

IN THE SUPREME COURT OF THE STATE OF NEVADA

DENISE MICHELLE VEJMOLA,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

No. 69529

Electronically Filed
Feb 09 2016 12:49 p.m.
Tracie K. Lindeman
Clerk of Supreme Court

**Appeal from a Judgment of Conviction, Case Number CR15-1461
The Second Judicial District Court of the State of Nevada
Honorable Patrick Flanagan, District Judge**

JOINT APPENDIX

JEREMY T. BOSLER
Washoe County Public Defender

CHRISTOPHER J. HICKS
Washoe County District Attorney

JOHN REESE PETTY
Chief Deputy

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Chief Appellate Deputy

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Attorneys for Appellant

Attorneys for Respondent

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RPD RP15-012329

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Jacqueline Bryant
Clerk of the Court
Transaction # 5180838 : mfernand

1 CODE 1800
2 Christopher J. Hicks
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7 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
8 IN AND FOR THE COUNTY OF WASHOE

9 * * *

10 THE STATE OF NEVADA,

11 Plaintiff,

Case No. CR15-1461

12 v.

Dept. No. 7

13 DENISE MICHELLE VEJMOLA,

14 Defendant.

15 INFORMATION

16 CHRISTOPHER J. HICKS, District Attorney within and for the
17 County of Washoe, State of Nevada, in the name and by the authority
18 of the State of Nevada, informs the above entitled Court that DENISE
19 MICHELLE VEJMOLA, the defendant above named, has committed the
20 crime(s) of:

21 COUNT I. BURGLARY, a violation of NRS 205.060, a felony, in
22 the manner following:

23 That the said defendant DENISE MICHELLE VEJMOLA, on the
24 14th day of April, 2015, or thereabout, and before the filing of this
25 Information, at and within the County of Washoe, State of Nevada, did
26 willfully and unlawfully enter Walgreen's located at 3495 South

1 Virginia Street and/or Walmart located at 4855 Kietzke Lane, with the
2 intent then and there to obtain goods or property by false pretenses
3 therein.

4 COUNT II. BURGLARY, a violation of NRS 205.060, a felony,
5 in the manner following:

6 That the said defendant DENISE MICHELLE VEJMOLA, on the
7 14th day of April, 2015, or thereabout, and before the filing of this
8 Information, at and within the County of Washoe, State of Nevada, did
9 willfully and unlawfully enter Save Mart located at 4995 Kietzke Lane
10 with the intent then and there to obtain goods or property by false
11 pretenses therein.

12 COUNT III. POSSESSION OF FORGED INSTRUMENTS, a violation of
13 NRS 205.160, a felony, in the manner following:

14 That the said defendant DENISE MICHELLE VEJMOLA, on or
15 between the 22nd day of March and the 15th day of April, 2015, or
16 thereabout, and before the filing of this Information, at and within
17 the County of Washoe, State of Nevada, did willfully and unlawfully
18 possess a forged bills for the payment of money, to wit: business or
19 personal checks drawn upon the bank accounts of Kimmie's Coffee Shop,
20 Margaret Logie, Donna Surwillo, Ignacio Robles, Dilworth Middle
21 School and/or Portola Station Baptist Church, with intent to pass
22 them or procure them to be uttered or passed, and with intent to
23 defraud Kimmie's Coffee Shop, Margaret Logie, Donna Surwillo, Ignacio
24 Robles, Dilworth Middle School and/or Portola Station Baptist Church,
25 knowing said checks to be forged, at Walgreen's located at 3495 South
26 Virginia Street, Save Mart located at 4995 Kietzke Lane, Walmart

1 located at 4855 Kietzke Lane, Walmart located at 155 Damonte Ranch
2 Parkway and/or Walmart located at 2425 East Second Street.
3
4

5 All of which is contrary to the form of the Statute in such
6 case made and provided, and against the peace and dignity of the
7 State of Nevada.
8

9 CHRISTOPHER J. HICKS
10 District Attorney
11 Washoe County, Nevada
12

13 By: /s/ ZELALEM T. BOGALE
14 ZELALEM T. BOGALE
15 12937
16 DEPUTY DISTRICT ATTORNEY
17
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1 The following are the names and addresses of such witnesses
2 as are known to me at the time of the filing of the within
3 Information:

4
5 CORY AUTREY, RENO POLICE DEPARTMENT
6 BYRON CRAGG, RENO POLICE DEPARTMENT
7 JEREL HALLERT, RENO POLICE DEPARTMENT
8 ALEX (DIMITRIUS) KASSEBAUM, RENO POLICE DEPARTMENT
9 IGNACIO V ROBLES, 17864 VALECITO CT RENO, NV 89508
10 DONNA LYNN SURWILLO, 2699 SPEARPOINT DR Reno, NV 89509
11 KIMMIES COFFEE SHOP, 6770 S VIRGINIA ST Reno, NV 89511
12 MARGARET LOGIE, 1057 NORWOOD AVE OAKLAND, CA
13 VERONICA BETTGER, 85 CLEVELAND RC PLEASANT HILL, CA 94523
14 ERICA PICONE, 4835 KIETZKE LN Reno, NV 89509
15 JOHN SURWILLO,

16 The party executing this document hereby affirms that this
17 document submitted for recording does not contain the social security
18 number of any person or persons pursuant to NRS 239B.230.

19 CHRISTOPHER J. HICKS
20 District Attorney
21 Washoe County, Nevada

22 By/s/ ZELALEM T. BOGALE
23 ZELALEM T. BOGALE
24 12937
25 DEPUTY DISTRICT ATTORNEY

26 PCN: RPD1507361C; RPD1502945C-VEJMOLA

1 CODE 1785
2 Christopher J. Hicks
3 #7747
4 P.O. Box 11130
5 Reno, NV. 89520
6 (775)328-3200
7 Attorney for Plaintiff

8 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,
9
10 IN AND FOR THE COUNTY OF WASHOE

11 * * *

12 THE STATE OF NEVADA,

13 Plaintiff,

Case No. CR15-1461

14 v.

Dept. No. 7

15 DENISE MICHELLE VEJMOLA,

16 Defendant.

17
18 GUILTY PLEA MEMORANDUM

19 1. I, DENISE MICHELLE VEJMOLA, understand that I am
20 charged with the offense(s) of: COUNT I. BURGLARY, a violation of
21 NRS 205.060, a felony; COUNT II. BURGLARY, a violation of NRS
22 205.060, a felony; and COUNT III. POSSESSION OF FORGED INSTRUMENTS, a
23 violation of NRS 205.160, a felony.

24 2. I desire to enter a plea of guilty to the offense(s) of
25 COUNT I. BURGLARY, a violation of NRS 205.060, a felony; COUNT II.
26 BURGLARY, a violation of NRS 205.060, a felony; and COUNT III.
POSSESSION OF FORGED INSTRUMENTS, a violation of NRS 205.160, a
felony, as more fully alleged in the charge(s) filed against me.

3. By entering my plea of guilty I know and understand

1 that I am waiving the following constitutional rights:

2 A. I waive my privilege against self-incrimination.

3 B. I waive my right to trial by jury, at which trial the
4 State would have to prove my guilt of all elements of the offenses
5 beyond a reasonable doubt.

6 C. I waive my right to confront my accusers, that is, the
7 right to confront and cross examine all witnesses who would testify
8 at trial.

9 D. I waive my right to subpoena witnesses for trial on my
10 behalf.

11 4. I understand the charge(s) against me and that the
12 elements of the offense(s) which the State would have to prove beyond
13 a reasonable doubt at trial are that on April 14, 2015, or
14 thereabout, in the County of Washoe, State of Nevada, I did, as to
15 Count I, willfully and unlawfully enter Walgreen's located at 3495
16 South Virginia Street and/or Walmart located at 4855 Kietzke Lane,
17 with the intent then and there to obtain goods or property by false
18 pretenses therein.

19 I understand the charge(s) against me and that the elements
20 of the offense(s) which the State would have to prove beyond a
21 reasonable doubt at trial are that on April 14, 2015, or thereabout,
22 in the County of Washoe, State of Nevada, I did, as to Count II,
23 willfully and unlawfully enter Save Mart located at 4995 Kietzke Lane
24 with the intent then and there to obtain goods or property by false
25 pretenses therein.

26 I understand the charge(s) against me and that the elements

1 of the offense(s) which the State would have to prove beyond a
2 reasonable doubt at trial are that on or between the 22nd day of
3 March and the 15th day of April, 2015, or thereabout, in the County
4 of Washoe, State of Nevada, I did, as to Count III, willfully and
5 unlawfully possess a forged bills for the payment of money, to wit:
6 business or personal checks drawn upon the bank accounts of Kimmie's
7 Coffee Shop, Margaret Logie, Donna Surwillo, Ignacio Robles, Dilworth
8 Middle School and/or Portola Station Baptist Church, with intent to
9 pass them or procure them to be uttered or passed, and with intent to
10 defraud Kimmie's Coffee Shop, Margaret Logie, Donna Surwillo, Ignacio
11 Robles, Dilworth Middle School and/or Portola Station Baptist Church,
12 knowing said checks to be forged, at Walgreen's located at 3495 South
13 Virginia Street, Save Mart located at 4995 Kietzke Lane, Walmart
14 located at 4855 Kietzke Lane, Walmart located at 155 Damonte Ranch
15 Parkway and/or Walmart located at 2425 East Second Street.

16 5. I understand that I admit the facts which support all
17 the elements of the offenses by pleading guilty. I admit that the
18 State possesses sufficient evidence which would result in my
19 conviction. I have considered and discussed all possible defenses
20 and defense strategies with my counsel. I understand that I have the
21 right to appeal from adverse rulings on pretrial motions only if the
22 State and the Court consent to my right to appeal in a separate
23 written agreement. I understand that any substantive or procedural
24 pretrial issue(s) which could have been raised at trial are waived by
25 my plea.

26 6. I understand that the consequences of my plea of guilty

1 as to Count I, are that I may be imprisoned for a period of one to
2 ten years in the Nevada Department of Corrections and that I am
3 eligible for probation. I may also be fined up to \$10,000. The
4 sentence on each count may be concurrent or consecutive to each
5 other.

6 I further understand that the consequences of my plea of
7 guilty as to Count II, are that I may be imprisoned for a period of
8 one to ten years in the Nevada Department of Corrections and that I
9 am eligible for probation. I may also be fined up to \$10,000. The
10 sentence on each count may be concurrent or consecutive to each
11 other.

12 I further understand that the consequences of my plea of
13 guilty as to Count III, are that I may be imprisoned for a period of
14 one to five years in the Nevada Department of Corrections and that I
15 am eligible for probation. I may also be fined up to \$10,000. The
16 sentence on each count may be concurrent or consecutive to each
17 other.

18 7. In exchange for my plea of guilty, the State, my
19 counsel and I have agreed to recommend the following: As to Count I,
20 the parties stipulate that I will serve four to ten years (48 to 120
21 months) in the Nevada Department of Corrections. As to Count II, the
22 parties stipulate that I will serve four to ten years (48 to 120
23 months) in the Nevada Department of Corrections. The parties
24 recommend that the sentence in Count II run concurrently to the
25 sentence in Count I. As to Count III, the parties stipulate that I
26 will serve two to five years (24 to 60 months) in the Nevada

1 Department of Corrections. Both parties will be free to argue
2 whether the sentence on Count III will run consecutively or
3 concurrently to the sentence in Count II. At sentencing, the State
4 will dismiss all remaining cases or charges in Reno Justice Court.
5 The State will not pursue or file additional charges or enhancements
6 resulting from the arrest in this case.

7 8. I understand that, even though the State and I have
8 reached this plea agreement, the State is reserving the right to
9 present arguments, facts, and/or witnesses at sentencing in support
10 of the plea agreement.

11 9. I also agree that I will make full restitution in this
12 matter, as determined by the Court. Where applicable, I additionally
13 understand and agree that I will be responsible for the repayment of
14 any costs incurred by the State or County in securing my return to
15 this jurisdiction.

16 10. I understand that the State, at their discretion, is
17 entitled to either withdraw from this agreement and proceed with the
18 prosecution of the original charges or be free to argue for an
19 appropriate sentence at the time of sentencing if I fail to appear at
20 any scheduled proceeding in this matter OR if prior to the date of my
21 sentencing I am arrested in any jurisdiction for a violation of law
22 OR if I have misrepresented my prior criminal history. I understand
23 and agree that the occurrence of any of these acts constitutes a
24 material breach of my plea agreement with the State. I further
25 understand and agree that by the execution of this agreement, I am
26 waiving any right I may have to remand this matter to Justice Court

1 should I later withdraw my plea.

2 11. I understand and agree that pursuant to the terms of
3 the plea agreement stated herein, any counts which are to be
4 dismissed and any other cases charged or uncharged which are either
5 to be dismissed or not pursued by the State, may be considered by the
6 court at the time of my sentencing.

7 12. I understand that the Court is not bound by the
8 agreement of the parties and that the matter of sentencing is to be
9 determined solely by the Court. I have discussed the charge(s), the
10 facts and the possible defenses with my attorney. All of the
11 foregoing rights, waiver of rights, elements, possible penalties, and
12 consequences, have been carefully explained to me by my attorney. My
13 attorney has not promised me anything not mentioned in this plea
14 memorandum, and, in particular, my attorney has not promised that I
15 will get any specific sentence. I am satisfied with my counsel's
16 advice and representation leading to this resolution of my case. I
17 am aware that if I am not satisfied with my counsel I should advise
18 the Court at this time. I believe that entering my plea is in my
19 best interest and that going to trial is not in my best interest. My
20 attorney has advised me that if I wish to appeal, any appeal, if
21 applicable to my case, must be filed within thirty days of my
22 sentence and/or judgment.

23 13. I understand that this plea and resulting conviction
24 will likely have adverse effects upon my residency in this country if
25 I am not a U. S. Citizen. I have discussed the effects my plea will
26 have upon my residency with my counsel.

1 14. I offer my plea freely, voluntarily, knowingly and
2 with full understanding of all matters set forth in the Information
3 and in this Plea Memorandum. I have read this plea memorandum
4 completely and I understand everything contained within it.

5 15. My plea of guilty is voluntary and is not the result
6 of any threats, coercion or promises of leniency.

7 16. I am signing this Plea Memorandum voluntarily with
8 advice of counsel, under no duress, coercion, or promises of
9 leniency.

10 17. I do hereby swear under penalty of perjury that all of
11 the assertions in this written plea agreement document are true.

12 AFFIRMATION PURSUANT TO NRS 239B.030

13 The undersigned does hereby affirm that the preceding
14 document does not contain the social security number of any person.

15 DATED this 23 day of October, 2015.

16
17 Denise Vergara
18 DEFENDANT

19 _____
20 TRANSLATOR/INTERPRETER

21 CB
22 Attorney Witnessing Defendant's Signature

23 [Signature]
24 Prosecuting Attorney

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IN THE SECOND JUDICIAL DISTRICT COURT

IN AND FOR THE COUNTY OF WASHOE

THE HONORABLE PATRICK FLANAGAN, DISTRICT JUDGE

— — o O o — —

STATE OF NEVADA,

Plaintiffs,

VS.

DENISE M. VEJMOLA,

Defendant.

Case No. CR15-1461

Department 7

TRANSCRIPT OF PROCEEDINGS

ARRAIGNMENT

October 14, 2015

9:00 a.m.

Reno, Nevada

Reported by: STEPHANIE KOETTING, CCR #207, RPR
Computer-Aided Transcription

1 APPEARANCES:

2 For the State:

3 OFFICE OF THE DISTRICT ATTORNEY
4 By: ZELALEM BOGALE, ESQ.
5 P.O. Box 30083
6 Reno, Nevada

6 For the Defendant:

7 OFFICE OF THE PUBLIC DEFENDER
8 By: CHRISTINE BRADY, ESQ.
9 350 S. Center
10 Reno, Nevada

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1 RENO, NEVADA, October 14, 2015, 9:00 a.m.

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4 THE CLERK: Case number CR15-1461, State versus
5 Denise M. Vejmola. Matter set for arraignment. Counsel and
6 the Division, please state your appearance.

7 MR. BOGALE: Zelalem Bogale on behalf of the
8 State, your Honor.

9 MS. BRADY: Christine Brady on behalf of Ms.
10 Vejmola.

11 THE COURT: Ms. Vejmola, the State of Nevada has
12 filed an information against you, charging you with two
13 counts of burglary and one count of possession of a forged
14 instrument. Your attorney is being provided a copy of the
15 information. Ma'am, I understand coming to court always
16 makes people a little nervous, but how do you feel here this
17 morning?

18 THE DEFENDANT: As well as can be expected.

19 THE COURT: Have you taken any medication in the
20 last 24 hours?

21 THE DEFENDANT: No.

22 THE COURT: Have you spoken to Ms. Brady about
23 what we're going to do here this morning?

24 THE DEFENDANT: Yes.

1 THE COURT: Ms. Brady.

2 MS. BRADY: Thank you, your Honor. We are in
3 receipt, your Honor, of the information. Ms. Vejmola is
4 identified correctly on line 12 of the information. We are
5 familiar with the contents of the information and we waive
6 its formal reading, your Honor. The negotiations are that in
7 exchange for her plea of guilty to two counts, Count One and
8 Count Two of burglary, and to, your Honor, one count of
9 possession of a forged instrument, the parties agree to
10 stipulate to 48 months to 120 months in the Nevada Department
11 of Corrections for both Count One and Count Two to run
12 concurrent. We also stipulate to run those two concurrent.

13 As to Count Three, the parties recommend in Count
14 Three a sentence of 24 to 60 months in the Nevada Department
15 of Corrections, but there the parties are free to argue
16 whether Count Three will run concurrent or consecutive to
17 Counts One and Two.

18 At sentencing, the State will dismiss all
19 remaining charges that are currently pending in Reno Justice
20 Court. And the State will not pursue or file additional
21 charges or enhancements resulting from the arrest in this
22 case, your Honor.

23 THE COURT: Mr. Bogale.

24 MS. BRADY: Restitution will be determined at the

1 time of sentencing.

2 THE COURT: All right. Anything else?

3 MS. BRADY: One more thing. So even though the
4 other cases in Reno Justice Court are going to be dismissed,
5 they've been named within these counts here, and she will be
6 responsible for the restitution as to those, even though the
7 cases will be dismissed.

8 THE COURT: All right. Mr. Bogale.

9 MR. BOGALE: That's an accurate statement of the
10 negotiations, your Honor.

11 THE COURT: All right. Ms. Vejmolá, an I
12 pronouncing that name correctly?

13 THE DEFENDANT: Adequately.

14 THE COURT: Adequately?

15 MS. BRADY: She's shy to correct your Honor.

16 THE COURT: It's quite all right. Sometimes all I
17 do is aspire to be adequate.

18 THE DEFENDANT: It gets slaughtered a lot worse.

19 THE COURT: Ms. Vejmolá, is that your
20 understanding of the negotiations?

21 THE DEFENDANT: Yes, it is, sir.

22 THE COURT: Ma'am, by entering a plea of guilty,
23 you're waiving certain important constitutional rights. I'll
24 explain these rights to you, and if you have any questions,

1 let me know, I'll give you a chance to talk with your
2 attorney. Ma'am, by entering a plea of guilty here today,
3 you're waiving your right to a speedy and public jury trial.
4 Do you understand that?

5 THE DEFENDANT: Yes.

6 THE COURT: By entering a plea of guilty here
7 today, you're waiving your right to cross examine witnesses
8 at that trial. Do you understand that?

9 THE DEFENDANT: Yes.

10 THE COURT: By entering a plea of guilty here
11 today, you're waiving your right to the attendance of
12 witnesses that may have testimony in your favor at that
13 trial. Do you understand that?

14 THE DEFENDANT: Yes.

15 THE COURT: By entering a plea of guilty here
16 today, you're waiving your right to the remain silent,
17 because I'll be asking questions that you have to answer. Do
18 you understand that?

19 THE DEFENDANT: Uh-huh.

20 THE COURT: By entering a plea of guilty here
21 today, you're waiving your right to the effective assistance
22 of counsel at trial, because we're not going to have a trial,
23 although you'll still have the good services of Ms. Brady
24 throughout the rest of these proceedings. Do you understand

1 that?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: And by entering a plea of guilty here
4 today, you're relieving the State of its obligation to prove
5 each every and element of the offense beyond a reasonable
6 doubt. Do you understand that?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Mr. Bogale, if this case had gone to
9 trial, what would the State have been prepared to prove?

10 MR. BOGALE: Thank you, your Honor. Ms. Vejmolá,
11 had this case proceeded to trial, the State would be prepared
12 to prove you committed the following crimes, Count One,
13 burglary, a violation of NRS 205.060, a felony, in that you
14 on April 14th, 2015, or thereabout, here in Washoe County,
15 you entered a Walgreen's located at 3495 South Virginia
16 Street, and/or Wal-Mart located at 4855 Kietzke Lane, with
17 the intent then and there to obtain goods or property by
18 false pretenses therein.

19 Count Two, the same count, a violation of 205.060,
20 a felony, in that on April 14th, 2015, here in Washoe County,
21 you entered Save Mart located at 4995 Kietzke Lane with the
22 intent then and there to obtain goods or property by false
23 pretenses therein.

24 And Count Three, possession of a forged

1 instrument, a violation of NRS 205.060, a felony, in that on
2 or between the 22nd day of March and the 15th day of April
3 2015, here in Washoe County, you possessed forged bills for
4 the payment of money, to wit, business or personal checks
5 drawn upon the bank accounts of Kimmie's Coffee Shop,
6 Margaret Logee, Donna Serilla, Dilworth Middle School and/or
7 Portola Station Baptist Church with the intent to pass them
8 or procure them to be uttered or passed and with the intent
9 to defraud said victims, knowing said checks to be forged at
10 Walgreen's located at 3495 South Virginia Street, Save Mart
11 located at 4995 Kietzke Lane, Wal-Mart located at 4855
12 Kietzke Lane, Wal-Mart located at 155 Damonte Ranch Parkway,
13 and/or Wal-Mart located at 2425 East Second Street.

14 THE COURT: Now, ma'am, do you understand what the
15 maximum sentence is that may be imposed on these counts?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: Tell me what they are.

18 THE DEFENDANT: Ten years.

19 THE COURT: All right.

20 THE DEFENDANT: Five years.

21 THE COURT: And is probation available?

22 THE DEFENDANT: Yes, it is.

23 THE COURT: Now, did you sign this guilty plea
24 memorandum?

1 THE DEFENDANT: Yes, I did.

2 THE COURT: Did you read it?

3 THE DEFENDANT: Yes, I did.

4 THE COURT: Did you understand it?

5 THE DEFENDANT: Uh-huh.

6 THE COURT: Did you speak with your attorney about
7 it?

8 THE DEFENDANT: Uh-huh.

9 THE COURT: Ms. Brady, any question in your mind
10 of your client's competency to understand the nature of these
11 proceedings, enter a plea or assist counsel at trial?

12 MS. BRADY: No, your Honor.

13 THE COURT: Now, ma'am, you understand, although
14 you've made an agreement with the State, sentencing is in the
15 sole discretion of the Court. As I sit here now, I don't
16 know what the sentence is going to be. At the time of
17 sentencing, I'm going to listen to you, I'm going to listen
18 to your attorney, I'm going to listen to the State's
19 attorney, I'm going to review and consider all the
20 information provided to me by the Division of Parole and
21 Probation. But do you understand that sentencing is in the
22 sole discretion of the Court?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Now, other than that which is

1 contained in the plea agreement, has anybody threatened you
2 or promised you anything in order to induce you to plead
3 guilty here this morning?

4 THE DEFENDANT: No.

5 THE COURT: Are you pleading guilty here freely
6 and voluntarily?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Tell me what happened.

9 THE DEFENDANT: I made a bad decision to commit
10 burglary in Washoe County.

11 THE COURT: All right. Now, based upon everything
12 we've done here this morning, do you have any questions of me
13 about these proceedings so far?

14 THE DEFENDANT: No, sir.

15 THE COURT: All right. Ma'am, as to the charges
16 contained in the information, what are your pleas, guilty or
17 not guilty?

18 THE DEFENDANT: Guilty.

19 THE COURT: The Court finds that the defendant
20 understands the nature of the offense charged, the
21 consequences of her pleas, has made a knowing, voluntary and
22 intelligent waiver of her constitutional rights. The Court
23 will accept her plea at this time. Ms. Clerk, do we have
24 date for sentencing?

1 THE CLERK: Yes, your Honor. Sentencing scheduled
2 for December 2nd at 9:00 a.m..

3 THE COURT: Ma'am, you're going to be given a
4 packet of material from the Division of Parole and Probation.
5 Fill it out as complete as possible. It's mostly
6 biographical information. The more information the Court has
7 about you, the better job I'm going to be able to do. Do you
8 have any questions of me about what we've done here today?

9 THE DEFENDANT: No.

10 THE COURT: Good luck, ma'am.

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1 STATE OF NEVADA)
) ss.
2 County of Washoe)

3 I, STEPHANIE KOETTING, a Certified Court Reporter of the
4 Second Judicial District Court of the State of Nevada, in and
5 for the County of Washoe, do hereby certify;

6 That I was present in Department No. 7 of the
7 above-entitled Court on October 14, 2015, at the hour of 9:00
8 a.m., and took verbatim stenotype notes of the proceedings
9 had upon the arraignment in the matter of THE STATE OF
10 NEVADA, Plaintiff, vs. DENISE M. VEJMOLA, Defendant, Case
11 No. CR15-1461, and thereafter, by means of computer-aided
12 transcription, transcribed them into typewriting as herein
13 appears;

14 That the foregoing transcript, consisting of pages 1
15 through 12, both inclusive, contains a full, true and
16 complete transcript of my said stenotype notes, and is a
17 full, true and correct record of the proceedings had at said
18 time and place.

19
20 DATED: At Reno, Nevada, this 23rd day of November 2015.

21
22 S/s Stephanie Koetting
23 STEPHANIE KOETTING, CCR #207
24

1 4185
2 STEPHANIE KOETTING
3 CCR #207
4 75 COURT STREET
5 RENO, NEVADA
6

7 IN THE SECOND JUDICIAL DISTRICT COURT
8 IN AND FOR THE COUNTY OF WASHOE
9 THE HONORABLE PATRICK FLANAGAN, DISTRICT JUDGE

10 --oOo--

11 STATE OF NEVADA,)	
)	
12 Plaintiffs,)	
)	
13 vs.)	Case No. CR15-1461
)	
14 DENISE VEJMOLA,)	Department 7
)	
15 Defendant.)	
16 _____		

17
18 TRANSCRIPT OF PROCEEDINGS

19 SENTENCING

20 December 2, 2015

21 9:00 a.m.

22 Reno, Nevada
23

24 Reported by: STEPHANIE KOETTING, CCR #207, RPR
Computer-Aided Transcription

1 APPEARANCES:

2 For the State:

3 OFFICE OF THE DISTRICT ATTORNEY
4 By: ERICA JONES, ESQ.
5 P.O. Box 30083
6 Reno, Nevada

7 For the Defendant:

8 OFFICE OF THE PUBLIC DEFENDER
9 By: CHRISTINE BRADY, ESQ.
10 350 S. Center
11 Reno, Nevada
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1 RENO, NEVADA, December 2, 2015, 9:00 a.m.

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4 THE CLERK: Case number CR15-1461, State versus
5 Denise Vejmla. Matter set for sentencing. Counsel and the
6 Division, please state your appearance.

7 MS. JONES: Erica Jones on behalf of the State.

8 MS. HORNBARGER: Karin Hornbarger with the
9 Division.

10 MS. BRADY: Christine Brady on behalf of
11 Ms. Vejmla, who is present and in custody.

12 THE COURT: This is the time set for sentencing in
13 the above-entitled case. The Court is in receipt of a
14 presentence investigation report prepared November 18th,
15 2015. In addition, there's a substance abuse evaluation
16 conducted on September 30th, 2015. Have counsel had an
17 opportunity to review the presentence investigation report,
18 and are there any facts, errors or omissions you wish to
19 bring to the Court's attention? Ms. Brady.

20 MS. BRADY: Yes, your Honor. As a substantive
21 matter, Ms. Vejmla informs me where it states that she has
22 served two prison sentences, that is incorrect. She served
23 one prison sentence.

24 THE COURT: But on two charges?

1 MS. BRADY: No, just the same incident. Just one
2 sentence. She never went to prison twice.

3 THE COURT: That's significant. Ms. Hornbarger?

4 MS. HORNBARGER: Your Honor, she was sentenced
5 twice. Even though they ran, probably, concurrent, she still
6 had to two prison sentences. That's how we view it.

7 THE COURT: But she just went in once?

8 MS. HORNBARGER: She went in once, but they were
9 concurrent, because she was sentenced twice.

10 THE COURT: Why does the Division do this?

11 MS. HORNBARGER: It's a matter of how many times
12 she's actually sentenced.

13 THE COURT: As opposed to how many times she walks
14 through the door?

15 MS. HORNBARGER: Yes.

16 THE COURT: I think I'm arguing with the wrong
17 person here. Thank you, Ms. Hornbarger. I don't mean to
18 challenge the messenger. The message makes no sense.
19 Ms. Hornbarger, would that alter the calculations?

20 MS. HORNBARGER: No, your Honor.

21 THE COURT: Thank you very much. Ms. Brady.

22 MS. BRADY: Thank you, your Honor. What I'd like
23 to do today is we are asking you, your Honor, to follow the
24 negotiations on Counts One and Two, which are 48 to 120, but

1 to run them concurrent. And then on Count Three, your Honor,
2 we are asking for you to run that concurrent to Count One and
3 Two. So we're asking for all of the -- all of her charges to
4 run concurrent.

5 THE COURT: Okay. Thank you.

6 MS. BRADY: So that's what we're asking for. And
7 in support of that, your Honor, I want to address mitigating
8 information, some of which was presented in the substance
9 abuse evaluation that was filed. I do want to address the
10 victim impact statement, your Honor, that was submitted to
11 the Court. Did the Court --

12 THE COURT: Go ahead.

13 MS. BRADY: Did the Court have an opportunity to
14 read that?

15 THE COURT: Yes, I have.

16 MS. BRADY: So starting off with mitigating
17 information, your Honor, Ms. Vejmolá has experienced quite a
18 bit of trauma in her life. The evaluation outlines trauma
19 related to sexual abuse, sexual abuse by her mother's
20 boyfriend, sexual abuse by her brothers. Additionally, she
21 had a brother that passed away in 2003 and that was traumatic
22 for her as well.

23 The trauma there, I bring that up to state that,
24 your Honor, it is often that someone who has experienced this

1 kind of trauma does often end up with a substance abuse
2 issue, turning to substance abuse if they don't get proper
3 help.

4 Ms. Vejmola's mother Gloria is present. I don't
5 think she wants to speak. I asked her about the sexual
6 abuse, and she denies the extent of it that Denise feels
7 she's only aware of the boyfriend touching her breast once.
8 But she's not aware of the -- Denise's mother is not aware of
9 anything past that.

10 THE COURT: All right.

11 MS. BRADY: Notwithstanding, your Honor, even if
12 it was the touching for the breast for a young girl, that
13 could still be very traumatic.

14 THE COURT: I'll accept that.

15 MS. BRADY: So that is something that she really
16 never got help for. She self-medicated with the
17 methamphetamine that Janice Fung did diagnose her with
18 methamphetamine disorder in remission in a controlled
19 environment.

20 Notwithstanding that trauma and that substance
21 abuse, she struggled with herself to really try and be a
22 better person. She wanted to be. She had periods of time in
23 her life where she was employed, where she was doing well,
24 where she was caring for children, where she was caring for

1 her mother. She had a lot of responsibilities on her that
2 she for large periods of time in her life was able to hold it
3 together.

4 I'd like to address the letter, now, that was
5 rather shocking and, quite frankly, in discussing it with
6 Ms. Vejmola, there's some actually defamatory statements in
7 there that have been made. It is true she went to prison,
8 and it is not true, though, as the letter would state, that
9 she went to prison for stealing information from the City of
10 Oakland.

11 She left the City of Oakland in 2005, I believe it
12 was -- 2004 -- and then committed the crimes, the financial
13 crimes after that in 2005, convicted in 2007 of those. And
14 so those other financial crimes happened. She left the City
15 of Oakland where she was doing well, because her brother
16 died, and she went on a downward spiral after that and lost
17 her job before any of that happened.

18 There is a newspaper article that the victim
19 places in there and that they don't say she stole from the
20 City of Oakland, but in the newspaper article, they mention
21 the former employee of the City of Oakland, and she did work
22 for the City of Oakland and worked hard there. And that was
23 a period of time in her life that she's proud of. The period
24 after that is the period she wasn't proud of.

1 The other thing that the letter was mentioning, it
2 showed pictures of money fanned out. And that on first
3 glance, considering and looking back at these instant crimes,
4 can come across as offensive. However, that money that was
5 shown, if you look at the Facebook page that the victim
6 pulled out, you will see that the posting of those was from
7 2013. Prior --

8 THE COURT: Was this her posting?

9 MS. BRADY: Huh?

10 THE COURT: Was this her posting?

11 MS. BRADY: Well, it was her daughter's money. On
12 the first picture, her daughter had won money gambling. So
13 she posted a picture of her daughter's money and that was
14 back in 2013. And then the other picture was a picture in
15 2014 of her tax refund. Nothing to do with any of this.

16 THE COURT: Okay.

17 MS. BRADY: So that's one thing that while I have
18 sympathy with the victim who is looking at this, she's taking
19 things out of context and presenting them to the Court, going
20 beyond the impact that this she's had and presenting them to
21 the Court in argument as if it's fact, and it's incumbent
22 upon me, your Honor, to clarify those points.

23 In terms of the victim impact statement, I didn't
24 see in there where she mentioned an actual -- of course,

1 there's all of the loss and the insecurity and all of that,
2 that even in the prior case the victim mentioned. She was
3 very articulate, the victim in this case, in expressing, you
4 know, how she feels about it and all of the hassles she went
5 through and is going through.

6 I didn't see a dollar amount in there
7 specifically. I know there's been some dollar amounts that
8 were calculated in terms of other evidence that was provided
9 in the case. But she didn't say a specific dollar amount
10 there.

11 In terms of anything associated with her driver's
12 license, not getting that back, to be honest with you, your
13 Honor, that would be something that it seems the victim's
14 advocates and the State, she -- her driver's license is in
15 the custody of the sheriff. Ms. Vejmola entered a guilty
16 plea over a month ago, your Honor, and it is not within
17 Ms. Vejmola's power to give that back to the victim.

18 There are prosecutorial standards and things with
19 victims, how the State is supposed to communicate and respond
20 to the victim needs. I as a defense attorney can't say what
21 was done and wasn't done with regard to that. But to the
22 extent that this victim hasn't received her driver's license
23 yet, when this case, she's already pled guilty, there's not
24 going to be a trial, the evidence -- there's pictures of the

1 evidence, but there's other ways to preserve that as evidence
2 to give it back to the lady. I can't see where Ms. Vejmolá
3 should be held responsible for the fact that the State hasn't
4 given that back.

5 THE COURT: I won't hold her responsible for that.

6 MS. BRADY: In terms of Ms. Vejmolá, she has three
7 children. In that statement, I don't know where five
8 children came from, but she's got two grown children, and
9 then she does have a four-year-old child is her youngest.

10 Getting into more as to why we're asking you to
11 follow the negotiations. Ms. Vejmolá is extremely remorseful
12 for what she has done. She would like an opportunity, and in
13 response to that, she has stipulated as part of the
14 negotiations to time in prison, to not -- not insignificant
15 time in prison.

16 But what she would like is an opportunity when she
17 gets out to be able to get out within a few -- within the
18 four years, four or five years, and to be able to put her
19 life back together. And we're asking, your Honor, that you
20 follow, again, the negotiations, run Counts One and Two --
21 Count Two concurrent to Count One and Count Three concurrent
22 to Count Two, based on the fact that the trauma that she's
23 withstood, on her remorsefulness, her willingness to take
24 responsibility for this crime.

1 Keeping in mind, your Honor, even if you look at
2 the police reports, she was not the only one involved. She
3 was willing to help assist the State in identifying the other
4 person. The State was not interested in pursuing that to
5 help find the other person. But there was someone else
6 involved who is still at large. But my client is taking
7 responsibility of that. And I ask you, your Honor, to run
8 all of the sentences concurrent.

9 THE COURT: All right. Thank you. Let me hear
10 from the State.

11 MS. JONES: Your Honor, the difference between
12 taking responsibility in terms of taking a plea bargain, and
13 taking responsibility saying, I am 100 percent accountable
14 for all of these things, are different. She was facing
15 somewhere in the nature of, if I could estimate, 60 felonies
16 for the amount of checks that she took and the amount of
17 checks that she fraudulently passed, and she pled to three.

18 In addition to that, your Honor, we have evidence
19 in this case that when she was arrested, she called her
20 daughter to instruct her to throw away her laptop computer,
21 to destroy evidence of what she had been -- the crime she had
22 been committing. Called another individual to destroy the
23 printer as well. And then had also called to apprise an
24 unknown subject of the checks that she was in trouble for,

1 the checks from her job, and that they had pictures of her at
2 Wal-Mart. That's different than coming to court and saying
3 I'm taking full responsibility for everything that I did.

4 She was trying to destroy the evidence, but she
5 wasn't able to. We were able to get surveillance, which
6 showed her, as very distinguishable as being her vehicle and
7 herself. And in addition, your Honor, we have now statements
8 that she used her job, this place of trust that she had in
9 order to tell people, oh, that check is for the incorrect
10 amount, we need to keep that check as a voided check. That's
11 part of our policy. I'll just put it in the register here
12 and you can write me a new check.

13 The amount of trust that she is given in that
14 position, people listen to her, they think that's the policy,
15 they give the voided check, and what she does with it is pass
16 22 fraudulent checks at various locations.

17 In addition to that, your Honor, you have the fact
18 of her criminal history. She has at her young age nine
19 convictions, four of which are felonies. So she is a
20 habitual criminal by our statute, by our definition. Now she
21 has three more. Whether or not she went to prison once, she
22 has no ability to be supervised, zero. She gets rearrested
23 every single time she gets discharged with her probation
24 violations, whether she gets terminated or revoked. She has

1 zero ability to follow the rules.

2 She can't follow the basic concepts that we have
3 in our society of a social contract where a check is just a
4 piece of paper, unless it means something in terms of me
5 giving it to you for work done or for an item you're selling
6 me, she uses it as her own currency, other people's checks.

7 In this case, your Honor, she has been given a
8 tremendous opportunity to plea to three cases. She's also
9 been given a tremendous opportunity to have two of them by
10 way of the State recommending that they run concurrent. What
11 the victim wanted it, the one who wrote a very eloquent
12 statement, who, quite frankly, should be a law enforcement
13 officer for the amount of research that she did on this case,
14 I couldn't say it better than she did. For the fact that she
15 said she wants the maximum amount of time, even though she
16 knows the costs to the community to put her into prison.

17 She says in her statement that jail is where she
18 belongs and that we are all paying for you and for what
19 you've done. I couldn't say that better. Not only will we
20 be paying for her literally out of all of our pockets to put
21 her in prison, but for what she has done, for the breakdown
22 of our society, for the fact that this is not a victimless
23 crime. And the victim very nicely pointed that out in saying
24 to the very small thing that I can't rent a car, so I have to

1 get a taxi at eight times the cost, because I can't use my
2 ID.

3 MS. BRADY: Objection, your Honor.

4 THE COURT: Why?

5 MS. BRADY: I don't hear any argument in favor of
6 the negotiations. I believe that the State is arguing in
7 favor of maxing her out right now, your Honor, and the
8 negotiations are at least that the Count One and Count Two
9 run concurrent, and I hear no argument in favor of the
10 negotiations, which --

11 THE COURT: The objection is sustained.

12 MS. BRADY: Thank you.

13 THE COURT: All she's pointing out is what the
14 victim is asking for in her statement. But your objection is
15 sustained.

16 MS. BRADY: Thank you.

17 THE COURT: Go ahead, Ms. Jones.

18 MS. JONES: And I actually already said that, I
19 said she's been given the benefit of the State recommending
20 that Counts One and Two run concurrent.

21 There's a chance for people in society to take
22 their past, to take who they are and what's happened to them
23 and do something good with it or do something bad with it. I
24 don't -- I'm not without understanding of a history. Most

1 defendants come to this Court with a history, and a lot of it
2 bad, a lot of it negative. Some of it much worse than this
3 defendant, some of it much less, but you decide what to do
4 with them.

5 You decide if you're going to make something of
6 yourself and try to get past that, to help other people to
7 see the kind of life that you could have, and that I did
8 something good with it, or you can be a criminal and you can
9 take advantage of other people.

10 This is a case in which the defendant has spent
11 her young life taking advantage of people, of committing
12 crimes and not doing what she could be doing, which is
13 turning her life around. Even the victim at the end of her
14 statement says, I wish for you the best. I want you to do
15 something more with your life, but I want you to go to
16 prison. That is the amount, she is in fact taking some
17 prison time as part of this plea negotiations. She did
18 stipulate to the 48 to 120 months. What the victim is asking
19 for in this case, your Honor, is to, by virtue --

20 THE COURT: I read the statement.

21 MS. JONES: -- a maximum, she's asking for them to
22 run consecutive, your Honor, and we have the ability to ask
23 that Count Three be can consecutive to the other two.

24 THE COURT: All right. Thank you, Ms. Jones.

1 Ma'am, the law affords you an opportunity to address the
2 Court at the time of sentencing in terms of the presentence
3 investigation report, mitigation, punishment, any matter you
4 wish to bring to the Court's attention, I invite you to do
5 that at this time, if you wish.

6 THE DEFENDANT: Well, it would take about six
7 months to try to explain to tell you what --

8 THE COURT: Take your time.

9 THE DEFENDANT: I'm very remorseful. I understand
10 the crimes I committed, and I'm not trying to make excuses to
11 you. I know I was wrong. The fact of the matter is, I have
12 no excuse for committing these crimes. I went to college. I
13 got a degree. I had a good job with the City of Oakland. I
14 struggled with drug abuse early in my life.

15 In 2003, not only was my brother passed away, he
16 was brutally murdered, shot in the head execution style.
17 They didn't find his killer. I don't know if that's a time
18 for me that things changed a lot.

19 My criminal history after that, a year later, I
20 was in prison. I was working for Jerry Brown at the time,
21 you know. I had everything. My life was going how it should
22 have been. Then at 30 years old, this happens, and I don't
23 know, some -- my past of doing drugs came back to me and it
24 hasn't settled. And I just wish I could figure out what

1 broke in me.

2 In California, I wish I would have had you as a
3 judge ten years ago, because you're compassionate. You seem
4 like you care about your community. California, they just
5 slap you with a conviction, let you out. They don't give you
6 programs like they do here. I wish I would have had the
7 opportunity ten years ago, before all of this came about, you
8 know.

9 I'm not trying to make my mother feel about the
10 sexual molestation that happened to me as kid, but that man
11 molested for eight years. He died four years ago. My mom
12 stayed with him for my whole life. I was left with 35 years,
13 because that man just died and she stayed with him. She
14 still won't admit what he did to me. That hurts me, your
15 Honor, and I'm not trying to make her feel bad, because I
16 love my mother. She's caring for my kids while I'm fucking
17 up, excuse me French.

18 Her health is bad now. On Thanksgiving last week,
19 she came to see me, and she was on oxygen. That's my biggest
20 fear. I should be there taking care of my mom. She
21 shouldn't be taking care of my kids. I'm so deeply sorry of
22 all the pain I put to my victims, my family, my kids, my
23 mother, everybody.

24 I never would have relapsed and this crime

1 wouldn't have happened, if it wasn't for this horrible,
2 horrible drug. And I wish California would have given me the
3 treatment I needed ten years ago, instead of just slapping me
4 with a felony, go home, misdemeanor, go home. They never
5 gave me an opportunity for a program.

6 And I wish I would have had that then, where I
7 could -- I'm 41 years old now, your Honor, and I just wish I
8 would have figured it out ten years ago and not now away from
9 my family. I just pray everything that I'm feeling is coming
10 across to your Honor, because I am sincere, and I'm truly
11 sorry to the family, to the Court, to society.

12 If you would give an me opportunity, your Honor, I
13 would make you guys proud. I need to get counseling. I need
14 to figure out what happened. I just wish you give me a
15 second chance, give me an opportunity to make this Court
16 proud. I don't know what else to say.

17 THE COURT: Thank you. Deputy, is there somebody
18 at the door that wants to come in?

19 THE DEFENDANT: That's my son.

20 THE COURT: All right. Okay.

21 THE DEFENDANT: It's my four-year-old.

22 THE COURT: All right.

23 THE DEFENDANT: And my daughter.

24 THE COURT: All right. Thank you. This is a

1 difficult case. It's a case of quite a bit of
2 sophistication. It certainly has gone on for a long period
3 of time, not just this case, but your ability to manipulate
4 financial records is a marvel. It's a skill. It's
5 unfortunate that it's criminal.

6 This is a crime that evidences an abuse of trust,
7 and one in which you have ensnared family members. I mean,
8 immediately after you're booked, you're calling your daughter
9 and telling her to stash the computer, the printer, getting
10 her involved in this criminal enterprise. And I don't know
11 who this unknown individual is that you're calling, and I
12 know, because I've seen it -- strike that. I've heard that
13 there is a sign by the telephones in the jail that says these
14 phone calls can be recorded. Is that sign in English? Just
15 curious. Because it never ceases to amaze me how much
16 incriminating evidence comes from that telephone immediately
17 after an individual like you are arrested.

18 There were by law enforcement accounts in this
19 particular case 22 other transactions. The State references
20 some 60 checks. I don't see that here and I'm not going to
21 consider that.

22 MS. JONES: Not 60 checks, your Honor. 20 checks
23 can be burglary, it can be possession --

24 THE COURT: I see.

1 MS. JONES: So they multiply by three, each check
2 did.

3 THE COURT: All right. Thank you. That clears
4 that up. But, certainly, it does appear that is how you
5 support yourself. You get out of prison, and within a short
6 period of time, you're cranking out checks.

7 These are very sophisticated crimes. A lot of
8 people think that white collar crime doesn't hurt anybody,
9 but there's almost -- it's almost victimless, all you're
10 doing is you're taking money from a bank or an insurance
11 company or a business. It's sort of faceless. But those
12 businesses hire people. Those people get a paycheck, they go
13 home, they pay rent, they pay for groceries, they put gas in
14 the car, there's taxes. Those gas taxes pay for people in
15 jail.

16 I've read the victim impact statement and I was
17 moved, as I am oftentimes in reading victims' statements. I
18 will not consider the information relating to California.
19 That is not before me. I take your good lawyer's word with
20 respect to the cash that is displayed. I don't even presume
21 to understand Facebook or computers, social media. So I have
22 no basis whatsoever to attribute that cash to you or anybody,
23 so I'm not going to. But you are a threat to any society,
24 whether it's California or Nevada.

1 You're 41 years old. Ma'am, you are going to die.
2 You will. We all are going to die. And when we leave this
3 earth, we are going to take with us everything we came into
4 it with, which is nothing. But we will all leave something
5 behind, could be children, maybe our parents, but it will be
6 memories, and those memories are yours to make. Whatever
7 happens here, it will be behind you.

8 But you're going to be facing the same demons
9 you're facing today, whether it's methamphetamine, whether
10 it's a tough, terrible childhood. Those aren't going away.
11 But you have it in you, I believe we all do, to tackle those
12 demons and put them behind you.

13 This Court has taken a lot of the -- taken
14 everything into consideration, and based on that, Ms. Clerk,
15 it will be the order of the Court the defendant is to pay a
16 \$25 administrative assessment fee, \$3 genetic marking, \$150
17 DNA. I'll waive the attorney's fees in this case. Find the
18 defendant has no resources to pay it.

19 As to Count One, it will be the order of the Court
20 the defendant is sentenced to the custody of the Nevada
21 Department of Corrections for a term of imprisonment of 48 to
22 120 months. Restitution in the amount of \$4,897.59.

23 As to Count Two, the defendant is sentenced to the
24 custody of the Nevada Department of Corrections for a term of

1 imprisonment of 48 to 120 months.

2 As to Count Three, the defendant is sentenced to
3 the custody of the Nevada Department of Corrections for a
4 term of imprisonment of 24 months to 60 months.

5 Count Three is to run consecutive to Count Two.
6 Count Two is to run consecutive to Count One. Credit for
7 time served?

8 MS. HORNBARGER: 196 days, your Honor.

9 THE COURT: 196 days. That will be the order of
10 the Court.

11 THE CLERK: Can I get counsel to stipulate to the
12 categories of felonies?

13 THE COURT: Ms. Jones.

14 MS. JONES: Counts One and Two are B felonies, and
15 Count Three is a C felony.

16 MS. BRADY: Yes.

17 THE COURT: Thank you. That will be the order.

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1 STATE OF NEVADA)
) ss.
2 County of Washoe)

3 I, STEPHANIE KOETTING, a Certified Court Reporter of the
4 Second Judicial District Court of the State of Nevada, in and
5 for the County of Washoe, do hereby certify;

6 That I was present in Department No. 7 of the
7 above-entitled Court on December 2, 2015, at the hour of 9:00
8 a.m., and took verbatim stenotype notes of the proceedings
9 had upon the sentencing in the matter of THE STATE OF NEVADA,
10 Plaintiff, vs. DENISE VEJMOLA, Defendant, Case No. CR15-1461,
11 and thereafter, by means of computer-aided transcription,
12 transcribed them into typewriting as herein appears;

13 That the foregoing transcript, consisting of pages 1
14 through 25, both inclusive, contains a full, true and
15 complete transcript of my said stenotype notes, and is a
16 full, true and correct record of the proceedings had at said
17 time and place.

18
19 DATED: At Reno, Nevada, this 1st day of February 2016.

20
21 S/s Stephanie Koetting
22 STEPHANIE KOETTING, CCR #207
23
24

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,**

11 **vs.**

Case No. CR15-1461

12 **DENISE M. VEJMOLA,**

Dept. No. 7

13 **Defendant.**
14 _____/

15 **JUDGMENT OF CONVICTION**

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

19 Denise M. Vejmola, is guilty of the crime of Burglary, a violation of NRS
20 205.060, a Category B Felony, as charged in Count I of the Information, and that she be
21 punished by imprisonment in the Nevada State Prison for a minimum term of Forty-Eight
22 (48) months, to a maximum term of One Hundred and Twenty (120) months, with One
23 Hundred and Ninety-Six (196) days credit for time served, and by payment of restitution
24 in the amount of Four Thousand Eight Hundred Ninety-Seven Dollars and Fifty-Nine
25 Cents (\$4,879.59).

26 Denise M. Vejmola, is guilty of the crime of Burglary, a violation of NRS
27 205.060, a Category B Felony, as charged in Count II of the Information, and that she be
28 punished by imprisonment in the Nevada State Prison for a minimum term of Forty-Eight

1 (48) months, to a maximum term of One Hundred and Twenty (120) months, to be served
2 consecutively to the sentence imposed in Count I.

3 Denise M. Vejmolá, is guilty of the crime of Possession of Forged
4 Instruments, a violation of NRS 205.160, a Category C Felony, as charged in Count III of
5 the Information, and that she be punished by imprisonment in the Nevada State Prison
6 for a minimum term of Twenty-Four (24) months, to a maximum term of Sixty (60)
7 months, to be served consecutively to the sentence imposed in Count II.

8 It is further ordered that the aggregate sentence imposed is a minimum of
9 One Hundred Twenty (120) months with a maximum of Three Hundred (300) months.

10 It is further ordered that the Defendant shall pay the statutory Twenty-Five
11 Dollar (\$25.00) administrative assessment fee, the Three Dollar (\$3.00) administrative
12 assessment fee for obtaining a biological specimen and conducting a genetic marker
13 analysis, the One Hundred Fifty Dollar (\$150.00) DNA testing fee, and submit to a DNA
14 analysis to determine the presence of genetic markers, if not previously ordered, and
15 attorney's fees are hereby waived by the Court.

16 Any fine, fee or administrative assessment imposed upon the Defendant
17 today as reflected in this Judgment of Conviction constitutes a lien, as defined in Nevada
18 Revised Statutes (NRS 176.275). Should the Defendant not pay these fines, fees or
19 assessments, collection efforts may be undertaken against her.

20 Dated this 3rd day of December, 2015.

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23 Patrick Flanagan
24 DISTRICT JUDGE
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1 CODE NO. 2515
2 WASHOE COUNTY PUBLIC DEFENDER
3 JOHN REESE PETTY, State Bar Number 10
4 350 South Center Street, 5th Floor
5 P.O. Box 11130
6 Reno, Nevada 89520-0027
7 (775) 337-4827
8 Attorney for Defendant

9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

10 IN AND FOR THE COUNTY OF WASHOE

11 THE STATE OF NEVADA,

12 Plaintiff,

13 vs.

Case No. CR15-1461

14 DENISE MICHELLE VEJMOLA,

Dept. No. 7

15 Defendant.

16 **NOTICE OF APPEAL**

17 DENISE MICHELLE VEJMOLA, the defendant above named, appeals to the Supreme
18 Court of Nevada from the judgment of conviction entered in this action on December 3, 2015.

19 This is a Fast Track Appeal.

20 The undersigned hereby affirms, pursuant to NRS 239B.030, that this document does not
21 contain the social security number of any person.

22 DATED this 3rd day of January 2016.

23 JEREMY T. BOSLER
24 WASHOE COUNTY PUBLIC DEFENDER

25 By: /s/ John Reese Petty
26 JOHN REESE PETTY, Chief Deputy

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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Washoe County Public Defender's Office,
Reno, Washoe County, Nevada, and that on this date I forwarded a true copy of the foregoing
document addressed to:

DENISE MICHELLE VEJMOLA (#1152120)
Florence McClure Women's Correctional Center
4370 Smiley Road
Las Vegas, Nevada 89115-1808

TERRENCE P. McCARTHY
Chief Appellate Deputy
Washoe County District Attorney's Office
(E-mail)

ADAM LAXALT
Attorney General State of Nevada
100 N. Carson Street
Carson City, Nevada 89701

DATED this 3rd day of January 2016.

/s/ John Reese Petty
JOHN REESE PETTY

CERTIFICATE OF SERVICE

I hereby certify that this document was filed electronically with the Nevada Supreme Court on the 9th day of February 2016.

Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Terrence P. McCarthy, Chief Appellate Deputy,
Washoe County District Attorney's Office

I further certify that I served a copy of this document by mailing a true and correct copy thereof, postage pre-paid, addressed to:

Denise Michele Vejmola (#1152120)
Florence McClure Women's Correctional Center
4370 Smiley Road
Las Vegas, Nevada 89115

John Reese Petty
Washoe County Public Defender's Office