-1068
11 P: (702) 486-3420
12 F: (702) 486-2377
13 mkovac@ag.nv.gov
14 Attorneys for the State of Nevada

DISTRICT COURT
CLARK COUNTY, NEVADA

11 STATE OF NEVADA,
12 Plaintiff,
13 v.
14 JACK LEAL,
15 Defendant.

Case No.: C-17-322664-2
Dept. No.: 17

GUILTY PLEA AGREEMENT

18 I hereby agree to plead guilty to: MULTIPLE TRANSACTIONS INVOLVING FRAUD OR
19 DECEIT IN THE COURSE OF AN ENTERPRISE OR OCCUPATION, a CATEGORY B Felony, in
20 violation of NRS 205.377, as more fully alleged in the charging document attached hereto as Exhibit "1."

21 My decision to plead guilty is based upon the plea agreement in this case which is as follows:

22 1. I, JACK LEAL, will enter a plea of GUILTY to MULTIPLE TRANSACTIONS
23 INVOLVING FRAUD OR DECEIT IN THE COURSE OF AN ENTERPRISE OR OCCUPATION, in
24 violation of NRS 205.377, as alleged in Count One of the Criminal Information attached hereto as Exhibit
25 "1";

26 2. I, JACK LEAL, will pay restitution to the named and unnamed victims in the total amount
27 of seven hundred fifty-seven thousand four hundred twenty dollars (\$757,420) as follows:

28 i. \$70,000 to LoryLee Plancarte;

C - 17 - 322664 - 2
GPA
Guilty Plea Agreement
4843789

APPELLANT'S APPENDIX



153

- 1 ii. \$75,000 to Edelyn Rudin;
- 2 iii. \$37,500 to Chatty Becker;
- 3 iv. \$57,500 to Irene Segura;
- 4 v. \$98,620 to Lih-Ling Yang;
- 5 vi. \$90,300 to Lina Palafox;
- 6 vii. \$85,000 to Adilson Gibellato;
- 7 viii. \$50,000 to Juan Eloy Ramirez;
- 8 ix. \$115,000 to Catherine Wyngarden;
- 9 x. \$25,000 to Shahram Bozorgnia; and
- 10 xi. \$53,500 to Tat Lam.

11 3. Should any of the named victims have previously recovered any of their losses, they shall
12 not be entitled to restitution covering any such sum; instead, the portion of the restitution covering said
13 sum shall instead be forfeited to the State of Nevada, Office of the Attorney General;

14 4. I, JACK LEAL, shall pay the restitution in full at or before the time I am sentenced in the
15 present case;

16 5. I, JACK LEAL, and my co-conspirator, JESSICA GARCIA, are jointly and severally
17 responsible for said restitution;

18 6. Should I, JACK LEAL, pay restitution in full at or before the time I am sentenced in the
19 present case, the State will not oppose the imposition of a term of probation not to exceed a term of five
20 years, with a suspended 36- to-90 month term of imprisonment;

21 7. Should I, JACK LEAL, fail to pay restitution in full at or before the time I am sentenced in
22 the present case, the State will retain the right to argue for the imposition of a term of imprisonment;

23 8. I, JACK LEAL, agree that the \$157,105.17 seized in relation to the present case shall be
24 forfeited to the State of Nevada, Office of the Attorney General, with said money to be applied to my
25 restitution requirements;

26 9. I, JACK LEAL, will execute and file in the Clark County Recorder's Office a lien
27 agreement and lien in favor of the State of Nevada, Office of the Attorney General, in the amount of
28 \$600,314.83 against the home located at 1024 Santa Helena Avenue, Henderson, Nevada 89002, assessor

1 parcel number 179-33-710-056, legally described as MISSION HILLS EST AMD PLAT BOOK 17 PAGE
2 12 LOT 223 & LOT 223A, with the proceeds of the sale of said home to be applied to my restitution
3 requirements;

4 10. I, JACK LEAL, will pay all fees and costs imposed by the Court;

5 11. I, JACK LEAL, will submit to any and all terms and conditions imposed by the Division of
6 Parole and Probation, if granted probation;

7 12. I understand that, pursuant to NRS 176.015(3), victims so desiring will be allowed to make
8 impact statements; and

9 13. I understand and agree that, if I fail to interview with the Department of Parole and
10 Probation, fail to appear at any subsequent hearings in this case, or an independent judge or magistrate, by
11 affidavit review or other satisfactory proof, confirms probable cause against me for new criminal charges,
12 including reckless driving or DUI, but excluding minor traffic violations, that the State will have the
13 unqualified right to argue for any legal sentence and term of confinement allowable for the crime(s) to
14 which I am pleading guilty, including the use of any prior convictions I may have to increase my sentence
15 as a habitual criminal to five (5) to twenty (20) years, life without the possibility of parole, life with the
16 possibility of parole after ten (10) years, or a definite twenty-five (25) year term with the possibility of
17 parole after ten (10) years. Otherwise, I am entitled to receive the benefits of these negotiations as stated
18 in the plea agreement.

19 **CONSEQUENCES OF THE PLEA**

20 I understand that by pleading guilty I admit the facts that support all the elements of the offense(s)
21 to which I now plead as set forth in Exhibit "I."

22 I understand that as a consequence of my plea of guilty the Court must sentence me to
23 imprisonment in the Nevada Department of Corrections for a minimum term of not less than one year and
24 a maximum term of not more than 20 years. The minimum term of imprisonment may not exceed forty
25 percent (40%) of the maximum term of imprisonment. I understand that I may also be fined up to \$10,000.
26 I understand the law requires me to pay an Administrative Assessment Fee.

27 I understand that, if appropriate, I will be ordered to make restitution to the victim(s) of the
28 offense(s) to which I am pleading guilty and to the victim(s) of any related offense(s) being dismissed or

1 not prosecuted pursuant to this agreement. I will also be ordered to reimburse the State of Nevada for any
2 expenses related to my extradition, if any.

3 I understand that I am eligible for probation for the offense(s) to which I am pleading guilty. I
4 further understand that, except as otherwise provided by statute, the question of whether I receive
5 probation is in the discretion of the sentencing judge.

6 I also understand that I must submit to blood and/or saliva tests under the direction of the Division
7 of Parole and Probation to determine genetic markers and/or secretor status.

8 I understand that if more than one sentence of imprisonment is imposed and I am eligible to serve
9 the sentences concurrently, the sentencing judge has the discretion to order the sentences served
10 concurrently or consecutively.

11 I understand that information regarding charges not filed, dismissed charges, or charges to be
12 dismissed pursuant to this agreement may be considered by the judge at sentencing.

13 I have not been promised or guaranteed any particular sentence by anyone. I know that my
14 sentence is to be determined by the Court within the limits prescribed by statute. I understand that if my
15 attorney or the State of Nevada or both recommend any specific punishment to the Court, the Court is not
16 obligated to accept the recommendation.

17 I understand the Division of Parole and Probation will prepare a report for the sentencing judge
18 prior to sentencing. This report will include matters relevant to the issue of sentencing, including my
19 criminal history. This report may contain hearsay information regarding my background and criminal
20 history. My attorney and I will each have the opportunity to comment on the information contained in the
21 report at the time of sentencing. Unless the Attorney General has specifically agreed otherwise, the
22 Attorney General may also comment on this report.

23 I understand if the offense to which I am pleading guilty was committed while I was incarcerated
24 on another charge or while I was on probation or parole that I am not eligible for credit for time served
25 toward the instant offense(s).

26 I understand that if I am not a United States citizen, this criminal conviction will likely result in
27 serious negative immigration consequences including but not limited to: removal from the United States
28 through deportation; an inability to reenter the United States; the inability to gain United States citizenship

1 or legal residency; an inability to renew and/or retain any legal residency status; and/or an indeterminate
2 term of confinement, with the United States Federal Government based on my conviction and immigration
3 status. Regardless of what I have been told by an attorney, no one can promise me that this conviction will
4 not result in negative immigration consequences and/or impact my ability to become a United States
5 citizen and/or legal resident.

6 WAIVER OF RIGHTS

7 By entering my plea of guilty, I understand that I am waiving and forever giving up the following
8 rights and privileges:

9 1. The constitutional privilege against self-incrimination, including the right to refuse to
10 testify at trial, in which event the prosecution would not be allowed to comment to the jury about my
11 refusal to testify.

12 2. The constitutional right to a speedy and public trial by an impartial jury, free of excessive
13 pretrial publicity prejudicial to the defense, at which trial I would be entitled to the assistance of an
14 attorney, either appointed or retained. At trial the State would bear the burden of proving beyond a
15 reasonable doubt each element of the offense charged.

16 3. The constitutional right to confront and cross-examine any witnesses who would testify
17 against me.

18 4. The constitutional right to subpoena witnesses to testify on my behalf.

19 5. The constitutional right to testify in my own defense.

20 6. The right to appeal the conviction, with the assistance of an attorney, either appointed or
21 retained, unless the appeal is based upon reasonable constitutional, jurisdictional or other grounds that
22 challenge the legality of the proceedings and except as otherwise provided in subsection 3 of NRS
23 174.035.

24 VOLUNTARINESS OF PLEA

25 I have discussed the elements of all the original charges against me with my attorney and I
26 understand the nature of the charges against me.

27 I understand the State would have to prove each element of the charges against me at trial.

28 I have discussed with my attorney any possible defenses, defense strategies and circumstances

1 which might be in my favor.

2 All of the foregoing elements, consequences, rights, and waiver of rights have been thoroughly
3 explained to me by my attorney.

4 I believe that pleading guilty and accepting this plea bargain is in my best interest, and that a trial
5 would be contrary to my best interest.

6 I am signing this agreement voluntarily, after consultation with my attorney, and I am not acting
7 under duress or coercion or by virtue of any promises of leniency, except for those set forth in this
8 agreement.


9 I am not now under the influence of any intoxicating liquor, a controlled substance or other drug
10 which would in any manner impair my ability to comprehend or understand this agreement or the
11 proceedings surrounding my entry of this plea.

12 My attorney has answered all my questions regarding this guilty plea agreement and its
13 consequences to my satisfaction and I am satisfied with the services provided by my attorney.

14 DATED this 24th day of April, 2017

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16 
17 JACK LEAL, Defendant

18 AGREED TO BY:

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20 Michael C. Kovac
21 Senior Deputy Attorney General
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CERTIFICATE OF DEFENSE COUNSEL

I, the undersigned, as the attorney for JACK LEAL named herein and as an officer of the court hereby certify that:

1. I have fully explained to JACK LEAL the allegations contained in the charges to which guilty pleas are being entered.

2. I have advised JACK LEAL of the penalties for each charge and the restitution that JACK LEAL may be ordered to pay.

3. I have inquired of JACK LEAL facts concerning JACK LEAL's immigration status and explained to JACK LEAL that if JACK LEAL is not a United States citizen any criminal conviction will most likely result in serious negative immigration consequences including but not limited to:

- a. The removal from the United States through deportation;
- b. An inability to reenter the United States;
- c. The inability to gain United States citizenship or legal residency;
- d. An inability to renew and/or retain any legal residency status; and/or
- e. An indeterminate term of confinement with the United States Federal Government based on his/her conviction and immigration status.

Moreover, I have explained that regardless of what JACK LEAL may have been told by any attorney, no one can promise JACK LEAL that this conviction will not result in negative immigration consequences and/or impact JACK LEAL's ability to become a United States citizen and/or legal resident.

4. All pleas of guilty offered by JACK LEAL pursuant to this agreement are consistent with all the facts known to me, and are made with my advice to JACK LEAL and are in the best interest of JACK LEAL:

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5. To the best of my knowledge and belief JACK LEAL:
- a. Is competent and understands the charges and the consequences of pleading guilty as provided in this agreement.
 - b. Executed this agreement and will enter all guilty pleas pursuant hereto voluntarily.
 - c. Was not under the influence of intoxicating liquor, a controlled substances or other drug at the time of the execution of this agreement.

DATED this 27th day of April, 2017

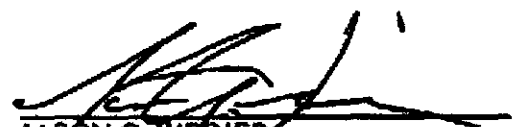

JASON G. WEINER
Attorney for JACK LEAL

EXHIBIT 1



CLERK OF THE COURT

1 **INFM**
2 **ADAM PAUL LAXALT**
3 **Attorney General**
4 **Michael C. Kovac (Bar No. 11177)**
5 **Senior Deputy Attorney General**
6 **Chelsea Kallas Bar No. 13902**
7 **Deputy Attorney General**
8 **Office of the Attorney General**
9 **555 E. Washington Ave., Ste. 3900**
10 **Las Vegas, Nevada 89101-1068**
11 **P: (702) 486-3420**
12 **F: (702) 486-2377**
13 **mkovac@ag.nv.gov**
14 **Attorneys for the State of Nevada**

9 **DISTRICT COURT**
10 **CLARK COUNTY, NEVADA**

12 **STATE OF NEVADA,**

13 **Plaintiff,**

14 **v.**

15 **JACK LEAL, and JESSICA GARCIA**

16 **Defendant(s).**

Case No.: C-17-322664-2

Dept. No.: 17

18 **INFORMATION**

19 **ADAM PAUL LAXALT, Attorney General for the State of Nevada, in the name and by the**
20 **authority of the State of Nevada, informs the Court: JACK LEAL and JESSICA GARCIA have**
21 **committed the crime(s) of one (1) count of MULTIPLE TRANSACTIONS INVOLVING FRAUD OR**
22 **DECEIT IN THE COURSE OF AN ENTERPRISE AND OCCUPATION, a category "B" felony in**
23 **violation of NRS 205.377.**

24 **All of the acts alleged herein have been committed or completed on or between about March 1,**
25 **2015 and March 31, 2016, by the above-named Defendant(s), within the County of Clark, State of Nevada,**
26 **in the following manner:**

27 **///**

28 **///**

1 **COUNT 1**
2 **MULTIPLE TRANSACTIONS INVOLVING FRAUD OR DECEIT IN COURSE OF**
3 **ENTERPRISE OR OCCUPATION**
4 **Category "B" Felony - NRS 205.377**

5 The Defendant(s), JACK LEAL and JESSICA GARCIA, in the County of Clark, State of
6 Nevada, did, in the course of an enterprise or occupation, knowingly and with the intent to defraud,
7 engaged in an act, practice or course of business or employed a device, scheme or artifice which operated
8 or would have operated as a fraud or deceit upon a person by means of a false representation or omission
9 of a material fact that: (a) the person knew to be false or omitted; (b) the person intended another to rely
10 on; and (c) resulted in a loss to any person who relied on the false representation or omission, in at least
11 two transactions that had the same or similar pattern, intents, results, accomplices, victims or methods of
12 commission, or were otherwise interrelated by distinguishing characteristics and were not isolated
13 incidents within 4 years and in which the aggregate loss or intended loss was more than \$650, to wit:

14 On or about March 1, 2015 through March 31, 2016, in and through the course of a real estate
15 enterprise known as PARCELNOMICS, LLC (d/b/a INVESTMENT DEALS), Defendants knowingly and
16 with the intent to defraud, obtained thousands of dollars from LoryLee Plancarte, Edelyn Rubin, Charr
17 Becker, Irene Segura, Liih-Ling Yang, Lina Palafox, Juan Eloy Ramirez, Catherine Wyingarden, Shahram
18 Bozorgnia, Tat Lam, and Adilson Gibellato by means of knowingly and falsely representing to said
19 individuals that the titles to properties being sold to them by the defendants were not encumbered by liens
20 or other security interests, intending that said individuals rely on said misrepresentations, and resulting in a
21 loss of more than \$650.00.

22 All of which constitutes the crime of MULTIPLE TRANSACTIONS INVOLVING FRAUD OR
23 DECEIT IN THE COURSE OF AN ENTERPRISE AND OCCUPATION, a category "B" felony in
24 violation of NRS 205.377.

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26 ///

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///

1 All of which is contrary to the form, force and effect of the statutes in such cases made and provided,
2 and against the peace and dignity of the state of Nevada.

3 DATED this 18th day of April, 2017.

4
5 SUBMITTED BY
6 ADAM PAUL LAXALT
7 Attorney General

8 By: /s/ MICHAEL C. KOVAC
9 Michael C. Kovac (Bar No. 11177)
10 Senior Deputy Attorney General
11 Attorneys for the State of Nevada
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CONFLICT-OF-INTEREST WAIVER

I, Jack Leal, am a defendant in the case of *State of Nevada v. Jack Leal*. I acknowledge that attorney Jason. G. Weiner, Esq. of the Weiner Law Group, LLC, will be representing both myself and my co-defendant in the above-stated case. I understand that this dual-representation may result in a conflict-of-interest wherein my attorney will be precluded from taking certain actions, including actions that would be beneficial to my individual case, because he is obligated to protect both my interests and the interests of my co-defendant simultaneously. This possibility has been fully and completely explained to me by my attorney who has additionally provided a copy of NRPC 1.7 (attached) which delineates his responsibilities.

Jason. G. Weiner, Esq. , has advised me of my right to consult with independent counsel to review the potential conflict of interest posed by dual representation and the consequences of waiving the right to conflict free representation. If I choose not to seek advice of independent counsel then I expressly waive my right to do so.

I hereby waive my right to withdraw my guilty plea or to a mistrial as a result of Jason. G. Weiner, Esq.'s potential or actual conflict of interest depriving me of my right to effective assistance of counsel arising from the dual representation.

I understand that joint representation presents a number of risks including: the possibility of inconsistent pleas; factually inconsistent alibis; conflicts in testimony; difference in degree of involvement in the crime; tactical admission of evidence; the calling, cross-examination. And impeachment of witnesses; strategy in final argument; and the possibility of guilt by association.

I understand that this waiver of conflict is binding throughout trial, on appeal, and in habeas proceedings.

In spite of the known risk, I hereby knowingly, intelligently, and voluntarily consent to dual representation wherein attorney Jason G. Weiner, Esq. of the Weiner Law Group will represent both me and my co-defendant in the above-stated case.

Dated this 20th day of April, 2017



JACK LEAE

Rule 1.7. Conflict of Interest: Current Clients

(a) Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if:

(1) The representation of one client will be directly adverse to another client; or

(2) There is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.

(b) Notwithstanding the existence of a concurrent conflict of interest under paragraph (a), a lawyer may represent a client if:

(1) The lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client;

(2) The representation is not prohibited by law;

(3) The representation does not involve the assertion of a claim by one client against another client represented by the lawyer in the same litigation or other proceeding before a tribunal; and

(4) Each affected client gives informed consent, confirmed in writing.


Initial

1 **GPA**
2 **ADAM PAUL LAXALT**
3 Attorney General
4 Michael C. Kovac Bar No. 11177
5 Senior Deputy Attorney General
6 Chelsea Kallas Bar No. 13902
7 Deputy Attorney General
8 Office of the Attorney General
9 555 E. Washington Ave., Ste. 3900
10 Las Vegas, Nevada 89101-1068
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13 mkovac@ag.nv.gov
14 *Attorneys for the State of Nevada*

FILED IN OPEN COURT
STEVEN D. GRIERSON
CLERK OF THE COURT

APR 24 2017

BY Kristen Brown
KRISTEN BROWN, DEPUTY

DISTRICT COURT
CLARK COUNTY, NEVADA

11 **STATE OF NEVADA,**
12 **Plaintiff,**

13 v.

14 **JESSICA GARCIA,**
15 **Defendant.**

Case No.: C-17-322664-3
Dept. No.: 17

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18 I hereby agree to plead guilty to: **MULTIPLE TRANSACTIONS INVOLVING FRAUD OR**
19 **DECEIT IN THE COURSE OF AN ENTERPRISE OR OCCUPATION**, a **CATEGORY B** Felony, in
20 violation of **NRS 205.377**, as more fully alleged in the charging document attached hereto as Exhibit "1."

21 My decision to plead guilty is based upon the plea agreement in this case which is as follows:

22 1. I, **JESSICA GARCIA**, will enter a plea of **GUILTY** to **MULTIPLE TRANSACTIONS**
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24 violation of **NRS 205.377**, as alleged in Count One of the Criminal Information attached hereto as Exhibit
25 "1";

26 2. I, **JESSICA GARCIA**, will pay restitution to the named and unnamed victims in the total
27 amount of seven hundred fifty-seven thousand four hundred twenty dollars (\$757,420) as follows:

28 i. \$70,000 to LoryLee Plancarte;

C-17-322664-3
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4843784



- 1 ii. \$75,000 to Edelyn Rudin;
- 2 iii. \$37,500 to Chatty Becker;
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11 3. Should any of the named victims have previously recovered any of their losses, they shall
12 not be entitled to restitution covering any such sum; instead, the portion of the restitution covering said
13 sum shall instead be forfeited to the State of Nevada, Office of the Attorney General;

14 4. I, JESSICA GARCIA, shall pay the restitution in full at or before the time I am sentenced
15 in the present case;

16 5. I, JESSICA GARCIA, and my co-conspirator, JACK LEAL, are jointly and severally
17 responsible for said restitution;

18 6. Should I, JESSICA GARCIA, pay restitution in full at or before the time I am sentenced in
19 the present case, the State will not oppose the imposition of a term of probation not to exceed a term of
20 five years, with a suspended 36- to-90 month term of imprisonment;

21 7. Should I, JESSICA GARCIA, fail to pay restitution in full at or before the time I am
22 sentenced in the present case, the State will retain the right to argue for the imposition of a term of
23 imprisonment;

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25 be forfeited to the State of Nevada, Office of the Attorney General, with said money to be applied to my
26 restitution requirements;

27 9. I, JESSICA GARCIA, will execute and file in the Clark County Recorder's Office a lien
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1 \$600,314.83 against the home located at 1024 Santa Helena Avenue, Henderson, Nevada 89002, assessor
2 parcel number 179-33-710-056, legally described as MISSION HILLS EST AMD PLAT BOOK 17 PAGE
3 12 LOT 223 & LOT 223A, with the proceeds of the sale of said home to be applied to my restitution
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5 10. I, JESSICA GARCIA, will pay all fees and costs imposed by the Court;

6 11. I, JESSICA GARCIA, will submit to any and all terms and conditions imposed by the
7 Division of Parole and Probation, if granted probation;

8 12. I understand that, pursuant to NRS 176.015(3), victims so desiring will be allowed to make
9 impact statements;

10 13. Should I, JESSICA GARCIA, satisfy all of the terms set forth in this agreement, including
11 the payment of all monies owed, and receive an honorable discharge from probation, I will be permitted to
12 withdraw my plea of guilty to the above-stated crime and enter a plea to the crime of CONSPIRACY TO
13 COMMIT THEFT, a gross misdemeanor, in violation of NRS 199.480 and 205.0832; and

14 14. I understand and agree that, if I fail to interview with the Department of Parole and
15 Probation, fail to appear at any subsequent hearings in this case, or an independent judge or magistrate, by
16 affidavit review or other satisfactory proof, confirms probable cause against me for new criminal charges,
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19 which I am pleading guilty, including the use of any prior convictions I may have to increase my sentence
20 as a habitual criminal to five (5) to twenty (20) years, life without the possibility of parole, life with the
21 possibility of parole after ten (10) years, or a definite twenty-five (25) year term with the possibility of
22 parole after ten (10) years. Otherwise, I am entitled to receive the benefits of these negotiations as stated
23 in the plea agreement.

24 CONSEQUENCES OF THE PLEA

25 I understand that by pleading guilty I admit the facts that support all the elements of the offense(s)
26 to which I now plead as set forth in Exhibit "1."

27 I understand that as a consequence of my plea of guilty the Court must sentence me to
28 imprisonment in the Nevada Department of Corrections for a minimum term of not less than one year and

1 a maximum term of not more than 20 years. The minimum term of imprisonment may not exceed forty
2 percent (40%) of the maximum term of imprisonment. I understand that I may also be fined up to \$10,000.
3 I understand the law requires me to pay an Administrative Assessment Fee.

4 I understand that, if appropriate, I will be ordered to make restitution to the victim(s) of the
5 offense(s) to which I am pleading guilty and to the victim(s) of any related offense(s) being dismissed or
6 not prosecuted pursuant to this agreement. I will also be ordered to reimburse the State of Nevada for any
7 expenses related to my extradition, if any.

8 I understand that I am eligible for probation for the offense(s) to which I am pleading guilty. I
9 further understand that, except as otherwise provided by statute, the question of whether I receive
10 probation is in the discretion of the sentencing judge.

11 I also understand that I must submit to blood and/or saliva tests under the direction of the Division
12 of Parole and Probation to determine genetic markers and/or secretor status.

13 I understand that if more than one sentence of imprisonment is imposed and I am eligible to serve
14 the sentences concurrently, the sentencing judge has the discretion to order the sentences served
15 concurrently or consecutively.

16 I understand that information regarding charges not filed, dismissed charges, or charges to be
17 dismissed pursuant to this agreement may be considered by the judge at sentencing.

18 I have not been promised or guaranteed any particular sentence by anyone. I know that my
19 sentence is to be determined by the Court within the limits prescribed by statute. I understand that if my
20 attorney or the State of Nevada or both recommend any specific punishment to the Court, the Court is not
21 obligated to accept the recommendation.

22 I understand the Division of Parole and Probation will prepare a report for the sentencing judge
23 prior to sentencing. This report will include matters relevant to the issue of sentencing, including my
24 criminal history. This report may contain hearsay information regarding my background and criminal
25 history. My attorney and I will each have the opportunity to comment on the information contained in the
26 report at the time of sentencing. Unless the Attorney General has specifically agreed otherwise, the
27 Attorney General may also comment on this report.

28 I understand if the offense to which I am pleading guilty was committed while I was incarcerated

1 on another charge or while I was on probation or parole that I am not eligible for credit for time served
2 toward the instant offense(s).

3 I understand that if I am not a United States citizen, this criminal conviction will likely result in
4 serious negative immigration consequences including but not limited to: removal from the United States
5 through deportation; an inability to reenter the United States; the inability to gain United States citizenship
6 or legal residency; an inability to renew and/or retain any legal residency status; and/or an indeterminate
7 term of confinement, with the United States Federal Government based on my conviction and immigration
8 status. Regardless of what I have been told by an attorney, no one can promise me that this conviction will
9 not result in negative immigration consequences and/or impact my ability to become a United States
10 citizen and/or legal resident.

11 WAIVER OF RIGHTS

12 By entering my plea of guilty, I understand that I am waiving and forever giving up the following
13 rights and privileges:

14 1. The constitutional privilege against self-incrimination, including the right to refuse to
15 testify at trial, in which event the prosecution would not be allowed to comment to the jury about my
16 refusal to testify.

17 2. The constitutional right to a speedy and public trial by an impartial jury, free of excessive
18 pretrial publicity prejudicial to the defense, at which trial I would be entitled to the assistance of an
19 attorney, either appointed or retained. At trial the State would bear the burden of proving beyond a
20 reasonable doubt each element of the offense charged.

21 3. The constitutional right to confront and cross-examine any witnesses who would testify
22 against me.

23 4. The constitutional right to subpoena witnesses to testify on my behalf.

24 5. The constitutional right to testify in my own defense.

25 6. The right to appeal the conviction, with the assistance of an attorney, either appointed or
26 retained, unless the appeal is based upon reasonable constitutional, jurisdictional or other grounds that
27 challenge the legality of the proceedings and except as otherwise provided in subsection 3 of NRS
28 174.035.

1 **VOLUNTARINESS OF PLEA**

2 I have discussed the elements of all the original charges against me with my attorney and I
3 understand the nature of the charges against me.

4 I understand the State would have to prove each element of the charges against me at trial.

5 I have discussed with my attorney any possible defenses, defense strategies and circumstances
6 which might be in my favor.

7 All of the foregoing elements, consequences, rights, and waiver of rights have been thoroughly
8 explained to me by my attorney.

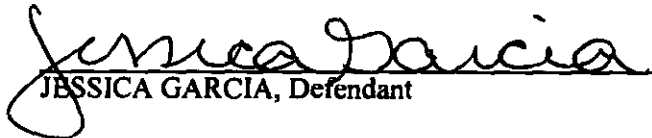
9 I believe that pleading guilty and accepting this plea bargain is in my best interest, and that a trial
10 would be contrary to my best interest.

11 I am signing this agreement voluntarily, after consultation with my attorney, and I am not acting
12 under duress or coercion or by virtue of any promises of leniency, except for those set forth in this
13 agreement.

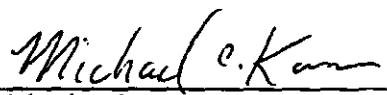
14 I am not now under the influence of any intoxicating liquor, a controlled substance or other drug
15 which would in any manner impair my ability to comprehend or understand this agreement or the
16 proceedings surrounding my entry of this plea.

17 My attorney has answered all my questions regarding this guilty plea agreement and its
18 consequences to my satisfaction and I am satisfied with the services provided by my attorney.

19 DATED this 24th day of April, 2017

20
21 
22 JESSICA GARCIA, Defendant

23 AGREED TO BY:

24 
25 Michael C. Kovac
26 Senior Deputy Attorney General

CERTIFICATE OF DEFENSE COUNSEL

I, the undersigned, as the attorney for JESSICA GARCIA named herein and as an officer of the court hereby certify that:

1. I have fully explained to JESSICA GARCIA the allegations contained in the charges to which guilty pleas are being entered.

2. I have advised JESSICA GARCIA of the penalties for each charge and the restitution that JESSICA GARCIA may be ordered to pay.

3. I have inquired of JESSICA GARCIA facts concerning JESSICA GARCIA's immigration status and explained to JESSICA GARCIA that if JESSICA GARCIA is not a United States citizen any criminal conviction will most likely result in serious negative immigration consequences including but not limited to:

- a. The removal from the United States through deportation;
- b. An inability to reenter the United States;
- c. The inability to gain United States citizenship or legal residency;
- d. An inability to renew and/or retain any legal residency status; and/or
- e. An indeterminate term of confinement with the United States Federal Government based on his/her conviction and immigration status.

Moreover, I have explained that regardless of what JESSICA GARCIA may have been told by any attorney, no one can promise JESSICA GARCIA that this conviction will not result in negative immigration consequences and/or impact JESSICA GARCIA's ability to become a United States citizen and/or legal resident.

4. All pleas of guilty offered by JESSICA GARCIA pursuant to this agreement are consistent with all the facts known to me, and are made with my advice to JESSICA GARCIA and are in the best interest of JESSICA GARCIA:

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CONFLICT-OF-INTEREST WAIVER

I, Jessica Garcia, am a defendant in the case of *State of Nevada v. Jessica Garcia*. I acknowledge that attorney Jason. G. Weiner, Esq. of the Weiner Law Group, LLC, will be representing both myself and my co-defendant in the above-stated case. I understand that this dual-representation may result in a conflict-of-interest wherein my attorney will be precluded from taking certain actions, including actions that would be beneficial to my individual case, because he is obligated to protect both my interests and the interests of my co-defendant simultaneously. This possibility has been fully and completely explained to me by my attorney who has additionally provided a copy of NRPC 1.7 (attached) which delineates his responsibilities.

Jason. G. Weiner, Esq. , has advised me of my right to consult with independent counsel to review the potential conflict of interest posed by dual representation and the consequences of waiving the right to conflict free representation. If I choose not to seek advice of independent counsel then I expressly waive my right to do so.

I hereby waive my right to withdraw my guilty plea or to a mistrial as a result of Jason. G. Weiner, Esq.'s potential or actual conflict of interest depriving me of my right to effective assistance of counsel arising from the dual representation.

I understand that joint representation presents a number of risks including: the possibility of inconsistent pleas; factually inconsistent alibis; conflicts in testimony; difference in degree of involvement in the crime; tactical admission of evidence; the calling, cross-examination. And impeachment of witnesses; strategy in final argument; and the possibility of guilt by association.

I understand that this waiver of conflict is binding throughout trial, on appeal, and in habeas proceedings.

In spite of the known risk, I hereby knowingly, intelligently, and voluntarily consent to dual representation wherein attorney Jason G. Weiner, Esq. of the Weiner Law Group will represent both me and my co-defendant in the above-stated case.

Dated this 20th day of April, 2017


JESSICA GARCIA

Rule 1.7. Conflict of Interest: Current Clients

(a) Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if:

(1) The representation of one client will be directly adverse to another client; or

(2) There is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.

(b) Notwithstanding the existence of a concurrent conflict of interest under paragraph (a), a lawyer may represent a client if:

(1) The lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client;

(2) The representation is not prohibited by law;

(3) The representation does not involve the assertion of a claim by one client against another client represented by the lawyer in the same litigation or other proceeding before a tribunal; and

(4) Each affected client gives informed consent, confirmed in writing.



Initial



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DISTRICT COURT

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CLARK COUNTY, NEVADA

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THE STATE OF NEVADA,

) CASE NO. C-17-322664-2

9

Plaintiff,

) DEPT. XVII

10

vs.

) (ARRAIGNMENT HELD IN DEPT. LLA)

11

JACK LEAL,

12

13

Defendant.

14

BEFORE THE HONORABLE JENNIFER L. HENRY, HEARING MASTER
MONDAY, APRIL 24, 2017

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16

**RECORDER'S TRANSCRIPT OF HEARING RE:
ARRAIGNMENT CONTINUED**

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18

19

APPEARANCES:

20

For the State:

MICHAEL KOVAC, ESQ.,
Senior Deputy Attorney General

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For the Defendant:

JASON WEINER, ESQ.,
Attorney at Law

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RECORDED BY: KIARA SCHMIDT, COURT RECORDER

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MONDAY, APRIL 24, 2017

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P R O C E E D I N G S

THE CLERK: Jack Leal, C322664-2.

THE COURT: All right. And, counsels, can I get both of your appearances for the record?

MR. WEINER: Your Honor, Jason Weiner, Bar No. 7555, on behalf of Jack Leal.

MR. KOVAC: Good afternoon. Michael Kovac, Bar No. 11177, for the State of Nevada.

THE COURT: Thank you.

Sir, you're going to be pleading guilty to multiple transactions involving fraud or deceit in the course of an enterprise or occupation, that would be a category B felony.

You agree to pay restitution to the named and unnamed victims in the total amount of \$757,420 as follows:

That would be \$70,000 to LoryLee Plancarte; \$75,000 to Edelyn Rubin; \$37,500 to Chatty Becker; \$57,500 to Irene Segura; \$98,620 to Lih-Ling Yang; \$90,300 to Lina Palafox; \$85,000 to Adilson Gibellato; \$50,000 to Juan Eloy Ramirez; \$115,000 to Catherine Wyngardner -- Wyngarden. Sorry, Catherine Wyngarden; \$25,000 to Shahram Bozorgnia; and \$53,500 to Tat Lam.

Should the named victims have previously recovered

1 any of their losses, they should not be entitled to
2 restitution covering any such sum, instead, the portion of
3 the restitution covering said sum shall be forfeited to the
4 State of Nevada, Office of the Attorney General.

5 You agree to pay restitution in full on or before
6 the time that you're sentenced in this case, that you and
7 your co-conspirator, Jessica Garcia, are jointly and
8 severally responsible for the restitution, that should you
9 pay restitution in full at or before the time you're
10 sentenced in the present case the State will not oppose the
11 imposition of a term of probation not to exceed five years
12 with a suspended 36 to 90 months term of imprisonment.

13 If you fail to pay restitution in full at or before
14 the time you are sentenced in the present case, the State
15 will retain the right to argue for the imposition of a term
16 of imprisonment.

17 You agree that the \$157,105.17 seized in relation
18 to the present case shall be forfeited to the State of
19 Nevada, Office of the Attorney General, and said money shall
20 be applied to your restitution requirements, that you will
21 execute and file in the Clark County Recorder's office a
22 lien agreement and lien in favor of the State of Nevada,
23 Office of the Attorney General, in the amount of \$600,314.83
24 against the home located at 1024 Santa Helena Avenue,
25 Henderson, Nevada, 89002, assessor's parcel number

1 179-33-710-065[sic].

2 MR. WEINER: 056, your Honor, 056.

3 THE COURT: Oh, I'm sorry, 056. That would be 179-
4 33-710-056, legally described as Mission Hills EST AMD Plat
5 Book 17 Page 12 Lot 223 & Lot 223A, with the proceeds of the
6 sale of the home to be applied to any restitution
7 requirements. You will pay all fees and costs imposed by
8 the Court. You will submit to any of the terms and
9 conditions of the Division of Parole and Probation if
10 probation is granted, and that you understand that victims
11 may make impact statements.

12 Is that correct, State?

13 MR. KOVAC: That's correct, your Honor.

14 THE COURT: Counsel, correct.

15 MR. WEINER: That is correct, your Honor.

16 THE COURT: I apologize. I was doing really well
17 this morning.

18 Sir, is that your understanding of the agreement
19 and negotiation?

20 THE DEFENDANT: Yes, it is.

21 THE COURT: So what is your true, full name?

22 THE DEFENDANT: Jack Leal.

23 THE COURT: And how old are you?

24 THE DEFENDANT: Thirty-two.

25 THE COURT: How far did you go in school?

1 THE DEFENDANT: Some college.

2 THE COURT: Okay. So do you read, write, and
3 understand the English language?

4 THE DEFENDANT: Yes.

5 THE COURT: Are you currently taking any medication
6 or do you have a medical condition that would cause you not
7 to understand the terms of this guilty plea agreement or
8 these proceedings today?

9 THE DEFENDANT: No.

10 THE COURT: Do you understand that you're being
11 charged with multiple transactions involving fraud or deceit
12 in the course of an enterprise or occupation, that would be
13 a category B felony?

14 THE DEFENDANT: Yes.

15 THE COURT: And how do you plead to that, guilty or
16 not guilty?

17 THE DEFENDANT: Guilty.

18 THE COURT: Is anybody forcing you to plead guilty?

19 THE DEFENDANT: No.

20 THE COURT: Are you pleading guilty of your own
21 free will?

22 THE DEFENDANT: Yes.

23 THE COURT: Do you understand as a consequence of
24 pleading guilty this Court must sentence you to time in the
25 Nevada Department of Corrections for a period of not less

1 than one year, not more than 20 years, fine you up to
2 \$10,000 and have you pay an administrative assessment fee?

3 THE DEFENDANT: Yes.

4 THE COURT: Do you understand that this is a
5 probationable offense?

6 THE DEFENDANT: Yes.

7 THE COURT: Do you understand that sentencing will
8 be strictly up to the Court so nobody can promise you
9 probation, leniency, or special treatment?

10 THE DEFENDANT: Yes.

11 THE COURT: Okay, sir. I do have the original
12 guilty plea in front of me. Did you read it?

13 THE DEFENDANT: Yes.

14 THE COURT: And did you understand it?

15 THE DEFENDANT: Yes.

16 THE COURT: Was your attorney present with you to
17 answer any questions you had on this guilty plea agreement?

18 THE DEFENDANT: Yes.

19 THE COURT: Were you satisfied with his services?

20 THE DEFENDANT: Yes.

21 THE COURT: Did you sign this agreement?

22 THE DEFENDANT: Yes.

23 THE COURT: I'm going to show you page six. Is
24 this your signature?

25 THE DEFENDANT: Yes.

1 THE COURT: And did you sign this document freely
2 and voluntarily?

3 THE DEFENDANT: Yes.

4 THE COURT: Do you understand that by pleading
5 guilty you're giving up the constitutional rights that are
6 listed in this agreement?

7 THE DEFENDANT: Yes.

8 THE COURT: Do you understand if you're not a U.S.
9 citizen you could be deported based upon your guilty plea?

10 THE DEFENDANT: Yes.

11 THE COURT: Did you discuss your case and your
12 rights with your attorney?

13 THE DEFENDANT: Yes.

14 THE COURT: And did you have any questions
15 regarding those rights or this negotiation?

16 THE DEFENDANT: No.

17 THE COURT: Are you pleading guilty because on or
18 between March the 1st of the year 2015 and March the 31st of
19 the year 2016, in Clark County, Nevada, you and Jessica
20 Garcia did, in the course of an enterprise or occupation,
21 knowingly and with the intent to defraud, engage in an act,
22 practice, or course of business, or employed a device,
23 scheme, or artifice which operated or would have operated as
24 a fraud or deceit upon a person by means of a false
25 representation or omission of a material fact that, A, the

1 person knew to be false or omitted or, B, the person
2 intended another to rely on and, C, resulted in a loss to
3 any person who relied on the false representation or
4 omission in at least two transactions that had the same or
5 similar pattern, intents, results, accomplices, victims, or
6 methods of commission, or were otherwise interrelated by
7 distinguishing characteristics and were not isolated
8 incidents within four years in which the aggregate loss or
9 intended loss was more than \$650, that being, on or between
10 March the 1st of 2015 and March the 31st of 2016 that in and
11 through the course of a real estate enterprise known as
12 Parcelnomics, LLC, doing business as Investment Deals, you
13 knowingly and with the intent to defraud obtained thousands
14 of dollars from LoryLee Plancarte, Edelyn Rubin, Chatty
15 Becker, Irene Segura, Liih-Ling Yang, Lina Palafox, Juan
16 Eloy Ramirez, Catherine Wyngardner -- Wyngarden, I'm sorry,
17 Catherine Wyngarden, Shahram Bozorgnia, Tat Lam, and Adilson
18 Gibellato, by means of knowingly and falsely representing to
19 said individuals that the titles to properties being sold to
20 them by you were not encumbered by liens or other security
21 interests, intending that said individuals rely on the
22 misrepresentations and resulting in a loss of more than
23 \$650; is that true?

24 THE DEFENDANT: Yes.

25 THE COURT: All right. This Court will accept your

1 plea as being freely and voluntarily entered today.

2 And, counsel, I do need you to approach and sign
3 the certificate of counsel.

4 MR. WEINER: Yeah, that's what I was kind of
5 leaning forward to see.

6 THE COURT: Sir, I am going to refer you to Parole
7 and Probation for what's called a presentence investigation
8 report. You do have 48 hours from now to report for that
9 interview, and then you're ordered to come back for
10 sentencing on the following date.

11 THE CLERK: August 15th, 8:30, Department 17.

12 THE COURT: And, for the record, I do have the
13 conflict of interest waiver in front of me where Mr. Jack
14 Leal is agreeing that Mr. Weiner can also represent the
15 co-defendant, and that there's not a conflict of interest.
16 Correct, sir?

17 THE DEFENDANT: Correct.

18 THE COURT: Yes. Thank you.

19 He gave me the conflict of waiver without a cover
20 page. Can we just attach it to the GPA?

21 THE CLERK: That's what -- it should have been on
22 both of them.

23 THE COURT: Okay.

24 MR. WEINER: And I'm sorry --

25 THE COURT: Here --

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MR. WEINER: What was the --

THE COURT: Here was his then.

MR. WEINER: In terms of the sentencing date, your Honor, I'm going to ask for the longest date we can get as part of the plea requires the house to be sold.

THE COURT: Yeah.

MR. WEINER: And if it's not sold there is a penalty to my clients in terms of the State having RTA.

THE COURT: I would agree.

THE CLERK: Okay. So now instead of the 15th you want the 17th because that's as far out as I can go.

MR. WEINER: Okay. And I'm sorry, what was that date, Madam Clerk?


THE CLERK: So it's going to be August 17th, 8:30, Department 17.

MR. WEINER: Thank you.

(Whereupon, the proceedings concluded.)

* * * * *

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.



Kiara Schmidt, Court Recorder/Transcriber

vs
Jack Leal

April 24, 2017 1:00 PM Arraignment Continued

HEARD BY: Henry, Jennifer COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Kristen Brown

RECORDER: Kiara Schmidt

REPORTER:

PARTIES

PRESENT:	Kovac, Michael C.	Attorney for the State
	Leal, Jack	Defendant
	State of Nevada	Plaintiff
	Weiner, Jason G.	Attorney for the Defendant

JOURNAL ENTRIES

- NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFT. LEAL ARRAIGNED AND PLED GUILTY TO MULTIPLE TRANSACTIONS INVOLVING FRAUD OR DECEIT IN THE COURSE OF AN ENTERPRISE AND OCCUPATION (F). Court ACCEPTED plea and ORDERED. matter referred to the Division of Parole and Probation (P & P) and set for SENTENCING. Court DIRECTED Deft. to report to P & P within 48 hours.

NIC

8/17/17 8:30 AM SENTENCING (DEPT. 17)

PRINT DATE: 05/03/2017

Page 1 of 1

Minutes Date: April 24, 2017

APPELLANT'S APPENDIX

113 of 153

vs
Jack Leal

August 17, 2017 8:30 AM Sentencing

HEARD BY: Villani, Michael COURTROOM: RJC Courtroom 11A

COURT CLERK: Olivia Black

RECORDER: Cynthia Georgilas

PARTIES

PRESENT:	Kovac, Michael C.	Attorney for State
	Leal, Jack	Defendant
	State of Nevada	Plaintiff
	Weiner, Jason G.	Attorney for Defendant

JOURNAL ENTRIES

- CONFERENCE AT BENCH. Court noted it had two conflict waivers signed by Mr. Leal and Ms. Garcia. Exhibits presented (see worksheet). DEFT LEAL ADJUDGED GUILTY of MULTIPLE TRANSACTIONS INVOLVING FRAUD OR DECEIT IN THE COURSE OF AN ENTERPRISE AND OCCUPATION (F). Arguments by counsel and statement by Defendant. Victim Speaker Irene Segura SWORN and TESTIFIED. Victim Speaker Luis Lafox SWORN and TESTIFIED. Victim Speaker Lori Plancarte SWORN and TESTIFIED. Pursuant to NRS 176.063, COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA analysis fee, including testing to determine genetic markers, \$3.00 DNA Collection fee and Restitution in the amount of \$757,420.00 payable to (\$70,000 LoryLee Plancarte, \$75,000 Edelyn Rudin, \$37,500 Chatty Becker, \$57,500 Irene Segura, \$98,620 Lih-Ling Yang, \$90,300 Lina Palafox, \$85,000 Adilson Gibellato, \$50,000 Juan Eloy Ramirez, \$115,000 Catherine Wyngarden, \$25,000 Shahram Bozorgnia, \$53,500 Tat Lam) Defendant SENTENCED to a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS and a MINIMUM of SEVENTY-TWO (72) MONTHS in the Nevada Department of Corrections (NDC) with ZERO (0) DAYS credit for time served. BOND, if any, EXONERATED.

NDC

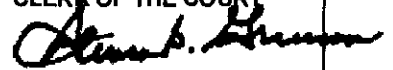
PRINT DATE: 09/25/2017

Page 1 of 2

Minutes Date: August 17, 2017

APPELLANT'S APPENDIX

116 of 153



1 RTRAN

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DISTRICT COURT
CLARK COUNTY, NEVADA

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7 THE STATE OF NEVADA,

8 Plaintiff,

9 vs.

10 JACK LEAL, and JESSICA GARCIA

11 Defendant.

CASE NO.: C-17-322664-2
C-17-322664-3

DEPT. XVII

TRANSCRIPT OF PROCEEDINGS

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BEFORE THE HONORABLE MICHAEL P. VILLANI, DISTRICT COURT JUDGE
THURSDAY, AUGUST 17, 2017

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16

SENTENCING (BOTH)

17

18 APPEARANCES:

19

For the State:

MICHAEL C. KOVAC, ESQ.
Senior Deputy Attorney General

20

21 For the Defendant:

JASON G. WEINER, ESQ.

22

23 Victim Impact Speakers:

IRENE SEGURA
LUIS PALAFOX
LORYLEE PLANCARTE

24

25

RECORDED BY: CYNTHIA GEORGILAS, COURT RECORDER

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LAS VEGAS, NEVADA, THURSDAY, AUGUST 17, 2017

[Proceedings commenced at 9:08 a.m.]

MR. WEINER: And, Your Honor, I have one more with the MR. GILL: .

THE COURT: Sure.

MR. WEINER: It's Leal and Garcia, top of 8 -- well, Leal's is top of 8, Garcia's bottom.

THE COURT: All right, Jack Leal. Time set for sentencing, and Jessica Garcia. You have both of these; correct? Both of --

MR. WEINER: Correct, Your Honor. In the theme of the morning, can Mr. Kovac and I approach briefly?

THE COURT: All right.

[Bench conference not transcribed]

THE COURT: Now, we do have two conflict of interest waivers signed by Mr. Leal and Ms. Garcia. I'm going to -- for some reason we can't find them in the Court's file. I'll have my staff make copies of these and return the originals to Counsel.

So, we can go forward on Mr. Leal; is that correct?

MR. WEINER: Yes, Your Honor.

THE COURT: All right, he is hereby adjudged guilty of multiple transactions involving fraud or deceit in the course of an enterprise and occupation.

Argument by the State.

MR. KOVAC: And, Your Honor, we have three victim speakers here today, at least three victim speakers --

THE COURT: All right.

MR. KOVAC: -- here today.

1 THE COURT: They'll go last.

2 MR. KOVAC: Okay.

3 I'm going to be arguing that Mr. Leal obviously go to prison. He has two
4 prior felonies so they are similar in nature; ones for forgery, ones for theft by
5 deception and possession of a fraudulent ID. P&P's recommending 24 to 120
6 months. I think that's going to be a little light. I'm recommending 60 to 180 months.
7 The amount that was stolen in this case was pretty substantial. We're talking over
8 three quarters of a million dollars. We have 11 named victims. Each of them lost at
9 least five figures. You'll hear the impact on each of these victims pretty soon.

10 And basically, Mr. Leal went and bought properties at a bankruptcy
11 foreclosure auction. He bought the properties at a bankruptcy foreclosure auction
12 and when he did that -- there's basically two lists of properties. There's one list that
13 says you take these properties subject to the existing mortgages and you get them
14 for pennies on the dollar, maybe two or three thousand dollars. You have another
15 list that makes it clear that there are no mortgages on these properties and they're
16 more like the prices you would expect, you know, five, six figure properties. And Mr.
17 Leal bought a bunch of properties on the smaller list for pennies on the dollar and
18 then represented to these victims, or had his employees represent to the victims,
19 that they were free and clear of any kind of liens or mortgages. And as a result,
20 these -- I mean basically ruined the retirements of most of these victims.

21 Based on the financial impact of this case, and really no remorse by the
22 Defendant, -- he's done little to nothing to make restitution in this case. He said that
23 he was going to sell a house in order to pay this off. We had this arraignment back
24 in April when I met with his attorney and the Defendant's downstairs in lower level
25 arraignment. I said you need to get this property back in your name. You need to

1 sign a lien in this state's favor and get this sold. First time anything happens is now
2 a week before sentencing. They did absolutely nothing for 4 months. And the house
3 is on the market. It's valued about \$580,000.00. That's what the last recorder entry
4 notes and they have it on the market for 1.2 million dollars. Now they dropped it to
5 one million dollars. There's no real efforts to make restitution in this case.

6 THE COURT: All right, thank you.

7 Mr. Leal, do you have anything to say before I sentence you?

8 THE DEFENDANT: I do. There's been a lot of issues going on between
9 myself and Jessica who is not here. She was actually in charge of the property sale.
10 I've since jumped in. I have recorded a lien in the state's favor for over \$600,000.00
11 which is the balance due. I accept responsibility for this but there's a lot of
12 underlying things that are not addressed at the moment, I should say. My goal was
13 to get restitution to everybody. The property, as per the Assessor's site today, is
14 valued just over a million which is what it's listed at. There's an offer that should be
15 in today. I've done all I could to remove myself from the house to get everybody
16 restitution, put everybody else before myself at the moment. Jessica's not here. She
17 -- like I said, she was the one who was dealing with this. We have a no contacting
18 order. She cannot contact me. I've had no contact with her for the past 60 days. I
19 have a copy of that. That's really where the delay in all of this came out. It wasn't us
20 doing nothing. It was me assuming she was doing it but being unable to contact
21 each other.

22 THE COURT: Whose name is on the title?

23 THE DEFENDANT: Mine as of --

24 MR. WEINER: [Indiscernible].

25 THE DEFENDANT: -- last week. I transferred it because she had gotten

1 nothing done to this point.

2 THE COURT: Well, how could you transfer it if it was her name?

3 THE DEFENDANT: It was in a trust. The trustee was able to sign it over to
4 me. I recorded the deed on the 11th. The property's in my name. As soon as that
5 came out I flew out here. I recorded a lien. I have a copy of the lien in the State's
6 favor right now. The property is actively marketed. The restitution is the main
7 concern in my eyes. I assumed Jessica had been getting that done. I -- we're not
8 allowed to speak. She has an open domestic case and we have no contact. I
9 assumed this was done by now. As soon as I found it wasn't, I flew out here. I've
10 been trying to get this all done. The restitution -- I mean there should be no issue
11 with it. I have a copy of the title policy I've got. No liens; the property's free and
12 clear. We take whatever amount just to settle the restitution figure at this point.

13 MR. KOVAC: And, Your Honor, Defense counsel -- I have to speak up.
14 Defense counsel sent me the title assessment just yesterday and it shows a bunch
15 of liens on this property.

16 THE DEFENDANT: There's two Republic garbage -- Republic Waste
17 [indiscernible] for \$256.00 each. I have a copy of it right here from Fidelity Title.

18 THE COURT: Anything else, sir?

19 THE DEFENDANT: To the victims, like I said, I mean I've been trying to do
20 the restitution. I had no idea it wasn't taken care of or paid. Apparently, the conflict
21 waiver was a mistake. As far as the situation that happened, we were under the
22 assumption that -- we didn't explain it correctly, I guess, what we were selling. We
23 did transfer title to them. We did sell them the properties. It wasn't as if we just took
24 their money and ran and --

25 THE COURT: Where's the money, the \$750,000.00? Where is it?

1 THE DEFENDANT: It's tied up in this property which is what we're trying to
2 liquidate.

3 THE COURT: You had 11 transactions. You used 11 transactions to buy the
4 one property; correct?

5 THE DEFENDANT: Correct. We had money -- we didn't --

6 THE COURT: So the property -- you spent \$750,000.00 on a property that is
7 either \$500,000.00 or 1.1 million?

8 THE DEFENDANT: \$585,000.00 is what we purchased it for at a foreclosure.
9 The county assessed value as of today is just over a million. When we were selling
10 the properties, like I said, we initially bought the properties. We had money tied up in
11 them. We thought they were worth it. It wasn't as if we just took people's money
12 and ran. It was a huge -- I guess we didn't explain exactly what they were getting it
13 for -- their money. At this point, as I stated to my attorney, I'd be willing to even sign
14 the property over to the State for the remaining balance. There's \$600,000.00 owed.
15 They already seized \$157,000.00 I believe. I'd be willing to sign over the property for
16 the 585 value and throw in the difference out of pocket to satisfy restitution at this
17 point. I have no issue with that route.

18 THE COURT: Is there a paper trail showing these funds directly going to the
19 purchase of the property, do you know, Counsel?

20 MR. KOVAC: I don't know. And that's the State's problem, we're not going to
21 take over this house given --

22 THE COURT: Right.

23 MR. KOVAC: -- all the lies that were from the other properties that are subject
24 to this case.

25 THE DEFENDANT: It was -- it was actually out of the Bank of America

1 account.

2 THE COURT: Well, we have these transactions going on for -- from 2015
3 through 2016.

4 MR. WEINER: And, Your Honor, that is correct. They -- there were houses
5 they did buy from the HOA where the mortgages were extinguished. I think there
6 was some confusion on what was what. Some of them were initially charged in this
7 case were dismissed out. They did figure this out on some of the houses involved
8 here, and actually before the AG even got involved, paid a couple of people back
9 their purchase price before even a criminal case was initiated by Nevada. So, it's not
10 that, as he stated, they're not trying to run away. They're trying to fix this.

11 The -- well, as an initial matter, Your Honor, just to address what we
12 discussed at the bench, the ongoing conflict waivers -- the dispute between them
13 began after the change of plea but before sentencing. If you want to put on the
14 record, I contacted the bar ethics hotline. They recommended that I withdraw based
15 on what's going on here. I did. I will make that motion. I do understand that the
16 Court's going to insist that we go forward today and that's certainly the Court's right
17 to do but --

18 THE COURT: Well, is the conflict the fact that your client thought that
19 Ms. Garcia was going to pay this off? Is that the conflict?

20 MR. WEINER: Well, no, it wasn't they were paying it off. They were supposed
21 to be working together. Then they had a no contact order so they couldn't. So
22 they're now basically pointing at each other saying this is -- she's saying this is his
23 fault, he's saying that's her fault. That's an antagonistic defense. I mean I should not
24 be --

25 THE COURT: Well, it's -- that relates -- it's not a defense to the case --

1 MR. WEINER: Well --

2 THE COURT: -- because if it says why the --

3 MR. WEINER: -- in terms of sentencing.

4 THE COURT: -- restitution wasn't paid and this is joint and several which
5 means if one --

6 MR. WEINER: Correct.

7 THE COURT: -- doesn't pay the other owes the full amount. That's what --

8 MR. WEINER: Oh, and like I said, Your Honor, he's correct. We have a print
9 out from the Clark County Assessor's website for the 2017 - 2018 year that values
10 the property at \$1,032,044.00. The lien has been filed with the State in favor of the
11 Attorney General's office. I've provided a copy of that to Mr. Kovac. His name is
12 even on it to be informed once it's actually approved because the assessor kind of
13 went cross eyed on my client when he went down there because liens are generally
14 not filed against yourself. And so, they wanted to send it to their legal department
15 and contact the AG's office which apparently hasn't happened yet, but we do have
16 the paperwork showing that my client signed off on it. He is desperately trying to get
17 this money out and he will do it any way, shape, or form he can to get it out of the
18 residence. The fact that he started paying restitution before there was even a
19 criminal case I think shows his intent to get these people paid back.

20 THE COURT: Was an offer on the property that he has now made back in
21 March 2015 because that's when this whole house of cards started?

22 MR. WEINER: An offer -- he went and purchased this house -- when?

23 THE DEFENDANT: We bought this January '16.

24 MR. WEINER: They bought this January '16, the first --

25 THE COURT: Of --

1 MR. WEINER: We have a letter which I provided to Mr. Kovac showing -- from
2 the real estate agent showing that it has been actively marketed. There are, as I
3 said, we now basically have a bid in 30 --

4 THE COURT: No, when they purchased the property; --

5 MR. WEINER: Yes, Your Honor.

6 THE COURT: -- okay? Or when was the offer [indiscernible] originally
7 purchase this property? I know there's a bid to sell it?

8 MR. WEINER: Right.

9 THE COURT: But when did they purchase it?

10 MR. WEINER: January of '16 is when --

11 THE COURT: 2016. Well, if they purchased it January '16, we have
12 transactions of February 2016 and March 2016.

13 MR. WEINER: No, I think that's some of the funds that, as again, one
14 hundred and fifty some odd thousands of dollars were already seized by the State
15 out of a bank account.

16 THE COURT: No, but the point is they were obtaining funds from people
17 allegedly to purchase this home and you're telling me they purchased it in January
18 and they were still doing these bogus transactions in February of 2016.

19 MR. WEINER: Well, Your Honor, I don't think at that point -- and like again,
20 some of the -- they were doing a lot of transactions only a few of which are the
21 subject of this case. [Indiscernible] indicated the HOA cases the mortgages were
22 extinguished. There were several home sales that involved those that there is no
23 problem with that aren't a subject to this case. So, as I indicated, this is a company
24 called Parcelnomics.

25 THE COURT: Your client's a real estate agent; right?

1 MR. WEINER: I don't think you're --

2 THE DEFENDANT: I'm not an agent. We just buy and sell. We bought -- we
3 buy all kind of foreclosures, HOA's, bankruptcies.

4 THE COURT: You never went through a title company? You never met -- at
5 the title company? It seems like you were meeting these people at the Clerk's office
6 and you wanted them to hand you a cashier's check.

7 MR. WEINER: Some of it was by agents, 'cause again, they're kind of bi-
8 coastal. They are also in Florida. That is why Ms. Garcia is not here today. She's
9 there. She couldn't get on a plane. But they were doing this without essentially the
10 benefit of being licensed. They were just doing individual home sale flipping kind of
11 deals and they got themselves in trouble 'cause they didn't understand what they
12 were doing.

13 THE COURT: How about the two prior fraud cases?

14 MR. WEINER: I do not believe those involved --

15 THE COURT: No, I want to know his past --

16 MR. WEINER: -- real --

17 THE COURT: -- record, what are those about?

18 MR. WEINER: I think those were how many years ago?

19 [Colloquy between Counsel and Defendant]

20 MR. WEINER: Yeah, I think it was just a theft. That's what I thought.

21 [Colloquy between Counsel and Defendant]

22 THE COURT: Well, one was forgery pled to a theft. One was theft by
23 deception which sounds like what we have here and he pled to theft by deception
24 and he got 20 --

25 MR. WEINER: Right, that's the one in 2007, Your Honor. They're actually

1 from the same case. That's why the dates are the same.

2 THE COURT: It was a different -- I mean, --

3 MR. WEINER: The 9/17 of 2007, the Court looked at the two convictions.

4 They're both from the same --

5 THE DEFENDANT: Incident.

6 MR. WEINER: -- incident.

7 THE COURT: State, do you know anything about the facts of those cases?

8 MR. KOVAC: I don't know the facts. I just see that there's two separate cases
9 listed, one with one felony, one with two felonies.

10 THE COURT: Anything else, Counsel?

11 MR. WEINER: No, Your Honor. The only other thing I could say is I didn't get
12 a notice of speakers, but Court's pleasure.

13 THE COURT: All right, let's hear from our speaker.

14 MR. KOVAC: Let's see, the first one, Irene Segura.

15 THE MARSHAL: Irene Segura.

16 **VICTIM IMPACT SPEAKER: IRENE SEGURA**

17 [having been called as a witness and first being duly sworn in testified as follows:]

18 THE CLERK: Please state and spell your name for the Court's record.

19 MS. SEGURA: My name is Irene Segura, that's S as in Sam, -E-G-U-R-A.

20 THE COURT: All right, ma'am, go ahead and tell me how this has impacted
21 you. And can you give me a little bit of background on how this transaction took
22 place.

23 MS. SEGURA: Okay, yes sir. Thank you -- first of all thank you very much for
24 giving me this opportunity to give a statement.

25 It wasn't too long ago I was here at this criminal court building. I was

1 given the opportunity to make a statement during sentencing to three criminals who
2 fatally shot my son in the back while running away from his attackers. Twelve years
3 later, today, I am given the same opportunity to speak again at the sentencing of
4 criminals. You may not be a murderer in the true sense of the word, however, in my
5 eyes and in the eyes of my family --

6 THE COURT: Ma'am, please address the Court so we don't have any issues;
7 okay?

8 MS. SEGURA: You are killers. You have killed the dream of a young man
9 [indiscernible] by the murder of my son, his father. When my son was killed he left
10 behind his toddler son fatherless. It was at this time when I promised my deceased
11 son at his grave site that I would help fund my -- his son's college education when
12 the time comes. I knew I had enough time to save for this promise. So in addition to
13 saving for our golden years, I have set aside some extra money for my grandson's
14 college education. My husband and I scrimped, saved and cut back on every
15 possible expense we can think of. We cut back on dining out, taking vacations, and
16 hung on to our 20 year old car until it gave up on us. We wanted to surprise our
17 grandson with a check on his high school graduation. He graduated last June and
18 there was no check to surprise him with because you guys have stolen his college
19 fund by scamming us with two worthless properties. It was fraud, pure and simple.
20 The last two years were both mentally and emotionally draining. My husband is 75
21 and I am 64, both seniors whose means to a debt free and comfortable life in our
22 remaining years you have killed by your brand of fraud. We are not in the business
23 of buying and flipping properties. We were just looking at ways of adding extra
24 money to our nest egg, to our modest nest egg which took more than half of our
25 married life to save. Instead, we lost a nest egg, plus a few more. We had to

1 refinance the house we currently live in to pay for some of the most urgent medical
2 bills not covered by Medicare like radiation and chemotherapy. In March of last year
3 I was diagnosed with stage 2 uterine cancer. In all probability the heartache and
4 stress of falling victim to your kind of fraud contributed to the cancer that I now have.
5 It is a no brainer to conclude that being stress free and peace of mind will help beat
6 this cancer. The sleepless nights have also cost my hypertension to worsen. But
7 now I ask you how can I be stress free to beat this disease when I am up to my
8 eyeballs in debt? While you guys were having the time of your life from proceeds of
9 your fraud and scams, we, the victims, were left with a undeniable fact that we paid
10 a high price for being trusting and naïve. I hope and pray that Karma, the law of the
11 universe, will get back at you sooner than later and that Karma starts today in this
12 court. May this Honorable Court sentence you with the highest possible punishment
13 for your crimes, doubly so because you have victimized seniors like us who have
14 worked all our lives to enjoy out twilight years in peace and comfort.

15 Thank you, Your Honor.

16 THE COURT: Ma'am, I have a question for you. When you learned that there
17 was a problem with the property, funding the properties, did you contact either Mr.
18 Leal or Ms. Jackson [sic] and what was their response?

19 MS. SEGURA: No, but I left like hundreds of messages and nobody returned
20 my call. They were no longer in that office. The phone number of the guy, I think one
21 of their employees who I dealt with, never answered the phone and then until it was,
22 you know, the -- its -- the service has been disconnected, so.

23 THE COURT: All right, thank you.

24 MS. SEGURA: I at least recoup some of our, you know, lost money. I have
25 contacted -- I have engaged a lawyer.

1 THE COURT: All right, thank you, ma'am.

2 Do we have another speaker?

3 MS. SEGURA: Thank you, Your Honor.

4 MR. KOVAC: I have Juan Ramirez.

5 THE MARSHAL: Mr. Ramirez, Juan.

6 MR. KOVAC: Oh, it looks like he must have stepped out. I have Luis Palafox
7 for Lena Palafox.

8 **VICTIM IMPACT SPEAKER: LUIS PALAFOX**

9 [having been called as a witness and first being duly sworn testified as follows:]

10 THE CLERK: Please state and spell your name for the record.

11 THE WITNESS: Okay, Luis Palafox, L-U-I-S, P-A-L-A-F-O-X.

12 THE COURT: Go ahead, sir.

13 MR. PALAFOX: Okay, Your Honor, well, the house was bought cheap. My
14 wife purchased two houses from Mr. Leal and Jessica. And she's been in the
15 country for about 6 years so she saw these properties listed on Zillow and -- but her
16 -- she's -- she doesn't have like any idea that it was -- these houses had liens on
17 them and they're -- they had foreclosure mortgages from the previous owners. So,
18 what they told us when we met them, they told us that we can go through a process,
19 a quiet title or something. And actually, the lawyer that we spoke to was the same
20 lawyers that they were dealing with. So, when we met them they -- we let them
21 know, okay, we went through your lawyer that you recommended us to clean the
22 title -- the liens through this lawyer -- we went to the lawyer and it was the same
23 lawyer they were using so the lawyer was kind of into the scam too. And the lawyer
24 said there's no way you can do that. There's no way you can do a quiet title and
25 clean the titles. You're gonna lose your properties. And I mean she -- it was a lot of

1 money so I mean she's in college and I mean we heard of all the other victims that
2 went through all this process too. I mean we were hearing about seniors like this
3 lady that just passed by right now that lost all their 401K accounts and they just
4 cleaned my wife like out. So, the only thing I want is justice because I mean it's a lot
5 of money. It's not two, three thousand dollars you know. She paid \$60,000.00 for
6 one property and she's just had dreams you know to just have some properties and
7 when their -- when her parents come from China she wanted to have a house for
8 them. So, -- and that just went away. They're -- right now we're renting a property
9 and we're not really owners and -- but it's just -- we want justice, justice and -- what
10 their -- what they did is no good. What they did is -- they just can't take people's
11 money. And I mean people that work hard for them, people that have no idea how
12 the -- I mean how the process works and they just took everyone's money. I mean
13 it's just -- hard working you know people that they hurt. And my wife, she was -- she
14 wanted to come but she had a dentist appointment and -- doctor's appointment,
15 sorry, and -- but we want justice. And she has a lawyer too that she's working on
16 the case. It's just they can't do that to innocent people that you know they -- it's all
17 their savings. They work hard every day. I mean honest work, honest people and
18 they just scammed a lot of people.

19 THE COURT: Sir, when this matter fell through, did you or your wife try to
20 contact them --

21 MR. PALAFOX: Yeah, same --

22 THE COURT: -- and what happened?

23 MR. PALAFOX: -- thing. We were -- they left voice messages. One case I
24 think she did answer but she said -- I don't know, she spoke to my wife and she said
25 something about if she'd sign the property back or something to her she would give

1 her the money but that never happened and -- I mean that was the last. We kept on
2 calling and then the victims you know spoke to each other and told them what
3 happened. I mean we were going to go like go up to the -- call the news or
4 something so it can't happen to other people because I mean Zillow's a site you can
5 trust. I mean we didn't know that now. Now we know we can't trust it but you
6 wouldn't expect that from you know the website Zillow. That's -- and it just said call
7 this agent and we met with another guy named Kevin and I went -- one
8 circumstance we called him and he said, oh, yeah, I'm buying a Harley right now,
9 you know, with the -- I'm pretty sure with the victims money. He's buying a Harley.
10 And so we're like, okay, these guys are just you know spending money left and right
11 and -- without having no remorse of the victims what they're going through. I like --
12 she said, yeah, its, -- I mean hypertension. It's stress. I mean we're living check to
13 check, so yeah, it's not easy. We just want justice.

14 THE COURT: Sir, you had mentioned that you met with an attorney that
15 represented him?

16 MR. PALAFOX: No.

17 THE COURT: No?

18 MR. PALAFOX: She -- we got a lawyer. His name is Michael Lee.

19 THE COURT: Oh, I thought you said that you went to a lawyer's office, or
20 was that the previous victim?

21 MR. PALAFOX: Oh, 'cause they said we -- to go to a process named quiet
22 title. I'm pretty sure all the victims know this. They say, oh, yeah, go through quiet
23 title and you can take off the trash liens and this and that. But we had no idea there
24 was a mortgage in the property. We thought it was clear. You know I mean you don't
25 expect that. You don't expect, okay, we're buying a house in cash, its -- everything's

1 okay with it. And my wife put in money. She put money in the properties. She put
2 new tile. She put -- I mean appliances and she put -- I mean that was another
3 \$5,000.00 extra on what they scammed her with.

4 THE COURT: All right, thank you, sir.

5 MR. PALAFOX: Thank you.

6 THE COURT: Do we have Mr. Ramirez back?

7 MR. KOVAC: Yeah, did Juan Ramirez come back? Is there a Lorylee
8 Plancarte?

9 MS. PLANCARTE: I'm here.

10 MR. KOVAC: Okay; one more.

11 **VICTIM IMPACT SPEAKER: LORYLEE PLANCARTE**

12 [having been called as a witness and first being duly sworn in testified as follows:]

13 THE CLERK: Please state and spell your name for the Court's record.

14 THE WITNESS: Lorylee Plancarte, P-L-A-N-C-A-R-T-E.

15 THE COURT: Go ahead, ma'am.

16 MS. PLANCARTE: Thank you for this opportunity. I just wanted to say that I
17 purchased a property from the two that are here today, Jack Leal. I don't even know
18 exactly. I just knew their names after I dealt with two of their associates or who they
19 had under the company Pacelnomics. I purchased -- I came down twice to Las
20 Vegas to purchase. I was shown probably 11 different properties. The first time that I
21 had come down to look, those properties had not been able to become available to
22 me 'cause I was told they were sold so I came down two weeks later. And because I
23 didn't want to miss out on the opportunity to buy a house, they had shown me one. It
24 was a rehab. It didn't have all the toilets. It didn't have the sinks and everything on it.
25 So, the price that I purchased it for I thought was decent 'cause I thought it was a flip

1 house. I was told it was free and clear, once the work was done on it that it would be
2 great. I brought my entire family down, my children and myself, and my husband.
3 Once we had run out of our money to do the rehab, we went in to do a refinance on
4 the property. That's when we found out that the property had liens on it. We were
5 given the notice on our door that we had to be out. We tried to contact them. We got
6 nowhere with that. We have met with three separate lawyers on three separate
7 occasions and also two other occasions we met with other victims who had
8 purchased properties from them. We were trying to put together a lawsuit with --
9 'cause we needed 10 or more so we had 10 or more and they were also waiting at
10 the lawyers office to get more people together to file the suit, the civil claim. I was
11 probably one of the first ones. I was told to go speak to the AG's office and file my
12 name down and then I was told about all the other victims. There was different
13 types. Mine was -- I was told that my property was free and clear from a bankruptcy
14 sale. That's how it was attained. I know there was other victims that were HOA
15 sales. I didn't pursue -- it was another \$15,000.00 to \$20,000.00 for us to go
16 through a criminal case -- or not the criminal but the civil case, to go through the
17 money and they said it could take you know years for that to happen for us. And at
18 this point right now we had to try and make a life for ourselves again and purchase a
19 new home and get ourselves settled somewhere else. We came down from Oregon
20 today. We were also at one point told we could purchase a home from them in
21 Florida which we didn't want to. We were also told that they were gonna give us
22 restitution. One of the woman that had purchased two homes from them, she was
23 settled with them. They gave her half of her money. They had paid \$70,000.00 for a
24 property; they gave her \$35,000.00. I still am in contact with several of the victims.
25 We still talk and I've seen where everything goes. It's you know stressful. It's time

1 consuming. It's frustrating. But the idea that it was you know -- we purchased our
2 house in 2015 of August. We were not even in our house for a year. It's been a year
3 today -- another year, so it's been two years that -- since we purchased our
4 property. We still see no restitution. We've heard nothing. We did receive a call --
5 our attorney called us and said, oh, right before the last court case they wanted to
6 settle and give us restitution if we gave them the deed to the property and all these
7 different things; nothing ever came of it. So, I mean I don't think -- I feel like I'm one
8 in many which in some weird sense gives me a sense of you know like I wasn't the
9 only fool that had this happen to them. But, I mean I don't want to see --

10 THE COURT: Ma'am, you're not a fool. You're a trusting person.
11 Unfortunately, someone took advantage of you.

12 MS. PLANCARTE: Yeah, but I --

13 THE COURT: Did you have any communications with them when you found
14 out that everything's fallen through?

15 MS. PLANCARTE: Nothing. Nothing. Even the office where I had met the
16 person at, no one was there, no phone calls returned, no texts returned. Nothing. It
17 was like it was all gone. No contact was ever made again.

18 THE COURT: Thank you, ma'am.

19 MS. PLANCARTE: Thank you.

20 MR. KOVAC: I think that's everyone. Is there anyone I missed for this case,
21 any of the victims? I believe that's all, Your Honor.

22 THE COURT: Ramirez; did he ever return?

23 MR. KOVAC: I don't know what happened to him.

24 THE COURT: JR, can you check the hallway for Mr. Ramirez.

25 [Pause in proceedings]

1 THE MARSHAL: No, Your Honor.

2 THE COURT: All right, thank you.

3 We have 11 victims at least over a 12 month period of time and this is
4 pure and simple a scam. It's almost worse than going into a fast food place or a
5 convenience store, an armed robbery. This is more planned out than those types of
6 crimes. This went over a whole year and you scammed these people. Is anyone
7 here from P&P? Anyone? No? Is there?

8 THE PROBATION OFFICER: [Indiscernible], Your Honor.

9 THE COURT: I know you're not part of this but just you know I've often
10 complained about the program that P&P has for sentencing and we have 11 victims,
11 a quarter of a million dollars, over a year, and they recommend one year above
12 minimums. I don't know what program you guys are using. It's broken.

13 THE PROBATION OFFICER: I'll let sentencing know.

14 THE COURT: I've had people, Public Defender client's where they steal a car
15 for \$3,500.00 and they recommend more than 2 years.

16 MR. WEINER: And, Your Honor, I --

17 THE COURT: The Court's going to --

18 MR. WEINER: -- would just --

19 THE COURT: I'm sorry.

20 MR. WEINER: -- point out based on something the speaker said that they
21 were paying people back before the State got involved and that's not the kind of
22 people that scam and run, otherwise that's what they would have done. They paid
23 back over -- before the State filed its case over I think \$140,000.00 or \$150,000.00
24 to people once they figured out that there was a problem. That's not the actions of
25 grifters or someone doing this as a straight out scam.

1 MR. KOVAC: And some of those people they grabbed the title back, gave
2 back a portion of the money, then resold the title to somebody else. So, basically,
3 they were double dipping basically.

4 MR. WEINER: And, again, this -- a lot of this was done, as I said, through
5 agents. They never spoke to these people directly.

6 MR. KOVAC: That's not true. There's some through agents, there's plenty of
7 those done directly.

8 THE COURT: All right, anything further, Counsel?

9 MR. WEINER: No, I was just addressing --

10 THE COURT: Okay.

11 MR. WEINER: -- what the speakers had to say.

12 THE COURT: I'm going to sentence the Defendant to confinement in the
13 Nevada Department of Corrections for a maximum term of 180 months, a minimum
14 term of 72 months. He's ordered to pay a \$25.00 administrative assessment fee; a
15 \$3.00 DNA administrative assessment fee; \$150.00 DNA fee, submit to DNA testing.
16 And he has zero days credit for time served.

17 Counsel, they're identifying restitution of \$757,420.00; are you disputing
18 that amount or --

19 MR. WEINER: No, the amount was never in dispute, Your Honor, but in less
20 than 30 days these people would be paid back in full. What I would ask the Court to
21 maybe consider is to kind of reserving that judgment, having us come back when
22 the house sells. Everybody would be made paid -- everybody would be paid in full at
23 that point and that may certainly impact the Court's sentencing on us.

24 THE COURT: No, they had time. They had time to do this. They ripped these
25 people off. They took advantage of them. They stabbed them in the back and I'm not

1 standing for it.

2 MR. WEINER: But basically it also puts in a position, Your Honor, how can we
3 complete the sale.

4 THE COURT: Well, they can -- either the State might be able to help them
5 out or an attorney might be able to help them out and get this property sold.

6 And there's a no bail bench warrant for Ms. Garcia.

7 MR. KOVAC: Thank you, Your Honor.

8 THE COURT: And if she's here within a week she may get the similar
9 sentence. If she's out and about and trying to avoid prosecution that's going to tell
10 me she's not taking this serious and I'm going to max her out. I'm not mad --

11 MR. WEINER: Understood, Your Honor.

12 THE COURT: -- at you, Counsel. You did your job. You got 11 felonies down
13 to 1 so I mean you should be commended because you did a good job for them but
14 these people need to pay the price.

15 MR. KOVAC: Thank you, Your Honor.

16 [Colloquy between Court and clerk]

17 MR. WEINER: Your Honor, the State already has one hundred and fifty-seven
18 if the Court wants to direct how it's to be dispersed.

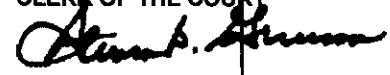
19 [Colloquy between Court and clerk]

20 [Proceedings concluded at 9:49 a.m.]

21 * * * * *

22 ATTEST: I do hereby certify that I have truly and correctly transcribed the
23 audio/video recording in the above-entitled case to the best of my ability.

24 
25 CYNTHIA GEORGILAS
Court Recorder/Transcriber/DC XVII



JOCP

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DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

-vs-

JACK LEAL
#X0157754

Defendant.

CASE NO. C-17-322664-2
DEPT. NO. XVII

JUDGMENT OF CONVICTION
(PLEA OF GUILTY)

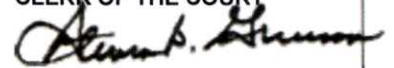
The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crime of MULTIPLE TRANSACTIONS INVOLVING FRAUD OR DECEIT IN THE COURSE OF AN ENTERPRISE AND OCCUPATION (Category B Felony) in violation of NRS 205.377; thereafter, on the 17th day of August, 2017, the Defendant was present in court for sentencing with counsel JASON WEINER, ESQ., and good cause appearing.

1 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense and, in
2 addition to the \$25.00 Administrative Assessment Fee, \$757,420.00 Restitution,
3 (\$70,000.00 payable to LoryLee Plancarte, \$75,000.00 payable to Edelyn Rudin,
4 \$37,000.00 payable to Chatty Becker, \$57,500.00 payable to Irene Segura, \$98,620.00
5 payable to Lih-Ling Yang, \$90,300.00 payable to Lina Palafox, \$85,000.00 payable to
6 Adilson Gibellato, \$50,000.00 payable to Juan Eloy Ramirez, \$115,000.00 payable to
7 Catherine Wyngarden, \$25,000.00 payable to Shahram Bozorgnia, \$53,500.00 payable
8 to Tat Lam) and \$150.00 DNA Analysis Fee including testing to determine genetic
9 markers plus \$3.00 DNA Collection Fee, the Defendant is sentenced as follows: a
10 MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS with a MINIMUM parole
11 eligibility of SEVENTY-TWO (72) MONTHS in the Nevada Department of
12 Corrections (NDC); with ZERO (0) DAYS credit for time served.
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17 DATED this 22 day of August, 2017
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22 MICHAEL VILLANI
23 DISTRICT COURT JUDGE
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ORDM

DISTRICT COURT
CLARK COUNTY, NEVADA

Nevada State of, Plaintiff(s)
vs.
\$6,616.04, Defendant(s)

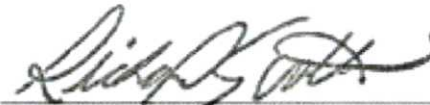
Case No.: A-16-744347-C
Department 2

ORDER FOR DISMISSAL

It appears to the Court that more than 120 days have passed since the filing of the Complaint in this action and service of the Summons and Complaint have not been made on Defendant. Now, therefore, pursuant to NRCPC 4(i), it is hereby

ORDERED that this action be, and it hereby is, dismissed.

DATED: 5th day of September, 2017.



DISTRICT JUDGE
RICHARD F. SCOTTI

I hereby certify that on the date filed, I mailed or placed a copy of this Order in the Attorney's folder in the Clerk's Office to:

Michael C. Kovac
Office of Attorney General
555 E. Washington Ave.
Las Vegas, NV 89101

<input type="checkbox"/> Voluntary Dismissal	<input type="checkbox"/> Summary Judgment
<input type="checkbox"/> Involuntary Dismissal	<input type="checkbox"/> Stipulated Judgment
<input type="checkbox"/> Stipulated Dismissal	<input type="checkbox"/> Default Judgment
<input type="checkbox"/> Motion to Dismiss by Deft(s)	<input type="checkbox"/> Judgment of Arbitration

/s/ Melody Howard

Melody Howard, Judicial Assistant

NOTE: EDCR 2.90: Case may be reinstated within 30 days upon written request of a party or party's attorney.



1 NOASC
2 CRAIG A. MUELLER, Esq.
3 Nevada Bar No. 4703
4 **MUELLER, HINDS & ASSOCIATES, CHTD.**
5 600 South Eighth Street
6 Las Vegas, NV 89101
7 P: (702) 940-1234
8 F: (702) 940-1235
9 Attorney for Appellant
10 JACK LEAL.

8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

9 THE STATE OF NEVADA:) Case No.: C-17-322664-2
10 Respondent-Plaintiff,) Dept. No: 17
11 vs.)
12 JACK LEAL;) **NOTICE OF APPEAL**
13 Appellant-Defendant.)
14)

15 Notice is hereby given that JACK LEAL, defendant above named, hereby appeals to the
16 Supreme Court of Nevada from the final judgment entered in this action on the 23rd day of August
17 2017.

18 DATED this 14th day of September 2017.

19
20 MUELLER, HINDS & ASSOCIATES, CHTD.

21 /s/ Craig Mueller
22 CRAIG A. MUELLER, ESQ.
23 Nevada Bar No. 4703
24 MUELLER, HINDS & ASSOCIATES, CHTD.
25 600 South Eighth Street
26 Las Vegas, NV 89101
27 P: (702) 940-1234
28 F: (702) 940-1235
Attorney for Appellant

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRAP 25(d), I hereby certify that on the 14th day of September 2017, I served a true
3 and correct copy of the Notice of Appeal to the last known address set forth below:
4

5
6 Steve Wolfson, Esq.
7 Clark County District Attorney
8 Regional Justice Center
9 200 Lewis Avenue
10 Las Vegas, Nevada 89101

11 /s/ David Barragan
12 Employee of
13 MUELLER, HINDS & ASSOCIATES, CHTD.
14
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1 **MOT**
2 **ADAM PAUL LAXALT**
3 **Attorney General**
4 **Michael C. Kovac (Bar No. 11177)**
5 **Senior Deputy Attorney General**
6 **State of Nevada**
7 **Office of the Attorney General**
8 **555 East Washington Ave., Ste. 3900**
9 **Las Vegas, Nevada 89101**
10 **P: (702) 486-5706**
11 **F: (702) 486-0660**
12 **mkovac@ag.nv.gov**
13 **Attorneys for the State of Nevada**

9 **DISTRICT COURT**
10 **CLARK COUNTY, NEVADA**

11 **STATE OF NEVADA,**

12 **Plaintiff,**

13 **v.**

14 **\$6,616.04; \$150,489.13; and 1024 SANTA**
15 **HELENA AVENUE, HENDERSON,**
16 **NEVADA 89002, MORE PARTICULARLY**
17 **DESCRIBED AS FOLLOWS: LOT 223 OF**
18 **AMENDED MISSION HILLS ESTATES,**
19 **AS SHOWN BY MAP THEREOF ON FILE**
20 **IN BOOK 17 OF PLATS, PAGE 12 IN THE**
21 **OFFICE OF THE COUNTY RECORDER**
22 **OF CLARK COUNTY, NEVADA,**
23 **TOGETHER WITH A PORTION OF**
24 **VACATED ROAD KNOWN AS LOT 223-**
25 **A AND APPURTENANCES THEREON;**
26 **APN: 179-33-710-056,**

27 **Defendant(s).**

Case No.: A-16-744347-C

Dept. No. II

[Exempt from arbitration under NRS 38.255 and
NAR 3(A) as a declaratory action]

24 **PLAINTIFF'S EX PARTE MOTION FOR ORDER REOPENING CASE AND**
25 **STAYING PROCEEDINGS**

26 The STATE OF NEVADA (hereinafter "Plaintiff"), by and through Attorney General Adam
27 Paul Laxalt and Senior Deputy Attorney General Michael C. Kovac, hereby submits this PLAINTIFF'S
28 EX PARTE MOTION FOR ORDER REOPENING CASE AND STAYING PROCEEDINGS.

1 This motion is made and based upon the pleadings and papers on file, the following
2 memorandum of points and authorities, and any oral argument the Court may allow.

3 DATED this 22nd day of September, 2017.

4 ADAM PAUL LAXALT
Attorney General

5
6 By: /s/ Michael C. Kovac
MICHAEL C. KOVAC (Bar No. 11177)
7 Senior Deputy Attorney General

8 **MEMORANDUM OF POINTS AND AUTHORITIES**

9 On September 30, 2016, Plaintiff filed a Complaint for Forfeiture in the present matter. The
10 basis for that action is criminal case that is currently pending in the Eighth Judicial District Court –
11 *State v. Leal, et al.*, C-17-3222664-1/2.¹ That case was initiated in Las Vegas Justice Court on
12 November 28, 2016 in case number 16F19220AB. By order filed on September 7, 2017, this Court
13 dismissed the present Complaint for Forfeiture for lack of service.

14 NRS 179.1173(2) provides, in pertinent part: "At a proceeding for forfeiture, the court shall
15 issue an order staying the proceeding that remains in effect while the criminal action which is the basis
16 of the proceeding is pending trial." Given the pending criminal matter noted above, Plaintiff is
17 restrained from taking any action in the present forfeiture action.

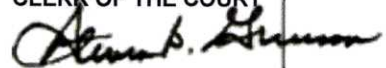
18 For these reasons, the State respectfully requests that the Court issue an order reopening and
19 staying the present proceedings, with said stay being effective as of November 28, 2016 – the date on
20 which the relevant criminal proceedings were initiated.

21 Dated this 22nd day of September, 2017.

22 SUBMITTED BY:
23 ADAM PAUL LAXALT
Attorney General

24 /s/ Michael C. Kovac
25 MICHAEL C. KOVAC (Bar No. 11177)
26 Senior Deputy Attorney General

27
28 ¹ While a criminal Judgment of Conviction has been entered against defendant Jack Leal in that matter, the case against his
codefendant, Jessica Garcia, has not yet been resolved.



1 **ORDR**

2 **ADAM PAUL LAXALT**
3 Attorney General
4 Michael C. Kovac (Bar No. 11177)
5 Senior Deputy Attorney General
6 State of Nevada
7 Office of the Attorney General
8 555 East Washington Ave., Ste. 3900
9 Las Vegas, Nevada 89101
10 P: (702) 486-5706
11 F: (702) 486-0660
12 mkovac@ag.nv.gov
13 Attorneys for the State of Nevada

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 THE STATE OF NEVADA,

11 Plaintiff,

12 vs.

13 \$6,616.04; \$150,489.13; and 1024 SANTA
14 HELENA AVENUE, HENDERSON,
15 NEVADA 89002, MORE PARTICULARLY
16 DESCRIBED AS FOLLOWS: LOT 223 OF
17 AMENDED MISSION HILLS ESTATES, AS
18 SHOWN BY MAP THEREOF ON FILE IN
19 BOOK 17 OF PLATS, PAGE 12 IN THE
20 OFFICE OF THE COUNTY RECORDER OF
21 CLARK COUNTY, NEVADA, TOGETHER
22 WITH A PORTION OF VACATED ROAD
23 KNOWN AS LOT 223-A AND
24 APPURTENANCES THEREON; APN: 179-
25 33-710-056.

26 Defendant(s).

Case No.: A-16-744347-C

Dept. No.: II

[Exempt from arbitration under NRS 38.255 and
NAR 3(A) as a declaratory action]

27 **ORDER REOPENING CASE AND STAYING PROCEEDINGS**

28 Because the present matter is based upon pending criminal proceedings in the case of *State v. Leal, et al.*, C-17-3222664-1/2, pursuant to NRS 179.1173(2), this matter is hereby reopened, and the proceedings are hereby stayed, with said stay effective as of November 28, 2016.

DATED this 25th day of September, 2017.

By: 
District Court Judge

REGISTER OF ACTIONS
CASE No. A-16-744347-C

Nevada State of, Plaintiff(s) vs. \$6,616.04, Defendant(s)

§
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Case Type: Other Civil Matters
Date Filed: 09/30/2016
Location: Department 2
Cross-Reference Case Number: A744347

PARTY INFORMATION

Lead Attorneys

Defendant \$6,616.04

Plaintiff Nevada State of

Michael C. Kovac
Retained
702-486-3420(W)

EVENTS & ORDERS OF THE COURT

DISPOSITIONS

09/07/2017 Order of Dismissal (Judicial Officer: Scotti, Richard F.)
Debtors: 1024 Santa Helena Trust (Claimant), Jack Leal (Claimant), Jessica Garcia (Claimant), Parcelnomics LLC (Claimant)
Creditors: Nevada State of (Plaintiff)
Judgment: 09/07/2017, Docketed: 09/07/2017

OTHER EVENTS AND HEARINGS

09/30/2016 Complaint
Complaint for Forfeiture
09/30/2016 Lis Pendens
Notice of Lis Pendens
01/02/2017 Case Reassigned to Department 18
Case reassigned from Judge Elizabeth Gonzalez Dept 11
06/05/2017 Administrative Reassignment - Judicial Officer Change
From Judge David Barker to Judge Mark B. Bailus
08/21/2017 Case Reassigned to Department 2
Civil Case Reassignment to Judge Richard F. Scotti
09/07/2017 Order of Dismissal
Order for Dismissal
09/28/2017 Ex Parte Motion
Plaintiff's Ex Parte Motion for Order Reopening Case and Staying Proceedings
10/10/2017 Order
Order Reopening Case and Staying Proceedings
02/21/2018 Status Check (3:00 AM) (Judicial Officer Scotti, Richard F.)

FINANCIAL INFORMATION

Table with 4 columns: Date, Description, Amount, and Name. Rows include Plaintiff Nevada State of Total Financial Assessment (11.50), Total Payments and Credits (11.50), Balance Due as of 01/22/2018 (0.00), and Transaction Assessment (10/11/2016, 11.50) and Payment (Window) (10/11/2016, 11.50).

REGISTER OF ACTIONS CASE No. C-17-322664-2

State of Nevada vs Jack Leal

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Case Type: **Felony/Gross Misdemeanor**
Date Filed: **04/11/2017**
Location: **Department 17**
Cross-Reference Case Number: **C322664**
Defendant's Scope ID #: **X0157754**
ITAG Booking Number: **0**
ITAG Case ID: **0**
Lower Court Case # Root: **16F19220**
Lower Court Case Number: **16F19220B**
Supreme Court No.: **74050**

RELATED CASE INFORMATION

Related Cases

C-17-322664-3 (Multi-Defendant Case)

PARTY INFORMATION

Defendant Leal, Jack

Lead Attorneys
Jason G. Weiner
Retained
702-202-0500(W)

Plaintiff State of Nevada

Adam Paul Laxalt
702-486-3420(W)

CHARGE INFORMATION

Charges: Leal, Jack

1. MULTIPLE TRANSACTIONS INVOLVING FRAUD OR DECEIT
IN THE COURSE OF AN ENTERPRISE AND OCCUPATION

Statute
205.377

Level
Felony

Date
03/01/2015

EVENTS & ORDERS OF THE COURT

DISPOSITIONS

- 04/24/2017 (Judicial Officer: Villani, Michael)
1. MULTIPLE TRANSACTIONS INVOLVING FRAUD OR DECEIT IN THE COURSE OF AN ENTERPRISE AND OCCUPATION
Guilty
- 08/17/2017 (Judicial Officer: Villani, Michael)
1. MULTIPLE TRANSACTIONS INVOLVING FRAUD OR DECEIT IN THE COURSE OF AN ENTERPRISE AND OCCUPATION
Guilty
- 08/17/2017 (Judicial Officer: Villani, Michael)
1. MULTIPLE TRANSACTIONS INVOLVING FRAUD OR DECEIT IN THE COURSE OF AN ENTERPRISE AND OCCUPATION
Sentenced to Nevada Dept. of Corrections
Term: Minimum:72 Months, Maximum:180 Months
Credit for Time Served: 0 Day
Other Fees
Fee Totals:
Administrative \$25.00
Assessment Fee \$25 \$25.00
DNA Analysis Fee \$150 \$150.00
Genetic Marker \$3.00
Analysis AA Fee \$3 \$3.00
Fee Totals \$ \$178.00

OTHER EVENTS AND HEARINGS

- 04/11/2017 **Criminal Bindover Packet Las Vegas Justice Court**
- 04/11/2017 **Amended Criminal Bindover Packet Las Vegas Justice Court**
- 04/18/2017 **Information**
Information
- 04/20/2017 **Initial Arraignment** (10:00 AM) (Judicial Officer Henry, Jennifer)
[Parties Present](#)
[Minutes](#)
Result: Matter Continued
- 04/24/2017 **Arraignment Continued** (1:00 PM) (Judicial Officer Henry, Jennifer)
[Parties Present](#)

- [Minutes](#)
- 04/24/2017 *04/24/2017 Reset by Court to 04/24/2017*
- 04/24/2017 **Result: Plea Entered**
- 07/18/2017 **Guilty Plea Agreement**
- 08/11/2017 **PSI**
- 08/11/2017 **Notice**
Notice of Intent of Present Victim Impact Statements
- 08/17/2017 **Sentencing (8:30 AM) (Judicial Officer Villani, Michael)**
- [Parties Present](#)
- [Minutes](#)
- 08/23/2017 **Result: Defendant Sentenced**
- 08/23/2017 **Judgment of Conviction**
JUDGMENT OF CONVICTION (PLEA OF GUILTY)
- 09/05/2017 **Criminal Order to Statistically Close Case**
Criminal Order to Statistically Close Case
- 09/08/2017 **Order**
Order Allowing Notary Public
- 09/14/2017 **Notice of Appeal (criminal)**
Notice of Appeal
- 09/14/2017 **Certificate of Mailing**
CERTIFICATE OF MAILING
- 10/03/2017 **Case Appeal Statement**
Case Appeal Statement
- 10/11/2017 **Reporters Transcript**
Request for Transcript of Proceedings
- 11/17/2017 **Recorders Transcript of Hearing**
Transcript of Proceedings Sentencing (Both) Heard on August 17, 2017
- 11/20/2017 **Recorders Transcript of Hearing**
Recorders Transcript of Hearing Re: Initial Arraignment
- 11/20/2017 **Recorders Transcript of Hearing**
Recorders Transcript of Hearing Re: Arraignment Continued

FINANCIAL INFORMATION

	Defendant Leal, Jack Total Financial Assessment Total Payments and Credits Balance Due as of 01/22/2018	178.00 0.00 178.00
09/22/2017	Transaction Assessment	178.00

REGISTER OF ACTIONS
CASE No. 16F19220B

State of Nevada vs. LEAL, JACK

0000000000

Case Type: **Felony**
Date Filed: **11/29/2016**
Location: **JC Department 7**

RELATED CASE INFORMATION

Related Cases

- 16F19220A (Multi-Defendant Case)
- 16F19220C (Multi-Defendant Case)

PARTY INFORMATION

Defendant LEAL, JACK

Lead Attorneys
Jason G. Weiner
Retained
702-202-0500(W)

State of Nevada State of Nevada

CHARGE INFORMATION

Charges: LEAL, JACK

	Statute	Level	Date
1. Racketeering [53190]	207.400	Felony	03/01/2015
2. Theft, \$3500+ [55991]	205.0835.4	Felony	06/01/2015
3. Theft, \$3500+ [55991]	205.0835.4	Felony	09/20/2015
4. Theft, \$3500+ [55991]	205.0835.4	Felony	08/01/2015
5. Theft, \$3500+ [55991]	205.0835.4	Felony	08/01/2015
6. Theft, \$3500+ [55991]	205.0835.4	Felony	03/01/2015
7. Theft, \$3500+ [55991]	205.0835.4	Felony	08/01/2015
8. Theft, \$3500+ [55991]	205.0835.4	Felony	09/21/2015
9. Theft, \$3500+ [55991]	205.0835.4	Felony	03/05/2015
10. Theft, \$3500+ [55991]	205.0835.4	Felony	04/13/2016
11. Theft, \$3500+ [55991]	205.0835.4	Felony	09/28/2015
12. Theft, \$3500+ [55991]	205.0835.4	Felony	03/09/2015
13. Theft, \$3500+ [55991]	205.0835.4	Felony	04/16/2015
14. Fraud/deceit in course of enterprise/occup [55110]	205.377	Felony	03/01/2015

EVENTS & ORDERS OF THE COURT

DISPOSITIONS

- 04/11/2017 (Judicial Officer: Bennett-Haron, Karen P.)
- Racketeering [53190]
Waiver of Preliminary Hearing - Bound Over to District Court
 - Theft, \$3500+ [55991]
Waiver of Preliminary Hearing - Bound Over to District Court
 - Theft, \$3500+ [55991]
Waiver of Preliminary Hearing - Bound Over to District Court
 - Theft, \$3500+ [55991]
Waiver of Preliminary Hearing - Bound Over to District Court
 - Theft, \$3500+ [55991]
Waiver of Preliminary Hearing - Bound Over to District Court
 - Theft, \$3500+ [55991]
Waiver of Preliminary Hearing - Bound Over to District Court
 - Theft, \$3500+ [55991]
Waiver of Preliminary Hearing - Bound Over to District Court
 - Theft, \$3500+ [55991]
Waiver of Preliminary Hearing - Bound Over to District Court
 - Theft, \$3500+ [55991]
Waiver of Preliminary Hearing - Bound Over to District Court
 - Theft, \$3500+ [55991]
Waiver of Preliminary Hearing - Bound Over to District Court
 - Theft, \$3500+ [55991]
Waiver of Preliminary Hearing - Bound Over to District Court
 - Theft, \$3500+ [55991]
Waiver of Preliminary Hearing - Bound Over to District Court

APPELLANT'S APPENDIX

13. Theft, \$3500+ [55991]
Waiver of Preliminary Hearing - Bound Over to District Court
14. Fraud/deceit in course of enterprise/occup [55110]
Waiver of Preliminary Hearing - Bound Over to District Court

OTHER EVENTS AND HEARINGS

11/28/2016 **Multi-Defendant Case**

11/28/2016 **CTRACK Track Assignment JC07**

11/29/2016 **Criminal Complaint**

11/29/2016 **Summons Issued**

11/29/2016 **Request for Summons**

12/14/2016 **Summons Returned**
Not deliverable as addressed; Unable to forward.

12/19/2016 **Notice of Confirmation of Counsel**

12/27/2016 **Initial Appearance (7:30 AM)** (Judicial Officers Pro Tempore, Judge, Hua, Jeannie)
No bail posted
Result: Matter Heard

12/27/2016 **Counsel Confirms as Attorney of Record**
J. Weiner, Esq

12/27/2016 **Amended Criminal Complaint**
Filed in open court

12/27/2016 **Initial Appearance Completed**
Defense Advised of Charges on Criminal Complaint, Waives Reading of Criminal Complaint

12/27/2016 **Motion to Continue - Defense**
for negotiations - Motion granted

12/27/2016 **Minute Order - Department 07**

02/07/2017 **Negotiations (8:00 AM)** (Judicial Officer Bennett-Haron, Karen P.)
No bail posted
Result: Matter Heard

02/07/2017 **Motion to Continue - Defense**
for negotiations - Motion granted

02/07/2017 **Continued For Negotiations**

02/07/2017 **Minute Order - Department 07**

03/07/2017 **Negotiations (8:00 AM)** (Judicial Officer Bennett-Haron, Karen P.)
No bail posted
Result: Matter Heard

03/07/2017 **Continued by Stipulation of Counsel**

03/07/2017 **Stipulation**
filed in open court

03/07/2017 **Continued For Negotiations**

03/07/2017 **Notify**
Attorney General/clm via email

03/07/2017 **Minute Order - Department 07**

04/04/2017 **Negotiations (8:00 AM)** (Judicial Officer Bennett-Haron, Karen P.)
No bail posted
Result: Matter Heard

04/04/2017 **Motion to Continue - Defense**
to file a corrected Waiver - motion granted

04/04/2017 **Minute Order - Department 07**

04/11/2017 **Status Check (8:00 AM)** (Judicial Officer Bennett-Haron, Karen P.)
No bail posted
Result: Bound Over

04/11/2017 **Waiver**
of Unconditional Bindover filed in open court

04/11/2017 **Unconditional Bind Over to District Court**
Defendant unconditionally waives right to Preliminary Hearing. Defendant Bound Over to District Court as Charged. Defendant to Appear in the Lower Level Arraignment Courtroom A.

04/11/2017 **Case Closed - Bound Over**

04/11/2017 **District Court Appearance Date Set**
Apr 20 2017 10:00AM: No bail posted

04/11/2017 **Minute Order - Department 07**

04/11/2017 **Certificate, Bindover and Order to Appear**

04/11/2017 **Amended Certificate, Bind Over and Order to Appear**

IN THE SUPREME COURT OF THE STATE OF NEVADA

JACK LEAL,

Appellant,

vs.

STATE OF NEVADA,

Respondent.

S. CT. CASE NO.: 74050
DIST. CT. CASE NO.: C332564
Electronically Filed
Feb 01 2018 10:09 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

APPELLANT'S OPENING BRIEF

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I. JURISDICTIONAL STATEMENT

This Court has jurisdiction to hear this case pursuant to NRAP 4(b) and NRS 177.015(3).

II. ROUTING STATEMENT

This appeal is presumptively retained by the Supreme Court under NRAP 17(a)(13) as it involves questions of first impression involving the United States Constitution or Nevada Constitutions due to the unique nature of the facts in this case, i.e.:

- the State signed a Guilty Plea Agreement, hereinafter “GPA,” with Appellant and then acted either negligently or in bad faith to prevent Appellant from performing that agreement;
- the district court did not allow Appellant to show a valid reason for nonperformance of the GPA;
- the district court failed to conduct any inquiry or investigation into the conflict of interest between Appellant and his attorney, letting a conflicted attorney represent Appellant through the sentencing hearing, rather than appointing independent counsel.

Furthermore, under NRAP 17(a)(14), this case raises matters of public importance in that the manner in which the State impedes the performance of a

criminal defendant under a GPA to the detriment of victims and their restitution. Thus, this case is raising “as a principle issue a question of statewide public importance...” and provides the Supreme Court with jurisdiction.

Given NRAP 17, jurisdiction over this case should be retained by the Nevada Supreme Court.

III. STATEMENT OF THE ISSUES

A. DID THE DISTRICT COURT ERR BY FAILING TO HOLD AN EVIDENTIARY HEARING OR INQUIRE INTO THE NATURE AND MATERIALITY OF THE ALLEGED BREACH OF THE GUILTY PLEA AGREEMENT?

B. DID THE DISTRICT COURT ERR BY DENYING APPELLANT’S MOTION TO WITHDRAW COUNSEL DUE TO AN UNWAIVEABLE CONCURRENT CONFLICT OF INTEREST?

IV. STATEMENT OF THE CASE

Appellant made the mistake of buying encumbered properties and selling them as-is to prospective buyers, *caveat emptor*. (See Appellant's Appendix, hereinafter "AA," at 122.) For that, Appellant was facing over a dozen criminal charges and accepted a plea to one of them and agreed to pay everything back. (Compare AA at 15-38 (Criminal Complaint), with AA at 97-99 (Information).)

After Appellant entered the GPA, the question of whether Appellant would receive probation depended on the payment of restitution to the accusers, unconflicted counsel, and a sober or dispassionate evaluation of the law and facts by the judge. However, Appellant was prevented from paying restitution by the State, had counsel with an unwaivable conflict of interest, and a judge that did not apply the proper law to this case.

Appellant was making good faith efforts to pay the restitution, but due to factors outside of his control, i.e., the actions of his codefendant, and factors within the control of the State, their placing a lien on the real property and failing to serve the civil complaint on Appellant such that he could stipulate to the taking of

the property by the State, Appellant was prevented from paying the restitution. Therefore, Appellant did not breach the GPA and the State should not have had the right to argue.

Although Appellant is entitled to unconflicted counsel and cannot waive this type of conflict, i.e., the clients are pointing the finger at the other for the failure to pay the restitution, the court permitted counsel to continue representing both based on a mistake of law. Appellant's counsel raised this issue before the court, but the court relied on the fact that they pay the restitution jointly and severally as a resolution of the conflict, without taking into account that Appellant needed a lawyer that could fully probe and offer the nature of the cofedendant's to the court for its consideration, i.e., why the codefendant was ordered to have no contact with Appellant and how that affected their ability to sell the property, etc. The court should have stayed the proceedings and at least evaluated the nature of the conflict and its impact on a full-throated defense of Appellant.

The key to Appellant getting a fair hearing commensurate with his actual culpability depended on his ability to pay restitution, neutralizing the testimony of the victims that could have been made whole. The court should have stayed the proceedings to allow Appellant to finish selling the property, making the victims whole and allowing Appellant a good faith chance at staying out of prison. However, Appellant was denied a fair sentencing hearing under the Due Process

Clause of the Fifth and Fourteenth Amendments to the United States Constitution before a neutral magistrate where the judge became angry, the State to breach the terms of the GPA, and Appellant complied in good faith with the terms of the GPA..

Appellant seeks to have a new sentencing hearing before a different judge in which he is permitted to continue to make good faith efforts, with the help of the State, to sell the property and distribute the funds to the victims.

V. FACTS AND PROCEDURAL HISTORY

Appellant made a huge mistake and took responsibility for selling the properties, but added that he “didn’t explain it correctly, I guess, what we were selling. We did transfer title to them. We did sell them the properties. It wasn’t as if we just took their money and ran and –.” (AA at 122.) Appellant essentially sold the properties as is and did not tell them that they were encumbered, as opposed to misrepresenting them as unencumbered. (See *id.*)

A. Civil Complaint for Forfeiture, A-16-744347-C

This case started in September, 2016, with a District Court Civil Complaint for Forfeiture of money and property, AA at 1-10, and Notice of Lis Pendens. (AA at 11-12.) The action was *in rem* and the State did not make Appellant a party to the lawsuit. (See AA at 2, 3.) The State acknowledged that Appellant,

along with Jessica Garcia, 1024 Santa Helena Trust and/or Parcelnomics, LLC, may have an ownership interest in the contested property. (Id. at 3.) According to the Civil Complaint, a search warrant had issued on Sep. 2, 2016 authorizing the seizure of \$6,616.04 from an account ending in 5085, and \$150,489.13 from an account ending in 9635. (Id. at 3.) The State failed to serve the Civil Complaint on Appellant or any interested party. (See id. at 142 (Order for Dismissal, A-16-744347-C) (Sep. 7, 2017). The State moved the court, ex parte, to reopen the case and that was granted. (See id. at 145-148 (Ex Parte Motion and Order Reopening Case and Staying Proceedings).)

B. Criminal Complaint, Indictment and Guilty Plea Agreement

The first Criminal Complaint was filed Sep. 30, 2016, AA 15-38, alleging fourteen counts of criminal conduct ranging from theft to racketeering, and 14 counts of criminal forfeiture. (AA at 15-38.) Appellant waived his right to a preliminary hearing on April 11, 2017, AA at 79-83, an Information was filed on April 18, 2017, charging one count of Multiple Transactions Involving Fraud or Deceit in Course of Enterprise or Occupation, NRS 205.377, AA at 97-99 and filed a GPA on April 24, 2017. (AA at 88-102.)

The GPA set forth eleven victims that were owed restitution totaling \$694,420, excluding anything already recovered which would be forfeited to the State. (AA at 88-89.) Appellant was required to pay restitution in full prior to sentencing, jointly and severally with codefendant Jessica Garcia. (AA at 89.) The State would not oppose probation and a suspended sentence of 36 to 90 months in prison if the restitution was paid, but would regain the right to argue if not. (AA at 89.) The \$157,105.17 the State seized was to be applied to the restitution balance. (AA at 89.) Appellant also agreed to execute and file a lien in favor of the State of Nevada, Office of the Attorney General in the amount of \$600,314.83 against the home located at 1024 Santa Helena Ave., Henderson, NV 89002, with the proceeds of the sale to be applied against the restitution requirements. (AA at 89-90.)

The GPA Appellant signed waived the right to appeal except based on “reasonable constitutional, jurisdictional or other grounds that challenge the legality of the proceedings and except as otherwise provided in subsection 3 of NRS 174.035.” (AA at 92.) Attached to the GPA was a Conflict-of-Interest Waiver, signed by Appellant and his attorney and a copy of “Rule 1.7. Conflict of Interest: Current Clients.” (AA 100-102.)

C. Sentencing Hearing

At the first setting for the sentencing hearing on August 17, 2017 the State argued to the court for a sentence of imprisonment of 60 to 180 months in prison. (AA at 120.) The State never explained to the court that the right to argue was predicated on the failure of Appellant to pay restitution. (Id.) The facts according to the State was that Appellant and his codefendant bought encumbered properties and then fraudulently sold them to the victims by misrepresenting them as unencumbered. (AA at 120.) The State also argued that Appellant had done nothing until a week before sentencing and that the property is valued at \$580,000 but on the market for 1.2 million dollars. (See AA at 120-121.)

a. Conflict of Interest

At the beginning of the sentencing hearing, Mr. Weiner, then-attorney for Appellant and his codefendant Jessica Garcia, raised a conflict of interest issue at a bench conference and on the record:

The – well, as an initial matter, Your Honor, just to address what we discussed at the bench, the ongoing conflict waivers – the dispute between [the codefendants] began after the change of plea but before sentencing. If you want to put on the record, I contacted the bar ethics hotline. They recommended that I withdraw based on what's going on here. I did. I will make that motion. I do undersand that the Court's

going to insist that we go forward today and that's certainly the Court's right to do but –

The Court: Well, is the conflict the fact that your client thought that Ms. Garcia was going to pay this off? Is that the conflict?

Mr. Wiener: Well, no, it wasn't that they were paying it off. They were supposed to be working together. Then they had a no contact order so they couldn't. So they're now basically pointing at each other saying this is – she's saying this is his fault, he's saying that's her fault. That's an antagonistic defense. I mean I should not be –

The Court: Well, it's – that related – it's not a defense to the case –

Mr. Weiner: Well—

The Court: - because if it says why –

Mr. Weiner: - in terms of sentencing.

The Court: -- restitution wasn't paid and this is joint and several which means if one –

Mr. Weiner: Correct.

The Court: doesn't pay the other owes the full amount. ...

(AA at 124-1125.)

b. Appellant's Good Faith Efforts to Pay Restitution

With respect to Appellant's good faith efforts to pay restitution, there was no dispute that Appellant had recorded a lien in the State's favor for over \$600,000. (AA at 121.) Appellant had relied on his codefendant to work on selling the property at first, but had since intervened, the home was valued by the assessor at over one-million dollars. (*Id.*) Further, codefendant Jessica Garcia was subject to a domestic violence no contact order with respect to Appellant and that was the cause for the delay. (AA at 121-122, 124.) Appellant had even presented the State with a

letter from the real estate agent showing that the property had been actively marketed. (AA at 126.)

c. Victim Impact Statements and Court's Reaction

The victim impact statements were powerful and moving given the absence of the restitution. For example, Irene Segura testified that the money taken was for her orphaned grandson's college fund. (AA at 128.) Ms. Segura explained to the court that twelve years ago she gave a victim impact statement at the sentencing of the murderers of her son and the father of her grandson. (AA at 128.) The money was saved for her grandson's college fund because she "scrimped and saved and cut back on every possible expense" she could think of including dining out, vacations and getting a new car. (AA at 129.)

It is apparent from the transcript that the Court became angry with Appellant. The court informed a representative from the Department of Parole and Probation, "P &P," that the program they use to make recommendation was "broken," that Appellant had time to sell the house but they "stabbed [the victims] in the back and I'm not standing for it." (AA at 137-138.) The court then pronounced the sentence against codefendant Garcia for whom he issued a no bail bench warrant for failing to appear, "if she's here within a week she may get the similar sentence. If

she's out and about and trying to avoid prosecution that's going to tell me she's not taking this serious and I'm going to max her out. I'm not mad –

Mr. Weiner: Understood, Your honor.

The Court: -- at you, Counsel. You did your job. You got 11 felonies down to 1 so I mean you should be commended because you did a good job for them but these people need to pay the price.

(AA at 138-139.)

The Court entered a Judgment of Conviction, AA at 140-141, sentencing Appellant to 72-180 months in prison with zero days credit for time served. (AA at 141.) This appeal follows.

VI. SUMMARY OF THE ARGUMENT

A. The District Court Erred by Permitting the State to Breach the Plea Agreement without Holding an Evidentiary Hearing under *Gamble v. State*, 95 Nev. 904 (1979), etc., to Determine Blame for the Breach

B. The District Court Erred by Denying Motion to Withdraw Counsel with an Unwaivable Conflict under *Clark v. State*, 108 Nev. 324 (1992)

VII. ARGUMENT

A. The District Court Erred by Permitting the State to Breach the Plea Agreement without Holding an Evidentiary Hearing under *Gamble v. State*, 95 Nev. 904 (1979), etc., to Determine Blame for the Breach

The State and Appellant entered into an agreement which contained the following clauses:

6. Should I, Jack Leal, pay restitution in full at or before the time I am sentenced in the present case, the State will not oppose the imposition of a term or probation not to exceed a term of five years, with a suspended 36-to-90 month term of imprisonment;

7. Should I, Jack Leal, fail to pay restitution in full at or before the time I am sentenced in the present case, the State will retain the right to argue for the imposition of imprisonment.

(AA at 89:18-22.) At the first sentencing hearing, the State argued for imprisonment, falsely accusing Appellant of doing nothing to pay the restitution when in fact Appellant had been trying to sell a piece of property that the State had already tied up the property in civil litigation. See supra.

This Court held in Gamble v. State, 95 Nev. 905 (1979) and Villalpando v. State, 107 Nev. 465 (1991), held that an evidentiary hearing is required where the State alleges a defendant breached the agreement unless the defendant is “obviously to blame” for the breach of the agreement. See Sparks v. State, 121 Nev. 107, 111

(2005) (citations omitted). “When the State enters into a plea agreement, it is held to the most meticulous standards of both promise and performance with respect to both the terms and the spirit of the plea bargain.” See Sparks v. State, 121 Nev. 107, 110 (2005) (citations omitted).

In Sparks, the defendant entered into a guilty plea agreement that gave the State the full right to argue if he either committed a new criminal offense or failed to appear at his sentencing hearing. Id. The defendant in Sparks did not offer a reason for the apparent breach of the agreement, instead argued that the clause was unenforceable; the Supreme Court of Nevada disagreed and affirmed the judgment of conviction.

Here and unlike in Sparks, Appellant made good faith efforts to pay the restitution before the imposition of sentence, gave reasons why the sale of the property had not been completed to that end and rebutted the State’s claim that Appellant was not asking a good faith asking price for the home valued at seven figures. (See, generally, AA at 118-139.) Appellant complied with all the terms as best as he could and was hindered by his co-defendant and the actions of the State, i.e., requiring the placement of the lien on the property and the initiation of the lawsuit. (Id.)

The State’s actions in this case are particularly troubling. To both require the sale of a property to pay restitution and at the same time require that a lien be placed

on the same property is akin to requiring a defendant to appear at a sentencing hearing while blockading them in their home.

The case should be remanded for an evidentiary hearing to determine whether Appellant is to blame for the failure to pay the restitution and whether that constitutes a material breach. The State could have given Appellant more time, removed the lien or offered to allow Appellant to transfer title under the civil case that the State had started and noticed a lis pendens. Instead, the State misrepresented to the court the reasons for failing to pay the restitution and insisted on imposing a prison sentence. (Compare AA at 121 (“And the house is on the market. It’s valued about [sic] \$580,000. That’s what the last recorder entry notes and they have it on the market for 1.2 million dollars. Now they dropped it to one million dollars. There’s no real effort to make restitution in this case.”), and AA at 122 (“Defense counsel sent me the title assessment just yesterday and it shows a bunch of liens on this property.”), with AA at 125 (“We have a print out from the Clark County Assessor’s website for the 2017-2018 year that values the property at \$1,032,044.00), and AA at 122 (“There’s two Republic garbage -- Republic Waste [indiscernable] for \$256.00 each. I have a copy of it right here from Fidelity Title.”) The lower court, perhaps blinded by its anger, (see AA at 139 “I’m not mad ---... at you Counsel. You did your job. ... These people need to pay the price.”), did not meticulously hold the State to

its end of the bargain and require them to make a showing that Appellant's good faith efforts were insufficient under the letter or spirit of the guilty plea agreement.

B. The District Court Erred by Denying Motion to Withdraw Counsel with an Unwaivable Conflict under Clark v. State, 108 Nev. 324 (1992)

Counsel for Appellant moved the court to withdraw based on a conflict of interest at the sentencing hearing. (AA at 124.) At the time, counsel for Appellant was also counsel for his codefendant. (*Id.*) Given that Appellant and his codefendant were accused as coconspirators in a fraudulent scheme, it is not apparent how such a conflict could have been waived in the first place, much less at sentencing after Appellant's codefendant failed to cooperate to pay the restitution and had a been involved in a domestic violence incident with Appellant.

Nevada Rules of Professional Conduct, Rule 1.7, provides:

(a) Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if:

(1) The representation of one client will be directly adverse to another client;
or

(2) There is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer.

(b) Notwithstanding the existence of a concurrent conflict of interest under paragraph (a), a lawyer may represent a client if:

(1) The lawyer reasonably believes that the lawyer will be able to provide competent and diligent representation to each affected client;

(2) The representation is not prohibited by law;

- (3) The representation does not involve the assertion of a claim by one client against another client represented by the lawyer in the same litigation or other proceeding before a tribunal; and
- (4) Each affected client gives informed consent, confirmed in writing.

NRPC 1.7 (2006).

Here, under NRPC 1.7(a), the conflict of interest clearly existed prior to and through sentencing. The concurrent conflict of interest existed from the inception of the case because there was a “significant risk the representation” of Appellant would be materially limited by the lawyer’s responsibilities to Appellant’s codefendant, i.e., Appellant and Appellant’s codefendant could at trial point the finger at the other as to who misrepresented unencumbered status of the properties that were sold.

Whether the waiver was proper prior to sentencing turns on the actual defenses of the parties, but by the time Appellant was sentenced, the conflict had ripened into an unwaivable conflict under NRPC 1.7(b)(3). At sentencing, Appellant and his codefendant had been required to pay restitution, but it was not paid due to Appellant’s codefendant’s malfeasance and domestic violence restraining order against her. In order to explain why he could not pay restitution, Appellant needed zealous counsel to point out that the failure was due to circumstances outside of his control including the actions of his codefendant. However, he did not have unconflicted counsel and zealous representation.

At sentencing, counsel for Appellant and his codefendant, was in an awkward place. He could not throw Appellant’s codefendant under the proverbial bus by, for

instance, showing the court evidence of that codefendant's domestic violence against Appellant. Counsel was told by bar counsel to move to withdraw but the court ignored the mandate of bar counsel and substituted its own flawed judgment for that of experienced ethics professionals. This was an abuse of discretion. See Wilmes v. Reno Mun. Ct., 59 P.3d 1197, 118 Nev. 831 (2002) (district attorney representing municipal court in mandamus action not an abuse of discretion).

Every defendant has the constitutional right to assistance of counsel unhindered by conflicting interests. U.S. Const. Amend. VI; Hollaway v. Arkansas, 435 U.S. 475, 98 S.Ct. 1173 (1978); Clark v. State, 108 Nev. 324, 326 (1992). In Clark, the Court found that where an actual conflict of interest which adversely affects a lawyer's performance will result in a presumption of prejudice to the defendant. Id. (citations omitted). The Clark, the court found that the lower court erred by requiring the appellant to show he was prejudiced by his lawyer's conflict of interest.

The court abused its discretion by denying Appellant's motion to withdraw due to a conflict of interest. The case should be remanded for a new sentencing hearing with either a reasonable time to close the sale of the million dollar home, or to permit the State to seize the property and sell it for restitution per their civil complaint for forfeiture.

VIII. CONCLUSION

For the foregoing reasons, the convictions of Appellant must be vacated and the case remanded for further proceedings.

Dated: February 1, 2018

By:

/s/ Lester M. Paredes III, Esq.
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Nevada Bar Number 11236
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7
8 **DISTRICT COURT**
9 **CLARK COUNTY, NEVADA**

10 STATE OF NEVADA,

11 Plaintiff,

12 v.

13 JESSICA GARCIA,

14 Defendant.

Case No.: C-17-322664-3

Dept. No.: XVII

Hearing Date: 04/24/18

Hearing Time: 8:30 AM

15 **STATE'S NOTICE OF MOTION AND MOTION TO CONTINUE SENTENCING UPON**
16 **STIPULATION OF THE PARTIES**

17 TO: GABRIEL L. GRASSO, attorney for defendant JESSICA GARCIA:

18 PLEASE TAKE NOTICE that the State of Nevada intends to bring its Motion to Continue
19 Sentencing upon Stipulation of the Parties in the above-captioned case on the 24 day of April, 2018, at
20 8:30 AM. The State of Nevada, through its counsel, Attorney General ADAM PAUL LAXALT, by his
21 undersigned deputy, respectfully moves this Honorable Court for continuation of Defendant's sentencing
22 in the above-captioned case. This motion is based upon the accompanying points and authorities.

23 **POINTS AND AUTHORITIES**

24 On April 20, 2017, Defendant JESSICA GARCIA and her codefendant/estranged husband, JACK
25 LEAL, pled guilty to the charge of Multiple Transactions Involving Fraud or Deceit in the Course of an
26 Enterprise or Occupation, a category B felony, in violation of NRS 205.377, a crime punishable by a term
27 of imprisonment not to exceed 20 years. The charges stem from GARCIA and LEAL selling various

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1 parcels of real estate to various victims on the false representation that said parcels were not subject to any
2 security interests. GARCIA and LEAL stole more than \$750,000 from their victims.

3 The terms of GARCIA's guilty plea agreement provided, *inter alia*, that:

4 1. Should I, JESSICA GARCIA, pay restitution in full at or before the time I am sentenced in
5 the present case, the State will not oppose the imposition of a term of probation not to exceed a term of
6 five years, with a suspended 36-to-90 month term of imprisonment;

7 2. Should I, JESSICA GARCIA, fail to pay restitution in full at or before the time I am
8 sentenced in the present case, the State will retain the right to argue for the imposition of a term of
9 imprisonment.

10 Sentencing was set for August 17, 2017. The restitution was not paid. LEAL was sentenced to
11 serve 72 to 180 months in prison. GARCIA failed to appear for sentencing.

12 GARCIA was subsequently apprehended in Florida and transported to Las Vegas for the present
13 proceedings. Her sentencing is now scheduled for May 8, 2018.

14 All parties hope to see restitution paid in full as quickly as possible. It is possible that GARCIA
15 could sell a home that will cover most – if not all – of the restitution. However, due to issues with the title
16 to said home, any such sale will likely first require the completion of a quiet title action that will take
17 approximately six months to complete.

18 As things presently stand, under the terms of the plea agreement, due to GARCIA's failure to
19 appear at her sentencing and her commission of additional crimes while the present matter was pending,
20 the State has the right to argue for prison regardless of whether GARCIA pays her restitution in full prior
21 to sentencing. Nevertheless, the State continues to have a strong interest in having the restitution paid as
22 quickly as possible, and, as a result, has reached the following agreement with defense counsel:

- 23 • That GARCIA's sentencing be continued to December of 2018 (to give her time to sell the home in
24 order to satisfy her restitution obligation);
- 25 • That GARCIA remain in custody pending sentencing;
- 26 • That GARCIA make every effort to pay her restitution in full prior to sentencing;
- 27 • That, in the event that GARCIA successfully pays her restitution in full prior to her proposed
28 December of 2018 sentencing, the State will make no recommendation at sentencing, though the

1 State will retain the ability to explain to the Court the circumstances of the present case, as well as
2 GARCIA's conduct during the pendency of the present case;

- 3 • That, in the event the restitution is not paid in full at the time of the proposed December of 2018
4 sentencing, the State will retain the right to argue for any sentence permissible under the terms of
5 the GPA; and
- 6 • All victims will have the opportunity to make their impact statements at sentencing, regardless of
7 whether GARCIA pays off the restitution or not.

8 Should the Court be amenable to the parties' stipulation, the State respectfully requests that the
9 agreement be put on the record in open court with GARCIA present, so that GARCIA's acceptance of the
10 terms can be confirmed.

11 **CONCLUSION**

12 For the reasons set forth above, the State respectfully requests that this Court hold a hearing on the
13 parties' proposed stipulation and continue GARCIA's sentencing to December of 2018 under the terms
14 thereof.

15 DATED this 12th day of April, 2018.

16 ADAM PAUL LAXALT
17 Attorney General

18 By /s/ Michael C. Kovac
19 MICHAEL C. KOVAC
20 Chief Deputy Attorney General
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RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

JACK LEAL,

Defendant.

CASE: C-17-322664-2

DEPT. XVII

BEFORE THE HONORABLE MICHAEL P. VILLANI, DISTRICT COURT JUDGE
TUESDAY, JUNE 26, 2018

**RECORDER'S TRANSCRIPT OF HEARING:
DEFENDANT'S MOTION RE: RESCHEDULING OF HEARING**

APPEARANCES:

For the State:

MICHAEL C. KOVAC, ESQ.
Senior Deputy Attorney General

For the Defendant:

CRAIG MUELLER, ESQ.

RECORDED BY: CYNTHIA GEORGILAS, COURT RECORDER

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Las Vegas, Nevada, Tuesday, June 26, 2018

[Hearing begins at 8:30 a.m.]

THE COURT: All right, State versus Jack Leal.

Just one moment, please, my law clerk is coming in.

MR. MUELLER: Your Honor, may we trail this for a few moments?

THE COURT: Sure.

MR. MUELLER: Counsel and I were actually just making –

THE COURT: Sure.

MR. MUELLER: -- having a discussion. Thank you.

[Matter trailed at 8:30 a.m.]

[Matter recalled at 8:42 a.m.]

THE MARSHAL: Recalling 1 top.

THE COURT: All right; the Leal matter.

MR. MUELLER: Good morning, Your Honor, Craig Mueller on behalf of Mr. Leal. I would like to have the record reflect me showing as attorney of record. This is on for a motion of bail pending appeal.

THE COURT: Okay. Go ahead.

MR. MUELLER: Thank you, Your Honor.

I spoke with Mr. Leal and as this is not the run of the mill state court criminal case but I believe I'm comfortable with the record, I believe a meritorious appeal is potentially available to Mr. Leal pursuant to the Nevada Revised Statutes that allow for it, specifically – I just had it here – 178.08 – 488. I'm going to ask for a \$100,000.00 cash bail to be held and the cash eventually be applied to the restitution that is owed.

1 Mr. Leal is not a threat to the community, not a flight risk, and there is
2 another piece of property apparently that can be – or is in the process of
3 being liquidated to pay the restitution.

4 As I was reviewing this, and I look at this as a judge, -- I've
5 been doing this a number of years now -- I've reviewed the record and
6 looked at everything and I kind of – the two things that struck out to me,
7 Judge, I was very uncomfortable when I read this record about this
8 conflict between the two parties. I – occasionally the lower courts will
9 waive conflict between the parties when the matter's simply going to be
10 negotiated, where there came a time at sentencing when the parties are
11 actually in fisticuffs and have cross restraining orders between them and
12 there is a -- charges pending as a result of their interactions with each
13 other, I believe at that point the fate – the conflict can – becomes fatal
14 and the representation, the joint representation can simply not proceed.

15 The second issue that struck me as very unusual -- and I'll
16 defer to my colleague, I don't want to step on his toes if I've
17 misunderstood what's transpired, but it would appear that the
18 contemplated negotiations included liquidating a property for which there
19 was a considerable amount of equity and then using that equity to pay
20 off the restitution as a condition of probation. For whatever reason, there
21 apparently was a lien or some other administrative mechanism put on
22 that property that prevented its timely sale. I don't know if it was
23 intentional. I don't know the exact details. Obviously getting – coming in
24 to representation late I'm tentative, not because I haven't read
25 everything and I'm not prepared, I just want to make sure that I don't

1 misstate the record here coming into it a little later.

2 Having said that, I believe either of those issues, particularly –
3 potentially are meritorious. I'm asking for a cash bail, not a bond, and
4 that that's real money that can go to restitution of the parties if Mr. Leal
5 does not prevail on appeal.

6 THE COURT: Thank you.

7 State.

8 MR. KOVAC: Good morning; Michael Kovac, the Attorney
9 General's Office. So, I'm sure Your Honor is familiar with this case. It's
10 dragged on for a while now. This is the fourth defense attorney we've
11 dealt with in this case.

12 Mr. Leal and Ms. Garcia are estranged. At the time this case
13 was being negotiated they were still estranged even at that – estranged
14 even at that time. They were represented by Mr. Weiner at the lower
15 proceedings where this case was negotiated.

16 When we were at the lower level arraignment, I said make
17 sure – I was out in the halls. Mr. Weiner, Mr. Leal, and Ms. Garcia were
18 all out in the hall. I said it's important that this restitution gets paid off
19 before sentencing. If it gets paid off before sentencing I have no problem
20 – I'm not opposing probation. If it doesn't, for whatever reason, I'm going
21 to make an argument for prison time. So, everybody was aware of that. I
22 said part of this deal contemplated that you put a lien on the house
23 where there's equity. That house was owned by Mr. Leal and Ms. Garcia
24 but it was in the name of a trust. So, I said you have to hurry up and get
25 that trust – that property into your name rather than the trust name so

1 that you can sign the lien to us. The lien doesn't have any effect on the
2 sale of the property because the sale – the property was worth enough
3 that the lien would be satisfied once it was sold. They did nothing for the
4 nearly 4 months that passed between the arraignment and the
5 sentencing.

6 Just a few days before the sentencing Mr. Weiner called me
7 and asked me if they could have a continuance to get more time and I
8 said absolutely not because they've done absolutely nothing to get this
9 property moving along. Finally at that point, when they knew that they
10 weren't getting any more chances, all of a sudden, bam, the house goes
11 from the trust name to Mr. Leal's name. I said, okay, now you need to
12 get the lien in the place of the Attorney General's Office. Mr. Leal said
13 that that was done. He came into court the day of sentencing and told
14 you that it was done. That was a flat out lie. He tried to do it the day
15 before sentencing finally and they told him – the recorder's office told
16 him that lien was suspended because he didn't have the proper
17 paperwork. He said, oh well, I'm going back to Florida the next day. I'm
18 not going to fix it. Nevertheless, he had no problem lying to your face
19 during sentencing.

20 Now, we get here and we have the appeal. Well, there was a
21 conflict between Mr. Leal and Ms. Garcia that couldn't be resolved. But
22 there is case law directly on point, that Ryan case that I cited in here. It
23 says exactly what needs to be done in order to have a valid waiver of
24 any conflict. I made sure that the language in the waiver that was filed in
25 district court and it was attached to the GPA track the language in the

1 Ryan case. The Ryan case says that once a district court accepts the
2 wavier, the Defendant cannot subsequently seek a mistrial arising out of
3 conflict he waived. He cannot subsequently claim that the conflict waiver
4 resulted in ineffective assistance of counsel. That would be equally as
5 effective for a Guilty Plea Agreement as it would be for a trial.

6 As far as the other issue, whether the State prevented the
7 Defendant from being able to satisfy his restitution obligation, that's just
8 flat out false. I've done everything I can to get this stuff moving along. It's
9 been – the Defendant – he's a con man. This is his third conviction for
10 fraud. He thought he could talk his way out of it. He finally got caught.
11 That's why we're here today.

12 MR. MUELLER: In rejoinder, Your Honor, my colleague's very
13 eloquent, but in rejoinder I'd make three points. Number one, I'm offering
14 cash bail. There's no con. Its cash or he doesn't get anywhere so that's
15 easy. If he doesn't get [indiscernible] cash, then it doesn't go.

16 And number two, conflicts cannot be waived when they are in
17 fact fatal. And I took Rob Bare's course and I actually still have his notes
18 from when I went over on conflicts. When the parties are in open warfare
19 between each other and where their positions or the relationship has
20 degraded, you cannot continue to represent both. You can't. It's a fatal
21 conflict. Now, all conflicts can be waived up to a point until they become
22 fatal. At a certain point, no – the conflict can simply not be waived.

23 Now, I – you and I go out and we do a [indiscernible] skip and
24 we both go to agree to hire a couple – a guy to represent us, gets petty
25 larceny and 30 days in jail and it turns out later you want to testify

1 against me. That conflict goes from being waivable to being non-
2 waivable. That becomes a fatal conflict because there's now actual open
3 hostility between the parties. Now, in this instance, that is a meritorious
4 argument; I believe the Supreme Court is going to see to it.

5 And third, it would appear that there was at least some
6 substantial compliance or at least some meaningful effort to substantially
7 comply with the restitution request. Now, if the two parties are at odds
8 with each other over ownership of property that needs to be liquidated
9 for restitution, very clearly there's a conflict that can't be waived at that
10 point as well. And I would also just point out in rejoinder, you know
11 some of us grow up with educated and alert and responsible parents
12 who are sophisticated in the ways of the world and some people have to
13 make their own way in the world. It's easy to lose sight of the fact that
14 Mr. Leal is 34, was actually about 30, involved in some very detailed and
15 sophisticated real estate transactions, that I approaching 60 would not
16 be comfortable with. Now, the reality is is how much of this was a young
17 man in bluster and how much of this was crime. For whatever – by what
18 other mechanisms, it would appear that he and his then ex-girlfriend had
19 some real success at some point with real estate and there's still
20 apparently enough equity to make the restitution here if mechanisms are
21 in place to have it.

22 For those foregoing reasons, I'd ask – I'm not asking for a
23 bond. I'm not asking for anything other than a cool hard \$100,000.00
24 cash bail.

25 THE COURT: When I reviewed this matter, the – we do have

1 a conflict of wavier and I understand the argument that there's an issue
2 down the road. The issue at the time of sentencing was whether or not
3 the Defendant had paid the restitution and the negotiations were joint
4 and several. The negotiations were for him to sign the lien in the
5 Attorney General's Office. He had 4 months from the entry of the plea to
6 the time of sentencing and he only attempted apparently the day before
7 and was unsuccessful, but in any event it would not have been
8 accomplished the day of the sentencing. He did not pay one dime
9 towards restitution. And so that's why I didn't find – there wasn't a
10 conflict with that situation whether he paid it or not. It's a very simple
11 question. It's reality. He did not pay it. The State retained the right to
12 argue. And furthermore, it was not a conditional plea that the Court give
13 either Defendant probation. I looked at 11 victims in the amount of
14 \$757,000.00, that they were victims of the fraudulent conduct of the two
15 Defendants. And for those reasons, I gave him the sentence that I did.

16 And so, I'm going to – he is – he's got a record of fraud in the
17 past, two other cases. These are fraudulent transactions going over, I
18 believe, a two year period of time. He is a danger to the community
19 because other unsuspecting individuals could be victims to his
20 fraudulent conduct. And so, for those reasons I am denying his motion
21 for bail pending appeal.

22 MR. KOVAC: Thank you, Your Honor.

23 MR. MUELLER: Your Honor, and respectfully, Judge, I
24 understand the Court's ruling and decision, but the standard here is for
25 the – and right out of the statute, is "...unless it appears that the appeal

1 is frivolous or taken for delay.”

2 THE COURT: Well, I just set forth the basis where I feel that
3 there was no – there wasn’t an appealable – an issue of conflict that
4 would arise to a meritorious appeal. And also, in any event, there was no
5 conflict as to whether or not he paid his restitution or not. It was never
6 paid. It has nothing to do with the attorney. He didn’t pay it. The attorney
7 wasn’t supposed to pay. The attorney didn’t have money in a trust
8 account to pay this. The Defendant didn’t pay it, just very simple.

9 MR. MUELLER: Thank you, Your Honor.

10 THE COURT: Thank you.

11 MR. KOVAC: Thank you.

12 [Hearing concludes at 8:53 a.m.]

13 * * * * *

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21 ATTEST: I do hereby certify that I have truly and correctly transcribed the
22 audio/video proceedings in the above-entitled case to the best of my ability.

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Cynthia Georgilas
CYNTHIA GEORGILAS
Court Recorder/Transcriber
District Court Dept. XVII

C-17-322664-3 State of Nevada
 vs
 Jessica Garcia

July 24, 2018 08:30 AM Status Check: Status of Case

HEARD BY: Villani, Michael COURTROOM: RJC Courtroom 11A

COURT CLERK: Pannullo, Haly

RECORDER: Georgilas, Cynthia

REPORTER:

PARTIES PRESENT:

Gabriel Grasso	Attorney for Defendant
Jessica Garcia	Defendant
Robert Gerard Giunta	Attorney for Plaintiff
State of Nevada	Plaintiff

JOURNAL ENTRIES

CONFERENCE AT BENCH. Based upon the conference at bench, COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 08/23/18 8:30 AM

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

August 23, 2018

C-17-322664-3 State of Nevada
 vs
 Jessica Garcia

August 23, 2018 08:30 AM Status Check: Status of Case

HEARD BY: Villani, Michael COURTROOM: RJC Courtroom 11A

COURT CLERK: Pannullo, Haly

RECORDER: Georgilas, Cynthia

REPORTER:

PARTIES PRESENT:

Gabriel Grasso	Attorney for Defendant
Jessica Garcia	Defendant
Michael C. Kovac	Attorney for Plaintiff
State of Nevada	Plaintiff

JOURNAL ENTRIES

Mr. Grasso advised there is an issue with the restitution, which will come from the sale of the home that is in litigation. Further, Mr. Grasso stated he spoke with Sara Moore, the attorney handling the quiet title action, which indicated the Motion for Summary Judgment is going forward on 09/25/18. Mr. Grasso noted the attorney in the other action indicated it will take about two to three weeks for the closing to happen and the funds to be transferred. State confirmed. COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 10/18/18 8:30 AM

IN THE COURT OF APPEALS OF THE STATE OF NEVADA

JACK LEAL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 74050

FILED

SEP 11 2018

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY S. Young
DEPUTY CLERK

ORDER OF AFFIRMANCE

Jack Leal appeals from a judgment of conviction, entered pursuant to a guilty plea, of multiple transactions involving fraud or deceit in the course of an enterprise or occupation. Eighth Judicial District Court, Clark County; Michael Villani, Judge.

First, Leal argues the district court erred by failing to hold an evidentiary hearing or failing to inquire into the nature or materiality of his breach of the plea agreement. We disagree.


The parties agreed in the guilty plea agreement that if Leal paid full restitution to the victims in this case by the sentencing date, the State would not oppose probation. If Leal failed to pay the full restitution amount by the sentencing date, the State could argue for imprisonment. Leal failed to pay the full restitution amount by the sentencing date. Here it was apparent the defendant was to blame for the breach of the plea agreement; therefore, no evidentiary hearing was necessary to determine who was to blame. *Villalpando v. State*, 107 Nev. 465, 467-68, 814 P.2d 78, 80 (1991). Accordingly, the district court did not err by failing to hold an evidentiary hearing or otherwise inquire into the nature or materiality of the breach of the plea agreement.

Second, Leal argues the district court abused its discretion by denying his motion to withdraw counsel due to a conflict of interest. Leal claims it was a conflict of interest for his counsel to represent both him and his codefendant in this case. Specifically, he claims his counsel should have been able to withdraw at sentencing, after making an oral motion, because he and his codefendant had conflicting defenses as to why they did not pay the restitution in full.

Leal failed to demonstrate the district court abused its discretion by denying his motion to withdraw counsel. First, it does not appear Leal made an appropriate motion to withdraw based on the local rules. See EDCR 7.40(b). Second, Leal waived any current or potential conflicts of interest by signing two different waivers regarding actual and potential conflicts of interest. See RPC 1.7(b); see also *Ryan v. Eighth Judicial Dist. Court*, 123 Nev. 419, 430, 168 P.3d 703, 710 (2007). Finally, Leal failed to demonstrate there was a conflict of interest because the fact his codefendant did not also pay the restitution was not a defense to his breach of the guilty plea agreement. See RPC 1.7(b)(3). Leal and his codefendant were jointly and severally liable for the restitution and the restitution was required to be paid in full by the sentencing hearing.

Having reviewed the claims raised on appeal, we
ORDER the judgment of conviction AFFIRMED.¹


_____, C.J.
Silver


_____, J.
Tao


_____, J.
Gibbons

¹In light of this order, we deny Leal's motion for bail pending appeal.

cc: Hon. Michael Villani, District Judge
Mueller Hinds & Associates
Attorney General/Carson City
Attorney General/Las Vegas
Clark County District Attorney
Eighth District Court Clerk

C-17-322664-3 State of Nevada
 vs
 Jessica Garcia

October 18, 2018 08:30 AM Status Check: Status of Case

HEARD BY: Saitta, Nancy COURTROOM: RJC Courtroom 11A

COURT CLERK: Pannullo, Haly

RECORDER: Georgilas, Cynthia

REPORTER:

PARTIES PRESENT:

Christopher L. Grasso	Attorney for Defendant
Jessica Garcia	Defendant
Michael C. Kovac	Attorney for Plaintiff
State of Nevada	Plaintiff

JOURNAL ENTRIES

Mr. Grasso advised the house sell date is 11/15/18 and requested a continuance. State confirmed the things are moving along. COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 11/27/18 8:30 AM

C-17-322664-3 State of Nevada
 vs
 Jessica Garcia

November 27, 2018 08:30 AM Status Check: Status of Case

HEARD BY: Villani, Michael COURTROOM: RJC Courtroom 11A

COURT CLERK: Pannullo, Haly

RECORDER: Georgilas, Cynthia

REPORTER:

PARTIES PRESENT:

Gabriel Grasso	Attorney for Defendant
Jessica Garcia	Defendant
Michael C. Kovac	Attorney for Plaintiff
State of Nevada	Plaintiff

JOURNAL ENTRIES

Mr. Grasso represented that there is a buyer that is ready to move into the house. Mr. Grasso requested this matter be continued to January in hopes that the house is sold. State confirmed there is some delay in the house being sold, not at the fault of the Defendant, and requested this matter be set for Status Check to be sure the out of state speakers can be present at Sentencing. COURT SO ORDERED.

CUSTODY

CONTINUED TO: 01/24/19 8:30 AM

IN THE SUPREME COURT OF THE STATE OF NEVADA

JACK LEAL,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

Supreme Court No. 74050
District Court Case No. C322664

REMITTITUR

TO: Steven D. Grierson, Eighth District Court Clerk

Pursuant to the rules of this court, enclosed are the following:

Certified copy of Judgment and Opinion/Order.
Receipt for Remittitur.

DATE: December 24, 2018

Elizabeth A. Brown, Clerk of Court

By: Rory Wunsch
Deputy Clerk

cc (without enclosures):

Hon. Michael Villani, District Judge
Mueller Hinds & Associates
Clark County District Attorney
Attorney General/Las Vegas

FILED

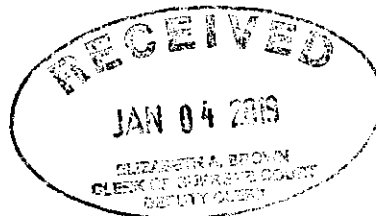
JAN 17 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY: *[Signature]*
DEPUTY CLERK

RECEIPT FOR REMITTITUR

Received of Elizabeth A. Brown, Clerk of the Supreme Court of the State of Nevada, the
REMITTITUR issued in the above-entitled cause, on DEC 29 2018

[Signature]
Deputy District Court Clerk



RECEIVED
APPEALS

DEC 28 2018

CLERK OF THE COURT

C-17-322664-3 State of Nevada
 vs
 Jessica Garcia

January 24, 2019 08:30 AM Status Check: Status of Case

HEARD BY: Villani, Michael COURTROOM: RJC Courtroom 11A

COURT CLERK: Black, Olivia

RECORDER: Georgilas, Cynthia

REPORTER:

PARTIES PRESENT:

Gabriel Grasso	Attorney for Defendant
Jessica Garcia	Defendant
Michael C. Kovac	Attorney for Plaintiff
State of Nevada	Plaintiff

JOURNAL ENTRIES

Court noted at the previous hearing on November 27th there was a potential buyer for the house. Upon Court's inquiry, Mr. Kovac advised the house was in the Co- Defendant's name who was being difficult. Mr. Kovac further advised Mr. Grasso was attempting to get in touch with the Co- Defendant's attorney to get the process moving. Mr. Kovac noted Defendant had done everything she was suppose to do. Mr. Kovac requested a one month continuance. Mr. Grasso concurred and advised everyone was on the same page except the Co- Defendant. COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 02/21/19 8:30 AM

C-17-322664-3 State of Nevada
 vs
 Jessica Garcia

February 21, 2019 08:30 AM Status Check: Status of Case

HEARD BY: Smith, Douglas E. COURTROOM: RJC Courtroom 11A

COURT CLERK: Black, Olivia

RECORDER: Georgilas, Cynthia

REPORTER:

PARTIES PRESENT:

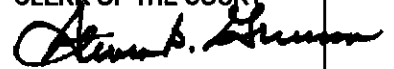
Gabriel Grasso	Attorney for Defendant
Jessica Garcia	Defendant
Michael C. Kovac	Attorney for Plaintiff
State of Nevada	Plaintiff

JOURNAL ENTRIES

Mr. Grasso advised they were waiting for certain things to happen before Defendant was sentenced. Mr. Grasso further advised there was an issue with Co- Defendant signing off as he had a right to refuse the sale of the house. Upon Court's inquiry, Counsel confirmed there was a lien on the house. At the request of Mr. Grasso, COURT ORDERED, matter CONTINUED.

CUSTODY

CONTINUED TO: 03/21/19 8:30 AM



WRIT

1 JOSEPH Z. GERSTEN, ESQ.
2 Nevada Bar No.: 13876
3 The Gersten Law Firm PLLC
4 9680 W Tropicana Avenue # 120
5 Las Vegas, NV 89147
6 Telephone (702) 857-8777
7 joe@thegerstenlawfirm.com
8 Attorney for Defendant

**DISTRICT COURT
CLARK COUNTY, NEVADA**

8 JACK LEAL,

9 Petitioner,

10 vs.

11 JERRY HOWELL, Warden, Southern
12 Desert Correctional Center

13 Respondent.

Case No.: C-17-322664-2

Dept. No.: XVII

**Evidentiary Hearing Requested
(Not a Death Penalty Case)**

**PETITION FOR WRIT OF HABEAS CORPUS
(POST-CONVICTION)**

18 COMES NOW, the Petitioner, **JACK LEAL**, by and through his attorney,
19 **JOSEPH Z. GERSTEN, ESQ.**, of **THE GERSTEN LAW FIRM PLLC**, and
20 hereby submits this **PETITION FOR WRIT OF HABEAS CORPUS (POST-**
21 **CONVICTION)**. This Writ is made and based upon the pleadings attached
22 hereto, the papers and pleadings on file herein, together with arguments of
23 counsel adduced at the time of hearing on this matter.
24

25 ///

26 ///

27 ///

THE GERSTEN LAW FIRM PLLC
9680 W Tropicana Avenue # 120
Las Vegas, NV 89147
Tel (702) 857-8777 | Fax (702) 857-8767

THE GERSTEN LAW FIRM PLLC
9680 W Tropicana Avenue # 120
Las Vegas, NV 89147
Tel (702) 857-8777 | Fax (702) 857-8767

1 DATED this 21st day of March 2019.

2 By Joseph Z. Gersten
3 JOSEPH Z. GERSTEN, ESQ.
4 Nevada Bar No.: 13876
5 9680 W Tropicana Avenue # 120
6 Las Vegas, NV 89147
7 Telephone (702) 857-8777
8 joe@thegerstenlawfirm.com
9 Attorney for Petitioner

- 10 1. Name of institution and county in which you are presently imprisoned or
11 where and how you are presently restrained of your liberty: **Southern Desert**
12 **Correctional Center, Clark County, Nevada**
- 13 2. Name and location of court which entered the judgment of conviction under
14 attack: **Eighth District Judicial Court, Department XVII**
- 15 3. Date of judgment of conviction: **08/23/2017**
- 16 4. Case number: **C-17-322664-2**
- 17 5. (a) Length of sentence: **72 – 180 Months**
18 (b) If sentence is death, state any date upon which execution is scheduled:
19 **N/A**
- 20 6. Are you presently serving a sentence for a conviction other than the
21 conviction under attack in this motion? Yes No **X**
22 If "yes," list crime, case number and sentence being served at this time: **N/A**
- 23 7. Nature of offense involved in conviction being challenged: **Multiple**
24 **Transactions Involving Fraud or Deceit in the Course of an Enterprise**
25 **and Occupation**
- 26 8. What was your plea? (check one)
27 (a) Not guilty
28 (b) Guilty **X**
(c) Guilty but mentally ill
(d) Nolo contendere
9. If you entered a plea of guilty or guilty but mentally ill to one count of an indictment or information, and a plea of not guilty to another count of an indictment or information, or if a plea of guilty or guilty but mentally ill was negotiated, give details: **N/A**

- 1 10. If you were found guilty or guilty but mentally ill after a plea of not guilty,
2 was the finding made by: (check one) **N/A**
- 3 (a) Jury
- 4 (b) Judge without a jury
- 5 11. Did you testify at the trial? Yes No **N/A**
- 6 12. Did you appeal from the judgment of conviction? Yes **X** No
- 7 13. If you did appeal, answer the following:
- 8 (a) Name of court: **Nevada Supreme Court/Nevada Appeals Court**
- 9 (b) Case number or citation: **74050; 74050-COA**
- 10 (c) Result: **Affirmance**
- 11 (d) Date of result: **09/11/18**
(Attach copy of order or decision, if available.)
- 12 14. If you did not appeal, explain briefly why you did not: **N/A**
- 13 15. Other than a direct appeal from the judgment of conviction and sentence,
14 have you previously filed any petitions, applications or motions with respect to
15 this judgment in any court, state or federal? Yes No **X**
- 16 16. If your answer to No. 15 was "yes," give the following information:
- 17 (a) (1) Name of court:
- 18 (2) Nature of proceeding:
- 19 (3) Grounds raised:
- 20 (4) Did you receive an evidentiary hearing on your petition,
21 application or motion? Yes No
- 22 (5) Result:
- 23 (6) Date of result:
- 24 (7) If known, citations of any written opinion or date of orders
25 entered pursuant to such result:
- 26 (b) As to any second petition, application or motion, give the same
27 information:
- 28 (1) Name of court:
- (2) Nature of proceeding:
- (3) Grounds raised:
- (4) Did you receive an evidentiary hearing on your petition,
application or motion? Yes No
- (5) Result:
- (6) Date of result:
- (7) If known, citations of any written opinion or date of orders
entered pursuant to such result:

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(c) As to any third or subsequent additional applications or motions, give the same information as above, list them on a separate sheet and attach.

(d) Did you appeal to the highest state or federal court having jurisdiction, the result or action taken on any petition, application or motion?

(1) First petition, application or motion? Yes No

Citation or date of decision:

(2) Second petition, application or motion? Yes No

Citation or date of decision:

(3) Third or subsequent petitions, applications or motions?
Yes No

Citation or date of decision:

(e) If you did not appeal from the adverse action on any petition, application or motion, explain briefly why you did not. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

17. Has any ground being raised in this petition been previously presented to this or any other court by way of petition for habeas corpus, motion, application or any other postconviction proceeding? If so, identify: N/A

(a) Which of the grounds is the same:

(b) The proceedings in which these grounds were raised:

(c) Briefly explain why you are again raising these grounds. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.)

18. If any of the grounds listed in Nos. 23(a), (b), (c) and (d), or listed on any additional pages you have attached, were not previously presented in any other court, state or federal, list briefly what grounds were not so presented, and give your reasons for not presenting them. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.) N/A

19. Are you filing this petition more than 1 year following the filing of the judgment of conviction or the filing of a decision on direct appeal? If so, state briefly the reasons for the delay. (You must relate specific facts in response to this question. Your response may be included on paper which is 8 1/2 by 11 inches attached to the petition. Your response may not exceed five handwritten or typewritten pages in length.) No

20. Do you have any petition or appeal now pending in any court, either state or federal, as to the judgment under attack? Yes No **X**

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If yes, state what court and the case number:

21. Give the name of each attorney who represented you in the proceeding resulting in your conviction and on direct appeal:

Michael Pariente, Esq.
3960 Howard Hughes Pkwy, #615
Las Vegas, NV 89169

Lester M. Paredes, Esq./Craig Mueller, Esq.
600 S Eighth Street
Las Vegas, NV 89101

Jason Weiner, Esq
2820 W Charleston Blvd # 35
Las Vegas, NV 89102

22. Do you have any future sentences to serve after you complete the sentence imposed by the judgment under attack? Yes No **X**

If yes, specify where and when it is to be served, if you know:

23. State concisely every ground on which you claim that you are being held unlawfully. Summarize briefly the facts supporting each ground. If necessary, you may attach pages stating additional grounds and facts supporting same.
EACH CLAIM IS PRESENTED BELOW.

INTRODUCTION

Mr. Jack Leal pled guilty to a single count of Multiple Transactions Involving Fraud or Deceit in the Course of an Enterprise and Occupation, a category "B" felony in alleged violation of NRS 205.377. During the course of negotiations, Mr. Leal's counsel was representing both Mr. Leal and the co-defendant, Jessica Garcia, in the absence of any conflict waiver by defense counsel. This resulted in an ineffective assistance of counsel situation based on un-waivable conflicts, and coercion, on the part of defense counsel. As well, the

1 charging document used, was defective in that it did not identify with specificity,
2 as required by the NRS, the acts purported to be committed by Mr. Leal.

3 As Mr. Leal was not effectively represented by counsel and was not
4 apprised of the acts he was charged with, his conviction is unconstitutional and
5 must be vacated. Mr. Leal requests an evidentiary hearing.
6

7
8 **A. MR. LEAL'S CONVICTION AND SENTENCE ARE INVALID UNDER**
9 **THE 6TH AND 14TH FEDERAL CONSTITUTIONAL AMENDMENT**
10 **GUARANTEES OF DUE PROCESS AND EQUAL PROTECTION AND**
11 **UNDER THE LAW OF ARTICLE 1 OF THE NEVADA CONSTITUTION**
12 **BECAUSE THE ORIGINAL INFORMATION FAILED TO PUT THE**
13 **PETITIONER ON NOTICE OF THE CHARGES.**

14 Mr. Leal's conviction and sentence are invalid under the 6th and 14th
15 federal constitutional amendment guarantees of due process and equal
16 protection and under the law of Article 1 of the Nevada constitution because the
17 original indictment failed to put the petitioner on notice of the charges. NRS
18 173.075, provides, in part: "The indictment or information ... must be a plain,
19 concise and definite written statement of the essential facts constituting the
20 offense charged." NRS 173.075. An information, standing alone, must contain:
21 (1) each and every element of the crime charged and (2) the facts showing how
22 the defendant allegedly committed each element of the crime charged. State v.
23 Hancock, 114 Nev. 161 (1998); see also United States v. Hooker, 841 F.2d 1225,
24 1230 (4th Cir.1988).
25

26 As stated by the Nevada Supreme Court:

27 Considering the language of Fed.R.Crim.P. 7(c), from which NRS
28 173.075 is derived, the United States Supreme Court has also held an

1 indictment is deficient unless it “sufficiently apprises the defendant of
2 what he must be prepared to meet.” Russell v. United States, 369 U.S.
3 749, 763, 82 S.Ct. 1038, 1047, 8 L.Ed.2d 240 (1962).

4

5 Whether at common law or under statute, the accusation must include
6 a characterization of the crime and such description of the particular
7 act alleged to have been committed by the accused as will enable him
8 properly to defend against the accusation, and the description of the
9 offense must be sufficiently full and complete to accord to the accused
10 his constitutional right to due process of law. 4 R. Anderson, Wharton's
11 Criminal Law and Procedure, § 1760, at 553 (1957). Simpson v.
12 District Court, 88 Nev. 654, 659–660, 503 P.2d 1225, 1229–30 (1972).

13 State v. Hancock, 114 Nev. 161 (1998).

14 The information lists a single indefinite charge, apparently referring to
15 both defendants. As was the case in Hancock, a review of the information does
16 not set forth a definite statement of the essential facts which constitute the
17 defendants' crimes. Id. A review of the language of the information shows that
18 the information lumps Leal and Garcia together, making it “very difficult to
19 decipher who is alleged to have done what.” State v. Hancock, 114 Nev. 161
20 (1998).

21 Moreover, the count is defective. Count I alleges a “racketeering
22 conspiracy” and cites NRS 205.377. However, NRS 205.377, requires two or
23 more transactions. While the allegations in the information mention several
24 alleged victims, there is no allegation of multiple transactions. See NRS
25 205.377; see also State v. Hancock, 114 Nev. 161 (1998). Again, this Court
26 should conclude that Count I is not clear, definite, and concise as it does not
27 clearly specify which portion of NRS 205.377 the respondent conspired to violate.
28

1 As well, it does not specify which respondent made which false or untrue
2 statements or material omissions to which victims. Id.

3
4 **B. MR. LEAL'S CONVICTION AND SENTENCE ARE INVALID UNDER
5 THE 6TH AND 14TH FEDERAL CONSTITUTIONAL AMENDMENT
6 GUARANTEES OF DUE PROCESS AND EQUAL PROTECTION AND
7 UNDER THE LAW OF ARTICLE 1 OF THE NEVADA CONSTITUTION
8 BECAUSE PRIOR COUNSEL'S PERFORMANCE FELL BELOW AN
9 OBJECTIVE STANDARD OF REASONABLENESS AS IS MANDATED
10 BY STRICKLAND, 466 U.S. 668, 104 S. CT. 2052 (1984).**

11 Mr. Leal's conviction and sentence are invalid under the 6th and 14th
12 federal constitutional amendment guarantees of Due Process and Equal
13 Protection and under the law of Article 1 of the Nevada Constitution because
14 prior counsel's performance fell below an objective standard of reasonableness as
15 is mandated by Strickland, 466 U.S. 668, 104 S. Ct. 2052 (1984). The Sixth
16 Amendment of the U.S. Constitution guarantees the accused "the Assistance of
17 Counsel for his defense." "That a person who happens to be a lawyer is present
18 at trial alongside the accused, however, is not enough to satisfy the
19 constitutional command." Strickland v. Washington, 466 U.S. 668, 685, 104 S.
20 Ct. 2052, 2063 (1984). "[T]he right to counsel is the right to the effective
21 assistance of counsel." McMann v. Richardson, 397 U.S. 759, 771, 90 S. Ct.
22 1441, n. 14 (1970).

23
24 Under Strickland v. Washington, 466 U.S. at 687, a conviction must be
25 reversed due to ineffective counsel if first, "counsel's performance was deficient,"
26 and second, "the deficient performance prejudiced the defense." The deficient
27
28

1 performance prejudiced the defense if “there is a reasonable probability that, but
2 for counsel’s unprofessional errors, the result of the proceeding would have been
3 different. A reasonable probability is a probability sufficient to undermine
4 confidence in the outcome.” Strickland, 466 U.S. at 698. “The ultimate focus of
5 the inquiry must be on the fundamental fairness of the proceeding. . . .” Id. at
6 696. Nevada adopts the Strickland standards for the effective assistance of
7 counsel. See Hurd v. State, 114 Nev. 182, 188, 953 P.2d 270, 274 (1998).

8
9 In this case, Mr. Leal’s counsel made a series of errors which fell below
10 minimum standards of representation, undermined confidence in the trial
11 outcome, and deprived Mr. Greenlee of fundamentally fair proceedings.

12
13 **1. PETITIONER’S CRIMINAL COUNSEL’S ASSISTANCE WAS INEFFECTIVE,
14 BECAUSE PRIOR COUNSEL’S PERFORMANCE FELL BELOW AN OBJECTIVE
15 STANDARD OF REASONABLENESS AS IS MANDATED BY STRICKLAND, BY
16 FAILING TO OBTAIN A CONFLICT WAIVER.**

17 Petitioner’s Criminal Counsel’s assistance was ineffective, because prior
18 counsel’s performance fell below an objective standard of reasonableness as is
19 mandated by Strickland, by failing to obtain a conflict waiver. Strickland v.
20 Washington, 466 U.S. 668, 104 S. Ct. 2052 (1984). A waiver of conflict-free
21 representation entails the waiver of certain important rights at trial, on appeal,
22 and in post-conviction proceedings, including waiver of the right to seek a
23 mistrial based on any conflicts arising from the dual representation. Ryan v.
24 Eighth Jud. Dis. Court, 123 Nev. 419 (2007). Consequently, attorneys are
25 required to advise criminal defendants of their right to consult with independent
26 counsel to advise them on the potential conflict of interest and the consequences
27
28

1 of waiving the right to conflict-free representation. Id. The attorney must advise
2 the clients to seek the advice of independent counsel before the attorney engages
3 in the dual representation. Id. If the clients choose not to seek the advice of
4 independent counsel, the clients must expressly waive the right to do so before
5 agreeing to any waiver of conflict-free representation. Id. If the attorney fails to
6 advise criminal defendants of their right to seek the advice of independent
7 counsel, the clients' waivers of conflict-free representation are ineffective unless
8 and until the attorney advises the clients to seek the advice of independent
9 counsel and the clients do so or expressly waive the right to do so. Id.

10
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13 In the case at bar, Mr. Leal was never advised of his right to consult with
14 independent counsel nor advised on the potential conflict of interest and the
15 consequences of waiving the right to conflict-free representation. Repeatedly,
16 Criminal Counsel charged ahead representing Garcia, with little or no regard to
17 Mr. Leal. This can be seen with clarity in the disparity of punishments
18 negotiated, i.e., a gross misdemeanor for the co-defendant and a felony for Mr.
19 Leal.
20
21

22 Thus, Petitioner's Criminal Counsel's assistance was ineffective, for
23 failing to obtain a conflict waiver, and delivering the Petitioner up to the State,
24 while protecting the co-defendant.
25

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27 ///
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THE GERSTEN LAW FIRM PLLC
9680 W Tropicana Avenue # 120
Las Vegas, NV 89147
Tel (702) 857-8777 | Fax (702) 857-8767

1 **2. PETITIONER'S CRIMINAL COUNSEL'S ASSISTANCE WAS INEFFECTIVE,**
2 **BECAUSE PRIOR COUNSEL'S PERFORMANCE FELL BELOW AN OBJECTIVE**
3 **STANDARD OF REASONABLENESS AS IS MANDATED BY STRICKLAND, BY**
4 **COERCING PETITIONER INTO ENTERING A PLEA.**

5 Petitioner's Criminal Counsel's assistance was ineffective, because prior
6 counsel's performance fell below an objective standard of reasonableness as is
7 mandated by Strickland, by coercing Petitioner into entering a plea. 466 U.S.
8 668, 104 S. Ct. 2052 (1984). Petitioner's Criminal Counsel, in league with
9 Petitioner's co-defendant, coerced Petitioner into pleading guilty. Undue
10 coercion occurs when "a defendant is induced by promises or threats which
11 deprive the plea of the nature of a voluntary act." Doe v. Woodford, 508 F.3d 563,
12 570 (9th Cir.2007). And this is exactly what happened in the case at bar. It was
13 well known throughout this case, that the co-defendant, who was represented by
14 the same attorney that represented Petitioner, without a viable conflict waiver
15 in-place, visited domestic violence upon the Petitioner. Thus, we have a
16 situation where counsel knows his client is literally beating his other client, and
17 yet continues to represent both. All the while without any type of waiver.
18 Clearly, clearly this is in violation of Strickland. Strickland v. Washington, 466
19 U.S. 668, 104 S. Ct. 2052 (1984). Petitioner was coerced by his own attorney into
20 accepting a faulty plea agreement.

21 Thus, Petitioner's Criminal Counsel's assistance was ineffective, for
22 coercing Petitioner, while protecting the co-defendant.

23 ///

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WHEREFORE, Petitioner prays that this Court grant Petitioner relief to which Petitioner may be entitled in this proceeding.

DATED this 21st day of March 2019.

By Joseph Z. Gersten
JOSEPH Z. GERSTEN, ESQ.
Nevada Bar No.: 13876
9680 W Tropicana Avenue # 120
Las Vegas, NV 89147
Telephone (702) 857-8777
joe@thegerstenlawfirm.com
Attorney for Petitioner

C-17-322664-3

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

March 21, 2019

C-17-322664-3 State of Nevada
 vs
 Jessica Garcia

March 21, 2019 08:30 AM Status Check: Status of Case

HEARD BY: Villani, Michael COURTROOM: RJC Courtroom 11A

COURT CLERK: Black, Olivia

RECORDER: Georgilas, Cynthia

REPORTER:

PARTIES PRESENT:

Gabriel Grasso Attorney for Defendant

Jessica Garcia Defendant

Michael C. Kovac Attorney for Plaintiff

State of Nevada Plaintiff

JOURNAL ENTRIES

At the request of Mr. Grasso, COURT ORDERED, matter SET for Sentencing. Colloquy regarding Defendant's Pre- Sentence Investigation (PSI) report. Mr. Grasso advised Defendant had been in custody since 2017 and nothing had changed.

CUSTODY

04/23/19 8:30 AM SENTENCING

Printed Date: 3/22/2019

Page 1 of 1

Minutes Date:

March 21, 2019

Prepared by: Olivia Black

DISTRICT COURT
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

April 23, 2019

C-17-322664-3 State of Nevada
vs
Jessica Garcia

April 23, 2019 08:30 AM Sentencing

HEARD BY: Villani, Michael COURTROOM: RJC Courtroom 11A

COURT CLERK: Black, Olivia

RECORDER: Georgilas, Cynthia

REPORTER:

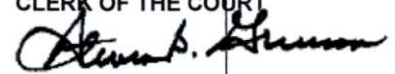
PARTIES PRESENT:

Gabriel Grasso	Attorney for Defendant
Jessica Garcia	Defendant
Michael C. Kovac	Attorney for Plaintiff
State of Nevada	Plaintiff

JOURNAL ENTRIES

DEFT GARCIA ADJUDGED GUILTY of MULTIPLE TRANSACTIONS INVOLVING FRAUD OR DECEIT IN THE COURSE OF AN ENTERPRISE AND OCCUPATION (F). Mr. Grasso advised on Defendant's Pre- Sentence Investigation (PSI) Report page 4 in the instant offense it showed a lewdness count, it should be removed from the PSI. Mr. Kovac concurred. COURT ORDERED, on Defendant's PSI on page 4, under crime #3. Lewdness with a Minor under 14 (F) STRICKEN. Arguments by Counsel and statement by Defendant. Victim Speaker, Irene Segura SWORN and TESTIFIED. Pursuant to NRS 176.063, COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, a \$150.00 DNA Analysis fee, including testing to determine genetic markers, \$3.00 DNA Collection fee and Restitution payable to \$70,000 LoryLee Plancarte, \$75,000 Edelyn Rudin, \$37,500 Chatty Becker, \$57,500 Irene Segura, \$98,620 Lih-Ling Yang, \$90,300 Lina Palafox, \$85,000 Adilson Gibellato, \$50,000 Juan Eloy Ramirez, \$115,000 Catherine Wyngarden, \$25,000 Shahram Bozorgnia and \$53,500 Tat Lam Joint and Severally with Co- Defendant; Deft. SENTENCED to a MAXIMUM of ONE HUNDRED EIGHTY (180) MONTHS and a MINIMUM of SEVENTY-TWO (72) MONTHS in the Nevada Department of Corrections (NDC) with FIVE HUNDRED SEVENTY-FOUR (574) DAYS credit for time served. BOND, if any, EXONERATED.

NDC



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DISTRICT COURT

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CLARK COUNTY, NEVADA

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8 THE STATE OF NEVADA,

8

9 Plaintiff,

9

CASE NO. C-17-322664-3

10

10 -vs-

DEPT. NO. XVII

11

11 JESSICA GARCIA aka

12

12 Jessica Lee Garcia

13

13 #7054027

14

14 Defendant.

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16

JUDGMENT OF CONVICTION

17

(PLEA OF GUILTY)

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19

The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crime of MULTIPLE TRANSACTIONS INVOLVING FRAUD OR DECEIT IN THE COURSE OF AN ENTERPRISE OR OCCUPATION (Category B Felony) in violation of NRS 205.377; thereafter, on the 23rd day of April, 2019, the Defendant was present in court for sentencing with counsel GABRIEL GRASSO, ESQ., and good cause appearing.

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THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense and, in addition to the \$25.00 Administrative Assessment Fee, Restitution payable jointly and severally with Co-Defendant (\$70,000.00 to Lory Lee Plancarte; \$75,000.00 to Edelyn Rudin; \$37,500.00 to

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RECEIVED BY
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APR 25 2019


<input type="checkbox"/> Nolle Prosequi (before trial)	<input type="checkbox"/> Bench (Non-Jury) Trial
<input type="checkbox"/> Dismissed (after diversion)	<input type="checkbox"/> Dismissed (during trial)
<input type="checkbox"/> Dismissed (before trial)	<input type="checkbox"/> Acquittal
<input type="checkbox"/> Guilty Plea with Sent. (before trial)	<input type="checkbox"/> Guilty Plea with Sent. (during trial)
<input type="checkbox"/> Transferred (before/during trial)	<input type="checkbox"/> Conviction
<input type="checkbox"/> Other Manner of Disposition	

1 Chatty Becker; \$57,500.00 to Irene Segura; \$98,620.00 to Lih-Ling Yang; \$90,300.00 to Lina
2 Palafox; \$85,000.00 to Adilson Gibellato; \$50,000.00 to Juan Eloy Ramirez; \$115,000.00
3 Catherine Wyngarden; \$25,000.00 to Shahram Bozorgnia; \$53,500.00 to Tat Lam) and
4 \$150.00 DNA Analysis Fee including testing to determine genetic markers plus \$3.00 DNA
5 Collection Fee, the Defendant is sentenced as follows: a MAXIMUM of ONE HUNDRED
6 EIGHTY (180) MONTHS with a MINIMUM parole eligibility of SEVENTY-TWO (72)
7 MONTHS in the Nevada Department of Corrections (NDC); with FIVE HUNDRED
8 SEVENTY-FOUR (574) DAYS credit for time served.

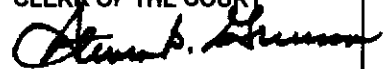
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11 **FINDINGS AND CORRECTIONS TO THE PRESENTENCE INVESTIGATION**

12 **REPORT (PSI):** The COURT FINDS the PSI inaccurate as to page 4, under Criminal Record
13 11/23/16, Entry 3. Lewdness with a Minor Under 14 (F) and ORDERED STRICKEN.

14 DATED this 25 day of April, 2019.

15
16 
17 MICHAEL VILLANI OB
18 DISTRICT COURT JUDGE

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1 **MRCN**
2 GABRIEL L. GRASSO, ESQ.
3 Nevada Bar No. 7358
4 **GABRIEL L. GRASSO, P.C.**
5 411 South 6th Street
6 Las Vegas, NV 89101
7 T: (702) 868-8866
8 F: (702) 868-5778
9 E: gabriel@grassodefense.com
10 Attorney for Jessica Garcia

7 **DISTRICT COURT**

8 **CLARK COUNTY, NEVADA**

9 THE STATE OF NEVADA,
10 Plaintiff,
11 vs.
12 JESSICA GARCIA, #7054027,
13 Defendant.

Case No. C-17-322664-3
Dep't No. XVII

HEARING REQUESTED

**MOTION TO RECONSIDER
SENTENCE**

15 The Defendant, JESSICA GARCIA (GARCIA), through undersigned counsel, and
16 pursuant to EDCR 3.20 requests this court reconsider the sentence imposed on April 23,
17 2019 in this matter. This Motion is based upon the arguments contained herein and the
18 papers and pleadings on file with this Court.
19

20 DATED this 6th day of May, 2019.

21 /s/ Gabriel L. Grasso
22 GABRIEL L. GRASSO, ESQ.
23 Nevada Bar No. 7358
24 **GABRIEL L. GRASSO, P.C.**
25 411 South 6th Street
26 Las Vegas, NV 89101
27 (702) 868-8866
28 Attorney for Jessica Garcia

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2. The purpose of this Motion is to bring to the attention of the court events which counsel has been advised have happened or will happen before the hearing on this matter. Specifically, the real estate closing of the main source of restitution in this case, which is the home located at 1024 Santa Helena Avenue, Henderson, NV 89002.

3. Due to the sale of the home occurring days after sentencing, GARCIA seeks to have this Court reevaluate the imposed sentence in light of the fact that as a result of the sale of the Santa Helena home, full restitution will flow to the victims in this case.

4. Even following her sentencing on April 23, 2019, GARCIA worked to push for the closing to take place, which as this Court is aware has been a struggle to achieve based upon various factors, not least of which is the active defiance of her co-defendant, Jack Leal.

5. The closing of the Santa Helena home is scheduled to take place on May 9, 2019. As of the filing of this Motion, the closing is pending, however, should the closing take place and the funds for restitution be made available, GARCIA is requesting that this Court recognize such a rare full restitution event to possibly reconsider her sentence and impose a sentence which recognizes that, in the end, GARCIA made the victims of her crimes whole.

6. At sentencing, the State of Nevada suggested a 4 to 10-year sentence. With these new facts at hand, this Court should at least re-evaluate GARCIA's actions in this case since being arrested on this Court's warrant on September 27, 2017.

CONCLUSION

GARCIA requests this court consider the time she has spent in custody and being extradited since failing to appear and take into account her good faith efforts while

1 incarcerated to obtain and deliver restitution funds. Most importantly, she asks this Court
2 to re-evaluate her previously imposed sentence in light of the rare event of payment of full
3 restitution achieved in this case on or about the sentencing date. Further arguments to be
4 presented at the hearing on this matter.

5
6 DATED this 6th day of May, 2019.

7 /s/ Gabriel L. Grasso
8 GABRIEL L. GRASSO, ESQ.
9 Nevada Bar No. 7358
10 **GABRIEL L. GRASSO, P.C.**
11 411 South 6th Street
12 Las Vegas, NV 89101
13 T: (702) 868-8866
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15 E: gabriel@grassodefense.com
16 Attorney for Jessica Garcia
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CERTIFICATE OF SERVICE

I hereby certify that I am a person competent to serve papers, I am not a party to the above-entitled action, and that on the 6th of May, 2019, I served the foregoing document and all attachments on the parties or counsel listed below:

Aaron D. Ford
Attorney General
Michael C. Kovac, Esq.
Chief Deputy Attorney General
Office of the Attorney General

555 E. Washington Ave., Ste., 3900
Las Vegas, NV 89101
Via email: mkovac@ag.nv.gov

/s/ Tannia Garcia

An Employee of
GABRIEL L. GRASSO, P.C.
411 South 6th Street
Las Vegas, NV 89101
T: (702) 868-8866
F: (702) 868-5778
E: tannia@grassodefense.com

AFFIRMATION

Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

/s/ Gabriel L. Grasso
Gabriel L. Grasso, Esq.

05-06-19
Date



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RTRAN

DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

JACK LEAL,

Defendant.

CASE: C-17-322664-2

DEPT. XVII

BEFORE THE HONORABLE MICHAEL P. VILLANI, DISTRICT COURT
JUDGE

TUESDAY, MAY 7, 2019

**RECORDER'S TRANSCRIPT OF HEARING:
PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION)**

APPEARANCES:

For the State:

MICHAEL J. BONGARD, ESQ.
Sr. Deputy Attorney General

For Defendant Leal:

JOSEPH Z. GERSTEN, ESQ

RECORDED BY: CYNTHIA GEORGILAS, COURT RECORDER

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Las Vegas, Nevada, Tuesday, May 7, 2019

[Hearing begins at 8:30 a.m.]

THE COURT: Jack Leal, the State versus Jack Leal.

[Colloquy]

THE COURT: All right, and this is a petition for post-conviction relief.

MR. GERSTEN: Yes. Good morning, Your Honor. Joseph Gersten, 13876, for Mr. Jack Leal.

THE COURT: Go ahead, Counsel.

MR. BONGARD: Your Honor, Michael Bongard, 7997, for the State of Nevada.

THE COURT: Go ahead, Mr. Gersten.

MR. GERSTEN: Thank you, Your Honor. Obviously, this is our motion for a – it's our petition for a habeas. I don't know how deep you want me to get into the documents. We did leave a chambers copy of the Amended. There was just a mistake. We had left off some exhibits.

Essentially, my client's petition is in, we'll call it, three and a half parts. Essentially, he is saying that the Information, the charging document, was unclear under the Hancock case. It did not delineate exactly what my client did. It lumped both co-defendants in. As a result, under Hancock, because the statutes require a clear and concise delineation of the charges, that would be – is an error and has run afoul of the law.

Secondly, we're claiming a Strickland violation, essentially like I said in three or two and a half parts, however you want to couch it. The

1 waiver that is necessary, Mr. Weiner was representing both clients, both
2 co-defendants from December until about four days before the deal was
3 struck. And, as I believe I put in my documents, -- I mean its -- it would
4 be difficult for you, Your Honor, I think, to say that that was an
5 appropriate waiver of conditions, especially when you dove-tail into the
6 second claim which is the co-defendant, Jessica Garcia, has a pretty
7 extensive history of domestic violence against my client and we believe
8 she was in league with her attorney to push my client through and
9 essentially coerce him into the deal that he made.

10 And then lastly, as I put in the Amended Reply -- or the Reply
11 as well, this was a package deal. And I don't believe you even knew
12 about that when it happened which is important because when you have
13 a package deal there's a much longer colloquy that goes through my
14 client did not plead knowingly and intelligently because no one asked
15 him if he was being coerced or anything of that nature.

16 So, that's the gist of what we're claiming here as a part of this
17 petition.

18 THE COURT: In the Court of Appeals decision from
19 September 11, 2008, didn't the Supreme Court affirm my decision on not
20 allowing him to withdraw his appeal -- I mean not the Supreme Court, the
21 Court of Appeals, excuse me?

22 MR. GERSTEN: Are you talking in this case, Your Honor?

23 THE COURT: Yes.

24 MR. GERSTEN: I don't think it was 2008. It was maybe --

25 THE COURT: '18; I'm --

1 MR. GERSTEN: -- '18. Yes, --
2 THE COURT: -- sorry.
3 MR. GERSTEN: -- Your Honor.
4 THE COURT: 2018.
5 MR. GERSTEN: They did, Your Honor. I'm not sure if the
6 same issues were brought up, especially the idea of the deficient
7 information which I think is one of our strongest arguments because, like
8 I said, if you read the information it doesn't say who did what and when
9 which is the gist of, as I said, the Hancock case. That has to be there
10 because we don't know who did what and when, what the State was
11 alleging. Put that aside, if you're looking at the issue of the withdrawal of
12 plea, as I said, Your Honor, I don't believe that the issue of the package
13 deal and/or the coercion were part of that. I could be wrong.
14 So, we believe these are new issues that are being brought to
15 the Court's attention.
16 THE COURT: All right. Thank you.
17 Counsel.
18 MR. BONGARD: Thank you, Your Honor.
19 Your Honor, just to hit on a couple of points I raised in my
20 answer, the first claim should be procedurally defaulted pursuant to
21 34.810 1(a). There was nothing in the original petition that talked about
22 the fact that while raising that claim there was somehow a unknowing
23 and an unintelligent or involuntary [phonetic] plea. Therefore, Your
24 Honor, I think the statute is right on point that that claim should be
25 defaulted.

1 Secondly, there were two waivers of conflict in the file, one
2 executed in the justice court, one executed in the district court. Granted,
3 there was some issues with the one executed in justice court but the
4 operative one is the one that's executed in the district court at the time of
5 the entry of plea. And, Your Honor, I believe that one – if it –

6 THE COURT: Excuse me, Counsel, you need to hold it down.
7 I can't hear.

8 Go ahead.

9 MR. BONGARD: If it doesn't actually comply with the letter of
10 the law, it certainly complies with the spirit of the law. And the important
11 thing out of the case cited by the Supreme Court in that is that the
12 defendant be given a chance to confer with independent counsel in
13 order to get an independent view on the waiver. And certainly, while he
14 may not have – there's – the record certainly reflects that he had an
15 opportunity to do it. Whether he took advantage of it or not, that's on
16 him.

17 And then finally the claim about the coercion, Your Honor, the
18 record certainly doesn't contain any facts that Counsel knew of any
19 domestic violence, much less encouraged it, especially in order to
20 coerce a plea. I think Hargrove is straight on point that that claim just
21 doesn't have the facts to support it, Your Honor.

22 THE COURT: Counsel, what information do we have that his
23 plea, and again, it's outside the record obviously, that his plea was
24 coerced?

25 MR. GERSTEN: Well, Your Honor, as I added in my Amended

1 Reply, first of all the State did know of all this because in the motion to
2 oppose bail the State specifically stated, oh, we know you're having
3 issues. We know that this woman is beating, excuse me, the crap out of
4 your client. They admitted that in their pleading. So, right there they
5 knew about it. Secondly, the AG or – at the – I think it was the AG at the
6 time also knew of Ms. Garcia's – there were at least four and I included
7 them in the Amended Reply, four cases out of Pasco, Florida where she
8 had been charged with domestic violence against Mr. Leal. So, the
9 record is replete with her beating this guy up and the State knew about it
10 as early as their opportunity to oppose bail. So, to say that, oh, there is
11 no information, is disingenuous because it's there.

12 I would also respond that, although there is a waiver and its –
13 but its dated the 20th of April and the plea agreement was the 24th and
14 Mr. Weiner came into the case on December 27th, so there was either
15 four or five months of this guy operating, representing both clients, both
16 co-defendants who are at odds, one of which was beating the other up,
17 and the waiver doesn't come in until two or three – three or four days
18 before the actual plea is entered.

19 THE COURT: Well, we do have a wavier prior to the plea;
20 correct?

21 MR. GERSTEN: A few days, Your Honor. But, again, Your
22 Honor, the point is these people were being represented for four or five
23 months without a wavier and brother Counsel's argument that, oh, well
24 he had time to seek independent counsel, well, Your Honor, four days
25 before plea – entry of plea when you finally sign a waiver and are

1 allegedly told you have an opportunity to get independent counsel,
2 again, I don't think that's – not that it's not possible, but its improbable
3 that that's going to happen.

4 THE COURT: And it was the same wavier form that was used
5 in justice court, is that correct – or a different form?

6 MR. GERSTEN: Yeah, and that, I believe, was dated April
7 10th, Your Honor. There are problems with that, but again, it's only two
8 weeks before entry of plea when the particular attorney was
9 representing both co-defendants since December.

10 MR. BONGARD: Your Honor, the difference in the waiver
11 agreements was the wavier agreement executed in district court
12 specifically contained the language out of the court opinion to confer with
13 counsel.

14 And if I could just briefly address the domestic violence
15 argument, knowing there's domestic violence is totally different from
16 knowing that there's domestic violence that is involving coercion of a
17 plea. Two totally different things. And to impute that knowledge on
18 Defense Counsel I think is a stretch. There's no facts supporting it.

19 THE COURT: All right. Any – you get the last word, Counsel.

20 MR. GERSTEN: Again, Your Honor, I disagree with that. I
21 think there is – you know this is the tipping point. There are multiple
22 indications, I believe, and I've put them in my paperwork, that there was
23 this domestic violence and that both the AG and Defense Counsel, Mr.
24 Weiner, knew about the issues going on as was stated in the motion to
25 oppose bail, which again I've included and there are bulleted paragraphs

1 where the State says, we had a conversation out in the hallway and we
2 knew this is an issue.

3 THE COURT: Well, what information do we have – what
4 evidence do we have that Mr. Leal entered his plea based upon coercion
5 of his, was it wife or girlfriend? What information –

6 MR. GERSTEN: Well, --

7 THE COURT: -- do we have besides just a, what we call the
8 bare naked allegation?

9 MR. GERSTEN: Exactly, Your Honor, and that is one of the
10 reasons we have asked for an evidentiary hearing in this matter so that
11 he can explain exactly what the issue was.

12 THE COURT: And when he entered his plea, didn't the – I
13 don't know if I took the plea or lower level, the question is asked is your
14 plea freely and voluntarily entered, you know. If it – I know if I would
15 have taken the plea and if he said yeah, no its not, Judge, I'm being
16 beaten up and coerced. Well, the plea wouldn't have been taken. I'm
17 assuming that lower level the master down there would not have
18 accepted plea. Did he ever tell the Court, either lower level or myself,
19 that he only entered a plea because his – was it wife? Is it wife or
20 girlfriend? Who is it, his girlfriend or wife?

21 MR. GERSTEN: Wife. Wife, Your Honor.

22 THE COURT: Wife – the wife was beating me up; did he ever
23 tell any judge that?

24 MR. GERSTEN: No, Your Honor. I mean that is not on the
25 record. However, again, I don't think that's necessary, again, under

1 Hancock and the other cases that I cited because – I'm sorry, the – if I
2 may just have a moment, Your Honor? The – this is U.S. versus
3 Daniels, U.S. versus Wheat, Castello, Cato [phonetic]. This is the third
4 argument, page 9, and in my brief in that he was afraid because he's
5 being threatened, so how do you stand up and say that person's doing it
6 to me, again, not realizing the ramifications. As well, as I pointed out in
7 my brief under the package deal aspect, because it is such a situation,
8 the Court needs to go into a more detailed canvass when that happens
9 and that did not happen here.

10 THE COURT: All right. Thank you.

11 And I'm looking at the Court of Appeals decision, page 2, it
12 says: Second, Leal waived any current or potential conflict of interest by
13 signing two different waivers regarding actual and potential conflicts of
14 interest. Isn't that the law of the case? The Court of Appeals – that was
15 their decision.

16 MR. GERSTEN: Well, it – you know, Your Honor, it is. I'm not
17 sure that in the prior – in the appeal itself it was brought out that it was
18 only four days before the – and that's the issue we're talking about, Your
19 Honor. It's not that it wasn't done. Obviously, there is a signed waiver.
20 But the point is, the attorney representing the co-defendants appeared
21 four or five months prior, okay, and then got the waiver just before – four
22 days before the entry of plea. And what we're trying to say here in this
23 case, Your Honor, is that that is not an adequate amount of time for the
24 client to a) seek independent counsel, etcetera; and b) what happened
25 during the four months leading up to when there was no waiver and it

1 was not presented to my client?

2 THE COURT: Well, he had previously signed a wavier in
3 justice court; correct?

4 MR. GERSTEN: Ten days before – 14 days before Your
5 Honor. There's still a four month block of period where he was
6 represented with the co-defendant while the deal was being worked out
7 where there was no waiver, and we find that problematic.

8 THE COURT: Okay. All right; thank you. And in your original
9 petition you had mentioned a disparity in the sentence of the two parties
10 and they received the identical sentence.

11 MR. GERSTEN: Recently, Your Honor. They were not
12 supposed to but the -- Garcia ran and I believe once she was finally
13 scooped up and brought in, the Court did give her the maximum which is
14 what – but they were not going to. She was going to get – her original
15 deal was for something lesser.

16 THE COURT: All right. Anything else, Counsel?

17 MR. GERSTEN: No, Your Honor. Thank you.

18 THE COURT: Okay. Thank you.

19 The facts of this case were that the defendant had signed two
20 conflict of interest waivers. A second waiver was signed prior to the entry
21 of plea in district court and so I don't see a problem with the waiver here.
22 And also, the Court of Appeals had addressed this issue as well. Initially,
23 there was an allegation of disparate sentencing which is – that's moot
24 because its inaccurate. Both parties received the identical sentence in
25 this matter. I do not find any other argument that would allow this Court

1 to grant this petition. I do find from the entire record from previous
2 arguments and reviewing the record, as well as today's, that the
3 defendant did freely and voluntarily enter his plea in this matter. So, for
4 all those reasons, I am denying the petition.

5 Now, Mr. Gersten, there is one housekeeping matter.

6 MR. GERSTEN: Yes, Your Honor.

7 THE COURT: On calendar for May 23rd it says Court's
8 request for clarification of restitution. What had happened was -- as you
9 know your client was here on the scheduled date and the co-defendant
10 absconded or -- I mean that was the determination by the Court and was
11 apparently in Florida and we just found her I guess a couple of months
12 back. It was the Court's intent to order the restitution jointly and severally
13 which will obviously go to -- inure to the benefit of your client. I ordered
14 joint and several with the co-defendant and I just put this matter on
15 calendar for May 23rd to clarify the record that it was also joint and
16 several for your client; okay?

17 MR. GERSTEN: Thank you, Your Honor.

18 THE COURT: So, I'm going to vacate the May 23rd date. We
19 will need an Amended JOC to identify the joint and several liability on
20 the restitution in this matter.

21 State, I'm going to have you prepare the order for today.
22 Please have Counsel sign off approved as to form and content.

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MR. BONGARD: Yes, Your Honor.

THE COURT: Okay? Thank you.

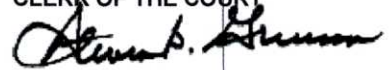
MR. GERSTEN: Thank you, Your Honor.

[Hearing concludes at 8:47 a.m.]

ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video recording in the above-entitled case to the best of my ability.

Cynthia Georgilas

CYNTHIA GEORGILAS
Court Recorder/Transcriber
District Court Dept. XVII



AJOCP

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DISTRICT COURT
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

CASE NO. C-17-322664-2

-vs-

DEPT. NO. XVII

JACK LEAL
#X0157754

Defendant.

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AMENDED JUDGMENT OF CONVICTION
(PLEA OF GUILTY)

The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crime of MULTIPLE TRANSACTIONS INVOLVING FRAUD OR DECEIT IN THE COURSE OF AN ENTERPRISE AND OCCUPATION (Category B Felony) in violation of NRS 205.377; thereafter, on the 17th day of August, 2017, the Defendant was present in court for sentencing with counsel JASON WEINER, ESQ., and good cause appearing.

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<input type="checkbox"/> Nolle Prosequi (before trial)	<input type="checkbox"/> Bench (Non-Jury) Trial
<input type="checkbox"/> Dismissed (after diversion)	<input type="checkbox"/> Dismissed (during trial)
<input type="checkbox"/> Dismissed (before trial)	<input type="checkbox"/> Acquittal
<input type="checkbox"/> Guilty Plea with Sent. (before trial)	<input type="checkbox"/> Guilty Plea with Sent. (during trial)
<input type="checkbox"/> Transferred (before/during trial)	<input type="checkbox"/> Conviction
<input checked="" type="checkbox"/> Other Manner of Disposition	

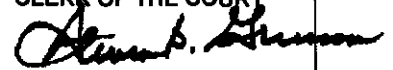
1 THE DEFENDANT WAS ADJUDGED guilty of said offense and, in addition to
2 the \$25.00 Administrative Assessment Fee, \$757,420.00 Restitution **payable jointly**
3 **and severally with Co-Defendant** (\$70,000.00 payable to LoryLee Plancarte;
4 \$75,000.00 payable to Edelyn Rudin; \$37,000.00 payable to Chatty Becker; \$57,500.00
5 payable to Irene Segura; \$98,620.00 payable to Liih-Ling Yang; \$90,300.00 payable to
6 Lina Palafox; \$85,000.00 payable to Adilson Gibellato; \$50,000.00 payable to Juan
7 Eloy Ramirez; \$115,000.00 payable to Catherine Wyngarden; \$25,000.00 payable to
8 Shahram Bozorgnia; \$53,500.00 payable to Tat Lam) and \$150.00 DNA Analysis Fee
9 including testing to determine genetic markers plus \$3.00 DNA Collection Fee, the
10 Defendant sentenced as follows: a MAXIMUM of ONE HUNDRED EIGHTY (180)
11 MONTHS with a MINIMUM parole eligibility of SEVENTY-TWO (72) MONTHS in
12 the Nevada Department of Corrections (NDC); with ZERO (0) DAYS credit for time
13 served.
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18 THEREAFTER, on the 7th day of May, 2019, the Defendant Pro Se was not
19 present in Court, and pursuant to Petition for Writ of Habeas Corpus (Post Conviction)
20 hearing; COURT ORDERED, Restitution payable jointly and severally with Co-
21 Defendant.
22

23 DATED this 9 day of May, 2019
24

25 

26 MICHAEL VILLANI
27 DISTRICT COURT JUDGE
28



1 **ORDD**
2 AARON D. FORD
3 Attorney General
4 MICHAEL J. BONGARD (Bar No. 007997)
5 Senior Deputy Attorney General
6 State of Nevada
7 Office of the Attorney General
8 1539 Avenue F, Suite 2
9 Ely, NV 89301
10 (775)289-1632 (phone)
11 (775)289-1653 (fax)
12 MBongard@ag.nv.gov
13 Attorneys for Respondents

8 **DISTRICT COURT**
9 **CLARK COUNTY NEVADA**

10 JACK LEAL,) Case No.: C-17-322664-2
11) Department 17
12) Petitioner,
13)
14) vs.
15)
16) JERRY HOWELL, WARDEN, SOUTHERN
17) DESERT CORRECTIONAL CENTER,
18) Respondents.

16 **ORDER DENYING PETITION FOR WRIT OF HABEAS CORPUS**
17 **PROCEDURAL HISTORY**

18 *Petitioner's conviction and direct appeal*

19 In Eighth Judicial District Court Case Number C-17-322664-2, the State filed an information on
20 April 18, 2017. The State filed an information pursuant to plea negotiations. That information charged
21 petitioner with a single count of "Multiple Transactions Involving Fraud or Deceit in Course of Enterprise
22 or Occupation," a category 'B' felony in violation of NRS 205.377.

23 Pursuant to the plea agreement filed on April 24, 2017 in open court, petitioner entered a guilty plea
24 to the charge in the information. The agreement provided that if petitioner made full restitution prior to
25 sentencing, the State would not oppose a suspended sentence of thirty-six (36) to ninety (90) months. If
26 petitioner failed to make restitution in full, the State could argue for imprisonment.

27 The petitioner appeared for sentencing on August 17, 2017. The petitioner failed to make full
28 restitution. The Court imposed a sentence of seventy-two (72) to one hundred eighty (180) months in the

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1 Nevada Department of Corrections. The Court ordered restitution in the amount of \$757,420.00.¹ The clerk
2 filed the judgment of conviction on August 23, 2017. Petitioner filed a notice of appeal.

3 On appeal, petitioner raised two issues: "The District Court Erred by Permitting the State to Breach
4 the Plea Agreement without Holding an Evidentiary Hearing" and "The District Court Erred by Denying
5 Motion to Withdraw Counsel with an Unwaivable Conflict."

6 On September 11, 2018, the Nevada Court of Appeals affirmed petitioner's conviction.

7 ***State habeas proceedings***

8 On March 21, 2019, the clerk filed the petition for writ of habeas corpus, challenging petitioner's
9 judgment of conviction. Respondents filed an answer on April 23, 2019. Petitioner filed an amended reply
10 on May 3, 2019.

11 The parties appeared before the Court on May 7, 2019, to present argument. Joseph Gersten
12 represented the petitioner, who was not present. Michael Bongard, Senior Deputy Attorney General,
13 represented respondents.

14 After hearing from the parties, the Court makes the following findings of fact and conclusions.

15 **PETITIONER'S CLAIMS**

16 The petition in this matter presented three claims: First, petitioner claims the original information
17 failed to put the petitioner on notice of the charges. Second, petitioner alleges that trial counsel was
18 ineffective for failing to obtain a conflict waiver. Third, petitioner alleges trial counsel was ineffective for
19 coercing petitioner into entering his plea.

20 For the reasons discussed below, petitioner's claims are without merit and the Court denies relief
21 based upon the factual findings.

22 ***The challenge to the information***

23 Petitioner's first claim alleges that the information failed to put petitioner on notice of the charges.

24 The Court finds the claim without merit for two reasons: First, the claim as pled in the petition does
25 not allege the plea was involuntary or unknowingly entered. NRS 34.810(1)(a). Second, in the plea

26
27 ¹ At the May 7, 2019 hearing, the Court ordered an amended judgment of conviction directing
28 restitution be joint and several with the co-defendant, Jessica Garcia. The Court also noted on the record
that the co-defendant received a sentence of seventy-two (72) to one hundred eighty (180) months in the
Nevada Department of Corrections.

1 agreement petitioner admitted committing the facts charged in the information and admitted those facts on
2 the record at his arraignment reflecting that petitioner acknowledged an understanding of the charges.

3 The Court finds petitioner entered his plea knowingly, intelligently and voluntarily. Therefore, the
4 Court denies petitioner's first claim.

5 ***Alleged ineffective assistance of counsel for failing to obtain a waiver of conflict***

6 Petitioner next alleges trial counsel was ineffective for failing to obtain a conflict waiver.

7 In order to prove that trial counsel was ineffective, a petitioner must demonstrate that trial counsel's
8 conduct fell below a standard of objective reasonableness and that petitioner suffered prejudice resulting
9 from the deficient conduct. *Strickland v. Washington*, 466 U.S. 668, 687 (1984); *Warden v. Lyons*, 100 Nev.
10 430, 432, 685 P.2d 504, 505 (1984) (adopting the test in *Strickland*).

11 The record in this case reflects counsel obtained two waivers from petitioner. Petitioner executed the
12 first waiver in justice court. Petitioner executed the second waiver on April 20, 2017, four days prior to entry
13 of his plea. The Court finds the justice court waiver failed to contain a provision directing petitioner to seek
14 the advice of independent counsel.²

15 However, in the second waiver, executed April 20, 2017, petitioner acknowledged counsel "advised
16 me of my right to consult with independent counsel to review the potential conflict of interest posed by dual
17 representation and the consequences of waiving the right to conflict free representation. If I choose not to
18 seek advice of independent counsel then I expressly waive my right to do so."

19 The Court finds that the Court of Appeals' finding in *Leal v. State*, NVCA Case Number 74050
20 (Order of Affirmance Sept. 11, 2018),³ that Leal waived the conflict constitutes law of the case. However,
21 the Court finds that trial counsel's conduct was not deficient in this matter since counsel had petitioner
22 execute a waiver of conflict prior to entering his plea. Additionally, to the extent that petitioner alleges a
23 disparity in outcome as prejudice, the Court notes that petitioner's co-defendant received the same sentence,
24 in *State v. Garcia*, Eighth Judicial District Court Case Number C-17-322664-3. Therefore, petitioner failed
25 to establish either deficient conduct or prejudice resulting from trial counsel's alleged failure to obtain a
26 waiver of conflict. The Court denies relief on this claim.

27
28 ² See, *Ryan v. Eight Judicial Dist. Court*, 123 Nev. 419, 430, 168 P.3d 703, 710 (2007).

³ 2018 WL 4408757.

1 ***Alleged ineffective assistance of counsel for coercing a plea***

2 Petitioner's final claim alleges trial counsel was ineffective for coercing his plea because the co-
3 defendant "visited domestic violence upon the Petitioner," "without a viable conflict waiver."

4 The Court finds that petitioner executed two waivers of conflict. The Court also finds that based
5 upon the transcript from the change of plea, petitioner signed the plea agreement freely and voluntarily and
6 entered his plea of his own free will and free of threats. Petitioner failed to demonstrate that counsel's
7 conduct was deficient, or that petitioner suffered prejudice.

8 Therefore, based upon the findings contained in this order, and good cause appearing,

9 **IT IS HEREBY ORDERED** that the petition for writ of habeas corpus is **DENIED**.

10 DATED this 17 day of ~~May~~, 2019.

11 *June*



12 _____
13 **DISTRICT JUDGE**

Michael P. Villani
MICHAEL P. VILLANI

14 Respectfully Submitted,

15 AARON D. FORD
16 Attorney General

17 By: 
18 **MICHAEL J. BONGARD**
19 Nevada Bar No. 7997

20 Approved to Form:

21 By: 
22 **JOSEPH Z. GERSTEN, Esq.**
23 Gersten Law Firm PLLC
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C-17-322664-3

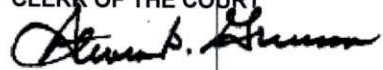
NDC

CLERK'S NOTE: This Minute Order has been amended to reflect the correct amount of restitution.//ob/07/10/19

PRINT DATE: 07/10/2019

Page 2 of 2

Minutes Date: July 09, 2019



1 AJOCP

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3 DISTRICT COURT
4 CLARK COUNTY, NEVADA
5

6 THE STATE OF NEVADA,

7
8 Plaintiff,

CASE NO. C-17-322664-3

9 -vs-

DEPT. NO. XVII

10 JESSICA GARCIA aka
11 Jessica Lee Garcia
12 #7054027

13 Defendant.

14
15 AMENDED JUDGMENT OF CONVICTION
16 (PLEA OF GUILTY)
17

18 The Defendant previously appeared before the Court with counsel and entered a plea of
19 guilty to the crime of MULTIPLE TRANSACTIONS INVOLVING FRAUD OR DECEIT IN
20 THE COURSE OF AN ENTERPRISE OR OCCUPATION (Category B Felony) in violation of
21 NRS 205.377; thereafter, on the 23rd day of April, 2019, the Defendant was present in court for
22 sentencing with counsel GABRIEL GRASSO, ESQ., and good cause appearing,
23

24 THEREAFTER, on the 9th day of July, 2019, the Defendant was present in Court with
25 counsel GABRIEL GRASSO, ESQ., and pursuant to Defendant's Motion to Reconsider
26 Sentence; COURT ORDERED, Motion GRANTED, Defendant's original sentence is
27 VACATED.

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<input type="checkbox"/> Not Prosecuted (before trial)	<input type="checkbox"/> Bench (Non-Jury) Trial
<input type="checkbox"/> Disposed (after diversion)	<input type="checkbox"/> Dismissed (during trial)
<input type="checkbox"/> Dismissed (before trial)	<input type="checkbox"/> Acquittal
<input type="checkbox"/> Guilty Plea with Sent. (before trial)	<input type="checkbox"/> Guilty Plea with Sent. (during trial)
<input type="checkbox"/> Transferred (before/during trial)	<input type="checkbox"/> Conviction
<input checked="" type="checkbox"/> Other Manner of Disposition	

1 THE DEFENDANT IS ADJUDGED guilty of said offense and, in addition to the
2 \$25.00 Administrative Assessment Fee, Restitution payable jointly and severally with Co-
3 Defendant (\$70,000.00 to Lory Lee Plancarte; \$75,000.00 to Edelyn Rudin; \$37,500.00 to
4 Chatty Becker; \$57,500.00 to Irene Segura; \$98,620.00 to Lih-Ling Yang; \$90,300.00 to Lina
5 Palafox; \$85,000.00 to Adilson Gibellato; \$50,000.00 to Juan Eloy Ramirez; \$115,000.00
6 Catherine Wyngarden; \$25,000.00 to Shahram Bozorgnia; \$53,500.00 to Tat L.a) and \$150.00
7 DNA Analysis Fee including testing to determine genetic markers plus \$3.00 DNA Collection
8 Fee, the Defendant is sentenced as follows: a MAXIMUM of ONE HUNDRED TWENTY
9 (120) MONTHS with a MINIMUM parole eligibility of FORTY-EIGHT (48) MONTHS in the
10 Nevada Department of Corrections (NDC); with SIX HUNDRED FIFTY-ONE (651) DAYS
11 credit for time served.
12
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14 **FINDINGS AND CORRECTIONS TO THE PRESENTENCE INVESTIGATION**

15 **REPORT (PSI):** The COURT FINDS the PSI inaccurate as to page 4, under Criminal Record
16 11/23/16, Entry 3. Lewdness with a Minor Under 14 (F) and ORDERED STRICKEN.
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18 DATED this 16 day of July, 2019.

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21 MICHAEL VILLANI ⁰⁸
22 DISTRICT COURT JUDGE
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