

CR14-04403 DC-09500061665-051  
STATE VS. FERNANDO BRIONES ( 4 Pages  
District Court 11/20/2014 09:43 AM  
Washoe County 2515  
vuti:abrc

2515

Case No: RCR2014-075883B

Dept No: 10

FILED

ORIGINAL

2014 NOV 20 AM 9:41

THE COURT  
Electronically Filed  
Nov 25 2014 11:44 a.m.  
Tracie K. Lindeman  
Clerk of Supreme Court

IN THE 2nd JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

The State of Nevada

Plaintiff

-vs-

Fernando Briones

Defendant

CR14-04403  
DIO

CASE# RCR2014-075883B  
**NOTICE OF APPEAL**

NOTICE IS HEREBY GIVEN that Fernando Briones, hereby appeals  
the judgement of conviction entered in this Honorable court on or about the 30th day of  
October, 2014.

Dated this 12<sup>th</sup> day of November, 2014.

Fernando Briones  
Defendant Signature

Fernando Briones  
(Print Name) In Proper Persona

**CERTIFICATE OF SERVICE BY MAIL**

Pursuant to N.R.C.P. Rule 5 (b), I hereby certify that I am the petitioner/Defendant named herein and that on this 12<sup>TH</sup> day of NOVEMBER 2014 I deposited in the United States Mails in Carson City, Nevada a true a correct copy of the foregoing addressed to:

Washoe County NV.

PO Box 11130

Reno NV.

89520

Fernando Briones

PURSUANT TO N.R.S. 208.165, I understand that a false statement or answer to any question in this declaration will subject me to penalties of perjury. I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF NEVADA THAT THE FOREGOING IS TRUE AND CORRECT. See N.R.S. 208.165.

Signed at AN CC  
(Location)

11-12-14  
(Date)

Fernando Briones  
(Signature)

1129231  
(Inmate number)

**AFFIRMATION**  
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document, NOTICE  
of APPEAL

(Title of Document)

filed in case number: RCR 2014 075883B

☒ Document does not contain the social security number of any person

-OR-

☐ Document contains the social security number of a person as required by:

☐ A specific state or federal law, to wit:

\_\_\_\_\_  
(State specific state or federal law)

-or-

☐ For the administration of a public program

-or-

☐ For an application for a federal or state grant

-or-

☐ Confidential Family Court Information Sheet  
(NRS 125.130, NRS 125.230 and NRS 125B.055)

Date: 11-12-14

Fernando Briones  
(Signature)

Fernando Briones  
(Print Name)

\_\_\_\_\_  
(Attorney for)

1 **Code 1310**

2  
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5  
6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

7 **IN AND FOR THE COUNTY OF WASHOE**

8 **STATE OF NEVADA,**

9 **Plaintiff,**

**Case No. CR14-0440B**

10 **vs.**

**Dept. No. 10**

11 **FERNANDO BRIONES,**

12 **Defendant.**

13 \_\_\_\_\_ /  
14  
15 **CASE APPEAL STATEMENT**

16 This case appeal statement is filed pursuant to NRAP 3(f).

- 17 1. Appellant is Fernando Briones.
- 18 2. This appeal is from an order entered by the Honorable Judge Elliott Sattler.
- 19 3. Appellant is representing himself in Proper Person on appeal. The Appellant's  
20 address is:  
21 Fernando Briones #1129231  
22 NNCC  
23 P.O. Box 7011  
24 Carson City, NV 89701
- 25 4. Respondent is the State of Nevada. Respondent is represented by the Washoe  
26 County District Attorney's Office:  
27 Terrance McCarthy, Esq., SBN: 2745  
28 P.O. Box 11130  
Reno, Nevada 89520
5. Respondent's attorney is not licensed to practice law in Nevada: n/a
6. Appellant is represented by appointed counsel in District Court.

7. Appellant is not represented by appointed counsel on appeal.
8. Appellant was not granted leave to proceed in forma pauperis in the District Court.
9. Proceeding commenced by an Information filed on March 21, 2014.
10. This is a criminal proceeding and the Appellant is appealing the Judgment filed on October 30, 2014.
11. This case has not been the subject of a previous appeal to the Supreme Court.
12. This case does not involve child custody or visitation.
13. This is not a civil case involving the possibility of a settlement.

Dated this 25th day of November, 2014.

JACQUELINE L. BRYANT  
CLERK OF THE COURT

By: /s/ Yvonne Vilorio  
Yvonne Vilorio  
Deputy Clerk

**SECOND JUDICIAL DISTRICT COURT  
COUNTY OF WASHOE**

Case History - CR14-0440B

**DEPT. D10**

**HON. ELLIOTT A. SATTLER**

Report Date & Time

11/25/2014

8:46:47AM

**Case Description: STATE VS. FERNANDO BRIONES (TN) (D10)**

<b>Case ID:</b>	<b>CR14-0440B</b>	<b>Case Type:</b>	<b>CRIMINAL</b>	<b>Initial Filing Date:</b>	<b>3/19/2014</b>
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**Parties**

PLTF	STATE OF NEVADA - STATE
DA	Terrence P. McCarthy, Esq. - 2745
DA	Adam D. Cate, Esq. - 12942
DEFT	FERNANDO BRIONES - @1253432
PD	John Reese Petty, Esq. - 10
PD	Chris Fortier, Esq. - 6976
PD	Evelyn Grosenick, Esq. - 12217
PNP	Div. of Parole & Probation - DPNP

**Charges**

Charge No.	Charge Code	Charge Date	Charge Description
1	50424	8/6/2014	3AI BURGLARY

**Plea Information**

Charge No.	Plea Code	Plea Date	Plea Description
1	50424	8/7/2014	PLED GUILTY
2	NC01		
3	F05		

**Sentences**

Date	Charge No.	Charge Desc	Time Served	Sentence Text
10/30/2014	1	Nevada State Prison	NDOC 48-120 MOS; DNA ANALYSIS; + FEES.	

**Release Information**

*Custody Status*

**Hearings**

Department	Event Description	Sched. Date & Time	Disposed Date
1 D4	ARRAIGNMENT	4/1/2014 09:00:00	4/1/2014

Event Extra Text:

**Disposition:**

D455 4/1/2014  
DUE TO DEFENDANT HAVING TO BE REMOVED FROM  
COURTROOM DUE TO BEHAVIOR

Department	Event Description	Sched. Date & Time	Disposed Date
2 D10	ARRAIGNMENT	4/15/2014 08:30:00	4/15/2014

Event Extra Text: (CONTINUED)

**Disposition:**

D455 4/15/2014  
MATTER CONT'D TO 4/29/14 @8:30AM FOR ENTRY OF  
PLEA.

**Case Description: STATE VS. FERNANDO BRIONES (TN) (D10)**

<b>Case ID:</b>	<b>CR14-0440B</b>	<b>Case Type:</b>	<b>CRIMINAL</b>	<b>Initial Filing Date:</b>	<b>3/19/2014</b>
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	<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
3	D10	ENTRY OF PLEA	4/29/2014	08:30:00	4/29/2014
Event Extra Text: (MATTER CONT'D FROM 4/15/14)			<b>Disposition:</b> D455 4/29/2014 MATTER CONT'D TO 5/6/14 @8:30AM; DEFENSE COUNSEL SHALL PREPARE WRITTEN MOTION AND PROPOSED ORDER FOR COMPETENCY EVALUATION OF THE DEFENDANT.		
4	D10	Request for Submission	4/30/2014	16:00:00	5/2/2014
Event Extra Text: MOTION TO EVALUATE THE DEFENDANT FOR COMPETENCY			<b>Disposition:</b> S200 5/2/2014		
5	D10	ENTRY OF PLEA	5/6/2014	08:30:00	5/5/2014
Event Extra Text: (MATTER CONT'D FROM 4/29/14; DEFENSE COUNSEL SHALL SUBMIT WRITTEN MOTION & PROPOSED ORDER FOR COMPETENCY EVALUATIONS TO THE COURT.)			<b>Disposition:</b> D844 5/5/2014 VACATED AND RESET TO KEEP WITH CR14-0440A MATTER		
6	D10	ENTRY OF PLEA	5/8/2014	08:30:00	5/7/2014
Event Extra Text:			<b>Disposition:</b> D845 5/7/2014 WAITING FOR PSYCH EVALUATION		
7	D10	REPORT PSYCHIATRIC EVALUATION	7/10/2014	08:30:00	7/8/2014
Event Extra Text:			<b>Disposition:</b> D844 7/8/2014 RESET FOR JULY 24, 2014 AT 8:30 A.M.		
8	D10	REPORT PSYCHIATRIC EVALUATION	7/24/2014	08:30:00	7/24/2014
Event Extra Text:			<b>Disposition:</b> D414 7/24/2014 COURT FOUND DEFT COMPETENT TO PROCEED; ARRAIGNMENT CONT'D TO 8/7/14 @8:30AM.		
9	D10	ARRAIGNMENT	8/7/2014	08:30:00	8/7/2014
Event Extra Text: (COURT FOUND THE DEFT COMPETENT TO PROCEED ON 7/24/14.)			<b>Disposition:</b> D655 8/7/2014 TO THE 3RD AMENDED INFORMATION.		



**Case Description: STATE VS. FERNANDO BRIONES (TN) (D10)****Case ID: CR14-0440B****Case Type: CRIMINAL****Initial Filing Date: 3/19/2014**

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
<b>10</b> D10	SENTENCING	9/30/2014	08:30:00	9/26/2014
Event Extra Text:		<b>Disposition:</b> D845 9/26/2014 VACATED PER ORDER OF SEPTEMBER 26, 2014		

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date &amp; Time</i>		<i>Disposed Date</i>
<b>11</b> D10	SENTENCING	10/30/2014	08:30:00	10/30/2014
Event Extra Text:		<b>Disposition:</b> D765 10/30/2014		

**Agency Cross Reference**

<i>Code</i>	<i>Agency Description</i>	<i>Case Reference I.D.</i>
DA	District Attorney's Office	DA147184
PC	PCN number	PCNRPD1400699C
RJ	Reno Justice's Court	RCR2014075883B
RP	Reno Police Department	RP14001864

<b>Actions</b>				
<i>Action Entry Date</i>	<i>Code</i>	<i>Code Description</i>	<i>Text</i>	
3/21/2014	3700	Proceedings	JUSTICE COURT PROCEEDINGS	
3/21/2014	NEF	Proof of Electronic Service	Transaction 4353836 - Approved By: NOREVIEW : 03-21-2014:10:13:54	
3/21/2014	NEF	Proof of Electronic Service	Transaction 4354238 - Approved By: NOREVIEW : 03-21-2014:11:56:44	
3/21/2014	1491	Court Services Report	Transaction 4353587 - Approved By: SHAMBRIG : 03-21-2014:10:12:37	
3/21/2014	1800	Information	Transaction 4354039 - Approved By: SHAMBRIG : 03-21-2014:11:53:25	
4/1/2014	MIN	***Minutes	ARRAIGNMENT - 4/1/14 - Transaction 4369111 - Approved By: NOREVIEW : 04-01-2014:16:55:59	
4/1/2014	NEF	Proof of Electronic Service	Transaction 4369116 - Approved By: NOREVIEW : 04-01-2014:16:56:59	
4/8/2014	4105	Supplemental ...	SUPPLEMENTAL PROCEEDINGS	
4/28/2014	NEF	Proof of Electronic Service	Transaction 4405141 - Approved By: NOREVIEW : 04-28-2014:10:22:56	
4/28/2014	MIN	***Minutes	4/15/14 - ARRAIGNMENT - Transaction 4405130 - Approved By: NOREVIEW : 04-28-2014:10:20:21	
4/30/2014	NEF	Proof of Electronic Service	Transaction 4410051 - Approved By: NOREVIEW : 04-30-2014:12:00:28	
4/30/2014	MIN	***Minutes	4/29/14 - ENTRY OF PLEA - Transaction 4411086 - Approved By: NOREVIEW : 04-30-2014:16:43:30	
4/30/2014	2170	Mtn for Psyc. Evaluation	MOTION TO EVALUATE THE DEFENDANT FOR COMPETENCY - Transaction 4409887 - Approved By: SHAM	
4/30/2014	NEF	Proof of Electronic Service	Transaction 4410810 - Approved By: NOREVIEW : 04-30-2014:15:33:32	
4/30/2014	NEF	Proof of Electronic Service	Transaction 4411093 - Approved By: NOREVIEW : 04-30-2014:16:44:30	
4/30/2014	3860	Request for Submission	- Transaction 4410472 - Approved By: SHAMBRIG : 04-30-2014:15:32:38	
5/2/2014	NEF	Proof of Electronic Service	Transaction 4414086 - Approved By: NOREVIEW : 05-02-2014:10:49:51	
5/2/2014	2960	Ord Psychiatric Evaluation	Transaction 4414079 - Approved By: NOREVIEW : 05-02-2014:10:48:47	
5/2/2014	S200	Request for Submission Complet		
5/7/2014	NEF	Proof of Electronic Service	Transaction 4420940 - Approved By: NOREVIEW : 05-07-2014:11:45:55	
5/7/2014	1095	Amended Information	Transaction 4420835 - Approved By: SHAMBRIG : 05-07-2014:11:44:01	
6/6/2014	4505	Crt Ord Psych Eval - Conf.	Transaction 4466264 - Approved By: JYOST : 06-06-2014:13:43:24	
6/6/2014	NEF	Proof of Electronic Service	Transaction 4466352 - Approved By: NOREVIEW : 06-06-2014:13:46:32	

Case Description: STATE VS. FERNANDO BRIONES (TN) (D10)				
Case ID:	CR14-0440B	Case Type:	CRIMINAL	Initial Filing Date: 3/19/2014
6/11/2014	NEF	Proof of Electronic Service	Transaction 4472177 - Approved By: NOREVIEW : 06-11-2014:13:39:06	
6/11/2014	1250	Application for Setting	JULY 10, 2014 @ 8:30AM COMPETENCY - Transaction 4472132 - Approved By: MCHOLICO : 06-11-2014:13	
7/3/2014	4075	Substitution of Counsel	EVIE GROSENICK PD SUBS OUT BIRAY DOGAN PD FOR DEFT - Transaction 4503627 - Approved By: AZIO	
7/3/2014	NEF	Proof of Electronic Service	Transaction 4503929 - Approved By: NOREVIEW : 07-03-2014:14:30:28	
7/8/2014	1250	Application for Setting	COMPETENCY: 7-24-14 AT 8:30; VACATES THE 7-10-14 SETTING - Transaction 4507408 - Approved By: SH	
7/8/2014	NEF	Proof of Electronic Service	Transaction 4507675 - Approved By: NOREVIEW : 07-08-2014:14:04:23	
7/9/2014	NEF	Proof of Electronic Service	Transaction 4509092 - Approved By: NOREVIEW : 07-09-2014:11:17:16	
7/9/2014	1652	Evaluations	SUBSTANCE ABUSE EVALUATION TO BE FILED UNDER SEAL PER HIPAA - Transaction 4508976 - Approv	
7/30/2014	MIN	***Minutes	7/24/14 - REPORT ON PSYCH EVAL - Transaction 4540396 - Approved By: NOREVIEW : 07-30-2014:16:26:00	
7/30/2014	NEF	Proof of Electronic Service	Transaction 4540401 - Approved By: NOREVIEW : 07-30-2014:16:27:03	
8/1/2014	3925	Second Amended Information	Transaction 4543837 - Approved By: SHAMBRIG : 08-01-2014:14:32:50	
8/1/2014	NEF	Proof of Electronic Service	Transaction 4543991 - Approved By: NOREVIEW : 08-01-2014:14:33:52	
8/6/2014	1095	Amended Information	THIRD AMENDED INFORMATION - Transaction 4549045 - Approved By: SHAMBRIG : 08-06-2014:09:19:15	
8/6/2014	NEF	Proof of Electronic Service	Transaction 4549171 - Approved By: NOREVIEW : 08-06-2014:09:20:10	
8/7/2014	1785	Guilty Plea Memo/Agreement		
8/30/2014	4185	Transcript	Transaction 4585527 - Approved By: NOREVIEW : 08-30-2014:12:54:36	
8/30/2014	NEF	Proof of Electronic Service	Transaction 4585528 - Approved By: NOREVIEW : 08-30-2014:12:55:26	
9/10/2014	NEF	Proof of Electronic Service	Transaction 4599444 - Approved By: NOREVIEW : 09-10-2014:09:54:27	
9/10/2014	4500	PSI - Confidential	Transaction 4599271 - Approved By: SHAMBRIG : 09-10-2014:09:53:25	
9/17/2014	NEF	Proof of Electronic Service	Transaction 4610730 - Approved By: NOREVIEW : 09-17-2014:11:43:04	
9/17/2014	MIN	***Minutes	8/7/14 - ARRAIGNMENT - Transaction 4610726 - Approved By: NOREVIEW : 09-17-2014:11:42:15	
9/23/2014	2405	Mtn to Quash...	MOTION TO QUASH SUBPOENA DUECES TECUM - Transaction 4620479 - Approved By: SHAMBRIG : 09-23	
9/23/2014	NEF	Proof of Electronic Service	Transaction 4620585 - Approved By: NOREVIEW : 09-23-2014:16:22:37	
9/26/2014	3370	Order ...	ORDER VACATING SENTENCING DATE TO ALLOW FOR BRIEFING ON MOTION TO QUASH - Transaction	
9/26/2014	1930	Letters ...	DOCUMENTS SUBMITTED BY DEFENSE FOR CONSIDERATION AT SENTENCE - Transaction 4625306 - Ap	
9/26/2014	NEF	Proof of Electronic Service	Transaction 4625614 - Approved By: NOREVIEW : 09-26-2014:10:50:19	
9/26/2014	NEF	Proof of Electronic Service	Transaction 4626220 - Approved By: NOREVIEW : 09-26-2014:14:18:23	
10/3/2014	NEF	Proof of Electronic Service	Transaction 4637171 - Approved By: NOREVIEW : 10-03-2014:16:20:10	
10/3/2014	2645	Opposition to Mtn ...	OPPOSITION TO ATTORNEY GENERAL'S MOTION TO QUASH SUBPOENA DUCES TECUM - Transaction 4	
10/15/2014	2610	Notice ...	NOTICE OF WITHDRAWAL OF MOTION TO QUASH SUBPOENA DUCES TECUM - Transaction 4653890 - Ap	
10/16/2014	NEF	Proof of Electronic Service	Transaction 4655016 - Approved By: NOREVIEW : 10-16-2014:11:57:18	
10/16/2014	NEF	Proof of Electronic Service	Transaction 4654455 - Approved By: NOREVIEW : 10-16-2014:09:46:53	
10/16/2014	1250E	Application for Setting eFile	FOR SENTENCING ON OCTOBER 30, 2014 AT 8:30 A.M. - Transaction 4655004 - Approved By: NOREVIEW :	
10/30/2014	1850	Judgment of Conviction	Transaction 4677100 - Approved By: NOREVIEW : 10-30-2014:17:05:18	
10/30/2014	COLL	Sent to Collections	30-OCT-2014	
10/30/2014	NEF	Proof of Electronic Service	Transaction 4677106 - Approved By: NOREVIEW : 10-30-2014:17:06:10	
11/12/2014	MIN	***Minutes	10/30/14 - SENTENCING - Transaction 4691867 - Approved By: NOREVIEW : 11-12-2014:14:13:47	
11/12/2014	NEF	Proof of Electronic Service	Transaction 4691879 - Approved By: NOREVIEW : 11-12-2014:14:14:42	
11/14/2014	2520	Notice of Appearance	JOHN REESE PETTY, ESQ. OBO FERNANDO BRIONES - Transaction 4696174 - Approved By: MFERNAND :	

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**Case Description: STATE VS. FERNANDO BRIONES (TN) (D10)**

<b>Case ID:</b>	<b>CR14-0440B</b>	<b>Case Type:</b>	<b>CRIMINAL</b>	<b>Initial Filing Date:</b>	<b>3/19/2014</b>
11/14/2014	NEF	Proof of Electronic Service	Transaction 4696785 - Approved By: NOREVIEW : 11-14-2014:13:43:21		
11/20/2014	1600	Designation Record on Appeal			
11/20/2014	2515	Notice of Appeal Supreme Court			
11/25/2014	1310E	Case Appeal Statement	Transaction 4710174 - Approved By: NOREVIEW : 11-25-2014:08:46:04		
11/25/2014	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 4710174 - Approved By: I		

1 **CODE 1850**  
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6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
7 **IN AND FOR THE COUNTY OF WASHOE**  
8

9 **STATE OF NEVADA,**

10 **Plaintiff,**

**Case No. CR14-0440B**

11 **vs.**

**Dept. No. 10**

12 **FERNANDO BRIONES,**

13 **Defendant.**  
14 \_\_\_\_\_/

15 **JUDGMENT**

16 The Defendant, having entered a plea of Guilty, and no sufficient cause being shown  
17 as to why judgment should not be pronounced against him, the Court rendered judgment as follows:

18 That Fernando Briones is guilty of the crime of Burglary, a violation of NRS  
19 205.060 (1), a felony, as charged in the Third Amended Information, and that he be punished by  
20 imprisonment in the Nevada Department of Corrections for the maximum term of one hundred  
21 twenty (120) months with the minimum parole eligibility of forty-eight (48) months, with credit for  
22 two hundred seventy-six (276) days time served.

23 It is further ordered that the Defendant shall pay the statutory Twenty-Five Dollar  
24 (\$25.00) administrative assessment fee; that he shall submit to a DNA analysis test for the purpose  
25 of determining genetic markers and pay a testing fee in the amount of One Hundred Fifty Dollars  
26 (\$150.00), if not previously ordered; that he shall pay the Three Dollar (\$3.00) administrative  
27 assessment fee for obtaining a biological specimen and conducting a genetic marker analysis; and  
28

1 that he shall reimburse Washoe County in the amount of Five Hundred Dollars (\$500.00) for legal  
2 services rendered.

3 It is further ordered that the fees are subject to removal from the Defendant's books  
4 at the Washoe County Jail and/or Nevada Department of Corrections.

5 Dated this 30 day of Oct., 2014.  
6 NUNC PRO TUNC to October 30, 2014.

7  
8   
9 DISTRICT JUDGE

CASE NO. CR14-0440B     **TITLE: THE STATE OF NEVADA VS. FERNANDO  
BRIONES**

<b>DATE, JUDGE OFFICERS OF COURT PRESENT</b>	<b>APPEARANCES-HEARING</b>	<b>CONT'D TO</b>
4/1/14	<b><u>ARRAIGNMENT</u></b>	
HONORABLE	Deputy District Attorney Adam Cate, Esq., represented the State.	<b>4/15/14</b>
CONNIE	Defendant not present being represented by counsel, Deputy Public	<b>8:30 a.m.</b>
STEINHEIMER	Defender Biray Dogan, Esq. Probation Officer Wes Blackwell present on	<b>Continued</b>
DEPT. NO.4	behalf of the Division of Parole and Probation.	<b>Arraignment</b>
M. Stone	Court noted for the record the defendant was removed from the courtroom	<b>(D10)</b>
(Clerk)	by the deputies prior to court commencing due to his behavior.	
T. Amundson	<b>COURT ORDERED</b> arraignment continued.	
(Reporter)		

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CASE NO. CR14-0440B     **STATE OF NEVADA VS. FERNANDO BRIONES**

**DATE, JUDGE**

**OFFICERS OF**

**COURT PRESENT**

**APPEARANCES-HEARING**

**CONT'D TO**

4/15/14

**ARRAIGNMENT**

HONORABLE

Deputy District Attorney Adam Cate was present on behalf of the State.

**4/29/14**

ELLIOTT A.

Defendant was present with counsel, Deputy Public Defender Biray Dogan.

**8:30 a.m.**

SATTLER

Wesley Blackwell was present on behalf of the Division of Parole and

**Entry of Plea**

DEPT. NO.10

Probation. Pretrial Services Officer Matt Scheiber was present in the gallery.

M. Merkouris

**TRUE NAME: FERNANDO BRIONES.**

(Clerk)

Defendant acknowledged receipt of the Information; indicated to the Court that the name as set forth on same was his true name; waived reading.

L. Urmston

(Reporter)

Defense counsel requested a 30 day continuance as the Defendant is not capable of making a decision today; and he further advised that the Defendant was having a difficult time at the last hearing, and he is still having trouble today with making a decision. Defense counsel further advised that he does not believe the Defendant is incompetent, however he will request a mental health evaluation.

*(Discussion ensued in the co-Defendant's case regarding that Defendant's request to proceed with his arraignment today; State's counsel indicated that this is a package deal, and he would object to the cases being split up.)*

**COURT** indicated that a 2 week continuance would be granted, however no additional continuances will be granted in the future.

**COURT ORDERED:** Matter continued to April 29, 2014 at 8:30 a.m.

Defendant remanded to the custody of the Sheriff.

---

CASE NO. CR14-0440B     **STATE OF NEVADA VS. FERNANDO BRIONES**

**DATE, JUDGE**

**OFFICERS OF**

**COURT PRESENT**

**APPEARANCES-HEARING**

**CONT'D TO**

4/29/14

**ENTRY OF PLEA**

HONORABLE

Deputy District Attorney Adam Cate was present on behalf of the State.

**5/6/14**

ELLIOTT A.

Defendant was present with counsel Deputy Public Defender Biray Dogan.

**8:30 a.m.**

SATTLER

Wesley Blackwell was present on behalf of the Division of Parole and

**Cont'd Entry**

DEPT. NO.10

Probation. Pretrial Services Officer Alyssa Kaufman was present in the gallery.

**of Plea**

M. Merkouris

Defense counsel advised the Court that he has conveyed the plea deal to the

(Clerk)

Defendant, and his attempts to negotiate this case have failed; and he further

M. Pava

advised that he has requested a mental health evaluation of the Defendant, but

(Reporter)

he has not received it back yet. Defense counsel further stated that he feels it is appropriate at this time for him to request competency evaluations for the Defendant.

**COURT ORDERED:** Defense counsel shall file a motion for competency evaluations and provide a proposed order to the Court. This matter shall be continued one final time to next Tuesday, May 6, 2014 at 8:30 a.m.

Defendant remanded to the custody of the Sheriff.

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CASE NO. CR14-0440B     **STATE OF NEVADA VS. FERNANDO BRIONES**

**DATE, JUDGE**

**OFFICERS OF**

**COURT PRESENT**

**APPEARANCES-HEARING**

**CONT'D TO**

7/24/14

**REPORT ON PSYCHIATRIC EVALUATION**

HONORABLE

Deputy District Attorney Adam Cate was present on behalf of the State.

**8/7/14**

ELLIOTT A.

Defendant was present with counsel, Deputy Public Defender Evelyn

**8:30 a.m.**

SATTLER

Grosenick. Jennifer Iveson was present on behalf of the Division of Parole and

**Arraignment**

DEPT. NO.10

Probation. Pretrial Services Officer Tom Bradshaw was present in gallery.

M. Merkouris

**COURT** reviewed the procedural history of the case; and he noted that the

(Clerk)

Defendant has been found competent by Dr. Wright and Dr. Pearson.

D. Gustin

Defense counsel advised the Court that she does not wish to traverse the

(Reporter)

findings, however she will need additional time to speak to the Defendant before proceeding to arraignment.

**COURT ORDERED:** Matter continued to August 7, 2014 at 8:30 a.m.

Defendant remanded to the custody of the Sheriff.

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CASE NO. CR14-0440B      **STATE OF NEVADA VS. FERNANDO BRIONES**

**DATE, JUDGE  
OFFICERS OF**

**COURT PRESENT**

**APPEARANCES-HEARING**

**CONT'D TO**

8/7/14

**ARRAIGNMENT**

HONORABLE

Deputy District Attorney Sean Neahusan was present on behalf of the State.

**9/30/14**

ELLIOTT A.

Defendant was present with counsel, Deputy Public Defender Evelyn

**8:30 a.m.**

SATTTLER

Grosenick. Len Frisch was present on behalf of the Division of Parole and

**Sentencing**

DEPT. NO.10

Probation. Pretrial Services Officer Matt Scheiber was present in the gallery.

M. Merkouris

**TRUE NAME: FERNANDO BRIONES.**

(Clerk)

Defendant acknowledged receipt of the Third Amended Information; indicated

M. Pava

to the Court that his true name was set forth on the same; waived reading and

(Reporter)

entered plea of guilty to Burglary as contained therein.

Negotiations recited to the Court by Defense counsel. State's counsel  
concurred with the recited negotiations.

Defendant sworn and fully canvassed by the Court as to his rights. State's  
counsel read aloud the charge to which the Defendant pled. Possible penalty for  
offense charged related by the Defendant. Court accepted plea after finding that  
the Defendant was freely, voluntarily and competently entering such plea and  
had been fully advised by counsel.

**COURT** advised the Defendant that he would be ordered to pay a \$25.00  
administrative assessment fee, as well as any other associated fees at the time of  
sentencing.

**COURT ORDERED** the Defendant to cooperate with the Division of Parole  
and Probation in the preparation of a PSI.

**COURT FURTHER ORDERED** matter referred to the Division of Parole and  
Probation for PSI and continued for entry of judgment, consideration of  
probation report and imposition of sentence.

Defendant remanded to the custody of the Sheriff.

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CASE NO. CR14-0440B      **STATE OF NEVADA VS. FERNANDO BRIONES**

DATE, JUDGE  
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

10/30/14

HONORABLE

ELLIOTT A.

SATTLER

DEPT. NO. 10

M. Merkouris

(Clerk)

D. Gustin

(Reporter)

**ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE**

Deputy District Attorney Roy Stralla was present on behalf of the State. Defendant was present with counsel, Deputy Public Defender Evelyn Grosenick. Jennifer Iveson was present on behalf of the Division of Parole and Probation. Pretrial Services Officer Scott Higginbotham was present in the gallery.

**COURT** reviewed the procedural history of the case.

Defense counsel advised the Court that the Defendant's updated credit for time served is 276 days; Ms. Iveson concurred.

Defense counsel presented mitigating statements on behalf of the Defendant; and she further gave the Court information regarding the offense. Defense counsel advised the Court that the Defendant has been accepted into the Salvation Army, and she urged the Court to place the Defendant on probation; or in the alternative, sentence him to 12-30 months in prison. Defense counsel further presented argument regarding the Division of Parole and Probation's scoring system.

State's counsel responded; and he further gave the Court information regarding the Defendant's criminal history. State's counsel further argued that the Defendant deserves the maximum prison sentence.

Defendant addressed the Court on his own behalf.

**COURT ORDERED:** Defendant adjudged guilty and sentenced to imprisonment in the Nevada Department of Corrections for the maximum term of one hundred twenty (120) months with the minimum parole eligibility of forty-eight (48) months, with credit for two hundred seventy-six (276) days time served. It is further ordered that the Defendant shall pay the statutory Twenty-Five Dollar (\$25.00) administrative assessment fee; that he shall submit to a DNA analysis test for the purpose of determining genetic markers and pay a testing fee in the amount of One Hundred Fifty Dollars (\$150.00), if not previously ordered; that he shall pay the Three Dollar (\$3.00) administrative assessment fee for obtaining a biological specimen and conducting a genetic marker analysis; and that he shall reimburse Washoe County in the amount of Five Hundred Dollars (\$500.00) for legal services rendered. It is further ordered that the fees are subject to removal from the Defendant's books at the Washoe County Jail and/or Nevada Department of Corrections.

Defendant remanded to the custody of the Sheriff.

1 **Code 1350**

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6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

7 **IN AND FOR THE COUNTY OF WASHOE**

8 **STATE OF NEVADA,**

9 **Plaintiff,**

10 **vs.**

**Case No. CR14-0440B**

11 **FERNANDO BRIONES,**

**Dept. No. 10**

12 **Defendant.**

13  
14 \_\_\_\_\_ /  
15 **CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL**

16 I certify that I am an employee of the Second Judicial District Court of the State of  
17 Nevada, County of Washoe; that on the 25th day of November, 2014, I electronically filed  
18 the Notice of Appeal in the above entitled matter to the Nevada Supreme Court.

19 I further certify that the transmitted record is a true and correct copy of the original  
20 pleadings on file with the Second Judicial District Court.

21 Dated this 25th day of November, 2014

22  
23 JACQUELINE L. BRYANT  
24 CLERK OF THE COURT

25 By /s/ Yvonne Vilorio  
26 Yvonne Vilorio  
27 Deputy Clerk  
28