

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Jul 01 2014 03:18 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

MELVIN LEROY GOZALEZ,)
Appellant,)

vs.)

THE STATE OF NEVADA,)
Respondent.)

No. 63341

APPELLANT'S APPENDIX

VOLUME I

PAGES 1 - 49

Steven W. Cochran
Nevada State Bar No. 9949
Pershing County Public Defender
400 Main Street / P.O. Box 941
Lovelock, NV 89419
(775) 273-4300 Phone
(775) 273-4305 Fax

ATTORNEY FOR APPELLANT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

INDEX

Amended Felony Complaint Filed February 1, 2013.....5

CD Rough Draft Arraignment Transcript Filed June 11, 2014.....34

Felony Complaint Filed January 24, 2013.....1

Guilty Plea Agreement Filed January 7, 2014.....17

Information Filed October 10, 2013.....12

Judgment of Conviction Filed April 22, 2014.....27

Notice of Appeal Filed May 21, 2014.....32

Unconditional Waiver of Preliminary Hearing Filed October 4, 2013.....10

NO. 13-CR-00049

COPY

FILED

2013 JAN 24 AM 10:42

JUSTICE'S COURT
HUMBOLDT COUNTY

IN THE JUSTICE'S COURT OF UNION TOWNSHIP

COUNTY OF HUMBOLDT, STATE OF NEVADA

-000-

STATE OF NEVADA,

Plaintiff,

vs.

FELONY COMPLAINT

MELVIN LEROY GONZALES, JR.

ECONOMY INN #114

WINNEMUCCA, NV 89445

DOB: 04/27/1970,

Defendant. /

PERSONALLY APPEARED BEFORE ME, ROGER WHOMES, Deputy District Attorney, who first being duly sworn, complains and says that the Defendant(s) above-named has within the County of Humboldt, State of Nevada, committed a certain crime which is described as follows:

COUNT IBURGLARY, A CATEGORY B FELONY
AS DEFINED BY NRS 205.060

That the Defendant did knowingly, willfully and unlawfully either by day or by night, enter a house, room, apartment, tenement, shop, warehouse, store,

RW/nj

①

HUMBOLDT COUNTY DISTRICT ATTORNEY
P.O. Box 909
Winnemucca, Nevada 89446

HUMBOLDT COUNTY DISTRICT ATTORNEY
P.O. Box 909
Winnemucca, Nevada 89446

1 mill, barn, stable, outhouse or other building, tent,
2 vessel, vehicle, vehicle trailer, semi-trailer or
3 house trailer, airplane, glider, boat or railroad car
4 with the intent to commit grand larceny or petit
5 larceny, assault or battery on any other person or any
6 felony, in the following manner, to-wit: That on or
7 about the 17th day of January, 2013, at or near the
8 location of 4240 Park Place, Winnemucca, County of
9 Humboldt, State of Nevada, the Defendant entered 4240
10 Park Place with the intent to commit larceny.

11 COUNT II

12 RECEIVING, POSSESSING OR WITHHOLDING STOLEN PROPERTY,
13 A CATEGORY C FELONY
14 AS DEFINED BY NRS 193.130 AND NRS 205.275

15 That the Defendant did knowingly, willfully and
16 unlawfully, being a person who for his own gain or to
17 prevent the owner from again possessing, buys,
18 receives or withholds property, knowing that the
19 property is stolen or under circumstances as should
20 have caused a reasonable person to know that it is
21 stolen and the property is more than \$650.00, but less
22 than \$3,500, in the following manner, to-wit: That on
23 or about the 17th day of January, 2013, at or near the
24 location of Economy Inn #114, Winnemucca, County of
25 Humboldt, State of Nevada, the Defendant possessed
26 property owned by John Antista and/or Marvin Repreza.

27 COUNT III

28 POSSESSION OF A CONTROLLED SUBSTANCE ,
A CATEGORY E FELONY
AS DEFINED BY NRS 453.336

That the Defendant did willfully, unlawfully, and
knowingly, possess a Schedule I controlled substance,
in the following manner, to-wit: That on or about the
17th day of January, 2013, at or near the location of
Economy Inn #114, Winnemucca, County of Humboldt,
State of Nevada, the Defendant possessed
Methamphetamine.

///

///

RW/nj

2

COUNT IVAGGRAVATED STALKING, A CATEGORY B FELONY
AS DEFINED BY NRS 200.575(2) (a)

That the Defendant did knowingly, willfully and unlawfully, without lawful authority, engage in a course of conduct that would cause a reasonable person to feel terrorized, frightened, intimidated or harassed, and that person, actually felt terrorized, frightened, intimidated or harassed, and further Defendant threatened with the intent to cause him/her to be placed in reasonable fear of death or substantial bodily harm, in the following manner, to-wit: That on or between January 10, 2013 to January 17, 2013, at or near the location of 4140 Rainbow Road, Winnemucca, County of Humboldt, State of Nevada, the defendant threatened his estranged wife, her parents, her children and/or her grandchildren with death.

That complainant knows that said crime occurred and that the Defendant, MELVIN LEROY GONZALES, JR. committed the same based upon the following: because complainant is the Deputy District Attorney, and is in the possession of a crime report or report of investigation written by DAVE WALLS, known to complainant to be a deputy with the HUMBOLDT COUNTY SHERIFF'S OFFICE.

All of which is contrary to the form of the Statute in such cases made and provided, and against the peace and dignity of the State of Nevada. Said Complainant, therefore, prays that a warrant and/or summons may be issued in the name of said Defendant(s) above-named and dealt with according to law.

/// CONNIE RAMIREZ, his estranged wife,
/// by ~~the~~ saying he would "slit the throats"
of ~~the children~~ her, of children and/or her
/// parents, and/or made other threats of
/// death to Connie Ramirez and/or
her children

RW/nj

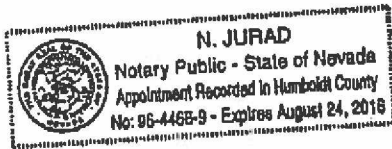
Vell
11/29/13
(3)HUMBOLDT COUNTY DISTRICT ATTORNEY
P.O. Box 909
Winnemucca, Nevada 89446

1 Furthermore, pursuant to NRS 239B.030., the undersigned hereby
2 affirms this document does not contain the social security
3 number of any person.



4
5 ROGER WHOMES
6 Deputy District Attorney

7 SUBSCRIBED AND SWORN to before me this 23rd day of
8 January, 2013.



9
10 
11 NOTARY PUBLIC

HUMBOLDT COUNTY DISTRICT ATTORNEY
P.O. Box 909
Winnemucca, Nevada 89446

12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
RW/nj

COPY

NO. 13CN000049

FILED

2013 FEB -1 AM 9:29

LETITIA WHOMES
JUSTICE OF THE PEACE
MUNICIPAL JUDGE
CLERK

IN THE JUSTICE'S COURT OF UNION TOWNSHIP

COUNTY OF HUMBOLDT, STATE OF NEVADA

-oOo-

STATE OF NEVADA,

Plaintiff,

AMENDED
FELONY COMPLAINT

vs.

MELVIN LEROY GONZALES, JR.
ECONOMY INN #114
WINNEMUCCA, NV 89445
DOB: 04/27/1970,

Defendant. /

PERSONALLY APPEARED BEFORE ME, ROGER WHOMES, Deputy District Attorney, who first being duly sworn, complains and says that the Defendant(s) above-named has within the County of Humboldt, State of Nevada, committed a certain crime which is described as follows:

COUNT IBURGLARY, A CATEGORY B FELONY
AS DEFINED BY NRS 205.060

That the Defendant did knowingly, willfully and unlawfully either by day or by night, enter a house, room, apartment, tenement, shop, warehouse, store, mill, barn, stable, outhouse or other building, tent, vessel, vehicle, vehicle trailer, semi-trailer or house trailer, airplane, glider, boat or railroad car with the intent to commit grand larceny or petit

RW/cc

5

1 larceny, assault or battery on any other person or any
2 felony, in the following manner, to-wit: That on or
3 about the 17th day of January, 2013, at or near the
4 location of 4240 Park Place, Winnemucca, County of
5 Humboldt, State of Nevada, the Defendant entered 4240
6 Park Place with the intent to commit larceny.

*marlin
carla*

COUNT II

RECEIVING, POSSESSING OR WITHHOLDING STOLEN PROPERTY,

A CATEGORY C FELONY

AS DEFINED BY NRS 193.130 AND NRS 205.275

8 That the Defendant did knowingly, willfully and
9 unlawfully, being a person who for his own gain or to
10 prevent the owner from again possessing, buys,
11 receives or withholds property, knowing that the
12 property is stolen or under circumstances as should
13 have caused a reasonable person to know that it is
14 stolen and the property is more than \$650.00, but less
15 than \$3,500, in the following manner, to-wit: That on
16 or about the 17th day of January, 2013, at or near the
17 location of Economy Inn #114, Winnemucca, County of
18 Humboldt, State of Nevada, the Defendant possessed
19 property owned by John Antista and/or Marvin Repreza.

COUNT III

POSSESSION OF A CONTROLLED SUBSTANCE,

A CATEGORY E FELONY

AS DEFINED BY NRS 453.336

21 That the Defendant did willfully, unlawfully, and
22 knowingly, possess a Schedule I controlled substance,
23 in the following manner, to-wit: That on or about the
24 17th day of January, 2013, at or near the location of
25 Economy Inn #114, Winnemucca, County of Humboldt,
26 State of Nevada, the Defendant possessed
27 Methamphetamine.

28
///

RW/cc

(6)

COUNT IVAGGRAVATED STALKING, A CATEGORY B FELONY
AS DEFINED BY NRS 200.575(2) (a)

That the Defendant did knowingly, willfully and unlawfully, without lawful authority, engage in a course of conduct that would cause a reasonable person to feel terrorized, frightened, intimidated or harassed, and that person, actually felt terrorized, frightened, intimidated or harassed, and further Defendant threatened with the intent to cause him/her to be placed in reasonable fear of death or substantial bodily harm, in the following manner, to-wit: That on or between January 10, 2013 to January 17, 2013, at or near the location of 4140 Rainbow Road, Winnemucca, County of Humboldt, State of Nevada, the defendant threatened Connie Ramirez, his estranged wife, by saying he would "slit her throat, the throats of her children, and/or her parents, and/or made other threats of death to Connie Ramirez and/or her children.

COUNT VAGGRAVATED STALKING, A CATEGORY B FELONY
AS DEFINED BY NRS 200.575(2) (a)

That the Defendant did knowingly, willfully and unlawfully, without lawful authority, engage in a course of conduct that would cause a reasonable person to feel terrorized, frightened, intimidated or harassed, and that person, actually felt terrorized, frightened, intimidated or harassed, and further Defendant threatened with the intent to cause him/her to be placed in reasonable fear of death or substantial bodily harm, in the following manner, to-wit: That on or between January 10, 2013 to January 17, 2013, at or near the location of 4140 Rainbow Road, Winnemucca, County of Humboldt, State of Nevada, the defendant threatened Osa Pelett with death.

//

RW/cc

⑦

COUNT VIAGGRAVATED STALKING, A CATEGORY B FELONY
AS DEFINED BY NRS 200.575(2) (a)

That the Defendant did knowingly, willfully and unlawfully, without lawful authority, engage in a course of conduct that would cause a reasonable person to feel terrorized, frightened, intimidated or harassed, and that person, actually felt terrorized, frightened, intimidated or harassed, and further Defendant threatened with the intent to cause him/her to be placed in reasonable fear of death or substantial bodily harm, in the following manner, to-wit: That on or between January 10, 2013 to January 17, 2013, at or near the location of 4140 Rainbow Road, Winnemucca, County of Humboldt, State of Nevada, the defendant threatened Richard Pellett with death.

COUNT VIIAGGRAVATED STALKING, A CATEGORY B FELONY
AS DEFINED BY NRS 200.575(2) (a)

That the Defendant did knowingly, willfully and unlawfully, without lawful authority, engage in a course of conduct that would cause a reasonable person to feel terrorized, frightened, intimidated or harassed, and that person, actually felt terrorized, frightened, intimidated or harassed, and further Defendant threatened with the intent to cause him/her to be placed in reasonable fear of death or substantial bodily harm, in the following manner, to-wit: That on or between January 10, 2013 to January 17, 2013, at or near the location of 4140 Rainbow Road, Winnemucca, County of Humboldt, State of Nevada, the defendant threatened Marvin Repreza with death.

That complainant knows that said crime occurred and that the Defendant, MELVIN LEROY GONZALES, JR. committed the same based upon the following: because complainant is the Deputy District Attorney, and is in the possession of a crime report or report of investigation written by DAVE WALLS, known to


RW/cc

⑧

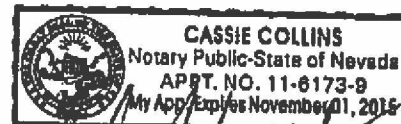
1 complainant to be a deputy with the HUMBOLDT COUNTY
2 SHERIFF'S OFFICE.

3 All of which is contrary to the form of the Statute in such
4 cases made and provided, and against the peace and dignity of
5 the State of Nevada. Said Complainant, therefore, prays that a
6 warrant and/or summons may be issued in the name of said
Defendant(s) above-named and dealt with according to law.

7 Furthermore, pursuant to NRS 239B.030, the undersigned hereby
8 affirms this document does not contain the social security
9 number of any person.

10 
11 ROGER WHOMES
12 Deputy District Attorney

13 SUBSCRIBED AND SWORN to before me this 12th day of January,
14 2013.



17 NOTARY PUBLIC
18
19
20
21
22
23
24
25
26
27
28

RW/cc

9

2013 OCT -4 AM 10:19

No.13 CR 00049

LETTY HORCUTT
JUSTICE OF THE PEACE
MUNICIPAL JUDGE
BY. HS CLERK
IN THE JUSTICE COURT OF UNION TOWNSHIP,
COUNTY OF HUMBOLDT, STATE OF NEVADA

-o0o-

STATE OF NEVADA

Plaintiff,

vs.

UNCONDITIONAL WAIVER OFPRELIMINARY HEARING

MELVIN LEROY GONZALES, JR

Defendant /

I, MELVIN LEROY GONZALES, JR., hereby unconditionally waive my Preliminary Hearing in the above-entitled action on the charge(s) of BURGLARY: RECEIVING. POSSESSING OR WITHHOLDING STOLEN PROPERTY: POSSESSION OF A CONTROLLED SUBSTANCE: AGGRAVATED STALKING, 4 COUNTS. This waiver is based upon the oral plea negotiations between my attorney and the office of the District Attorney, pursuant to NRS 171.208, and NRS 171.196. Should a written plea negotiation not be signed by all parties, this matter will be set for District Court Trial.

MLG

I understand that I have a right to a Preliminary Examination and I wish to waive my right;

MLG

I understand the negotiations that the State of Nevada is offering me;

MLG

I wish to accept these negotiations;

1 MLG.

I understand that this is an unconditional waiver and that I am giving up
2 my right to a Preliminary Hearing and that if I change my mind in District
3 Court and do not go through with the negotiations, I will proceed straight
4

5 to trial. The case will not be remanded back to Justice court for a Preliminary Hearing;

6 MLG.

I waive my right to a Preliminary Hearing freely, knowingly, voluntarily
7 and intelligently.

8 DATED this 4th day of April, 2013.
9

10 Gonzalo Melvin
11

DEFENDANT

12
13
14 Haley Jm
15

WITNESS

16
17
18 [Signature]
19 ATTORNEY FOR DEFENDANT

20 NEVADA BAR #
21
22
23
24
25

994/9

1 NO. CR13-6257

2 #2

FILED

2013 OCT 10 AM 10:08

TAMI RAE SPERO
DIST. COURT CLERK

3
4
5
6 IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
7
8 IN AND FOR THE COUNTY OF HUMBOLDT.

9 -oOo-

10 STATE OF NEVADA,

11 Plaintiff,

12 vs.

INFORMATION

13 MELVIN LEROY GONZALES, JR.
14 DOB: 04/27/1970,

15 Defendant(s) ./

16 MICHAEL MACDONALD, District Attorney of Humboldt County,
17 Nevada, in the name and by the authority of the State of Nevada,
18 informs the Court:

19 COUNT I

20 AGGRAVATED STALKING, A CATEGORY B FELONY
21 AS DEFINED BY NRS 200.575(2) (a)

22 That the Defendant did knowingly, willfully and
23 unlawfully, without lawful authority, engage in a
24 course of conduct that would cause a reasonable person
25 to feel terrorized, frightened, intimidated or
26 harassed, and that person, actually felt terrorized,
27 frightened, intimidated or harassed, and further
28 Defendant threatened with the intent to cause him/her
to be placed in reasonable fear of death or
substantial bodily harm, in the following manner, to-
wit: That on or between January 10, 2013 to January
17, 2013, at or near the location of 4140 Rainbow

1 Road, Winnemucca, County of Humboldt, State of Nevada,
2 the defendant threatened Connie Ramirez, his estranged
3 wife, by saying he would "slit her throat, the throats
4 of her children, and/or her parents, and/or made other
5 threats of death to Connie Ramirez and/or her
6 children.

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

COUNT II

AGGRAVATED STALKING, A CATEGORY B FELONY
AS DEFINED BY NRS 200.575(2) (a)

That the Defendant did knowingly, willfully and unlawfully, without lawful authority, engage in a course of conduct that would cause a reasonable person to feel terrorized, frightened, intimidated or harassed, and that person, actually felt terrorized, frightened, intimidated or harassed, and further Defendant threatened with the intent to cause him/her to be placed in reasonable fear of death or substantial bodily harm, in the following manner, to-wit: That on or between January 10, 2013 to January 17, 2013, at or near the location of 4140 Rainbow Road, Winnemucca, County of Humboldt, State of Nevada, the defendant threatened Osa Pelett with death.

COUNT III

AGGRAVATED STALKING, A CATEGORY B FELONY
AS DEFINED BY NRS 200.575(2) (a)

That the Defendant did knowingly, willfully and unlawfully, without lawful authority, engage in a course of conduct that would cause a reasonable person to feel terrorized, frightened, intimidated or harassed, and that person, actually felt terrorized, frightened, intimidated or harassed, and further Defendant threatened with the intent to cause him/her to be placed in reasonable fear of death or substantial bodily harm, in the following manner, to-wit: That on or between January 10, 2013 to January 17, 2013, at or near the location of 4140 Rainbow Road, Winnemucca, County of Humboldt, State of Nevada, the defendant threatened Richard Pellett with death.

HUMBOLDT COUNTY DISTRICT ATTORNEY
P.O. Box 909
Winnemucca, Nevada 89446

1 All of which is contrary to the form of the statute in such
2 cases made and provided and against the peace and dignity of the
3 State of Nevada.

4 That the names of all witnesses who will testify for the
5 State of Nevada in said action that are known to the District
6 Attorney at the time of the filing of this Information are
7 listed with addresses on the annexed Exhibit "A" and the names
8 of all other witnesses who will testify for the State of Nevada
9 that become known to the District Attorney before time of trial
10 will be endorsed hereon by subsequent Exhibit.
11

12 Furthermore, pursuant to NRS 239B.030., the undersigned hereby
13 affirms this document does not contain the social security
14 number of any person.



15 ROGER WHOMES
16 Deputy District Attorney
17
18
19
20
21
22
23
24
25
26
27
28

HUMBOLDT COUNTY DISTRICT ATTORNEY
P.O. Box 909
Winnemucca, Nevada 89446

EXHIBIT "A"
INFORMATION
Names and Addresses Known to the
District Attorney at the time of
Filing of the Information

DEPUTY DAVE WALLS
Humboldt County Sheriff Office
Winnemucca, NV 89445

CONNIE RAMIREZ
565 Smithridge Drive
Reno, NV 89502

OSA PELLETT
4140 Rainbow Road
Winnemucca, NV 89445

RICHARD PELLETT
4140 Rainbow Road
Winnemucca, NV 89445

15

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of
the Humboldt County District Attorney's Office, and that on the
10 day of October, 2013, I delivered a true copy of the
INFORMATION to:

STEVE COCHRAN
Humboldt County Conflict Counsel
c/o Pershing County Public Defender's Office
PO Box 941
Lovelock, NV 89419

☒ U.S. Mail
☐ Certified Mail
☐ Hand-delivered
☐ Placed in DCT Box
☐ Via Facsimile

Car. Lucillos

16

Case No. CR13-6257

Dept. No. 2

FILED

JAN - 7 2014

**TAMI RAE SPERO
DIST. COURT CLERK**

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF HUMBOLDT.

-oOo-

THE STATE OF NEVADA,

Plaintiff,

vs.

MELVIN LEROY GONZALES JR.,

Defendant. /

GUILTY PLEA AGREEMENT

I hereby agree to plead guilty to: 3 COUNTS OF AGGRAVATED STALKING, A Category B Felony, in violation of NRS 200.575(2)(a).

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

Both sides are free to argue at time of sentencing.

The State agrees to recommend that the penalty on each count run concurrent to each other.

1 The State explicitly reserves the right to present facts
2 and/or argument through witnesses and/or victims at time of
3 sentencing. Furthermore, the State retains the right to comment
4 on Defendant's crimes, past conduct and/or present evidence in
5 any form.

6 I understand that if the State of Nevada has agreed to
7 recommend or stipulate to a particular sentence or has agreed
8 not to present argument regarding the sentence, or agreed not to
9 oppose a particular sentence, such agreement is contingent upon
10 my appearance in Court on the initial sentencing date (and any
11 subsequent date if the sentencing is continued). I understand
12 that if I fail to appear for any future scheduled court date in
13 regards to this case or I commit a new criminal offense prior to
14 sentencing, the State of Nevada is released from any agreement
15 as to sentence and would regain the full right to argue for any
16 lawful sentence.

17 I have entered into these negotiations and have signed this
18 document of my own free will without threat or promise on the
19 part of anyone other than expressed herein.

20 **CONSEQUENCES OF THE PLEA**

21 I understand that by pleading guilty I admit the facts
22 which support all the elements of the offenses to which I now
23 plead. Also, that the State must prove the following elements
24 beyond a reasonable doubt:

AS TO COUNT I

1. That on or between January 10, 2013 to January 17, 2013, in Humboldt County, Nevada;
2. I did knowingly, willfully, unlawfully, and feloniously;
3. Threaten my estranged wife, Connie Ramirez, by saying I would "slit her throat, the throats of her children, and/or her parents", and/or made other threats of death to Connie Ramirez and/or her children.

AS TO COUNT II

1. That on or between January 10, 2013 to January 17, 2013, in Humboldt County, Nevada;
2. I did knowingly, willfully, unlawfully, and feloniously;
3. Threaten Osa Pellett with death.

AS TO COUNT III

1. That on or between January 10, 2013 to January 17, 2013, in Humboldt County, Nevada;
2. I did knowingly, willfully, unlawfully, and feloniously;
3. Threaten Richard Pellett with death.

I understand that as a consequence of my plea of guilty I may be imprisoned, on each count, for a minimum term of two (2)

1 years and a maximum term of fifteen (15) years in the Nevada
2 Department of Corrections. I understand that I may also be
3 fined up to \$5000, for each count. I understand that the law
4 requires me to pay an administrative assessment fee of \$25 and a
5 \$3 DNA assessment fee and a DNA fee in the amount of \$150.
6 Furthermore, I understand that pursuant to NRS 176A.100 if I was
7 on probation at the time I committed this offense, probation is
8 not mandatory for any Category E offense to which I plead
9 guilty. I understand that, if appropriate, I will be ordered to
10 make restitution to the victim of the offenses to which I am
11 pleading guilty and to the victim of any related offense which
12 is being dismissed or not prosecuted pursuant to this agreement.
13 I will also be ordered to reimburse the State of Nevada for
14 expenses related to my extradition, if any.
15

16
17 I understand that I am eligible for probation for the
18 offense to which I am pleading guilty. I understand that,
19 except as otherwise provided by statute, the question of whether
20 I receive probation is in the discretion of the sentencing
21 judge.

22
23 I understand that there is a collateral consequence of
24 deportation if I am not a citizen of the United States of
25 America, I have been advised that conviction of the offense for
26 which I have been charged may have the consequences of
27 deportation, exclusion from admission to the United States of
28

1 America, or denial of naturalization pursuant to the laws of the
2 United States of America.

3 I understand that the District Attorney's Office shall not
4 be bound by any oral negotiations preceding the actual execution
5 of this Agreement until such time as this Agreement has been
6 actually executed, that is, signed, by the District Attorney or
7 one of his authorized deputies and I have entered my plea before
8 the court.
9

10 Further, should I, subsequent to the entry of a plea of
11 guilty, as provided for herein, make application for Civil
12 Commitment and/or treatment as an Alcoholic, pursuant to the
13 provisions of NRS 458.290 to NRS 458.350, or if I make a Motion
14 to Suspend or Reduce my sentence pursuant to NRS 453.3363 to NRS
15 453.3405, the District Attorney shall have the absolute right to
16 withdraw from this Agreement and to proceed against me upon the
17 original charge or charges pending against me, as if this
18 Agreement had never been entered into, or executed by the
19 parties.
20

21 I represent to the State that I have _____ prior felonies.
22 The state and county where my prior felonies occurred and type
23 of felony is as follows:
24

25 A. _____

26 B. _____

27 C. _____
28

1 Any misrepresentation of my prior criminal record will allow the
2 State to withdraw from this plea agreement.

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

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

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

16 I understand that the Division of Parole and Probation of
17 the Department of Motor Vehicles and Public Safety may or will
18 prepare a report for the sentencing judge before sentencing.
19 This report will include matters relevant to the issue of
20 sentencing, including my criminal history. I understand that
21 this report may contain hearsay information regarding my
22 background and criminal history. My attorney and I will each
23 have the opportunity to comment on the information contained in
24 the report at the time of sentencing.

WAIVER OF RIGHTS

By entering my plea of guilty, I understand that I have waived the following rights and privileges:

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

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

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

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

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

6. The right to appeal the conviction, with the assistance of an attorney, either appointed or retained, unless the appeal is based upon 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. I understand that if I wish to appeal, I must notify my attorney,

1 in writing, as soon as possible, because the notice of appeal
2 must be filed within thirty (30) days from the judgment of
3 conviction.

4 VOLUNTARINESS OF PLEA

5 I have discussed the elements of all the original charges
6 against me with my attorney and I understand the nature of these
7 charges against me.
8

9 I understand that the state would have to prove each
10 element of the charge against me at trial.

11 I have discussed with my attorney any possible defenses and
12 circumstances which might be in my favor.

13 All of the foregoing elements, consequences, rights and
14 waiver of rights have been thoroughly explained to me by my
15 attorney.
16

17 I believe that pleading guilty and accepting this plea
18 bargain is in my best interest and that a trial would be
19 contrary to my best interest.

20 I am signing this agreement voluntarily, after consultation
21 with my attorney and I am not acting under duress or coercion or
22 by virtue of any promises of leniency, except for those set
23 forth in this agreement.
24

25 I am not now under the influence of intoxicating liquor, a
26 controlled substance or other drug which would in any manner
27
28

1 impair my ability to comprehend or understand this agreement or
2 the proceedings surrounding my entry of this plea.

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

6 DATED this 7 day of JAN, 2014

7
8 Gonzales
9 DEFENDANT

10
11 Furthermore, pursuant to NRS 239B.030., the undersigned hereby
12 affirms this document does not contain the social security
13 number of any person.

14 Agreed to on this 7th day of

15 January, 2014.

16
17 [Signature]
18 DEPUTY DISTRICT ATTORNEY

19
20 CERTIFICATE OF COUNSEL

21 I, the undersigned, as the attorney for the defendant named
22 herein and as an officer of the court hereby certify that:

23 1. I have fully explained to the defendant the allegations
24 contained in the charges to which guilty pleas are being
25 entered.
26

1 2. I have advised the defendant of the penalties for each
2 charge and the restitution that the defendant may be ordered to
3 pay.

4 3. All pleas of guilty offered by the defendant pursuant
5 to this agreement are consistent with all the facts known to me
6 and are made with my advice to the defendant and are in the best
7 interest of the defendant.
8

9 4. To the best of my knowledge and belief, the defendant:

10 (a) Is competent and understands the charges and the
11 consequences of pleading guilty as provided in
12 this agreement.

13 (b) Executed this agreement and will enter all guilty
14 pleas pursuant hereto voluntarily.

15 (c) Was not under the influence of intoxicating
16 liquor, a controlled substance or other drug at
17 the time of the execution of this agreement.

18
19 DATED this 7th day of July 2013.

20
21
22 [Signature]
ATTORNEY FOR DEFENDANT
23
24
25
26
27
28

Case No. CR 13-6257

Dept. No. 2

FILED

2014 APR 22 PM 3:03

TAMI RAE SPERO
DIST. COURT CLERK

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF HUMBOLDT.

-oOo-

THE STATE OF NEVADA,

Plaintiff,

vs.

JUDGMENT OF CONVICTION

MELVIN LEROY GONZALES JR.

DOB: 04/27/1970

Defendant. /

COUNT I

WHEREAS, on the 7th day of January, 2014, the Defendant entered his plea of guilty to the charge of AGGRAVATED STALKING, a Category B Felony, and the matter having been submitted before the Honorable Judge Michael R. Montero.

COUNT II

WHEREAS, on the 7th day of January, 2014, the Defendant entered his plea of guilty to the charge of AGGRAVATED STALKING, a Category B Felony, and the matter having been submitted before the Honorable Judge Michael R. Montero.

21

COUNT III

WHEREAS, on the 7th day of January, 2014, the Defendant entered his plea of guilty to the charge of AGGRAVATED STALKING, a Category B Felony, and the matter having been submitted before the Honorable Judge Michael R. Montero.

At the time Defendant entered the plea of guilty, this Court informed the Defendant of the privilege against compulsory self-incrimination, the right to a speedy trial, the right to a trial by jury, the right to compulsory process to compel witnesses to testify on behalf of the Defendant and the right to confront the accusers. That after being so advised, the Defendant stated that these rights were understood and still desired this Court to accept the plea of guilty.

The Court having accepted Defendant's plea of guilty, set the date of the 15th day of April, 2014, at the hour of 9:00 a.m. as the date and time for imposing judgment and sentence.

Furthermore, at the time Defendant entered the plea of guilty and at the time of sentencing, Defendant was represented by attorney, STEVE COCHRAN; also present in Court were TAMI RAE SPERO, Humboldt County Court Clerk or her designated agent; ED KILGORE, Sheriff of Humboldt County or his designated agent; JOHN GRESOCK, representing the Division of Parole and Probation; and KEVIN PASQUALE, Chief Deputy District Attorney representing the State of Nevada.

1 The Defendant having appeared on April 15, 2014,
2 represented by counsel and Defendant having been given the
3 opportunity to exercise the right of allocution and having shown
4 no legal cause why judgment should not be pronounced at this
5 time. The Defendant pay an administrative assessment fee in the
6 amount of \$25.00, a DNA assessment fee in the amount of \$3.00,
7 and public defender fee in the amount of \$1,500.

8 The Court further orders the following:

9 COUNT I

10 The above-entitled Court having pronounced MEVLIN
11 LEROY GONZALES JR. guilty of AGGRAVATED STALKING, a Category B
12 Felony, in violation of NRS 200.575(2) on the 7th day of
13 January, 2014, the Defendant was thereby ordered by the Court to
14 serve a minimum term of sixty-two (62) months and a maximum term
15 of one hundred fifty-six (156) months in the Nevada Department
16 of Corrections, with a credit for time served of 453 days.

17 COUNT II

18 The above-entitled Court having pronounced MEVLIN
19 LEROY GONZALES JR. guilty of AGGRAVATED STALKING, a Category B
20 Felony, in violation of NRS 200.575(2) on the 7th day of
21 January, 2014, the Defendant was thereby ordered by the Court to
22 serve a minimum term of sixty-two (62) months and a maximum term
23 of one hundred fifty-six (156) months in the Nevada Department
24 of Corrections, to run consecutive to the sentence imposed in
Count I.

COUNT III

The above-entitled Court having pronounced MEVLIN LEROY GONZALES JR. guilty of AGGRAVATED STALKING, a Category B Felony, in violation of NRS 200.575(2) on the 7th day of January, 2014, the Defendant was thereby ordered by the Court to serve a minimum term of sixty-two (62) months and a maximum term of one hundred fifty-six (156) months in the Nevada Department of Corrections, to run consecutive to the sentences imposed in Counts I and II.

Furthermore, bail, if any, is hereby exonerated.

STEVE COCHRAN represented the Defendant during all stages of the proceedings;

KEVIN PASQUALE, Chief Deputy District Attorney, represented the State of Nevada at all stages of these proceedings.

Therefore, the clerk of the above-entitled Court is hereby directed to enter this Judgment of Conviction as a part of the record in the above-entitled matter.

DATED this 21ST day of April, 2014, in the City of Winnemucca, County of Humboldt, State of Nevada.


DISTRICT JUDGE

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Humboldt County District Attorney's Office, and that on the 22 day of April, 2014, I delivered at Winnemucca, Nevada, by the following means, a copy of the

JUDGMENT OF CONVICTION to:

STEVE COCHRAN
Humboldt County Conflict Counsel
c/o Pershing County Public Defender's Office
PO Box 941
Lovelock, NV 89419

- ☒ U.S. Mail
☐ Certified Mail
☐ Hand-delivered
☐ Placed in box at DCT
☐ Via Fax

A. Szallay



1 File No. CR 13-6257

2 Dept. No. 2

FILED

2014 MAY 21 PM 4:04

TAMI RAE SPERO
DIST. COURT CLERK

3
4 IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
5
6 IN AND FOR THE COUNTY OF HUMBOLDT

7 THE STATE OF NEVADA,
8 Plaintiff,

9 vs.

10 MELVIN LEROY GONZALEZ,
11 Defendant.
12

NOTICE OF APPEAL

13 Notice is hereby given that MELVIN LEROY GONZALEZ, defendant above-
14 named, hereby appeals to the Supreme Court of Nevada from the final Judgment of
15 Conviction entered in this action on the 22nd day of April, 2014.
16

17 DATED this 20th day of May, 2014
18
19

20 Steven W. Cochran
21 Pershing County Public Defender
22 NSB No. 9949
23 P.O. Box 941 / 400 Main Street
24 Lovelock, NV 89419
25 (775) 273-4300
26
27
28

32

1
2 **CERTIFICATE OF MAILING**

3 Pursuant to NRAP Rule 25(1)(d), I, Jazmin Martinez, do hereby certify that I am an
4 employee of the Pershing County Public Defender's Office, over the age of eighteen (18)
5 years, and that on this date I deposited for mailing at the Lovelock Post Office, a true and
6 correct copy of the NOTICE OF APPEAL in the above-entitled matter, addressed as follows:
7

8 Humboldt Co. District Attorney's Office
9 PO Box 909
10 Winnemucca, NV 89446

11 Melvin Leroy Gonzalez #1018769
12 c/o NNCC
13 PO Box 7000
Carson City, NV 89701

14 Tracie Lindeman
15 Nevada Supreme Court Clerk
16 201 S. Carson St.
Carson City, NV 89701-4702

17
18 Dated this _____ day of May, 2014
19
20
21
22
23
24
25
26
27
28

Case No. CR-13-6257

Department II

FILED

2014 JUN 11 PM 2:08

TAMI RAE SPERO
DIST. COURT CLERK

IN THE SIXTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF HUMBOLDT

ooOoo

THE STATE OF NEVADA,)	
)	
Plaintiff,)	
)	
v.)	CD ROUGH DRAFT ARRAIGNMENT
)	
MELVIN LEROY GONZALEZ,)	
JR.,)	
)	
Defendant.)	
	/	

ROUGH DRAFT TRANSCRIPT OF CD PROCEEDINGS

BE IT REMEMBERED that the above-entitled matter
came on for hearing on January 7, 2014, before the
HONORABLE MICHAEL R. MONTERO, District Court Judge.

The State was present in court and represented by
Richard Haas, Humboldt County Deputy District
Attorney.

✓ The Defendant was present in court and
represented by Steve Cochran, Humboldt County Conflict
Counsel.

The Division of Parole and Probation was present
in court and represented by Debbie Okuma.

ROUGH DRAFT
775-623-6358

COPY

34

WARNING!!

THIS TRANSCRIPT OF PROCEEDINGS IS PRODUCED IN INSTANT FORM. THERE WILL BE DISCREPANCIES BETWEEN THE ROUGH DRAFT AND THE FINAL CERTIFIED VERSION OF THE RECORD BECAUSE THE ROUGH DRAFT HAS NOT BEEN EDITED, PROOFREAD, FINALIZED, INDEXED OR CERTIFIED. THERE WILL ALSO BE SOME DISCREPANCY IN PAGE AND LINE NUMBERS APPEARING IN THE ROUGH DRAFT AND THE EDITED, PROOFREAD, FINALIZED AND CERTIFIED FINAL VERSION.

THIS ROUGH DRAFT IS NOT TO BE QUOTED FROM BY THE GENERAL PUBLIC OR THE MEDIA.

PLEASE CONTACT THE COURT REPORTER IF YOU NEED FURTHER ASSISTANCE AT 775-623-6358.

1
2
3 Winnemucca, Nevada, Tuesday, January 7, 2014

4 oOo

5
6 P R O C E E D I N G S

7 THE COURT: Case CR-13-6257. Case caption State
8 of Nevada, plaintiff, vs. Melvin Leroy Gonzalez, Jr.,
9 defendant.

10 The record will further reflect the presence of
11 the defendant, Mr. Gonzalez, with counsel Mr. Steve Cochran.

12 Mr. Richard Haas on behalf of the State.

13 Ms. Okuma with the Division of Parole and
14 Probation.

15 This matter is on the Court's calendar today for,
16 I believe, it's a continued arraignment. Yes.

17 Mr. Gonzalez, the purpose of this arraignment is
18 to inform you of the charges that have been filed against
19 you to advise you of your constitutional rights and to have
20 you enter a plea; do you understand that?

21 THE DEFENDANT: Yes.

22 THE COURT: The State of Nevada filed an
23 information on October 10th, 2013, charging you with three
24 counts of aggravated stalking; are you aware of that?

25 THE DEFENDANT: Yes, I am.

1 THE COURT: Do you have a copy of that information
2 before you today?

3 THE DEFENDANT: Yes, I do.

4 THE COURT: Very good. And first, Mr. Gonzalez,
5 your name appears at line 12 and a half, Melvin Leroy
6 Gonzalez, Jr., is that your complete legal name?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Is it spelled correctly on this
9 information?

10 THE DEFENDANT: Yes, it is.

11 THE COURT: Do you go by any other names?

12 THE DEFENDANT: No.

13 THE COURT: And your date of birth appears there
14 as well; is that correct?

15 THE DEFENDANT: Yes, it is.

16 THE COURT: Pardon me?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Okay. And Mr. Cochran, are you
19 requesting a formal reading?

20 MR. COCHRAN: No, Your Honor.

21 THE COURT: And Mr. Gonzalez, are you familiar
22 with the contents of this information?

23 THE DEFENDANT: Yes, I am.

24 THE COURT: So you understand what the State has
25 charged you with?

1 THE DEFENDANT: Yes.

2 THE COURT: And you understand it's three counts
3 of aggravated stalking?

4 THE DEFENDANT: Yes, sir.

5 THE COURT: With regards to each of these counts
6 of aggravated stalking, do you understand what the State
7 would have to prove in order to convict you of these crimes?

8 THE DEFENDANT: Yes.

9 THE COURT: And if convicted of these crimes, you
10 understand the Court could sentence you to a minimum of two
11 years to a maximum of 15 years in the Nevada Department of
12 Corrections. You may also be fined up to \$5,000. And this
13 is for each of these three counts; do you understand that?

14 THE DEFENDANT: Yes.

15 THE COURT: And these are offenses to which you
16 may be eligible for probation; do you understand that?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: And also, considering that there are
19 three counts of aggravated stalking, at the time of
20 sentencing, the Court could sentence you to concurrent or
21 consecutive sentences; do you understand that?

22 THE DEFENDANT: Yes.

23 THE COURT: You understand that sentencing for
24 this crime will be wholly within the discretion of the
25 Court?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: And it appears that the guilty plea
3 agreement provides that both sides, the State and your
4 attorney, will -- are free to argue at the time of
5 sentencing. So you understand that this sentence will be
6 for the Court to determine?

7 THE DEFENDANT: Yes.

8 THE COURT: Okay. And I failed to ask you about
9 this, but it appears you waived your right to a preliminary
10 hearing in justice court; is that correct?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: And you understood that you had the
13 right to a preliminary hearing?

14 THE DEFENDANT: Yes.

15 THE COURT: Have you had an opportunity to discuss
16 all of this with your attorney?

17 THE DEFENDANT: Yes, I have.

18 THE COURT: And are you satisfied with your
19 attorney and confident in his ability to properly represent
20 you in these proceedings?

21 THE DEFENDANT: Yes.

22 THE COURT: I have before me today a guilty plea
23 agreement filed January 7th, 2014, today's date, and this
24 guilty plea agreement has at page nine a signature line for
25 the defendant. Mr. Gonzalez, you are the defendant in this

1 case. It appears that it was signed January 7th, I believe
2 that was probably 2014.

3 Is that correct, Mr. Cochran?

4 MR. COCHRAN: Yes, Your Honor.

5 THE COURT: Okay. So I'm going to change that
6 date. It was a preprinted form. I will just change it to
7 2014. Do you have an executed copy or maybe I asked you?

8 MR. COCHRAN: We do.

9 THE COURT: Okay. Mr. Gonzalez, your signature on
10 page line, line nine, is that your signature?

11 THE DEFENDANT: Yes, sir.

12 THE COURT: Okay.

13 MR. COCHRAN: Appears you just signed with your
14 last name; is that correct?

15 THE DEFENDANT: Yes.

16 THE COURT: But you recognize it as being yours?

17 THE DEFENDANT: Yes, I do.

18 THE COURT: Before signing this guilty plea
19 agreement, did you have an opportunity to read it?

20 THE DEFENDANT: Yes, I did.

21 THE COURT: Did you have an opportunity to discuss
22 it with your attorney?

23 THE DEFENDANT: Yes.

24 THE COURT: Did your attorney give you an
25 opportunity to ask questions about this document?

1 THE DEFENDANT: Yes.

2 THE COURT: Did you understand this document? Did
3 you sign this document freely and voluntarily?

4 THE DEFENDANT: Yes, I did.

5 THE COURT: Did anyone threaten you or coerce you
6 or force you in any way to sign this document?

7 THE DEFENDANT: No.

8 THE COURT: Were there any promises of leniency
9 that were made to you that caused you to sign this
10 agreement, other than what's contained in it?

11 THE DEFENDANT: No.

12 THE COURT: You understand that if I accept your
13 guilty plea today, you will be waiving certain
14 constitutional rights?

15 THE DEFENDANT: Yes, I do.

16 THE COURT: And these rights are outlined in this
17 guilty plea agreement under the heading waiver of rights,
18 which I believe begins on page seven. Do you have any
19 questions about any of those rights?

20 THE DEFENDANT: No, sir.

21 THE COURT: Do you need any additional time to
22 discuss any of this with your attorney before I ask you for
23 your plea?

24 THE DEFENDANT: No.

25 THE COURT: I need to ask you, are there any other

1 collateral consequences associated with this crime to which
2 Mr. Gonzalez apparently intends to plead guilty to, other
3 than that that I've already advised him of?

4 I guess the question is, is this the type of case
5 where he needs to have any type of evaluation before the
6 Court could consider probation? I failed to do that
7 research before we came in here today.

8 MR. COCHRAN: I am not aware of that aspect. In
9 general, Your Honor, that seems to be relegated to sexual
10 offenses of that nature in terms of those potential
11 collateral consequences.

12 In the event, hypothetically, that it did, Your
13 Honor, we would certainly insure that that occurs before his
14 sentence.

15 THE COURT: Well, none of that appears in the
16 guilty plea agreement. None of those -- those collateral
17 consequences which typically apply in sexual offenses, such
18 as lifetime registration, lifetime supervision, or a need
19 for an evaluation, none of those appear in here. And I
20 didn't look at this particular crime to see if it did
21 require it.

22 Is the State aware?

23 MR. HAAS: Your Honor, I am not aware.

24 MR. COCHRAN: Your Honor, I keep a printout of all
25 the relevant statutes in each case file. And I have 200.575

1 here, the stalking and aggravated stalking statute, and I
2 don't see anything to that effect.

3 THE COURT: Okay. Ms. Okuma, are you aware of
4 anything else?

5 MS. OKUMA: Your Honor, I'm not. But when I go
6 back to my office, I will double check.

7 THE COURT: Okay. I just want to make sure that
8 in the event there is the need to advise Mr. Gonzalez of any
9 of those collateral consequences that we've taken some time
10 to discuss that here on the record today. It does not
11 appear to be at this time. And if it does become an issue,
12 we may have to -- we may have to return to advise
13 Mr. Gonzalez.

14 Mr. Gonzalez raised his hand, Mr. Cochran.

15 I don't know, Mr. Gonzalez, if you should address
16 the Court directly. Why don't you ask your attorney
17 whatever question you may have.

18 (Whereupon, an off-the-record discussion was had
19 between defense counsel and the defendant.)

20 MR. COCHRAN: Thank you, Your Honor.

21 THE COURT: Thank you.

22 And Mr. Gonzalez, we've had some discussions here
23 about other collateral consequences to your guilty plea.
24 I'm not suggesting that any of those apply. I'm not even
25 suggesting that this is a case -- an offense which falls

1 into that area of the law.

2 I just, um -- I just want to make sure that if --
3 if for any reason it did, that I'm advising you of those
4 consequences.

5 THE DEFENDANT: Okay.

6 THE COURT: And the attorneys have indicated to me
7 that they're not aware of this being that type of case.
8 That satisfies the Court. So we'll go ahead and continue.
9 Okay?

10 THE DEFENDANT: Okay. Thanks.

11 THE COURT: Do you need any more time to discuss
12 any of this with your attorney?

13 THE DEFENDANT: No. No, thanks.

14 THE COURT: Then let's turn back to the
15 information. Count I aggravated stalking, a Category B,
16 felony as set forth in the information filed October 10th,
17 2013. Mr. Gonzalez, how do you plead?

18 THE DEFENDANT: Guilty.

19 THE COURT: As to Count II of that same
20 information, also charging with you aggravated stalking, how
21 do you plead?

22 THE DEFENDANT: Guilty.

23 THE COURT: As to Count III of the same
24 information, again, aggravated stalking, how do you plead?

25 THE DEFENDANT: Guilty.

1 THE COURT: Are you entering these guilty pleas
2 because in truth and fact you are guilty of these crimes?

3 THE DEFENDANT: Yes.

4 THE COURT: I need to insure that there's a
5 factual basis for these pleas. As to Count I, it's
6 indicated in the guilty plea agreement that on or about
7 January 10th, 2013, to January 17, 2013, in Humboldt County,
8 excuse me, State of Nevada, you did knowingly, willfully,
9 and unlawfully and feloniously threaten your estranged wife,
10 Connie Ramirez, by saying that you would slit her throat,
11 the throats of her children and/or her parents and/or made
12 other threats of death to Connie Ramirez and/or her
13 children. Are those facts correct?

14 THE DEFENDANT: Yes.

15 THE COURT: That did happen?

16 THE DEFENDANT: Yes, it did.

17 THE COURT: As to Count II, for purposes of a
18 factual basis, the guilty plea indicates that on or between
19 January 10th, 2013, and January 17, 2013, in Humboldt
20 County, State of Nevada, you did knowingly, willfully,
21 unlawfully and feloniously threaten Osafae Pallett with
22 death. I may have mispronounced the name, but otherwise are
23 those facts correct?

24 THE DEFENDANT: Yes.

25 THE COURT: That did happen?

1 THE DEFENDANT: Yes.

2 THE COURT: And as to Count III it indicates, in
3 the guilty plea agreement, that at -- that on or between
4 January 10th, 2013, and January 17th, 2013, in Humboldt
5 County, Nevada, you did knowingly, willfully, and unlawfully
6 and feloniously threaten Richard Pallett with death. Are
7 those facts accurate?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: That did happen?

10 THE DEFENDANT: Yes.

11 THE COURT: The Court finds that there's a factual
12 basis for Counts I, II and III.

13 I need to also insure, Mr. Gonzalez, that you have
14 the capacity to enter into this guilty plea agreement. Can
15 you tell me how old you are?

16 THE DEFENDANT: Forty-three.

17 THE COURT: And the extent of your education?

18 THE DEFENDANT: I got my GED.

19 THE COURT: Do you have any difficulty reading?

20 THE DEFENDANT: No.

21 THE COURT: You've been able to read and
22 understand the documents that we've been discussing here in
23 court today?

24 THE DEFENDANT: Yes.

25 THE COURT: You're in custody, correct?

1 THE DEFENDANT: Yes.

2 THE COURT: And are you, therefore, under the
3 influence of any alcohol?

4 THE DEFENDANT: No.

5 THE COURT: Under the influence of any drugs?

6 THE DEFENDANT: No.

7 THE COURT: Currently taking any prescription
8 medications?

9 THE DEFENDANT: Yes, I am.

10 THE COURT: And what are you taking?

11 THE DEFENDANT: Seroquel and Trazodone.

12 THE COURT: And are you taking those according to
13 a prescription issued by a licensed medical provider?

14 THE DEFENDANT: Yes.

15 THE COURT: And under the direction of the staff
16 of the Humboldt County Detention Center?

17 THE DEFENDANT: Yes, sir.

18 THE COURT: Do you believe that the medications
19 that you're taking would in any way impair your ability to
20 fully understand today's proceedings?

21 THE DEFENDANT: No.

22 THE COURT: Have you been able to understand
23 everything that we've done here today?

24 THE DEFENDANT: Yes.

25 THE COURT: And you're taking these medications

1 apparently for some medical condition, correct?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: And do you believe that the medical
4 condition that you're taking these medications for would in
5 any way impair your ability to fully understand these
6 proceedings?

7 THE DEFENDANT: No.

8 THE COURT: Okay. The Court finds that the
9 defendant has entered his pleas knowingly and voluntarily
10 with a complete understanding of the nature of the offense
11 and the consequences of his plea.

12 The Court will order a presentence investigation
13 be conducted and report submitted to this Court prior to
14 sentencing.

15 And absent any other issues to address, we'll set
16 this for sentencing on March 11th, 2014, at 9:00 a.m.

17 Anything further?

18 MR. COCHRAN: No, Your Honor.

19 THE COURT: Thank you. We will be in recess.

20 (Whereupon, the proceedings concluded.)
21
22
23
24
25

1 STATE OF NEVADA)

2) ss.

3 COUNTY OF HUMBOLDT)

4

5

6 I, ZOIE WILLIAMS, hereby state:

7 That I transcribed the transcript from a CD(s) of the
8 proceedings entitled herein into typewritten form as herein
9 appears:

10 That the forgeoing transcript is a full, true, and
11 correct transcription the best of my ability, taking into
12 account the poor quality and inability to hear and decipher
13 said proceedings.

14 I am certifying that this transcript is a ROUGH
15 DRAFT TRANSCRIPT from a CD of said proceedings, transcribed
16 to the best of my ability, and that this transcript has NOT
17 been EDITED, PROOFREAD, FINALIZED, INDEXED. The hearing(s)
18 was/were held on January 7, 2014;

19 DATED: This 11th day of June, 2014,
20 Winnemucca, Nevada.

21

22

23

24

25


Zoie Williams