

1 CASE NO.: CR-FP-14-198
2 DEPT. NO.: II

FILED

2015 APR -8 A 10:29

Electronically Filed
APR 10 2015 11:29 a.m.
CLERK

3
4 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
5 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO
6 Clerk of Supreme Court

7
8 THE STATE OF NEVADA,

9 Plaintiff,

10 vs.

11 JUSTIN PATRICK KELLEY,

12 Defendant.

NOTICE OF APPEAL

13 TO: MARK D. TORVINEN, Elko County District Attorney

14 NOTICE is hereby given that the above-named Defendant hereby appeals to the Supreme
15 Court of Nevada from the Judgment of Conviction filed on March 26, 2015, in the above-entitled
16 action.

17 This appeal is to all issues of law.

18 DATED this 7 day of April, 2015.

19 FREDERICK B. LEE, JR.
20 ELKO COUNTY PUBLIC DEFENDER
21 569 Court Street (Physical Address)
22 571 Idaho Street (Mailing Address)
23 Elko, NV 89801

24 By: RHS
25 ROGER H. STEWART
26 Elko County Deputy Public Defender
27 NV Bar Number 3823
28
29

1 CASE NO.: CR-FP-14-198
2 DEPT. NO.: II

FILED

3 2015 APR -8 A 10:30

4
5 ELKO CO. DISTRICT COURT
CLERK _____ DEPUTY _____

6 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
7 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO

8
9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

12 JUSTIN PATRICK KELLEY,

13 Defendant.

CASE APPEAL STATEMENT

14 1. Name of appellant filing case appeal statement: The name of the Appellant
15 is JUSTIN PATRICK KELLEY.

16
17 2. Identify the judge issuing the decision, judgment, or order appealed
18 from: The judge who issued the Judgment of Conviction to be appealed from is the
19 Honorable Alvin R. Kacin of the Fourth Judicial District Court of the State of Nevada, in
20 and for the County of Elko.

21
22 3. Identify of each appellant and the name and address of counsel for each
23 appellant: The sole appellant in this case is JUSTIN PATRICK KELLEY. Counsel for
24 appellant is Roger H. Stewart, Elko County Deputy Public Defender, 571 Idaho St.
25 (mailing) 569 Court St. (physical), Elko, Nevada, 89801. Counsel's telephone number is
26 (775) 738-2521.
27
28

29 ///

1 **4. Identify each respondent and the name and address of appellate counsel,**
2 **if known, for each respondent:** The sole respondent in this case is the State of Nevada.
3
4 Counsel for the Respondent is Jonathan L. Schulman, Deputy District Attorney, 540 Court
5 St., Elko, Nevada 89801 (775) 738-3101, and Adam Paul Laxalt, Attorney General, 100 N.
6 Carson Street, Carson City, Nevada, 89701 (775) 687-3538.
7

8 **5. Indicate whether any attorney identified above in response to questions 3**
9 **or 4 is not licensed to practice law in the State of Nevada:** Attorneys for the Appellant
10 and Respondent are licensed to practice law in the State of Nevada.
11

12 **6. Indicate whether appellant was represented by appointed or retained**
13 **counsel in the district court:** Appellant was represented by appointed counsel in the
14 district court.
15

16 **7. Indicate whether appellant was represented by appointed or retained**
17 **counsel on appeal:** Appellant is represented by appointed counsel on appeal.
18

19 **8. Indicate whether appellant was granted leave to proceed in forma**
20 **pauperis, and the date of entry of the district court order granting such leave:** The
21 parties stipulated that appellant may proceed in forma pauperis on appeal. The Court signed
22 the order to proceed in forma pauperis April 7, 2015, and the order was filed on April 7,
23 2015.
24

25
26 **9. Indicate the date the proceedings commenced in the district court:** The
27 Criminal Information was filed in the District Court on April 30, 2014.
28

29 ///

1 **10. Provide a brief description of the nature of the action and result in the**
2 **district court, including the type of judgment or order being appealed and the relief**
3 **granted by the district court:** The State of Nevada filed a Criminal Information which
4 charged the Appellant with COUNT I: ELUDING A POLICE OFFICER, A CATEGORY
5 B FELONY AS DEFINED BY NRS 484B.550 (FORMERLY NRS 484.348).
6

7
8 The Defendant was convicted of COUNT I: ELUDING A POLICE OFFICER, A
9 CATEGORY B FELONY AS DEFINED BY NRS 484B.550 (FORMERLY NRS 484.348)
10 and sentenced on March 23, 2015 to a term of forty-eight (48) months in the Nevada
11 Department of Corrections with minimum parole eligibility after twelve (12) months. Said
12 sentence was suspended and he was placed on probation for a period not to exceed 60
13 months. His guilty plea preserved his right to appeal his issues in an earlier Motion to
14 Suppress hearing.
15

16
17 The Court issued a Judgment of Conviction on March 26, 2015.
18

19 **11. Indicate whether the case has previously been the subject of an appeal or**
20 **original writ proceeding in the Supreme Court and, if so, the caption and Supreme**
21 **Court docket number of the original proceeding:** This case has not been the subject of an
22 appeal or original writ proceeding.
23

24 **12. Indicate whether this appeal involves child custody or visitation:** This
25 appeal does not involve child custody or visitation.
26

27 **13. If this is a civil case, indicate whether this appeal involves the possibility**
28 **of settlement:** This case involves a criminal action.
29

1 DATED this 7 day of April, 2015.

2 FREDERICK B. LEE, JR.
3 ELKO COUNTY PUBLIC DEFENDER
4 569 Court Street (Physical Address)
5 571 Idaho Street (Mailing Address)
6 Elko, NV 89801

7 By: RHS
8 ROGER H. STEWART
9 Elko County Deputy Public Defender
10 NV Bar Number 3823

11 CERTIFICATE OF SERVICE

12 I hereby certify, pursuant to the provisions of NRCP 5(b), that I am an employee of the Elko
13 County Public Defender's Office, and that on the 8 day April, 2015, I
14 served the foregoing CASE APPEAL STATEMENT, by delivering or causing to be delivered a
15 copy of said document, to the following:

16 HONORABLE ALVIN R. KACIN
17 District Judge, Department II
18 Elko County Courthouse
19 Elko NV 89801

20 ELKO COUNTY DISTRICT ATTORNEY'S OFFICE
21 540 Court Street
22 Elko NV 89801

23 OFFICE OF THE ATTORNEY GENERAL
24 100 N. Carson Street
25 Carson City, NV 89701-4717

26 Sharon Butterfield
27
28
29

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///

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///

///

CERTIFICATE OF MAILING

I hereby certify, pursuant to the provisions of NRCP 5(b), that I am an employee of the Elko County Public Defender's Office, and that on the 6 day of April, 2015, I mailed, postage prepaid, a copy of the foregoing CASE APPEAL STATEMENT, to the following:

Justin Kelley
PO Box 311
Wells NV 89835

Sharon Butterfield

1 CASE NO.: CR-FP-14-198
2 DEPT. NO.: II

FILED

2015 APR -8 A 10:30

ELKO CO. DISTRICT
CLERK DEPUTY *b*

3
4
5
6 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
7 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO

8
9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

12 JUSTIN PATRICK KELLEY,

13 Defendant.

ROUGH DRAFT TRANSCRIPT REQUEST

14 TO: LISA MANLEY

15 JUSTIN PATRICK KELLEY, Defendant named above, requests preparation of a rough
16 draft transcript of certain portions of the proceedings before the district court, as follows:

17
18 **MOTIONS HEARING**

19 **Held on December 18, 2014**

20 I recognize that I must personally serve a copy of this form on the above named court
21 reporter and opposing counsel, and that the above named court reporter shall have twenty (20) days
22 from the receipt of this notice to prepare and submit to the district court the rough draft transcript
23 requested herein.
24

25 ///

26 ///

27 ///

28 ///

29 ///

1 DATED this 7 day of Apr, 2015.

2 FREDERICK B. LEE, JR.
3 ELKO COUNTY PUBLIC DEFENDER
4 569 Court Street (Physical Address)
5 571 Idaho Street (Mailing Address)
6 Elko, NV 89801

7 By: RHS
8 ROGER H. STEWART
9 Elko County Deputy Public Defender
10 NV Bar Number 3823

11 CERTIFICATE OF SERVICE

12 I hereby certify, pursuant to the provisions of NRCP 5(b), that I am an employee of the Elko
13 County Public Defender's Office, and that on the 8 day of April, 2015, I served the
14 foregoing ROUGH DRAFT TRANSCRIPT REQUEST, by delivering or causing to be delivered a
15 copy of said document, to the following:

16 LISA MANLEY
17 Department II
18 Elko County Courthouse
19 Elko NV 89801

20 HONORABLE ALVIN R. KACIN
21 District Judge, Department II
22 Elko County Courthouse
23 Elko NV 89801

24 ELKO COUNTY DISTRICT ATTORNEY'S OFFICE
25 540 Court Street
26 Elko NV 89801

27 OFFICE OF THE ATTORNEY GENERAL
28 100 N. Carson Street
29 Carson City, NV 89701-4717

Erin Butterfield

///

///

CERTIFICATE OF MAILING

I hereby certify, pursuant to the provisions of NRCP 5(b), that I am an employee of the Elko County Public Defender's Office, and that on the 8 day of April, 2015, I mailed, postage prepaid, a copy of the foregoing ROUGH DRAFT TRANSCRIPT REQUEST, to the following:

JUSTIN KELLEY
PO Box 311
Wells NV 89835

Sharon Butterfield

PGM ID-DSPDOC
DATE 4/08/15

ELKO COUNTY COURT SYSTEM
CASE#: EC DC CR-FP-14-0000198

PAGE 1
TIME 12:03

TYPE: FELONY - AGAINST PERSONS

STATUS: CLOSED

3/27/15

-----JUDGE -----
CURRENT: KACIN, ALVIN R

--PARTY #--

PL 001: NEVADA, STATE OF
VS.

-----ATTORNEYS-----
SCHULMAN, JONATHAN L

DF 002: KELLEY, JUSTIN PATRICK
DOB: 5/19/91

STEWART, ROGER H

CHARGE 1: FP ELUDING POLICE OFFCR
DISPOSITION: JUDG OF CONV - PLEA DATE: 3/26/15

NRS 484B.550F

CHARGE 2: A DC GEN ANALYSIS
DISPOSITION: JUDG OF CONV - PLEA DATE: 3/26/15

ASSMT DC GEN ANALYSIS

ASSMNT 3: A DC GENETIC MARKER
DISPOSITION: JUDG OF CONV - PLEA DATE: 3/26/15

ASSMT DC GENETIC

MAJOR EVENTS

4/30/14 ARRAIGNMENT (DC)	FOR: 5/12/14 10:30	DC2SEC	000
5/09/14 FILE CHECKED OUT BY:		DEMARS	000
5/14/14 FILE CHECKED IN BY:		PECK	000
10/23/14 FILE CHECKED OUT BY:		RODRIGUEZ	000
10/23/14 ARRAIGNMENT (DC)	FOR: 11/10/14 9:00	DC2SEC	000
10/23/14 FILE CHECKED IN BY:		PECK	000
11/07/14 FILE CHECKED OUT BY:		DEMARS	000
11/12/14 JURY TRIAL -- DAY 1 SET: 11/12/14 / # DISPOSITION: VACATED	FOR: 1/06/15 9:00	DC2SEC	000
11/12/14 JURY TRIAL AD'L DAYS DISPOSITION: VACATED	FOR: 1/07/15 9:00	DC2SEC	000
11/12/14 JURY TRIAL AD'L DAYS DISPOSITION: VACATED	FOR: 1/08/15 9:00	DC2SEC	000
11/12/14 HEARING ON MOTION	FOR: 12/18/14 11:00	DC2SEC	000
11/12/14 FILE CHECKED IN BY:		PECK	000
12/11/14 FILE CHECKED OUT BY:		DEMARS	000
1/05/15 MANDATORY APPEARANCE	FOR: 1/05/15 8:30	DC2SEC	000
1/05/15 CHANGE OF PLEA	FOR: 1/05/15 10:30	DC2SEC	000
1/05/15 SENTENCING	FOR: 3/09/15 10:30	DC2SEC	000

PGM ID-DSPDOC
DATE 4/08/15

ELKO COUNTY COURT SYSTEM
CASE#: EC DC CR-FP-14-0000198

PAGE 2
TIME 12:03

1/06/15 FILE CHECKED IN BY:	PECK	000
3/05/15 FILE CHECKED OUT BY:	DEMARS	000
3/10/15 SENTENCING	FOR: 3/16/15 10:30 DC2SEC	000
3/17/15 SENTENCING	FOR: 3/23/15 10:30 DC2SEC	000
3/26/15 FILE CHECKED IN BY:	PECK	000
3/27/15 FILE CHECKED OUT BY:	JAKEMAN	000
4/07/15 FILE CHECKED IN BY:	PECK	000
3/27/15 DATE CLOSED	DISPOSITION: FILE CLOSED	

FILING		PROCEEDINGS		
DATE	EVENT	COMMENT	EVENT DATE	ENTRY PERSON/P
2/08/14	BOOKING INFORMTN RPT			MERKLEY 002
2/08/14	DISPOSITION DATA			MERKLEY 002
		"GREEN SHEET" FINGERPRINT RECORD RECEIVED		
2/08/14	BAIL BOND			MERKLEY 002
		RECEIPT # AS100 128689 - \$20,000.00		
2/10/14	BOOKING INFORMTN RPT			MERKLEY 002
		REVISED		
2/10/14	RECEIPT(S)			MERKLEY 002
2/10/14	AGREEMENT TO APPEAR			MERKLEY 002
		and Waive Extradition		
2/28/14	CRIMINAL COMPLAINT			MERKLEY 001
		FOR JUSTIN PATRICK KELLEY		
4/09/14	APPL FOR APPT ATTY			MERKLEY 002
		APPLICATION FOR APPOINTMENT OF ATTORNEY		
4/09/14	ORD APPOINTING ATTY			MERKLEY 002
4/24/14	ORD BINDING OVER -DC			MERKLEY 002
4/28/14	RECORD OF CT PROC.			MERKLEY 000
4/29/14	FILE OPEN - DC CRIM			PLUNKETT 002
		FILE OPENED - DC CRIMINAL		
4/30/14	CRIMINAL INFORMATION			RODRIGUEZ001

PGM ID-DSPDOC
DATE 4/08/15

ELKO COUNTY COURT SYSTEM
CASE#: EC DC CR-FP-14-0000198

PAGE 3
TIME 12:03

Certified copy issued

4/30/14 ARRAIGNMENT (DC)	FOR: 5/12/14 10:30	DC2SEC	000
5/09/14 FILE CHECKED OUT BY: DC 2 for review/signature		DEMARS	000
5/12/14 HRG - DC2-ARRAIGN		DEMARS	000
5/14/14 FILE CHECKED IN BY:		PECK	000
5/14/14 NOTICE OF FORFEITURE		PECK	002
5/14/14 ORD TO ISS BENCH WAR		PECK	002
5/14/14 FILE INACTIVE CRIM CRIMINAL FILE INACTIVE		PECK	002
5/14/14 BENCH WARRANT ISSUED DISPOSITION: B. WARRANT CANCELLED		PECK	002
5/19/14 MOT TO QUASH BENCH WARRANT		RODRIGUEZ	002
5/19/14 OPPOSITION TO MOTION TO QUASH BENCH WARRANT		PECK	001
5/21/14 TRANSCRIPT-PRELIM HELD IN EJC ON 4/23/14		RODRIGUEZ	000
6/09/14 CERTIFIED MAIL RECPT TO ELKO BAIL BONDS AND AMERICAN SURETY		RODRIGUEZ	000
8/22/14 NOTE ADDED TO FILE RESPONSE TO ECSO WRNT VALIDATION "AS OF AUG 22, 2014 THE ORIGINAL WARRANT HAS NOT BEEN RET'D/FILED AT THE CLERK'S OFFICE"		RODRIGUEZ	000
10/23/14 BENCH WARRANT FILED		RODRIGUEZ	002
10/23/14 INFORMATION SHEET ECSO WARRANT SERVICE INFO SHEET, COPY PLACED IN ECSO PICK UP BOX @ 9:11		RODRIGUEZ	002
10/23/14 FILE REACTIVATE CRIM CRIMINAL FILE REACTIVATED		RODRIGUEZ	002
10/23/14 FILE CHECKED OUT BY: DC 2 for review/signature		RODRIGUEZ	000
10/23/14 ARRAIGNMENT (DC)	FOR: 11/10/14 9:00	DC2SEC	000
10/23/14 FILE CHECKED IN BY:		PECK	000

PGM ID-DSPDOC
DATE 4/08/15

ELKO COUNTY COURT SYSTEM
CASE#: EC DC CR-FP-14-0000198

PAGE 4
TIME 12:03

10/29/14 MOT TO RELEASE ON OR (FILE CHECKED OUT SENT PLEADING TO DC 2)	PECK	002
11/03/14 OPPOSITION TO MOTION FOR RELEASE ON O.R. OR IN THE ALTERNATIVE REDUCTION OF BAIL	RODRIGUEZ	001
11/07/14 FILE CHECKED OUT BY: DC 2 for review/signature	DEMARS	000
11/10/14 HRG - DC2-ARRAIGN	DEMARS	002
11/12/14 JURY TRIAL -- DAY 1 SET: 11/12/14 / # FOR: 1/06/15 9:00 DISPOSITION: VACATED JURY TRIAL - DAY 1	DC2SEC	000
11/12/14 JURY TRIAL AD'L DAYS DISPOSITION: VACATED JURY TRIAL ADDITIONAL DAYS	FOR: 1/07/15 9:00 DC2SEC	000
11/12/14 JURY TRIAL AD'L DAYS DISPOSITION: VACATED JURY TRIAL ADDITIONAL DAYS	FOR: 1/08/15 9:00 DC2SEC	000
11/12/14 HEARING ON MOTION -hearing on pretrial motions & contempt hearing re: p rior FTA	FOR: 12/18/14 11:00 DC2SEC	000
11/12/14 REQUEST - DISCLOSURE BY DEF OF EVIDENCE RELATING TO DEFENSE PLEADING PLACED IN DC2 PICK UP BOX @ 2:43	RODRIGUEZ	001
11/12/14 BOOKING INFORMTN RPT	FLEURY	002
11/12/14 FILE CHECKED IN BY:	PECK	000
11/12/14 PRETRIAL ORDER	PECK	000
11/13/14 OFFER OF PROOF CONCERNING IMPEACHMENT OF DEFENDANT WITH PRIOR FELONY CONVICTIONS	PECK	001
11/19/14 NOTICE OF INTENT TO FILE AN ALLEGATION OF HABITUAL CRIMINALITY PURSUANT TO THE PROVISIONS OF NRS 207.010	PECK	001
11/26/14 MOT TO DISMISS	RODRIGUEZ	002
12/02/14 AMENDED MOTION TO DISMISS	PECK	002
12/05/14 OPPOSITION TO MOTION	MERKLEY	001

PGM ID-DSPDOC
DATE 4/08/15

ELKO COUNTY COURT SYSTEM
CASE#: EC DC CR-FP-14-0000198

PAGE 5
TIME 12:03

TO DISMISS

12/10/14 RESPONSE TO OPPOSITN TO DISMISS	RODRIGUEZ002
12/11/14 FILE CHECKED OUT BY: DC 2 for review/signature	DEMARS 000
12/18/14 HRG - CR HEARING ON PRETRIAL MOTIONS AND CONTEMPT RE: FTA	DEMARS 000
12/23/14 NOTICE OF WITNESSES (FILE CHECKED OUT SENT PLEADING TO DC 2)	PECK 001
12/29/14 HRG - CR REQUEST FROM ECSO FOR RELEASE OF DEFENDANT DUE TO MEDICAL ISSUE	DEMARS 002
12/30/14 ORD GRANTING REQUEST TO RELEASE DEFENDANT ON HIS OWN RECOGNIZANCE (FILE CHECKED OUT SENT PLEADING TO DC 2)	PECK 000
12/30/14 ORD DENYING MOTION TO DISMISS	PLUNKETT 000
12/30/14 AMENDED ORDER GRANTING REQUEST TO RELEASE DEFENDANT ON OWN RECOGNIZANCE	PLUNKETT 000
12/31/14 HRG - DC2-JURY TRIAL	DEMARS 002
1/02/15 MEMO OF PLEA AGREEMENT # OF PAGES 7 (FILE CHECKED OUT SENT PLEADING TO DC 2)	PECK 002
1/05/15 HRG - DC2-COP/ARRAIG	DEMARS 002
1/05/15 HEARING -hearing on request for release	FOR: 12/29/14 16:15 DC2SEC 000
1/05/15 MANDATORY APPEARANCE MANDATORY APPEARANCE	FOR: 1/05/15 8:30 DC2SEC 000
1/05/15 CHANGE OF PLEA CHANGE OF PLEA	FOR: 1/05/15 10:30 DC2SEC 000
1/05/15 TRANS CONF RPT - P&P	DEMARS 002
1/05/15 SENTENCING SENTENCING	FOR: 3/09/15 10:30 DC2SEC 000
1/05/15 AGREEMENT TO APPEAR	RODRIGUEZ002

PGM ID-DSPDOC
DATE 4/08/15

ELKO COUNTY COURT SYSTEM
CASE#: EC DC CR-FP-14-0000198

PAGE 6
TIME 12:03

and Waive Extradition
PLEADING PLACED IN DC2 PICK UP BOX @ 4:11

1/05/15 HRG - CR	DEMARS	002
MANDATORY APPEARANCE		
1/06/15 FILE CHECKED IN BY:	PECK	000
3/05/15 FILE CHECKED OUT BY:	DEMARS	000
DC 2 for review/signature		
3/09/15 HRG - DC2-SENTENCE	DEMARS	002
3/09/15 FAX	RODRIGUEZ	002
OF LETTERS THAT PUBLIC DEFENDER'S OFFICE DELIVERED TO DC2		
PLEADING PLACED IN DC2 PICK UP BOX @3:30		
3/10/15 SENTENCING	FOR: 3/16/15 10:30 DC2SEC	000
SENTENCING		
3/16/15 HRG - DC2-SENTENCE	DEMARS	002
3/17/15 SENTENCING	FOR: 3/23/15 10:30 DC2SEC	000
SENTENCING		
3/20/15 HRG - DC2-SENTENCE	DEMARS	002
3/26/15 FILE CHECKED IN BY:	PECK	000
3/26/15 JUDG OF CONV - PLEA	JAKEMAN	002
CT 1: ELUDING A POLICE OFFICER, A CATEGORY B FELONY AS DEFINED BY NRS 484B.550 (FORMERLY NRS 484.348): 12-48 months NDOC, suspended 60 months probation, \$25 admin fee, \$3 genetic analysis fee, \$150 genetic testing fee, submit to genetic marker test, complete Adult Drug Court, no alcohol or gambling, obtain substance abuse evaluation (4 pgs)		
3/27/15 PAYMENT/AR UPDATE	JAKEMAN	002
DISPOSITION:	Current A/R Account Info	
A/R SOURCE BALANCES	A/R ACCOUNT BALANCES	
Amount Due \$178.00	Amount Due \$178.00	
Amount Paid .00	Amount Paid .00	
Susp/Wrt Off .00	Susp/Wrt Off .00	
SRC NOW DUE .00	TOT NOW DUE .00	
Last Pmt Date 0/00/00	Last Pmt Date 0/00/00	
Last Pmt Amt .00	Last Pmt Amt .00	
Next Due Date 4/01/15	Past Due .00	
	Min Mon Pmt \$25.00	
3/27/15 TRANSFER TO A/R	TRANSFER TO A/R	JAKEMAN 002

PGM ID-DSPDOC
DATE 4/08/15

ELKO COUNTY COURT SYSTEM
CASE#: EC DC CR-FP-14-0000198

PAGE 7
TIME 12:03

3/27/15 FILE CLOSED	JAKEMAN	000
3/27/15 FILE CHECKED OUT BY: DC 2 for review/signature Need Order Exonerating Bail Bond	JAKEMAN	000
3/27/15 STIPULATION TO ALLOW APPELLANT TO PROCEED ON APPEAL IN FORMA PAUPERIS (FILE CHECKED OUT SENT PLEADING TO DC 2)	PECK	002
3/27/15 SUBMISSION OF ORDER ORDER SENT TO JUDGE FOR SIGNATURE ORDER TO ALLOW APPELLANT TO PROCEED ON APPEAL IN FORMA PAUPERIS	PECK	002
4/07/15 ORDER TO ALLOW APPELLANT TO PROCEED ON APPEAL IN FORMA PAUPERIS	PECK	002
4/07/15 FILE CHECKED IN BY:	PECK	000
4/07/15 ORD EXONERATING BAIL AS100 128689 \$20,000 Certificate of Discharge Bond placed in Elko Justice Court box	JAKEMAN	002
4/08/15 NOTICE OF APPEAL	RODRIGUEZ	002
4/08/15 CASE APPEAL STATEMNT	RODRIGUEZ	002
4/08/15 REQUEST - RD TRNSCPT	RODRIGUEZ	002

BONDS		
2/08/14 BOND-SURETY SURETY BOND (ORG AMT: 20,000.00 RCPT: 128689	JAKEMAN	
POSTED BY: ELKO BAIL BONDS		
4/07/15 BOND-EXONERATED	JAKEMAN	

1 CASE NO. CR-AP-14-198
2 DEPT. II

FILED

2015 APR -7 AM 9:51

ELKO CO DISTRICT COURT

3
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5
6 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
7 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO

8
9 JUSTIN PATRICK KELLEY,

10 Appellant,

11 v.

12 THE STATE OF NEVADA,

13 Respondent.

ORDER TO ALLOW APPELLANT TO
PROCEED ON APPEAL IN FORMA
PAUPERIS

14
15 It appearing to the Court that JUSTIN PATRICK KELLEY has filed a timely Notice of
16 Appeal and the parties have filed a Stipulation to Proceed on Appeal in Forma Pauperis and good
17 cause appearing therefore,
18

19 IT IS THEREFORE ORDERED that the Appellant be allowed to proceed in his appeal in
20 forma pauperis.

21
22 SO ORDERED this 7 day of March, 2015.

23
24
25 ALVIN R. KACIN
DISTRICT JUDGE
26
27
28
29

1 CASE NO. CR-AP-14-198
2 DEPT. II

FILED
2015 MAR 27 PM 3:31
ELKO CO DISTRICT COURT
CLERK _____ DEPUTY AK

3
4
5
6 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
7 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO

8
9 JUSTIN PATRICK KELLEY,

10 Appellant,

11 v.

12 THE STATE OF NEVADA,

13 Respondent.

14
15 } STIPULATION TO ALLOW APPELLANT
16 } TO PROCEED ON APPEAL IN FORMA
17 } PAUPERIS
18 }
19 }

20 COME NOW the Appellant, JUSTIN PATRICK KELLEY, by and through her attorney,
21 ROGER H. STEWART, Elko County Deputy Public Defender, and the Respondent, by and
22 through JONATHAN L. SCHULMAN, of the County Attorney's Office and hereby stipulate to
23 allow Appellant to proceed on appeal in forma pauperis.

24 SO STIPULATED this 24 day of March, 2015.

25
26
27
28
29
FREDERICK B. LEE, JR.
ELKO COUNTY PUBLIC DEFENDER
569 Court Street
Elko NV 89801

By: AK
ROGER H. STEWART
Deputy Public Defender
NV Bar Number 3823

///

///

1 SO STIPULATED this 27th day of March, 2015.

2 MARK TORVINEN
3 ELKO COUNTY DISTRICT ATTORNEY
4 540 Court Street
5 Elko NV 89801

6 By: 

7 JONATHAN L. SCHULMAN
8 Deputy District Attorney
9 NV Bar Number 9180
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
1 CASE NO. CR-FP-14-0198

2 DEPT. NO. 2

FILED

2015 MAR 26 AM 10:09

ELKO CO DISTRICT COURT

CLERK _____ DEPUTY _____ 

3
4
5
6 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
7 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO
8

9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

12 JUSTIN PATRICK KELLEY,

13 Defendant.
14

JUDGMENT OF CONVICTION

(Probation / Guilty Plea)

15 On January 5, 2015, the above-named Defendant, JUSTIN PATRICK KELLEY, (date
16 of birth: 05/19/1991 {age: 23}, place of birth: Modesto, California) entered a plea of guilty to
17 the crime of **COUNT 1: ELUDING A POLICE OFFICER, A CATEGORY B FELONY AS**
18 **DEFINED NY NRS 484B.550 (FORMERLY NRS 484.348)**, which crime occurred on or
19 about the 8th day of February, 2014.
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21 At the time said Defendant entered his plea of guilty, this Court informed him of the
22 privilege against compulsory self-incrimination, his right to a speedy trial, his right to a trial by
23 jury, and his right to confront his accusers. At said time Defendant was also advised of the
24 maximum penalty for the crime to which he would plead guilty and the elements of that
25 crime. After being so advised, the Defendant stated that he understood these rights and that
26 he still desired this Court to accept his plea of guilty.
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1 As a result of the foregoing, this Court on March 23, 2015, finds the above-named
2 Defendant guilty of the crime(s) of **COUNT 1: ELUDING A POLICE OFFICER, A**
3 **CATEGORY B FELONY AS DEFINED NY NRS 484B.550 (FORMERLY NRS 484.348)**, for
4 which he was found guilty and hereby sentences said Defendant on this 23rd day of March,
5 2015, as follows:

7 **IT IS HEREBY ORDERED** that the Defendant shall submit to testing
8 to determine his genetic markers in accordance with the provisions
9 of NRS 176.0913, and shall pay the One Hundred Fifty Dollar
10 (\$150.00) genetic testing fee in accordance with the provisions of
11 NRS 176.0915. In addition, the Defendant shall pay a Three Dollar
12 (\$3.00) genetic administrative assessment fee.

13 For Count 1, the Defendant is hereby sentenced to serve a maximum
14 term of forty-eight (48) months in the Nevada Department of
15 Corrections with a minimum parole eligibility after twelve (12)
16 months.

17 **IT IS FURTHER ORDERED** that the sentence for Count 1 is hereby
18 suspended and the Defendant placed on a term of probation of sixty
19 (60) months. While on probation, the Defendant shall comply with
20 the standard rules of probation, including the following special
21 conditions:

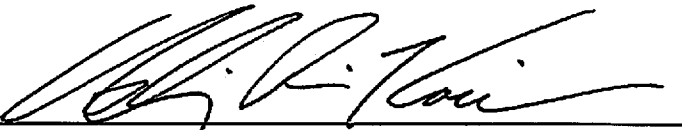
- 22 1. That the Defendant shall enter and successfully complete the
23 Fourth Judicial District Court Adult Drug Court Program;
- 24 2. That the Defendant completely abstain from the use, possession
25 or consumption of any alcoholic beverage. Further, that the
26 Defendant completely abstain from being present in any cocktail
27 lounge, bar or similar establishment for which the primary
28 purpose is serving alcoholic beverages, unless required to be so
present during actual employment;
3. That the Defendant obtain a substance abuse evaluation at his
own expense, and shall receive credit for completing said
evaluation;
4. That the Defendant completely abstain from gambling, or from
being present in a gambling establishment except for
employment purposes.

1 **IT IS FURTHER ORDERED** in accordance with the provisions of NRS 176.062, that
2 the Defendant shall forthwith pay to the Elko County Clerk, the sum of Twenty-five Dollars
3 (\$25.00), as an administrative assessment fee, and judgment therefore is hereby entered
4 against the Defendant.
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6 At the time said Defendant entered his plea of guilty, and at the time he was
7 sentenced, he was represented by Roger H. Stewart, Esq.

8 THEREFORE, the Clerk of the above-entitled Court is hereby directed to enter this
9 Judgment of Conviction as part of the record in the above-entitled matter.
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11 **DATED** this 25 day of March, 2015.

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14 ALVIN R. KACIN
15 District Court Judge
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1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), I certify that I am an employee of the Fourth Judicial District
3 Court, Department 2, and that on this 26 day of March, 2015, I served by hand delivery
4 by placing a copy of said document in the agency box located in the Elko County Clerk's
Office, a true copy of the foregoing document to:

5 Elko County District Attorney (2)

6 Roger H. Stewart, Esq.

7 State of Nevada, Division of Parole & Probation
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11 Stefanie Pattani
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**IN THE FOURTH JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA**

RECORD OF COURT PROCEEDINGS

Present - Honorable ALVIN R. KACIN, District Judge,
and Officers of the Court.

STATE OF NEVADA,

Plaintiff,

Date: 05/12/14

VS.

Case No.: CR-FP-14-0198

Dept: 2

JUSTIN PATRICK KELLEY,

Defendant.

State of Nevada represented by David Buchler, Esq.
Defendant not present, not in custody, and represented by
Roger Stewart, Esq.

Division of Parole and Probation represented by Lisa Elliott.
Court Clerk, Angelina DeMars, present.
Lisa Manley present as Court Reporter.

ARRAIGNMENT – FTA

The Court noted the presence of the parties.

This was the date and time set for an arraignment on the Criminal Information filed on April 30, 2014 charging COUNT 1: ELUDING A POLICE OFFICER, A CATEGORY B FELONY AS DEFINED BY NRS 484B.550 (FORMERLY NRS 484.348).

The Court inquired as to the presence of the Defendant.

Defense Counsel informed the Court counsel's office had spoken with the Defendant advising he was on his way from Wells, Nevada.

The Court inquired if the parties were available at 4:00 pm to address this hearing.

The State objected to a continuance, requested a bench warrant be issued and offered an explanation.

Defense Counsel provided additional information to the Court regarding the call his office made to the Defendant.

The Court **ORDERED** the Defendant's previously posted bail bond in the amount of \$20,000.00 be forfeited and a bench warrant be issued with bail set at \$25,000.00.

Court adjourned.

Court adjourned.

**IN THE FOURTH JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA**

RECORD OF COURT PROCEEDINGS

Present - Honorable ALVIN R. KACIN, District Judge,
and Officers of the Court.

STATE OF NEVADA,

Plaintiff,

Date: 11/10/14

VS.

Case No.: CR-FP-14-0198

Dept: 2 – Elko County Jail

JUSTIN PATRICK KELLEY,

Defendant.

State of Nevada represented by David Buchler, Esq.

Defendant present, in custody, and represented by

Roger Stewart, Esq.

Division of Parole and Probation represented by Annis Seopaul.

Court Clerk, Angelina DeMars, present.

Lisa Manley present as Court Reporter.

ARRAIGNMENT – NOT GUILTY

The Court noted the presence of the parties.

This was the date and time set for an arraignment on the Criminal Information filed April 30, 2014 charging COUNT 1: ELUDING A POLICE OFFICER, A CATEGORY B FELONY AS DEFINED BY NRS 484B.550 (FORMERLY NRS 484.348).

A certified copy of the Criminal Information was presented to the Defendant.

The name of the Defendant was correctly stated.

The Defendant advised that he reviewed the Criminal Information with his attorney, and was satisfied with legal representation to date.

Defense counsel waived the formal reading of the Criminal Information.

The Court read the charging portion of the Criminal Information and asked the Defendant to enter a plea.

The Defendant entered a plea of not guilty to the charge.

The Court advised the Defendant of the right to be tried within 60 days from today's date.

The Defendant did not waive the sixty-day rule.

The Court advised that it would set a 3-day trial and call 90 prospective jurors.

The Court noted a Motion to Release the Defendant on his own recognizance or in the alternative to reduce bail was filed October 29, 2014. The Court further noted the State filed an Opposition to the Motion on November 3, 2014. The Court noted a Reply had not been filed and inquired if the parties wished to argue the matter at this time.

Both parties advised they wished to argue the matter.

The Court inquired if there was any evidence to present.

Neither party offered any evidence.

Defense counsel presented argument to the Court on behalf of the Defendant.

The State presented argument to the Court and requested the Motion be denied.

The Defendant addressed the Court.

The Court **DENIED** the Motion to Release the Defendant on his own recognizance. The Court **GRANTED** the request for a reduction in bail and **ORDERED** the Defendant's bail be reduced to \$50,000.00 bondable.

The Court advised the judicial assistant would contact the parties to set a contempt hearing regarding the previous failure to appear.

The Defendant was returned to the custody of the Elko County Sheriff's Department.

Court adjourned.

**IN THE FOURTH JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA**

RECORD OF COURT PROCEEDINGS

Present - Honorable ALVIN R KACIN, District Judge,
and Officers of the Court.

STATE OF NEVADA,

Plaintiff,

Date: 12/18/14

VS.

Case No.: CR-FP-14-0198

Dept: 2

JUSTIN PATRICK KELLEY,

Defendant.

State of Nevada represented by Jonathan Schulman, Esq.

Defendant present, in custody, and represented by

Roger Stewart, Esq.

Court Clerk, Angelina DeMars, present.

Lisa Manley present as Court Reporter.

HEARING ON PRETRIAL MOTIONS AND CONTEMPT

The Court noted the presence of the parties.

This was the date and time set for a hearing on pretrial motions. The Court noted the matter had been set for trial beginning January 6, 2014. The Court inquired if the parties were ready to proceed with the hearing today.

Both parties advised they were ready to proceed.

The Court noted the Defendant had been charged in a Criminal Information filed April 30, 2014 with COUNT 1: ELUDING A POLICE OFFICER, A CATEGORY B FELONY AS DEFINED BY NRS 484B.550 (FORMERLY NRS 484.348). The Court further noted the Defendant failed to appear at his arraignment on May 12, 2014 and a bench warrant was issued.

The Court advised Defense counsel had filed a Motion to quash the bench warrant on May 19, 2014. The Court further advised the Defendant had been arrested on the bench warrant and therefore **DENIED** the Motion to quash stating the Motion was now mute.

The Court noted Defense counsel had filed a Motion to release the Defendant on his own recognizance or in the alternative reduce bail on October 29, 2014. The Court further noted the State had filed an Opposition to the Motion on November 3, 2014. The Court noted the State filed an Offer of Proof concerning impeachment of the Defendant with prior felony convictions on November 13, 2014. The Court noted Defense counsel had filed a Motion to dismiss on November 26, 2014 and an Amended Motion to dismiss on December 2, 2014. The Court further noted the State filed an Opposition to the Motion on December 5, 2014. The Court noted Defense counsel had filed a Response to the Opposition on December 10, 2014.

The Court confirmed the issues to be argued at today's hearing were the Motion to dismiss and the Offer of Proof.

Both parties submitted the Offer of Proof to the Court and advised they would present argue to the Court regarding the Motion to Dismiss.

The Court **ORDERED** the prior DUI convictions could be used if the Defendant testified and denied having any priors.

The Court directed the parties to present argument on the Motion to dismiss.

Defense counsel presented argument to the Court on behalf of the Defendant.

The State presented argument to the Court.

Defense counsel presented rebuttal argument.

The Court advised it would take the matter under consideration and would issue an Order.

The Court inquired if the parties wished to argue the Motion for release on the Defendant's own recognizance.

The State inquired if the Motion was addressed at the arraignment.

The Court reviewed the file and confirmed it had previously denied the Motion for release.

Defense counsel inquired if today was also the date and time to address the contempt issue.

The Court directed the parties to present argument to the Court.

The State submitted the matter.

Defense counsel presented argument to the Court.

The Court advised the Defendant of his right to make a statement on his own behalf.

The Defendant did not address the Court.

The Court found the Defendant in contempt and **ORDERED** the Defendant to serve 10 days in the Elko County Jail with credit for time served.

The Defendant was remanded to the custody of the Elko County Sheriff's Department.

Court adjourned.

**IN THE FOURTH JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA**

RECORD OF COURT PROCEEDINGS

Present - Honorable ALVIN R. KACIN, District Judge,
and Officers of the Court.

STATE OF NEVADA,

Plaintiff,

Date: 01/05/15

VS.

Case No.: CR-FP-14-0198

Dept: 2

JUSTIN PATRICK KELLEY,

Defendant.

State of Nevada represented by Jonathan Schulman, Esq.

Defendant present, not in custody, and represented by

Roger Stewart, Esq.

Division of Parole and Probation represented by Lisa Elliott.

Court Clerk, Angelina DeMars, present.

Lisa Manley present as Court Reporter.

CHANGE OF PLEA – GUILTY PLEA AGREEMENT

The Court noted the presence of the parties.

This was the date and time set for a change of plea arraignment on the Criminal Information April 30, 2014 charging COUNT 1: ELUDING A POLICE OFFICER, A CATEGORY B FELONY AS DEFINED BY NRS 484B.550 (FORMERLY NRS 484.348).

A certified copy of the Criminal Information was previously presented to the Defendant.

The name of the Defendant was correctly stated.

The Defendant advised that he reviewed the Criminal Information with his attorney, and was satisfied with legal representation to date.

Defense counsel waived the formal reading of the Criminal Information.

The Court read the charging portion of the Criminal Information and asked the Defendant to enter a plea.

The Defendant entered a plea of guilty to the charge.

The Court canvassed the Defendant regarding his personal information.

The Court noted that a 7-page Memorandum of Plea Agreement was filed January 02, 2015 and canvassed the Defendant concerning the agreement.

The Court canvassed the Defendant regarding the elements of the crime, the potential defenses, and his constitutional rights.

Defense counsel placed the terms of the Plea Agreement on the record. All parties concurred.

The State cited the elements of the crime and the potential penalties involved.

The Court advised the Defendant that sentencing was wholly within the discretion of the Court.

The Court reviewed the Defendant's Constitutional Rights and the Defendant waived the same.

The Defendant presented an explanation of the crime alleged in the Criminal Information.

The Court found that the Defendant's plea was offered voluntarily, knowledgeably, and intelligently, with full knowledge of his Constitutional Rights, and there was a factual basis for the plea, and the Defendant understood the consequences of his plea.

The Court **ORDERED** a Presentence Investigation Report due on or before February 13, 2015. Sentencing was set for March 9, 2015 at 10:30 am.

The Court instructed the Defendant to cooperate with the Division in the preparation of the presentence investigation report. If he did not do so, he could be found in contempt.

The Court **ORDERED** the Defendant be continued released on his own recognizance.

Court adjourned.

**IN THE FOURTH JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA**

RECORD OF COURT PROCEEDINGS

Present - Honorable ALVIN R KACIN, District Judge,
and Officers of the Court.

STATE OF NEVADA,

Plaintiff,

Date: 01/05/15

VS.

Case No.: CR-FP-14-0198

Dept: 2

JUSTIN PATRICK KELLEY,

Defendant.

State of Nevada represented by Jonathan Schulman, Esq.

Defendant present, not in custody, and represented by

Roger Stewart, Esq.

Court Clerk, Angelina DeMars, present.

Lisa Manley present as Court Reporter.

MANDATORY APPEARANCE HEARING

The Court noted the presence of the parties.

The matter was before the Court for a mandatory appearance hearing.

The Court noted a trial was set to begin on January 6, 2015. The Court further noted a Plea Agreement had been filed January 2, 2015. The Court advised the parties it would like to set the matter for a change of plea hearing today at 10:30 am and inquired if there was any objection.

Neither party offered an objection.

Defense counsel offered Defendant's Exhibit A, medical records from NNRH and University of Utah, for admittance. There being no objection, the Court **ORDERED** Defendant's Exhibit A admitted.

The Court inquired if the Defendant was taking any medications and if so felt he could continue.

The Defendant advised the Court of the medication he was currently taking and stated he was in the position to proceed with the hearing later this morning.

The Court directed the parties to return at 10:30 am for the change of plea.

Court adjourned.

**IN THE FOURTH JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA**

RECORD OF COURT PROCEEDINGS

Present - Honorable ALVIN R. KACIN, District Judge,
and Officers of the Court.

STATE OF NEVADA,

VS.

Plaintiff,

Date: 03/09/15

Case No.: CR-FP-14-0198

Dept: 2

JUSTIN PATRICK KELLEY,

Defendant.

State of Nevada represented by Chad Thompson, Esq.

Defendant present, not in custody, and represented by

Roget Stewart, Esq.

Division of Parole and Probation represented by Annis Seopaul.

Court Clerk, Angelina DeMars, present.

Lisa Manley present as Court Reporter.

SENTENCING HEARING

The Court noted the presence of the parties.

This was the date and time set for sentencing.

The Court noted it had received and reviewed the Presentence Investigation Report, the Defendant's statement and letters of support sent via fax. The Court inquired if the parties had received the documents.

All parties advised they were in receipt of the Presentence Investigation Report with the recommendation of the Division of Parole and Probation and the Defendant's statement.

The State advised they did not receive the letters in support via fax.

Defense counsel provided a copy to the State.

The State took a brief moment to review the letters in support sent via fax.

The State did not make any corrections to the report.

Defense counsel did not make any corrections to the report.

After being canvassed by the Court, both parties advised that there was no cause why formal judgment should not be entered at this time.

The Court **ORDERED** a Judgment of Conviction be entered against the Defendant finding the Defendant guilty of COUNT 1: ELUDING A POLICE OFFICER, A CATEGORY B FELONY AS DEFINED BY NRS 484B.550 (FORMERLY NRS 484.348) by guilty plea entered January 5, 2015.

The State presented its position for sentencing.

Defense counsel presented a recommendation on behalf of the Defendant.

The Court advised the Defendant of his right to make a statement on his own behalf.

The Defendant addressed the Court.

Discussion was held regarding having the Defendant being evaluated for the Fourth Judicial District Adult Drug Court Program.

The State submitted the matter to the Court.

The matter being submitted;

The Court continued the sentencing until March 16, 2015 at 10:30 am to permit the Defendant to be evaluated for the Drug Court Program.

The Court **ORDERED** the Defendant be continued released on his own recognizance.

Court adjourned.

**IN THE FOURTH JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA**

RECORD OF COURT PROCEEDINGS

Present - Honorable ALVIN R. KACIN, District Judge,
and Officers of the Court.

STATE OF NEVADA,

Plaintiff,

Date: 03/16/15

VS.

Case No.: CR-FP-14-0198

Dept: 2

JUSTIN PATRICK KELLEY,

Defendant.

State of Nevada represented by Tyler Ingram, Esq.
Defendant present, not in custody, and represented by
Roger Stewart, Esq.

Division of Parole and Probation represented by Annis Seopaul.
Court Clerk, Angelina DeMars, present.
Lisa Manley present as Court Reporter.

SENTENCING HEARING - CONTINUED

The Court noted the presence of the parties.

This was the date and time set for sentencing.

The Court made a record of the case.

The Court inquired if the Defendant had been evaluated by the Drug Court evaluator.

Defense counsel informed the Court the evaluation had taken place on Saturday.

The Defendant addressed the Court stating he had been told the Court would have a copy of the evaluation by Court today.

The Court noted it had received an email regarding the evaluation due to the evaluator being out sick. The Court inquired if the Defendant was still requesting Diversion.

Defense counsel advised the Court it had discussed the issues the Defendant would face while being in Drug Court.

The Court advised it would continue the matter to March 23, 214 at 10:30 am in order to review the evaluation.

The Defendant was continued released on his own recognizance.

Court adjourned.

**IN THE FOURTH JUDICIAL DISTRICT COURT
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA**

RECORD OF COURT PROCEEDINGS

Present - Honorable ALVIN R. KACIN, District Judge,
and Officers of the Court.

STATE OF NEVADA,

VS.

Plaintiff,

Date: 03/23/15

Case No.: CR-FP-14-0198

Dept: 2

JUSTIN PATRICK KELLEY,

Defendant.

State of Nevada represented by Mark Mills, Esq.
Defendant present, not in custody, and represented by
Roger Stewart, Esq.

Division of Parole and Probation represented by Annis Seopaul.
Court Clerk, Angelina DeMars, present.
Lisa Manley present as Court Reporter.

SENTENCING HEARING

The Court noted the presence of the parties.

This was the date and time set for a continued sentencing.

The Court noted the Defendant had been evaluated by the Drug Court Evaluator and approved for the Drug Court Program. The Court inquired about the position of the Defendant.

Defense counsel provided argument on behalf of the Defendant and advised the Defendant would like to enter the Drug Court program.

The Court canvassed the Defendant regarding the status of his injured hand.

The Court made a record of the case.

All parties advised they were in receipt of the Presentence Investigation Report with the recommendation of the Division of Parole and Probation.

The State did not make any corrections to the report.

Defense counsel did not make any corrections to the report.

After being canvassed by the Court, both parties advised that there was no cause why formal judgment should not be entered at this time.

The Court **ORDERED** a Judgment of Conviction be entered against the Defendant finding the Defendant guilty of COUNT 1: ELUDING A POLICE OFFICER, A CATEGORY B FELONY AS DEFINED BY NRS 484B.550 (FORMERLY NRS 484.348) by guilty plea entered January 5, 2015.

The State adopted the recommendation given by the Division.

Defense counsel presented a recommendation on behalf of the Defendant.

The Court advised the Defendant of his right to make a statement on his own behalf.

The Defendant addressed the Court.

The matter being submitted;

The Court **ORDERED** the Defendant to pay a \$25.00 administrative assessment fee, \$3.00 GMA administrative assessment fee, \$60.00 chemical analysis fee, \$150.00 genetic testing fee, submit to testing to determine his genetic markers, and be sentenced to serve a maximum of 48 months in the Nevada Department of Corrections with minimum parole eligibility after 12 months. Said sentence was suspended and the Defendant was placed on probation for 60 months under the standard terms and conditions of probation with the following special conditions:

1. The Defendant to obtain a substance abuse evaluation and if deemed necessary by the Division enter and complete a program at his own expense.
2. The Defendant to enter and successfully complete the Fourth Judicial Adult Drug Court Program.
3. The Defendant to abstain from the use of alcohol or being present in any establishment that serves alcohol unless required to be so present for employment.
4. The Defendant to abstain from gambling or being present in any gaming establishment unless required to be so present for employment.

Court adjourned.

PGM ID-EXEXIPS
DATE 4/08/2015

ELKO COUNTY COURT SYSTEM
EXHIBIT DATA FOR:

PAGE 1

KELLEY, JUSTIN PATRICK CRFP140000198-002

EXHIBIT #	EXHIBIT DESCRIPTION	LOCATE	LOGGED	BY	DISP
A- HRG 01/05/15	MEDICAL RECORDS FROM NNRH AND UNIVERS	ENV V	1/05/15	ADE	E

PGM ID-EXEXIPS
DATE 4/08/2015

ELKO COUNTY COURT SYSTEM
EXHIBIT DATA FOR:

PAGE 1

NEVADA, STATE OF

CRFP140000198-001

EXHIBIT #	EXHIBIT DESCRIPTION	LOCATE	LOGGED	BY	DISP
1- TRL 01/06/15	MAP OF WELLS, NV	DIAGR	12/31/14	ADE	
2- TRL 01/06/15	MAP OF WELLS, NV - CLOSE UP	DIAGR	12/31/14	ADE	
3- TRL 01/06/15	PHOTO OF WELLS PROPANE	ENV V	12/31/14	ADE	
4- TRL 01/06/15	PHOTO OF WLLS PROPANE - CLOSE UP	ENV V	12/31/14	ADE	
5- TRL 01/06/15	ELKO COUNTY SHERIFF'S OFFICE REPORT	ENV V	12/31/14	ADE	
6- TRL 01/06/15	04/23/14 PRELIMINAY HEARING TRANSCRIP	ENV V	12/31/14	ADE	

Case No. CR-FP-14-0000198

Dept. No. 2

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA

JUSTIN PATRICK KELLEY,
Appellant,

vs.

FAST TRACK DOCUMENTS

STATE OF NEVADA,
Respondent,

The following copies of documents have been sent to the Supreme Court on April 8, 2015, pursuant to the Supreme Court Rule 250 6(a):

1. Notice of Appeal filed on 04/08/2015
2. Case Appeal Statement filed on 04/08/2015
3. Request for Rough Draft Transcript filed on 04/08/2015
4. Case History begun 04/29/2014
5. Order to Allow Appellant to Proceed on Appeal In Forma Pauperis filed on 04/07/2015
6. Stipulation to Allow Appellant to Proceed on Appeal In Forma Pauperis filed on 03/27/2015
7. Judgment of Conviction filed on 03/26/2015
8. Court Minutes – Arraignment – FTA held on 05/12/2014
9. Court Minutes - Arraignment – Not Guilty held on 11/10/2014
10. Court Minutes - Hearing on Pretrial Motions and Contempt held on 12/18/2014
11. Court Minutes – Change of Plea – Guilty Plea Agreement held on 01/05/2015
12. Court Minutes – Mandatory Appearance Hearing held on 01/05/2015
13. Court Minutes – Sentencing Hearing held on 03/09/2015
14. Court Minutes – Sentencing Hearing – Con't held on 03/16/2015
15. Court Minutes – Sentencing Hearing held on 03/23/2015
16. Appellant's Exhibits
17. Respondent's Exhibits

Dated April 8, 2015

Submitted by:


KELLY J ANTONUCCI
DEPUTY CLERK

Case No. CR-FP-14-198

Dept. No. 2

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
IN AND FOR THE COUNTY OF ELKO, STATE OF NEVADA

JUSTIN PATRICK KELLEY,
Appellant,

vs.

STATE OF NEVADA,
Respondent,

CLERK'S CERTIFICATION

I, CAROL FOSMO, the duly elected, acting and qualified County Clerk and Ex-Officio Clerk of the District Court of the Fourth Judicial District of the State of Nevada, in and for the County of Elko, do hereby certify that the annexed are true, full and correct copies of certain documents in Action No. CR-FP-14-198, Dept. 2, JUSTIN PATRICK KELLEY, Appellant, vs. STATE OF NEVADA, Respondent, as appears on file and of record in my office.

WITNESS My Hand and Seal of said Court on April 8, 2015.

CAROL FOSMO, ELKO COUNTY CLERK

By


KELLY J ANTONUCCI, DEPUTY CLERK



CERTIFICATE OF SERVICE

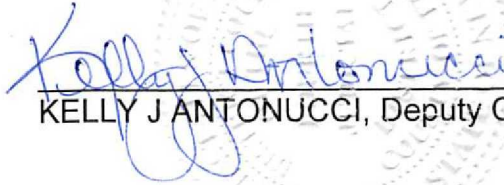
I hereby certify that I caused to be sent electronically and/or mailed a certified copy of the annexed documents in Action No. CR-FP-14-198, Dept. 2, JUSTIN PATRICK KELLEY, Appellant, vs. STATE OF NEVADA, Respondent, as appears on file and of record in this Court, to the following:

ROGER H STEWART, ESQ
cbrown@elkocountynv.net

JONATHAN L SCHULMAN, ESQ
lwatson@elkocountynv.net
csmith@elkocountynv.net
afitch@elkocountynv.net

Catherine Cortez Masto
Nevada Attorney General
Attn: Criminal Division
100 North Carson Street
Carson City, NV 89710-4717

DATED this 8, day of APRIL, 2015.



KELLY J ANTONUCCI, Deputy Clerk