

NO. 65390

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TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
BY *[Signature]*  
DEPUTY CLERK

Case No. CR-12-832  
Dept. No. 2

The undersigned hereby affirms this document  
does not contain a social security number.

*[Signature]*

IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF ESMERALDA

THE STATE OF NEVADA,  
Plaintiff,

vs.

**NOTICE OF APPEAL**

MATTHEW LEON MOULTRIE,  
Defendant.

NOTICE IS HEREBY GIVEN that MATTHEW LEON MOULTRIE, Defendant  
above named, by and through his attorney CHRIS ARABIA, Esq., hereby  
appeals to the Supreme Court of Nevada from a Judgment of  
Conviction entered in this action on March 4, 2014.

DATED this 27<sup>th</sup> day of March, 2014.

*[Signature]*

CHRISTOPHER R. ARABIA, Esq.  
Nevada Bar #9749  
Attorney at Law  
601 S. 10<sup>th</sup> St.  
Las Vegas, NV 89101  
702/701-4391  
Attorney for Defendant  
MATTHEW LEON MOULTRIE

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TRACIE K. LINDEMAN  
CLERK OF SUPREME COURT  
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an employee or agent of CHRIS ARABIA, Esq.

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APR - 2 2014

ESMERALDA COUNTY CLERK

Case No. CR-12-832  
Dept. No. 2

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IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF ESMERALDA

THE STATE OF NEVADA,  
Plaintiff,

vs.

**CASE APPEAL STATEMENT**

MATTHEW LEON MOULTRIE,  
Defendant.

1. Name of appellant filing this case appeal statement:  
MATTHEW LEON MOULTRIE.

2. Identify the judge issuing the decision, judgment or order  
appealed from: Hon. Judge Robert Lane, Dept. 2, Fifth Judicial  
District, in and for Esmeralda County.

3. Identify all parties to the proceedings in the district  
court: Defendant is MATTHEW LEON MOULTRIE; Plaintiff is THE STATE  
OF NEVADA.

4. Identify all parties involved in this appeal: same as  
above.

5. Set forth the name, law firm, address, and telephone number  
of all counsel on appeal and identify the party or parties whom  
they represent: The State of Nevada is represented by Brian Kunzi,  
Nye County District Attorney, P.O. 593, Tonopah, NV 89049, tel:

1 775/482-8166. MATTHEW LEON MOULTRIE is represented by CHRIS  
2 ARABIA, Esq., Attorney at Law, 601 S. 10<sup>th</sup> St., Las Vegas, NV 89101,  
3 tel: 702/701-4391.

4 6. Indicate whether appellant was represented by appointed or  
5 retained counsel in the district court: APPOINTED COUNSEL.

6 7. Indicate whether appellant is represented by appointed or  
7 retained counsel on appeal: APPOINTED COUNSEL.

8 8. Indicate whether appellant was granted leave to proceed in  
9 forma pauperis, and the date of entry of the district court order  
10 granting such leave: n/a

11 9. Indicate the date the proceedings commenced in the district  
12 court (e.g., date complaint, indictment, information or petition  
13 was filed): The Information was filed in the district court on July  
14 5, 2012.

15 DATED this 27<sup>th</sup> day of March, 2014.

16 

17 CHRISTOPHER R. ARABIA, Esq.  
18 Nevada Bar #9749  
19 Attorney at Law  
20 601 S. 10<sup>th</sup> St.  
21 Las Vegas, NV 89101  
22 702/701-4391  
23 Attorney for Defendant  
24 MATTHEW LEON MOULTRIE  
25  
26  
27  
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Case Number... CR 12-832 Dept... 02 Judge... RL

Case Type.... K 01 CRIMINAL

Title/Caption THE STATE OF NEVADA,

PLAINTIFF,

VS.

MATTHEW LEON MOULTRIE,

DEFENDANT

Party

MOULTRIE, MATTHEW LEON

Page 1

Date

Desc

Already at first filing.

Fee

Date	Party	Desc	Fee
5/23/12	P	NOTICE OF MOTION AND MOTION FOR LEAVE OF COURT TO FILE INFORMATION BY AFFIDAVIT.	
6/05/12	D	OPPOSITION TO STATE'S MOTION FOR LEAVE OF COURT TO FILE INFORMATION BY AFFIDAVIT; DEFENSE MOTION TO STRIKE IN PART.	
6/12/12	D	SUPPLEMENT TO DEFENSE OPPOSITION TO MOTION FOR LEAVE OF COURT TO FILE INFORMATION BY AFFIDAVIT; DEFENSE MOTION TO STRIKE IN PART	
6/26/12	O	TRANSCRIPT OF PROCEEDINGS: NOTICE OF MOTION AND MOTION FOR LEAVE OF COURT TO FILE INFORMATION BY AFFIDAVIT	
7/03/12	O	ORDER GRANTING THAT STATE LEAVE TO FILE AN INFORMATION BY AFFIDAVIT	
7/05/12	P	INFORMATION	
8/20/12	D	STIPULATION AND ORDER	

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Case Number... CR 12-832 Case Update - Filings  
 Case Type.... K 01 CRIMINAL Dept.... 02 Judge... RL

Title/Caption THE STATE OF NEVADA,  
 PLAINTIFF,  
 VS.  
 MATTHEW LEON MOULTRIE,  
 DEFENDANT

Party MOULTRIE, MATTHEW LEON

Page 2  
 Fee

Date	Desc	Fee
10/10/12	0 ORDER SETTING JURY TRIAL	
10/17/12	0 TRANSCRIPT OF PROCEEDINGS: ARRAIGNMENT HEARING	
6/24/13	0 TRANSCRIPT OF PROCEEDINGS: CALENDAR CALL	
10/23/13	0 CERTIFICATE OF COMPLETION: MATTHEW MOULTRIE LEVEL 3.3G GAMBLING TREATMENT (FAX COPY)	
10/23/13	0 CERTIFICATE OF COMPLETION: MATTHEW MOULTRIE LEVEL III.3 RESIDENTIAL TREATMENT (FAX COPY)	
10/23/13	0 LETTER FROM DEFENDANT (FAX COPY)	
10/23/13	0 WEEKLY CLIENT REPORT ON SEPTEMBER 13, 2013	
10/23/13	0 WEEKLY CLIENT REPORT ON SEPTEMBER 27, 2013	
10/23/13	0 WEEKLY CLIENT REPORT ON OCTOBER 4TH, 2013	
10/23/13	0 WEEKLY CLIENT REPORT ON OCTOBER 16TH, 2013	
10/23/13	0 WEEKLY CLIENT REPORT ON OCTOBER 22ND, 2013	

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Case Number... CR 12-832 Case Update - Filings  
Case Type.... K 01 CRIMINAL Dept... 02 Judge... RL  
Title/Caption THE STATE OF NEVADA,  
PLAINTIFF,  
VS.  
MATTHEW LEON MOULTRIE,  
DEFENDANT

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Date	Party	Desc	Page	Fee
11/19/13	D	CONDITIONAL GUILTY PLEA AGREEMENT	3	
11/20/13	D	PROMISE TO APPEAR		
12/17/13	O	TRANSCRIPT OF PROCEEDINGS: BENCH WARRANT RETURN STATUS CHECK		
1/15/14	O	PSI REPORT		
2/04/14	O	ORDER ADMITTING DEFENDANT TO PROBATION AND FIXING THE TERMS THEREOF		
3/04/14	O	JUDGMENT		
4/02/14	D	CERTIFICATE OF WHY NO TRANSCRIPT REQUESTED		
4/02/14	D	NOTICE OF APPEAL		
4/02/14	D	CASE APPEAL STATEMENT		
4/02/14	O	TRANSCRIPT OF PROCEEDING: SENTENCING HEARING		

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1 CASE NO. CR-12-832  
2 DEPT. 2

**FILED**

MAR 04 2014  
*[Signature]*  
ESMERALDA COUNTY CLERK

5 IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,  
6 IN AND FOR THE COUNTY OF ESMERALDA

7  
8 THE STATE OF NEVADA, )

9 Plaintiff, )

10 vs. )

11 MATTHEW LEON MOULTRIE, )

12 Defendant. )  
13 )

**JUDGMENT**

14  
15 On the 19<sup>th</sup> day of November, 2013, the Defendant above-named appeared before the  
16 Court with his counsel Christopher R. Arabia, Esquire, and having been found guilty of the crime  
17 of, COUNT 1: POSSESSION OF CONTROLLED SUBSTANCE WITH INTENT TO SELL, in  
18 violation of NRS 453.337, a category D felony.

19 On the 21<sup>st</sup> day of January, 2014, the Defendant appeared before the Court for sentencing  
20 with his counsel, Christopher R. Arabia, Esq., and the State was represented by Robert E.  
21 Glennen III, Esmeralda County District Attorney. No sufficient legal cause was shown by the  
22 Defendant as to why judgment should not be pronounced against him.

23 The Court adjudged the Defendant guilty of the crimes of,  
24 COUNT 1: POSSESSION OF A CONTROLLED SUBSTANCE WITH INTENT TO SELL, in  
25 violation of NRS 453.337, a category D felony.

26 Defendant sentenced to 19 months to 48 months in the Nevada State Prison, suspended.

27 Defendant be placed on probation for a term of five (5) years.

28 Defendant shall receive twenty (20) days credit for presentence incarceration.

1 Defendant shall pay to the Clerk of the Court a twenty five dollars and no cents (\$25.00)  
2 assessment fee.

3 Defendant shall pay a sixty dollar (\$60.00) Forensic Fee.

4 Defendant shall pay a three dollar (\$3.00) DNA Administrative Assessment.

5 Defendant shall pay the Clerk of the Court a five hundred dollar (\$500.00) fee for his  
6 Attorney.

7 Defendant's sentence shall run consecutive to Elko County case CRFO-13-0640.

8 Defendant shall remain in and successfully complete the Fourth Judicial District Court  
9 Adult Drug Court Program.

10 Defendant shall completely abstain from the use, possession or consumption of any  
11 alcoholic beverages. Further, the Defendant completely abstain from being present in any  
12 cocktail lounge, bar or similar establishment operated for the primary purpose of serving  
13 alcoholic beverages, unless required to be so present during actual employment purposes.

14 Defendant shall completely abstain from gambling, or from being present in a gambling  
15 establishment except for employment purposes.

16 Defendant shall maintain steady and gainful employment as approved by Nevada Parole  
17 and Probation, and if not employed full time, participate in employment/vocational  
18 training.

19 Defendant resolve all outstanding warrants within 30 days of probation grant.

20 The immediately after sentencing, the Defendant shall report to the Esmeralda County  
21 Sheriff's Office to be formally booked on the charges of the instant offense.

22 DATED this 30 day of March, 2014.

23  
24  
25   
26 DISTRICT JUDGE  
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28

Case Number.. CR 12-832 Case Update - Minutes  
Case Type.... CRIMINAL .... 02 Judge... 02

DC0100M

Title/Caption THE STATE OF NEVADA,  
PLAINTIFF,  
VS.  
MATTHEW LEON MOULTRIE,  
DEFENDANT

Date Time Code Desc

8/21/12 10:00 ARRAIGNMENT HEARING

Page 1  
Reference

Minutes

PER JUDGE LANE- THE DEFENSE COUNSEL HAD A STIPULATION AND ORDER TO HAVE THIS  
CASE CONTINUED DUE TO THE NEXT LAW & MOTION WHICH WILL BE HEARD AND HELD ON  
SEPTEMBER 18, 2012 AT 10:00 A.M. (AJ)

F3=Save Minutes/Return To Hearings

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Case Number.. CR 12-832 Dept... 02 Judge... 02

Case Type.... CRIMINAL

Title/Caption THE STATE OF NEVADA,  
PLAINTIFF,  
VS.  
MATTHEW LEON MOULTRIE,  
DEFENDANT

Date Time Code Desc

9/18/12 10:00 ARRAIGNMENT HEARING

Page 1  
Reference

Minutes

PER JUDGE LANE- DEFENSE COUNSEL: MR. ARABIA STATED THAT MR. MOULTRIE WAS  
DISCHARGE FROM PRELIMINARY HEARING IN JUSTICE COURT. (AJ)

PER JUDGE LANE- THE STATE/DEFENSE HAVE NOT CAME TO ANY AGREEMENTS FOR THIS  
CASE. (AJ)

PER JUDGE LANE- JUDGE: NOW, MR. MOULTRIE, YOU DO REALIZE YOU CAN BE SENTENCE  
TO ONE YEAR TO FOUR YEARS IN JAIL WITH AND NOR FIVE THOUSAND DOLLAR FINE, DO  
YOU UNDERSTAND THAT, MR. MOULTRIE? MR. MOULTRIE: YES, YOUR HONOR, (AJ)

PER JUDGE LANE: DEFENDANT: MR. MOULTRIE PLEAS NOT GUILTY TO THE CRIME OF:  
POSSESSION OF CONTROLLED SUBSTANCE WITH INTENT TO SELL. (AJ)

PER JUDGE LANE: JUDGE: TWO DAY TRIAL, DEFENDANT IS WAIVING THE SIXTY DAYS.

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Case Update - Minutes

Case Number.. CR 12-832 Dept... 02 Judge... 02

Case Type.... CRIMINAL

Title/Caption THE STATE OF NEVADA,  
PLAINTIFF,  
VS.MATTHEW LEON MOULTRIE,  
DEFENDANT

Date Time Code Desc

9/18/12 10:00 ARRAIGNMENT HEARING

MinutesPage 2  
Reference

(AJ)

PER JUDGE LANE- APRIL 23, 2013: CALENDAR CALL/PULL JURY AT 10:00 A.M.

PER JUDGE LANE- MAY 23-24, 2013: JURY TRIAL, JURORS BE HERE AT 9:00 A.M. AND

PRE-TRIAL AT 8:30 A.M. (AJ)

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Case Update - Minutes  
Case Number.. CR 12-832 Dept... 02 Judge... 02

Case Type.... CRIMINAL

Title/Caption THE STATE OF NEVADA,  
PLAINTIFF,  
VS.  
MATTHEW LEON MOULTRIE,  
DEFENDANT

Date Time Code Desc  
4/23/13 10:00 CALENDAR CALL/PULL JURY

Page 1  
Reference

Minutes  
PER JUDGE LANE- THE DEFENDANT WASN'T PRESENT DUE TO AN BENCH WARRANT WAS  
ISSUED. (AJ)

PER JUDGE LANE- CALENDAR CALL/PULL JURY IS ON HOLD UNTIL FURTHER INSTRUCTIONS  
(AJ)

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Case Number.. CR 12-832 Case Update - Minutes  
Case Type.... CRIM pt... 02 Judge... RL

DC0100M

Title/Caption THE STATE OF NEVADA,  
PLAINTIFF,  
VS.  
MATTHEW LEON MOULTRIE,  
DEFENDANT

Date Time Code Desc  
11/19/13 10:00 BENCH WARRANT/STATUS CHECK

Page 1  
Reference

Minutes  
PER JUDGE LANE- THE STATE AND THE DEFENSE COUNSEL ARE PROCEEDED TO MOVE  
FORWARD ON THIS CASE. -AJJ

PER JUDGE LANE- MR. MOULTRIE HAS PUT IN A CONDITIONAL GUILTY PLEA AGREEMENT  
WITH PLEAING TO POSSESSION OF CONTROLLED SUBSTANCE WITH INTENT TO SELL, A  
CATEGORY "D" FELONY. -AJJ

PER JUDGE LANE- MR. ARABIA STATES ON RECORD, THE REASON MR. MOULTRIE WASN'T  
HERE FOR HIS COURT DATE WAS BECAUSE HE WAS PICK-UP ON CHARGES IN ELKO. -AJJ

PER JUDGE LANE- MR. GLENNEN HAD NO OPPOSE. -AJJ

PER JUDGE LANE- THE JUDGE TAKES A MOMENT TO ASK THE DEFENDANT A SERIES OF  
QUESTIONS TO SEE IF THE JUDGE ACCEPTS HIS PLEA AGREEMENT OR NOT. -AJJ

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Case Number.. CR 12-832 Case Update - Minutes  
Case Type.... CRIM... 02 Judge... RL  
Title/Caption THE STATE OF NEVADA,  
PLAINTIFF,  
VS.  
MATTHEW LEON MOULTRIE,  
DEFENDANT

Page 2  
Reference

Date Time Code Desc  
11/19/13 10:00 BENCH WARRANT/STATUS CHECK

Minutes

PER JUDGE LANE- MR. MOULTRIE SPEAKS AND STATES WHEN HE WAS IN REHAB IN ELKO COUNTY THAT HE DOES HAVE A MEDICAL CONDITION WHICH IS BIPOLAR AND SCHIZOPHRENIA AND THESE TWO ISSUES ARE BEING TREATED WITH MEDICINE AND HE HIS CURRENTLY TAKING HIS MEDS FOR THIS. -AJJ

PER JUDGE LANE- JUDGE STATES THAT HE ACCEPTS THE PLEA AGREEMENT FROM MR. MOULTRIE AND WILL BE SENTENCED ON JANUARY 21ST, 2014 AT 10:00 A.M. -AJJ

PER JUDGE LANE- DUE TO MR. MOULTRIE BEING IN DRUG COURT IN ELKO, HE DID GET O/R TODAY IN COURT. -AJJ

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