

1 IN THE SUPREME COURT OF THE STATE OF NEVADA

2  
3 LINDSIE NEWMAN,

4 Appellant,

5 vs.

6 THE STATE OF NEVADA,

7 Respondent.

No. 67756 Electronically Filed  
Apr 24 2015 04:59 p.m.  
No. 67756 Trace K. Lindeman  
Clerk of Supreme Court

8 **EMERGENCY MOTION UNDER NRAP 27(E)**  
9 **BAIL PENDING APPEAL**

10 COMES NOW, Appellant LINDSIE NEWMAN, through her appointed  
11 counsel, KARIN L. KRIEZENBECK, Nevada State Public Defender, and  
12 SALLY DESOTO, Chief Appellate Deputy, and moves this Court for an  
13 Emergency Order granting her release pending appeal, to be decided and  
14 ordered no later than May 9, 2015.

15 This Motion is brought pursuant to NRS 178.488 and NRAP Rule 8,

16 //

17 //

18 //

19 //

20 //

1 NRAP 27(e), and is based upon the accompanying Memorandum of Points and  
2 Authorities.

3 DATED this 24th day of April, 2015.

4 KARIN L. KRIEZENBECK  
Nevada State Public Defender

5 By: /S/ SALLY DESOTO  
6 Chief Appellate Deputy  
Bar I.D No. 8790  
7 511 East Robinson Street, Suite 1  
Carson City, Nevada 89701  
8 (775)687-1080  
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1 Appellant is presently imprisoned at Florence McClure Women's  
2 Correctional Center and is seven months pregnant in a high-risk pregnancy.  
3 This motion is being filed at the earliest possible time based on the research that  
4 staff had to conduct to insure that the appeal was not frivolous. She is due to  
5 deliver at mid-June, 2015, but based on the high-risk status of her pregnancy,  
6 she will probably deliver sooner.

7 Generally, a stay or injunction pending appeal must ordinarily move first  
8 in the district court. Appellant requests that this Court grant that this motion for  
9 relief be filed directly before the Court because a motion to the district court  
10 would be impracticable considering the issue on appeal. NRAP Rule  
11 8(a)(2)(A)(i).

### 12 **POINTS AND AUTHORITIES**

13  
14 NRS 178.488 provides:

- 15 1. Bail may be allowed pending appeal or certiorari unless it appears  
16 that the appeal is frivolous or taken for a delay.
- 17 2. [inapplicable]
- 18 3. Pending appeal or certiorari to the appellate court of competent  
19 jurisdiction pursuant to the rules fixed by the Supreme Court  
20 pursuant to Section 4 of Article 6 of the Nevada Constitution, bail  
may be allowed by the District Court or by any judge thereof or  
the Supreme Court or a justice thereof.
4. Any court or any judge or justice authorized to grant bail may at  
any time revoke the order admitting the defendant to bail.

1           5. The court or judge by whom bail may be ordered shall require  
2           such notice of the application therefor as the court or judge may  
3           deem reasonable to be given to the district attorney of the county  
          in which the verdict or judgment was originally rendered.

4           In adjudicating this motion, the Court must consider whether the appeal  
5           was frivolous or taken for delay, and whether the applicant's release on bail  
6           would pose a danger to the community or a risk of flight. *See Lane v. State*, 98  
7           Nev. 458, 459-60, 652 P.2d 1174 (1982); *In Re Austin*, 86 Nev. 798, 802, 477  
8           P.2d 873, 875 (1970). The mere fact of a conviction does not end the court's  
9           authority to evaluate the quality of the legal and factual underpinnings of a  
10          conviction in considering a Motion for Bail or to give "due weight to the  
11          evidence and circumstances of the offense." *Bergna v. State*, 120 Nev. 869,  
12          874, 102 P.3d 549, 552 (2004). The fact that the defendant was convicted of a  
13          violent and serious felony is highly relevant to the danger that might be posed by  
14          his release, but the nature and quality of the alleged legal errors may raise  
15          serious concerns respecting the validity of the conviction, and may weigh  
16          heavily in favor of granting the application for bail pending review. *Bergna, Id.*  
17          If the judge views the defendant's release as posing a risk of danger o flight, he  
18          should point to those facts in the record which foreshadows such a possibility.  
19          *Bergna*, 120 Nev. at 875, 102 P.3d at 553.

20 //

1 a. Risk of Danger/Flight.

2 We began with the “danger to the public” factor.

3 Appellant risks no danger to the public. At most, there is a risk to herself.  
4 Appellant is in a high-risk pregnancy and due to deliver at mid-June, 2015, but  
5 most likely will deliver sooner.<sup>1</sup>

6 The basis for this appeal is the fact that the district court sentenced  
7 Appellant to a longer sentence based on her status as a pregnant addict, and this  
8 will be discussed further below. But at this juncture, this Court should note that  
9 Appellant’s condition suggests that she is not even remotely a risk of danger or  
10 flight if released.

11 And in fact, this Court can construct conditions that would insure there  
12 would be no flight. Appellant has the support of family—this Court may order  
13 that Appellant remain on house arrest with GPS monitoring at the residence of  
14 her parents or one of her siblings—both are very stable environments. Further,  
15 to insure compliance with orders restricting drug use, color-coded drug testing  
16 can be ordered and supervision with the Division of Parole and Probation,  
17 including a search and seizure clause.

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18  
19 <sup>1</sup> Because the issue would become moot upon the birth of Appellant’s child, this  
20 issue is preserved because pregnancy “provides a classic justification for a  
conclusion of nonmootness.” *Roe v. Wade*, 410 U.S. 113, 124-25, 93 S. Ct. 705,  
712-13 (1973).

1       b. Non-Frivolous Issue

2       During Appellant's sentencing hearing on March 23, 2015, the district  
3 judge stated on three occasions that his main concern was that Appellant be in  
4 custody "long enough for that child to be born" and "to protect that unborn  
5 child." See attached exhibit, sentencing transcripts, March 23, 2015 at 7:1-5,  
6 9:3-8; 13:16-19.

7       The Nevada Supreme Court has stated that it will refrain from interfering  
8 with the sentence imposed by the district court "[s]o long as the record does not  
9 demonstrate prejudice resulting from consideration of information or  
10 accusations founded on facts supported only by impalpable or highly suspect  
11 evidence." *Silks v. State*, 92 Nev. 91, 94, 545 P.2d 1159, 1161 (1976).

12       The district court abused its discretion by sentencing Appellant to a more  
13 severe sentence based on her status as a pregnant addict.

14       Addiction to the use of narcotics is "said to be a status or condition and  
15 not an act." *Robinson v. California*, 370 U.S. 660, 662, 82 S.Ct. 1417, 1418  
16 (1962). "[a] state law which imprisons a person thus afflicted [with addiction to  
17 narcotics] as a criminal . . . inflicts a cruel and unusual punishment in violation  
18 of the *Fourteenth Amendment*." *Id.* at U.S. 667, 82 S.Ct. at 1420-21.

19       Notably, Nevada has no statutes that criminalize substance abuse during  
20 pregnancy. In fact, as decided in *Sheriff v. Encoe*, "[t]he legislature is an

1 appropriate forum to discuss public policy, as well as the complexity of prenatal  
2 drug use, its effect upon an infant, and its criminalization.” 110 Nev. 1317,  
3 1320, 885 P.2d 596, 598 (1994), citing *People v. Hardy*, 469 N.W.2d 50, 53  
4 (Mich. Ct. App. 1991). The district court’s decision in this case encroaches on  
5 the legislative power in violation of separation of powers. “Judges who take it  
6 upon themselves to solve problems of drug-exposed infants, however  
7 sympathetic their actions may be, are acting like legislators and are making  
8 medical decisions that they are usually ill-equipped to make.” Becker and Hora,  
9 *The Legal Community’s Response to Drug Use During Pregnancy in the*  
10 *Criminal Sentencing and Dependency Contexts: A Survey of Judges,*  
11 *Prosecuting Attorneys, and Defense Attorneys in Ten California Counties*, S.  
12 Cal. Riv. L. & Women’s Stud., 527, 531 (Spring 1993).

13       Although certainly not binding, the New Jersey Superior Court, Appellate  
14 Division, recently decided a case that is on point with the present case. 850  
15 A2d 516 (N.J. Super. Ct. App. Div. 2004). In that case, defendant Ikerd, a  
16 pregnant addict, was sentenced to a more severe sentence based on the fact that  
17 she was pregnant. *Id.* at 519. In fact, the court instructed defense counsel that if  
18 defendant lost the baby, they could make an application to the court, but in the  
19 meantime “I want to keep her off the street. I don’t want her using drugs. The  
20 only way I can do it is by putting her in jail.” *Id.* at 617.

1 “The purpose of the criminal justice system is to determine whether a crime has  
2 been committed and, if so, to punish the guilty parties—not to determine the  
3 most effective policy to combat a particular social ill.” *Id.* at 621, quoting *State*  
4 *v. Des Marets*, 455 A.2d 1074 (1983); see also, Becker, *Order in the Court:*  
5 *Challenging Judges Who Incarcerate Pregnant, Substance-Dependent*  
6 *Defendants to Protect Fetal Health*, 19 Hastings Const. L. Q. 235 (Fall 1991).

7       Accordingly, this Motion should be granted as Appellant has a non-  
8 frivolous issue to explore on appeal. Most certainly, the Court can fashion  
9 conditions of release that will protect Appellant. Given her high-risk pregnancy  
10 and the stable influence of family and long-time ties to the community, it is  
11 implausible that Appellant would flee.

12       DATED this 24th day of April, 2015.

13                                   KARIN L. KRIEZENBECK  
14                                   Nevada State Public Defender

15                           By: /S/       SALLY DESOTO  
16                                           Chief Appellate Deputy  
17                                           Bar I.D No. 8790  
18                                           511 East Robinson Street, Suite 1  
19                                           Carson City, Nevada 89701  
20                                           (775)687-1080



1 NRAP 27(e) CERTIFICATE

2 STATE OF NEVADA )  
3 ) ss.  
4 CARSON CITY )

5 SALLY DESOTO, being first duly sworn on oath, certifies that

6  
7 1. I am Chief Appellate Deputy with the Nevada State Public Defender,  
8 appointed counsel for appellant, LINDSIE NEWMAN.

9  
10 2. The following are the addresses and phone numbers for the parties:

11 Counsel for Appellate  
12 Nevada State Public Defender  
13 511 E. Robinson Street  
14 Carson City, NV 89701  
(775) 684-1080

Counsel for State  
Carson City District Attorney  
885 E. Musser Street  
Carson City, NV 89701  
(775) 887-2072

15 3. Appellate is incarcerated at Florence McClure Women's Correctional  
16 Center with a high-risk pregnancy with a due-date of mid-June, however, she will most  
17 likely deliver early. Counsel is requesting that she be admitted to bail so that she may be  
18 provided with appropriate medical care during prenatal and birth.  
19  
20

21 4. I called both the Nevada Supreme Court Clerk's Office and the Carson  
22 City District Attorney's office on April 24, 2015 to inform them that I would be filing the  
23 following emergency motion. I also emailed the Carson City District Attorney's Office  
24

25 ///

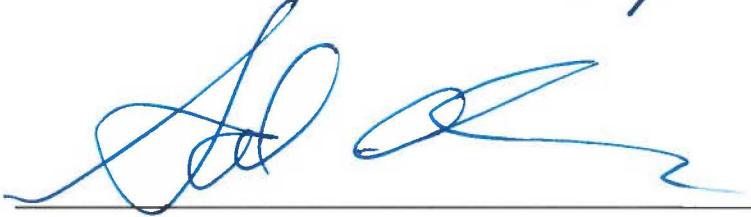
26 ///

27 ///

28 ///

1 on the same date with a summary of the argument in the motion. The motion will be  
2 served via electronic filing.

3  
4 DATED this 24<sup>th</sup> day of April, 2015.

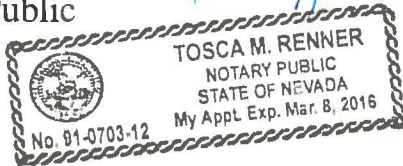
5  
6  
7 

8 SALLY DESOTO

9  
10 SUBSCRIBED and SWORN (or affirmed) to before  
11 me this 24 day of April, 2015.

12 

13 Notary Public



**In The Matter Of:**  
*The State of Nevada vs*  
*Lindsie Newman - Case 13-CR-00226 1B/13-CR-00050 1B*

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*Sentencing*  
*March 23, 2015*  
*Rough Draft*

---

*Capitol Reporters*  
*208 N. Curry Street*

*Carson City, Nevada 89703*



Page 1

1 Case No. 13 CR 00226 1B  
2 13 CR 00050 1B  
3 Department I  
4  
5 IN THE FIRST JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
6 IN AND FOR CARSON CITY  
7 HONORABLE JAMES TODD RUSSELL, DISTRICT JUDGE  
8 -oOo-  
9 STATE OF NEVADA, Plaintiff,  
10 vs. Defendant.  
11 LINDSIE NEWMAN,  
12  
13  
14  
15 JAVS-RECORDED TRANSCRIPT OF PROCEEDINGS  
16 ROUGH DRAFT SENTENCING  
17 MARCH 23, 2015  
18 CARSON CITY, NEVADA  
19  
20 For the State: Melanie Porter,  
21 Deputy District Attorney  
Carson City, Nevada  
22 For the Defendant: Jennifer J. Merideth,  
23 Deputy Public Defender  
Carson City, Nevada  
24 Transcribed by: Capitol Reporters (775) 882-5322

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1 CARSON CITY, NEVADA, MONDAY, MARCH 23, 2015, A.M. SESSION  
2 -oOo-  
3  
4 THE COURT: The next matters before the Court are  
5 going to be Case No. 12 CR 00226, State of Nevada versus  
6 Lindsie Newman. And Case No. 13 CR 00050, State of Nevada  
7 versus Lindsie Newman. It's the time for a hearing in regards  
8 to the probation revocation.  
9 Present on behalf of the State of Nevada is  
10 Melanie Porter, Deputy District Attorney. Present on behalf  
11 of the Defendant is --  
12 MS. MERIDETH: Jennifer Merideth.  
13 THE COURT: Oh, I got it.  
14 -- in respect to this particular matter. Also  
15 present on behalf of the Parole and Probation, I think, is  
16 Ashley Miller; correct?  
17 THE PROBATION OFFICER: No. Wendy Maxwell, Your  
18 Honor.  
19 THE COURT: Wendy Maxwell. Okay. 0 for 2.  
20 Thank you.  
21 In respect to this particular matter, we're here  
22 with regards to the -- previously, she'd been removed from  
23 drug court, it's my understanding.  
24 Is that correct, Ms. Merideth?

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1 MS. MERIDETH: I'm sorry, Your Honor. My client  
2 was speaking to me.  
3 What did you just say?  
4 THE COURT: She's been removed from the drug  
5 court program; correct?  
6 MS. MERIDETH: She has, Your Honor.  
7 THE COURT: And basically, if the Court recalls,  
8 it's basically she left the City of Refuge and left; correct?  
9 MS. MERIDETH: That's correct, Your Honor.  
10 THE COURT: And we have a violation report dated  
11 February 25th, now, 2015; is that correct?  
12 MS. MERIDETH: I have a file stamped copy that  
13 came into my office on the 26th, and the date, it looks like  
14 to me, it was prepared was the 2nd on Case 13 CR 0050 1B.  
15 I don't have an actual violation report on  
16 13 CR 00226 1B.  
17 THE COURT: That's the one I have a violation  
18 report on. I don't have one on 13 CR 00050, so if you have  
19 one --  
20 MS. PORTER: I have them on both.  
21 MS. MERIDETH: She's prepared to admit the  
22 violations, Your Honor, but (inaudible).  
23 THE COURT: I've got one but not the other one.  
24 THE PROBATION OFFICER: Your Honor, may I

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1 approach?  
2 THE COURT: You may.  
3 MS. MERIDETH: Oh, I'm sorry. I do have this.  
4 I apologize, Your Honor.  
5 THE COURT: Okay. In reference to Case  
6 No. 13 CR 00050, have you had a chance to review that  
7 violation report, Ms. Merideth.  
8 MS. MERIDETH: I have, Your Honor. My client  
9 indicates that she is willing to admit the violations in this  
10 case and, as indicated, in the other case as well.  
11 THE COURT: And the violation report dated  
12 February 25th, 2015, in respect to Case Nos. 13 CR 00050  
13 indicates the following violation. Controlled substance,  
14 associates law, directives and conduct. Special Condition  
15 No. 3. Abstain from use, possession or control of any  
16 alcoholic beverages, controlled substance, stolen property  
17 during your probation.  
18 Special Condition No. 6. You shall not enter any  
19 bars or casinos whatsoever except for employment in respect to  
20 this matter.  
21 So do you admit those violations?  
22 THE DEFENDANT: Yes, Your Honor.  
23 THE COURT: Also Special Condition No. 2. Submit  
24 to a substance abuse intake evaluation; participate in



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1 counseling program approved by the Division. You were  
2 terminated from the Western Regional Drug Court program;  
3 correct?  
4 THE DEFENDANT: Yes.  
5 THE COURT: So you admit that violation as well?  
6 THE DEFENDANT: Yes, Your Honor.  
7 THE COURT: Ms. Merideth, any statement you'd  
8 like to make?  
9 MS. MERIDETH: Your Honor, as I indicated,  
10 Ms. Newman is prepared to ask for revocation in both of these  
11 cases today. She's appreciated the opportunities that the  
12 Court has afforded her by allowing her diversion and the drug  
13 court program as well as the City of Refuge so her baby will  
14 be born safe.  
15 Unfortunately, now, she'll be -- or he. I don't  
16 know if it's a he or she.  
17 THE DEFENDANT: She.  
18 MS. MERIDETH: She will be born while Ms. Newman  
19 is incarcerated.  
20 I did have an opportunity to speak with the  
21 Division of Parole and Probation. What the agreement was when  
22 she was initially -- well, sentenced on the possession of a  
23 controlled substance charge is that this case would run  
24 concurrent with the gross misdemeanor charge. She has nine

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1 months suspended on that gross misdemeanor as well as I  
2 believe that you're going to obviously rescind her deferred.  
3 And our request is that you would sentence her to 12 to 32  
4 concurrent with the gross misdemeanor charge with credit for  
5 265 days time served of presentence employment, and that's the  
6 number that I have from the Division of Parole and Probation.  
7 I went and pulled the records of her ins and outs at the jail  
8 in Carson.  
9 THE COURT: So the credit for time served on Case  
10 No. 13 CR 00050 reflects credit for time served, 173 days; is  
11 that correct? I'm looking at the report. That was as of  
12 February 25th, 2015.  
13 MS. MERIDETH: I think what the Division and what  
14 I've been trying to talk to them about is initially, they were  
15 going to -- and they might still be. They want to request  
16 credit on the gross misdemeanor case and then credit on the  
17 felony case separate too. And my request -- and that's the  
18 agreement we had with the State is that the time would run  
19 concurrent to each other.  
20 So I think that --  
21 THE COURT: Well, if I run it concurrent, the  
22 time runs concurrent, I guess.  
23 MS. MERIDETH: Correct.  
24 THE COURT: But my question -- and I want to make

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1 sure, and I guess my main concern is no matter what happens in  
2 this particular matter, she stays in custody long enough for  
3 that child to be born. I don't want her to go out and go  
4 through any hoops or anything else and be out of custody until  
5 that child's been born, and I don't know if I -- otherwise,  
6 I'm going to run them consecutively.  
7 THE PROBATION OFFICER: Your Honor, she's set to  
8 expire her gross misdemeanor case next month on the 14th.  
9 THE COURT: It expires?  
10 THE PROBATION OFFICER: Her gross misdemeanor  
11 case expires.  
12 As far as the deferred sentence --  
13 THE COURT: Well, we're going to sentence her in  
14 a minute on that.  
15 But anyway, I'm going to go ahead and revoke on  
16 this case. I'm going to go ahead and revoke your probation  
17 with respect to Case No. 13 CR 0050. We will give you credit  
18 at least until you were picked up, I guess, up to  
19 February 25th, 2015. We'll give you credit of 173 days, and  
20 then I'll decide what I'm going to do on the other case. If I  
21 run them concurrent, it won't matter. They'll all run  
22 together.  
23 So in respect to Case No. 13 CR 0026, we do  
24 have -- you had a suspended sentence in that particular case,

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1 if I recall correctly, where you were given the benefit of  
2 diversion in respect to this -- that particular matter. So  
3 it's up to the Court to determine what the sentence I should  
4 give on that case; correct, Ms. Porter?  
5 MS. PORTER: That's correct.  
6 THE COURT: What's the State recommending?  
7 MS. PORTER: Your Honor, our initial agreement in  
8 the plea memorandum was concurrent time with the gross  
9 misdemeanor case. You know, typically the way it works is if  
10 they don't complete, we regain the full right to argue, and  
11 that's part of the plea memorandum as well.  
12 I agree with the Court that we don't want to see  
13 her out of custody until that baby is born.  
14 My concern is that, you know, on the 12 to 32,  
15 she's going to serve, what, eight months maximum before she's  
16 paroled. And with 170 days' credit for time served, that's a  
17 substantial amount. That's like six of those eight months.  
18 I'll submit that to the Court for your  
19 consideration for whatever you choose to do at sentencing.  
20 THE PROBATION OFFICER: And, Your Honor, if I  
21 may, the Division is recommending that she not receive any  
22 credit for time served on her deferred case as she picked up  
23 this case while she was on her gross misdemeanor probation.  
24 So her officer is requesting that she not receive any time on

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1 her deferred case.  
2 THE COURT: Ms. Merideth, do you understand my  
3 concern? I just want to make sure above all that she -- and  
4 I'll sentence her accordingly -- make sure she stays in  
5 custody until that child is born. Obviously, you couldn't  
6 trust her at the City of Refuge. You can't trust her  
7 anywhere. I don't want that child to be put at any risk in  
8 respect to this matter. So --  
9 MS. MERIDETH: Well, I understand that, Your  
10 Honor, and I appreciate the Court's concern. I don't see that  
11 anyone wouldn't share the same concerns.  
12 Unfortunately, based on Lindsie's behavior, she's  
13 young and she's not making smart decisions.  
14 The simple fact of the matter is if you're going  
15 to give her 173 days on one case, she still has 92 days that  
16 she's actually served either on one of these two cases. So it  
17 needs to go somewhere.  
18 The Division themselves are the ones that  
19 prepared the information for me about the time that she's been  
20 in custody, so I don't think it's fair to give her 173 days  
21 when she's been in 265 days all told.  
22 THE COURT: I ran that calculation too, and I  
23 think she's entitled -- unless I don't run them  
24 consecutively -- I mean, I don't run them concurrent and I run

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1 them consecutively. And I don't know if that's fair to her  
2 either, so --  
3 MS. MERIDETH: Well, I would rather see her --  
4 and I think she would agree -- do her time, the remaining time  
5 in the actual prison system. There's more resources available  
6 to her. There's doctors. She's having problems getting into  
7 seeing doctors in the jail.  
8 And she's also currently having a high-risk  
9 pregnancy, so she's going to have to be seen in Reno. I don't  
10 know how quickly they can get her down to Florence McClure.  
11 They have resources down in Las Vegas as well, but I know  
12 that, you know, the sooner she goes, the better care she's  
13 going to get. We just don't have --  
14 THE COURT: I guess my point is if I run them  
15 consecutively and she's done on the other case, if I do it  
16 consecutively, then she gets credit for 173 days on that case.  
17 And then I run it -- on this case, she would get credit for  
18 92 days. I almost think I have to do that, and I'm doing it  
19 primarily for a good reason, I think, in respect to that.  
20 MS. MERIDETH: Well, and she's due on the 14th of  
21 June. I don't know if she'll go full term with the baby.  
22 She's had some complications already.  
23 I think it was last week that you went to the  
24 doctor?

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1 THE DEFENDANT: Yes.  
2 THE COURT: Well, it was probably high risk due  
3 to the heroin use and everything else. I don't know if that's  
4 true or not. Ms. Porter?  
5 MS. PORTER: You know, the other option is to  
6 apply all 270 days to the gross misdemeanor case. That would  
7 expire the gross misdemeanor case. And then if you choose to  
8 run the 12 to 32 consecutive, then she would start fresh, and  
9 she could go to the prison system and wouldn't have the gross  
10 misdemeanor trailing behind.  
11 THE COURT: Well, in reference to this particular  
12 matter, I do have to sentence her.  
13 Ms. Merideth, I do have to sentence her. Her  
14 having previously in respect to this particular matter having  
15 pled -- appeared before this Court and having pled guilty --  
16 and this is in Case No. 13 CR 0026. The Court is going to go  
17 ahead and sentence you to -- to a minimum of 12 months to a  
18 maximum of 32 months at the Nevada Department of Corrections.  
19 Previously, we had assessed a \$25 administrative  
20 assessment fee, a \$60 chemical reassessed. We will assess the  
21 \$3 that's required for that.  
22 We did assess the attorney's fees previously in  
23 respect to this particular matter in regards to this  
24 particular case.

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1 So as a result of that and then a result of your  
2 violations -- and I presume -- the report's identical to the  
3 other one.  
4 Do you admit the violations in the report dated  
5 February 25th, 2015, in respect to Case No. 13 CR 00226,  
6 Ms. Newman?  
7 (Discussion off the record.)  
8 MS. MERIDETH: Your Honor, my client indicates  
9 under controlled substances -- it says "laws, directives,  
10 et cetera" -- that she is denying that a drug test found the  
11 presence of methamphetamine. She indicates to me that's never  
12 a drug that has been her drug of choice, nor did she use it.  
13 She requested to see a copy of the drug test, which they did  
14 not provide to her.  
15 THE COURT: But she does admit she was removed  
16 from the Western Regional Drug Court program (inaudible)?  
17 THE DEFENDANT: That part, yes.  
18 MS. MERIDETH: That's correct, Your Honor.  
19 THE COURT: She does admit violations of the  
20 controlled substance, associates laws, directives and conduct?  
21 MS. MERIDETH: That's correct.  
22 THE COURT: Okay. Well, I'm going to go ahead,  
23 again, and -- based upon those violations, again, and sentence  
24 you as indicated: 12 to 32 months in respect to this

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1 particular matter. All 265 days' credit for time served will  
2 apply to the gross misdemeanor case in this particular matter.  
3 And, again, I'm going to run that consecutive, not concurrent.  
4 (Discussion off the record.)

5 MS. PORTER: Your Honor, the one thing I didn't  
6 hear was the \$150 DNA fee, which would apply now to the felony  
7 issue.

8 THE COURT: We'll apply that too. Thank you,  
9 Ms. Porter.

10 MS. PORTER: Thank you.

11 THE COURT: Again, I want to make abundantly  
12 clear what's transpired. You had every single benefit that  
13 anybody could ever possibly give to anybody. You violated all  
14 those benefits in respect to this matter. So I hope you  
15 understand why I'm doing this.

16 I'm doing this more than anything to protect that  
17 unborn child. I don't want to see you out doing anything  
18 until that child is born, clearly.

19 Anything further, Counsel?

20 MS. PORTER: No, Your Honor. Thank you.

21 MS. MERIDETH: No, Your Honor.

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23  
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1 STATE OF NEVADA, )  
2 CARSON CITY. ) ss.

3

4 I, SHELLIE LOOMIS, do hereby certify:

5 That on March 23, 2015, a sentencing was held in the  
6 within-entitled matter in the First Judicial District Court,  
7 State of Nevada;

8 That said sentencing was recorded on JAVS CD-ROM,  
9 and said JAVS CD-ROM was delivered to me for transcription;

10 That the foregoing transcript, consisting of pages 1  
11 through 13, is a full, true and correct transcript of said  
12 recorded JAVS CD-ROM performed to the best of my ability.

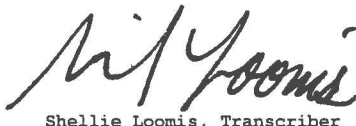
13

14 Dated at Carson City, Nevada, this 15th day of  
15 April, 2015.

16

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Shellie Loomis, Transcriber

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22

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24



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