

No. CR12-0110

Dept. No. 9

FILED

IN THE Second JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR
THE COUNTY OF Washoe

Electronically Filed
Jun 10 2016 01:18 p.m.
JACQUELINE BRYANT, CLERK
Tracie K. Lindeman
Clerk of Supreme Court

Kupaa Kea

Petitioner/Plaintiff,

v.


State of Nevada

Respondent/Defendant.

**NOTICE OF APPEAL
(BELATED)**

Notice is hereby given that Kupaa Kea, Petitioner/~~Defendant~~ above named,
hereby appeals to the Supreme Court of Nevada from the final ~~judgment~~/order
(Order Denying Motion to Correct And/or Modify Illegal Sentence)
entered in this action on the 3rd day of June, 2015.

Dated this 26th day of May, 2016.

 Kupaa Kea #1086480
Appellant
Ely State Prison
P.O. Box 1989
Ely, Nevada 89301-1989

DC-09900077320-001
GR12-0110
STATE VS. KUPAA
District Court
Washoe County
05/31/2016 11:19 AM
2515

CR12-0110
DC-09900077320-002
STATE VS. KUPAA
KEA (TN)(DG) 3 Pages
District Court 05/31/2016 11:21 AM
Washoe County 1310
NCMTU

No. CR12-0110

Dept. No. 9

FILED

MAY 31 2016

JACQUELINE BRYANT, CLERK

By: [Signature]
DEPUTY CLERK

IN THE Second JUDICIAL DISTRICT COURT OF THE
STATE OF NEVADA IN AND FOR
THE COUNTY OF Washoe

Kupaa Kea

Petitioner/Plaintiff,

v.

State of Nevada

Respondent/Defendant.

CASE APPEAL STATEMENT

1. Name of Appellant filing this appeal statement: Kupaa Kea
2. Identify the judge issuing the decision, judgment, or order appealed from: Honorable Judge Scott Freeman
3. Identify all parties to the proceedings in the district court (the use of et al. to denote parties is prohibited): Kupaa Kea, Washoe County District Attorney
4. Identify all parties involved in this appeal (the use of et al. to denote parties is prohibited): SAA
5. Set forth the name, law firm, address, and telephone number of all counsel on appeal and identify the parties or party whom they represent:

Terrence McCarthy, Esq.

Attorney

District Attorney's

Office

Address

Telephone Number

STATE OF NEVADA

Represents

Attorney

Address

Telephone number

Represents

Attorney

Address

Telephone number

Represents

6. Indicate whether appellant was represented by appointed or retained counsel in the district

court: Appointed Counsel _____ Retained Counsel _____ Pro Per ☒

7. Indicate whether appellant was represented by appointed or retained counsel on appeal:

Appointed Counsel _____ Retained Counsel _____ Pro Per ☒

8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the date of entry of the district court order granting such leave: Yes ☒ No _____

Date: ____/____/____

9. Indicate the date the proceedings commenced in the district court (e.g., date complaint, indictment, information, or petition was filed): Date: 6/03/16

Dated this 26th day of May, 2016.

Kipaa Kea # 1056980

Appellant
Ely State Prison
P.O. Box 1989
Ely, Nevada 89301

CERTIFICATE OF SERVICE BY MAIL

I hereby certify that a true and correct copy of the foregoing Notice of Appeal (Belated), Case Appeal Statement, was mailed to:

Clerk of the Court
75 Court Street
Reno NV. 84501

Dated this 26th day of May, 2016.

AFFIRMATION PURSUANT TO NRS 239B.030

I, Kupaa Kea, NDOC# 1086980,

CERTIFY THAT I AM THE UNDERSIGNED INDIVIDUAL AND THAT THE
ATTACHED DOCUMENT ENTITLED Notice of Appeal

DOES NOT CONTAIN THE SOCIAL SECURITY NUMBER OF ANY
PERSONS, UNDER THE PAINS AND PENALTIES OF PERJURY.

DATED THIS 26th DAY OF May, 2016.

SIGNATURE: 

INMATE PRINTED NAME: Kupaa Kea

INMATE NDOC # 1086980

INMATE ADDRESS: ELY STATE PRISON
P. O. BOX 1989
ELY, NV 89301

1 **Code 1310**

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3
4
5
6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

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

8 **KUPAA KEA,**

9 **Petitioner,**

Case No. CR12-0110

10 **vs.**

Dept. No. 9

11 **THE STATE OF NEVADA,**

12 **Respondent.**

13 _____ /
14
15 **CASE APPEAL STATEMENT**

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

- 17 1. Appellant is Kupaa Kea.
- 18 2. This appeal is from an order entered by the Honorable Judge Scott Freeman.
- 19 3. Appellant is representing himself in Proper Person on appeal. The Appellant's
20 address is:
21 Kupaa Kea #1086980
22 Ely State Prison
23 P.O. Box 1989
24 Ely, NV 89301
- 25 4. Respondent is the State of Nevada. Respondent is represented by the Washoe
26 County District Attorney's Office:
27 Terrance McCarthy, Esq., SBN: 2745
28 P.O. Box 11130
Reno, Nevada 89520
5. Respondent's attorney is not licensed to practice law in Nevada: n/a

6. Appellant was represented by appointed counsel in District Court.
7. Appellant is not represented by appointed counsel on appeal.
8. Appellant was not granted leave to proceed in forma pauperis in the District Court.
9. Proceeding commenced by the filing of an Information filed on January 23, 2012.
10. This is a criminal proceeding and the Appellant is appealing the Order Denying Motion to Correct and/or Modify Illegal Sentence filed on June 3, 2015.
11. The case has been the subject of a previous appeal to the Supreme Court:
Supreme Court No: 61160
12. This case does not involve child custody or visitation.
13. This is not a civil case involving the possibility of a settlement.

Dated this 3rd day of June, 2016.

Jacqueline Bryant
Clerk of the Court

By: /s/ Yvonne Vilorio
Yvonne Vilorio
Deputy Clerk

**SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE**

Case History - CR12-0110

DEPT. D9

HON. SCOTT N. FREEMAN

Report Date & Time

6/3/2016

8:18:32AM

Case Description: STATE VS. KUPAA KEA (TN)(D9)

Case ID:	CR12-0110	Case Type:	CRIMINAL	Initial Filing Date:	1/20/2012
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Parties

PLTF	STATE OF NEVADA - STATE
DA	Katherine H. Lyon, Esq. - 7070
DA	Derek Dreiling, Esq. - 5935
DA	Terrence P. McCarthy, Esq. - 2745
DEFT	KUPAA KEA (TN) - @1145371
DATY	Kathrine Irene Berning, Esq. - 3678
CAA	Victoria Thimmesch Oldenburg, Esq. - 4770
PNP	Div. of Parole & Probation - DPNP

Charges

<i>Charge No.</i>	<i>Charge Code</i>	<i>Charge Date</i>	<i>Charge Description</i>
1	F345	1/23/2012	INF BATTERY WITH A DEADLY WEAPON CAUSING SUBSTANTIAL BODILY HARM
2	F345	1/23/2012	INF BATTERY WITH A DEADLY WEAPON CAUSING SUBSTANTIAL BODILY HARM

Plea Information

<i>Charge No.</i>	<i>Plea Code</i>	<i>Plea Date</i>	<i>Plea Description</i>
1	F345	2/8/2012	PLED GUILTY
2	F345	2/8/2012	PLED GUILTY

Sentences

<i>Date</i>	<i>Charge No.</i>	<i>Charge Desc</i>	<i>Time Served</i>	<i>Sentence Text</i>
6/1/2012	1 - Nevada State Prison		NSP 35-156 MOS. + FEES	
6/1/2012	2 - Nevada State Prison		NSP 35-156 MOS., TO RUN CONSEC. TO COUNT I.	

Release Information

Custody Status

Hearings

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>	<i>Disposed Date</i>
1 D9	ARRAIGNMENT	2/3/2012 08:30:00	1/23/2012

Event Extra Text:

Disposition:
D844 1/23/2012
RESET FOR FEBRUARY 8, 2012

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>	<i>Disposed Date</i>
2 D8	ARRAIGNMENT	2/8/2012 08:30:00	2/8/2012

Event Extra Text:

Disposition:
D655 2/8/2012
COUNTS I AND II OF INFORMATION

Case Description: STATE VS. KUPAA KEA (TN)(D9)**Case ID: CR12-0110****Case Type: CRIMINAL****Initial Filing Date: 1/20/2012**

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
3 D15	Request for Submission	2/29/2012	16:35:00	4/4/2012
Event Extra Text: EX-PARTE MOTION		Disposition: S200 4/4/2012		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
4 D9	SENTENCING	3/23/2012	08:30:00	3/21/2012
Event Extra Text:		Disposition: D844 3/21/2012 RESET FOR MAY 23, 2012		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
5 D9	Request for Submission	3/26/2012	08:24:00	4/3/2012
Event Extra Text: MOTION TO SET BAIL (NO PAPER ORDER PROVIDED)		Disposition: S200 4/3/2012		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
6 D9	MOTION TO SET BAIL	4/4/2012	10:00:00	4/4/2012
Event Extra Text: (30 MIN)		Disposition: D355 4/4/2012		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
7 D9	HEARING...	4/12/2012	08:30:00	4/2/2012
Event Extra Text: HEARING ON MOTION FOR BAIL		Disposition: D844 4/2/2012 RE-SET TO 4/4/12 @ 10 A.M.		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
8 D9	SENTENCING	5/23/2012	09:00:00	5/22/2012
Event Extra Text:		Disposition: D844 5/22/2012		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
9 D9	SENTENCING	6/1/2012	09:00:00	6/1/2012
Event Extra Text:		Disposition: D765 6/1/2012		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
10 D9	Request for Submission	7/27/2012	14:25:00	8/14/2012
Event Extra Text: MOTION FOR ROUGH DRAFT OF TRANSCRIPTS AT PUBLIC EXPENSE		Disposition: S200 8/14/2012		

Case Description: STATE VS. KUPAA KEA (TN)(D9)

Case ID:	CR12-0110	Case Type:	CRIMINAL	Initial Filing Date:	1/20/2012
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Department	Event Description	Sched. Date & Time		Disposed Date
11 D9	Request for Submission	11/6/2014	12:05:00	1/6/2015
Event Extra Text: PETITION OF WRIT OF HABEAS CORPUS (POST-CONVICTION) AND MOTION TO MODIFY ILLEGAL SENTENCE (NO PAPER ORDER PROVIDED)		Disposition: S200 1/6/2015		
Department	Event Description	Sched. Date & Time		Disposed Date
12 D9	Request for Submission	3/23/2015	16:05:00	6/3/2015
Event Extra Text: DOCUMENT TITLE: REPLY TO STATE'S MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) AND RESPONSE TO STATE'S OPPOSITION OF MOTION TO CORRECT AND/OR MODIFY ILLEGAL SENTENCE		Disposition: S200 6/3/2015		
Department	Event Description	Sched. Date & Time		Disposed Date
13 D9	Request for Submission	2/29/2016	10:51:00	3/18/2016
Event Extra Text: MOTION FOR EXTENSION OF TIME WITHIN WHICH TO FILE A SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) (PAPER ORDER NOT PROVIDED)		Disposition: S200 3/18/2016		
Department	Event Description	Sched. Date & Time		Disposed Date
14 D9	Request for Submission	4/19/2016	08:42:00	5/2/2016
Event Extra Text: REQUEST TO WITHDRAWAL MOTION OF WITHDRAWAL OF ATTORNE (NO PAPER ORDER PROVIDED)		Disposition: S200 5/2/2016		

Agency Cross Reference

Code	Agency Description	Case Reference I.D.
DA	District Attorney's Office	DA434263
PC	PCN number	PCNRPD1113504C
RJ	Reno Justice's Court	RCR2011064429
RP	Reno Police Department	RP11021113
SC	Supreme Court	SCN 61160

Actions			
Action Entry Date	Code	Code Description	Text
1/20/2012	1250E	Application for Setting eFile	ARRAIGNMENT: 2-3-12 AT 8:30 - Transaction 2710058 - Approved By: NOREVIEW : 01-20-2012:10:36:55
1/20/2012	NEF	Proof of Electronic Service	Transaction 2710087 - Approved By: NOREVIEW : 01-20-2012:10:39:28
1/20/2012	1491	Pretrl Srves Assessment Report	Transaction 2712058 - Approved By: SHAMBRIG : 01-20-2012:16:47:29
1/20/2012	NEF	Proof of Electronic Service	Transaction 2712180 - Approved By: NOREVIEW : 01-20-2012:16:54:33
1/23/2012	4265	Waiver of Preliminary Exam	Transaction 2714912 - Approved By: SHAMBRIG : 01-23-2012:16:43:49
1/23/2012	1800	Information	Transaction 2714912 - Approved By: SHAMBRIG : 01-23-2012:16:43:49
1/23/2012	NEF	Proof of Electronic Service	Transaction 2715129 - Approved By: NOREVIEW : 01-23-2012:16:48:36
2/1/2012	4025	Stip & Ord to Continue	STIPULATION AND ORDER TO CONTINUE ARRAIGNMENT TO FEBRUARY 8, 2012 AT 8:30 A.M. - Transact
2/1/2012	NEF	Proof of Electronic Service	Transaction 2735103 - Approved By: NOREVIEW : 02-01-2012:10:31:16
2/8/2012	1785	Guilty Plea Memo/Agreement	Transaction 2752729 - Approved By: NOREVIEW : 02-08-2012:14:54:44
2/8/2012	NEF	Proof of Electronic Service	Transaction 2752769 - Approved By: NOREVIEW : 02-08-2012:14:59:06
2/22/2012	1670	Ex-Parte Mtn...	SEALED - EX PARTE MOTION FOR PAYMENT OF EXPERT WITNESS/PRIVATE INVESTIGATOR - Transact

Case ID:		Case Description: STATE VS. KUPAA KEA (TN)(D9)		Initial Filing Date:	1/20/2012
CR12-0110		Case Type:	CRIMINAL		
2/22/2012	NEF	Proof of Electronic Service	Transaction 2779690 - Approved By: NOREVIEW : 02-22-2012:11:04:30		
2/29/2012	3860	Request for Submission	EX PARTE MOTION - Transaction 2795875 - Approved By: JYOST : 02-29-2012:16:32:32		
2/29/2012	NEF	Proof of Electronic Service	Transaction 2795912 - Approved By: NOREVIEW : 02-29-2012:16:34:20		
3/1/2012	NEF	Proof of Electronic Service	Transaction 2798905 - Approved By: NOREVIEW : 03-01-2012:16:45:21		
3/1/2012	2490	Motion ...	MOTION TO GRANT BAIL AND TO SET BAIL AT A BONDABLE AMOUNT - Transaction 2798834 - Approved By: JYOST : 03-01-2012:16:45:21		
3/12/2012	NEF	Proof of Electronic Service	Transaction 2817796 - Approved By: NOREVIEW : 03-12-2012:11:55:12		
3/12/2012	MIN	***Minutes	2/8/12 - ARRAIGNMENT - Transaction 2817766 - Approved By: NOREVIEW : 03-12-2012:11:49:34		
3/13/2012	4500	PSI - Confidential	Transaction 2821493 - Approved By: JYOST : 03-13-2012:16:24:28		
3/13/2012	3880	Response...	RESPONSE IN OPPOSITION TO DEFENDANT'S MOTION TO GRANT AND/OR REDUCE BAIL AMOUNT		
3/13/2012	NEF	Proof of Electronic Service	Transaction 2820254 - Approved By: NOREVIEW : 03-13-2012:11:55:33		
3/13/2012	2610	Notice ...	NOTICE REGARDING PAYMENT OF EXPERT FEES - Transaction 2819969 - Approved By: JYOST : 03-13-2012:11:55:33		
3/13/2012	NEF	Proof of Electronic Service	Transaction 2821522 - Approved By: NOREVIEW : 03-13-2012:16:28:23		
3/21/2012	4025	Stip & Ord to Continue	STIPULATION AND ORDER TO CONTINUE SENTENCING TO MAY 23, 2012 AT 8:30 A.M. - Transaction 2839452 - Approved By: NOREVIEW : 03-21-2012:13:33:44		
3/21/2012	NEF	Proof of Electronic Service	Transaction 2839452 - Approved By: NOREVIEW : 03-21-2012:13:33:44		
3/23/2012	4185	Transcript	ARRAIGNMENT - FEBRUARY 8, 2012 - Transaction 2846144 - Approved By: NOREVIEW : 03-23-2012:21:14:00		
3/23/2012	NEF	Proof of Electronic Service	Transaction 2846145 - Approved By: NOREVIEW : 03-23-2012:21:15:41		
3/23/2012	3795	Reply...	REPLY TO OPPOSITION TO MOTION TO GRANT BAIL AND TO SET BAIL AT A BONDABLE AMOUNT - Transaction 2846104 - Approved By: MCHOLICO : 03-23-2012:21:15:41		
3/23/2012	3860	Request for Submission	MOTION TO SET BAIL (NO PAPER ORDER PROVIDED) - Transaction 2846104 - Approved By: MCHOLICO : 03-23-2012:21:15:41		
3/26/2012	NEF	Proof of Electronic Service	Transaction 2846363 - Approved By: NOREVIEW : 03-26-2012:08:13:01		
3/26/2012	NEF	Proof of Electronic Service	Transaction 2846377 - Approved By: NOREVIEW : 03-26-2012:08:19:41		
4/2/2012	3370	Order ...	Transaction 2862895 - Approved By: NOREVIEW : 04-02-2012:14:22:31		
4/2/2012	NEF	Proof of Electronic Service	Transaction 2862906 - Approved By: NOREVIEW : 04-02-2012:14:25:02		
4/3/2012	S200	Request for Submission Completed			
4/4/2012	S200	Request for Submission Completed			
4/4/2012	3370	Order ...	Transaction 2869069 - Approved By: NOREVIEW : 04-04-2012:13:28:34		
4/4/2012	NEF	Proof of Electronic Service	Transaction 2869107 - Approved By: NOREVIEW : 04-04-2012:13:36:23		
4/5/2012	MIN	***Minutes	4/4/12 - MOTION TO SET BAIL - Transaction 2872319 - Approved By: NOREVIEW : 04-05-2012:14:28:54		
4/5/2012	NEF	Proof of Electronic Service	Transaction 2872331 - Approved By: NOREVIEW : 04-05-2012:14:31:07		
4/12/2012	4185	Transcript	MOTION TO SET BAIL - APRIL 4, 2012 - Transaction 2886171 - Approved By: NOREVIEW : 04-12-2012:13:37:01		
4/12/2012	NEF	Proof of Electronic Service	Transaction 2886180 - Approved By: NOREVIEW : 04-12-2012:13:39:28		
5/22/2012	4025	Stip & Ord to Continue	Sentencing - Transaction 2970559 - Approved By: NOREVIEW : 05-22-2012:13:35:13		
5/22/2012	NEF	Proof of Electronic Service	Transaction 2970569 - Approved By: NOREVIEW : 05-22-2012:13:37:01		
5/30/2012	1930	Letters ...	LETTERS TO BE USED AS EXHIBIT IN SENTENCING - Transaction 2985922 - Approved By: AZION : 05-30-2012:14:53:28		
5/30/2012	NEF	Proof of Electronic Service	Transaction 2986020 - Approved By: NOREVIEW : 05-30-2012:14:53:28		
5/31/2012	4505	Crt Ord Psych Eval - Conf.	Transaction 2988944 - Approved By: JYOST : 05-31-2012:16:07:51		
5/31/2012	NEF	Proof of Electronic Service	Transaction 2989020 - Approved By: NOREVIEW : 05-31-2012:16:12:18		
5/31/2012	1930	Letters ...	EVIDENCE AND LETTERS TO BE USED AS EXHIBIT IN SENTENCING - Transaction 2989104 - Approved By: AZION : 05-31-2012:16:34:38		
5/31/2012	NEF	Proof of Electronic Service	Transaction 2989148 - Approved By: NOREVIEW : 05-31-2012:16:34:38		
6/1/2012	2528	Not/Doc/Rc'd/Not/Cons/by Crt	Transaction 2990765 - Approved By: NOREVIEW : 06-01-2012:12:02:04		

Case Description: STATE VS. KUPAA KEA (TN)(D9)				
Case ID:	CR12-0110	Case Type:	CRIMINAL	Initial Filing Date: 1/20/2012
6/1/2012	NEF	Proof of Electronic Service	Transaction 2990772 - Approved By: NOREVIEW : 06-01-2012:12:03:48	
6/1/2012	COLL	Sent to Collections	01-JUN-2012	
6/5/2012	1850	Judgment of Conviction	Transaction 2996695 - Approved By: NOREVIEW : 06-05-2012:09:31:40	
6/5/2012	NEF	Proof of Electronic Service	Transaction 2996710 - Approved By: NOREVIEW : 06-05-2012:09:33:39	
6/7/2012	MIN	***Minutes	6/1/12 - SENTENCING - Transaction 3004669 - Approved By: NOREVIEW : 06-07-2012:16:47:59	
6/7/2012	NEF	Proof of Electronic Service	Transaction 3004691 - Approved By: NOREVIEW : 06-07-2012:16:50:25	
6/13/2012	4300	Withdrawal of Counsel	KATHERINE BERNING, ESQ - Transaction 3015910 - Approved By: SHAMBRIG : 06-13-2012:14:07:32	
6/13/2012	NEF	Proof of Electronic Service	Transaction 3015978 - Approved By: NOREVIEW : 06-13-2012:14:13:06	
6/18/2012	NEF	Proof of Electronic Service	Transaction 3026435 - Approved By: NOREVIEW : 06-18-2012:17:46:01	
6/18/2012	4185	Transcript	SENTENCING - JUNE 1, 2012 - Transaction 3026431 - Approved By: NOREVIEW : 06-18-2012:17:44:28	
6/26/2012	1600	Designation Record on Appeal		
6/26/2012	2515	Notice of Appeal Supreme Court	APPELLANT, KUPAA KEA	
6/26/2012	1310E	Case Appeal Statement	Transaction 3041776 - Approved By: NOREVIEW : 06-26-2012:09:09:05	
6/26/2012	NEF	Proof of Electronic Service	Transaction 3041806 - Approved By: NOREVIEW : 06-26-2012:09:13:39	
6/26/2012	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 3041776 - Approved By: I	
6/28/2012	1188	Supreme Court Receipt for Doc	SUPREME COURT CASE NO. 61160/RECEIPT FOR DOCUMENTS - Transaction 3049145 - Approved By: NO	
6/28/2012	NEF	Proof of Electronic Service	Transaction 3049154 - Approved By: NOREVIEW : 06-28-2012:10:42:21	
7/12/2012	1087	Amended Case Appeal Statement	Transaction 3078190 - Approved By: LMATHEUS : 07-12-2012:13:31:47	
7/12/2012	3868	Req to Crt Rptr - Rough Draft	REQUEST FOR ROUGH DRAFT TRANSCRIPTS - Transaction 3078159 - Approved By: LMATHEUS : 07-12-21	
7/12/2012	2183	Mtn for Rough Draft Transcript	MOTION FOR ROUGH DRAFT TRANSCRIPT AT PUBLIC EXPENSE - Transaction 3078178 - Approved By: LN	
7/12/2012	NEF	Proof of Electronic Service	Transaction 3078240 - Approved By: NOREVIEW : 07-12-2012:13:36:30	
7/12/2012	NEF	Proof of Electronic Service	Transaction 3079629 - Approved By: NOREVIEW : 07-12-2012:16:03:03	
7/12/2012	NEF	Proof of Electronic Service	Transaction 3078253 - Approved By: NOREVIEW : 07-12-2012:13:37:46	
7/12/2012	FIE	**Document Filed in Error	7-12-12 - LMATHEUS	
7/12/2012	NEF	Proof of Electronic Service	Transaction 3078301 - Approved By: NOREVIEW : 07-12-2012:13:46:01	
7/12/2012	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NRAP 3(g)(1)(B) - Transaction 3079415 - Approved By: NORI	
7/12/2012	NEF	Proof of Electronic Service	Transaction 3078248 - Approved By: NOREVIEW : 07-12-2012:13:36:29	
7/17/2012	3868	Req to Crt Rptr - Rough Draft	Transaction 3087763 - Approved By: AZION : 07-17-2012:09:09:52	
7/17/2012	NEF	Proof of Electronic Service	Transaction 3087994 - Approved By: NOREVIEW : 07-17-2012:09:32:13	
7/27/2012	3860	Request for Submission	MOTION FOR ROUGH DRAFT OF TRANSCRIPTS AT PUBLIC EXPENSE - Transaction 3112961 - Approved E	
7/27/2012	NEF	Proof of Electronic Service	Transaction 3113027 - Approved By: NOREVIEW : 07-27-2012:14:04:57	
7/27/2012	1325	** Case Reopened		
7/30/2012	2610	Notice ...	NOTICE REGARDING TRANSCRIPT AT PUBLIC EXPENSE - Transaction 3114525 - Approved By: MCHOLIC	
7/30/2012	NEF	Proof of Electronic Service	Transaction 3114563 - Approved By: NOREVIEW : 07-30-2012:10:48:45	
8/7/2012	2490	Motion ...	MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD OR IN THE ALTERNATIVE, REQUEST FOR REC	
8/14/2012	BAIL	**Bailbond Posted		
8/14/2012	S200	Request for Submission Complet		
1/4/2013	EXON	**Cash Bail/Bond Exonerated	SLIP SENT 01/07/2013 A50-00555740	
2/19/2013	NEF	Proof of Electronic Service	Transaction 3537822 - Approved By: NOREVIEW : 02-19-2013:08:00:48	

Case Description: STATE VS. KUPAA KEA (TN)(D9)				
Case ID:	CR12-0110	Case Type:	CRIMINAL	Initial Filing Date: 1/20/2012
2/19/2013	4134	Supreme Court Order Affirming	SUPREME COURT NO. 61160/ORDER OF AFFIRMANCE - Transaction 3537819 - Approved By: NOREVIEW :	
3/20/2013	4134	Supreme Court Order Affirming	SUPREME COURT NO. 61160/ORDER OF AFFIRMANCE - Transaction 3603579 - Approved By: NOREVIEW :	
3/20/2013	4111	Supreme Ct Clk's Cert & Judg	SUPREME COURT NO. 61160/CLERK'S CERTIFICATE AND JUDGMENT - Transaction 3603579 - Approved E	
3/20/2013	NEF	Proof of Electronic Service	Transaction 3603620 - Approved By: NOREVIEW : 03-20-2013:10:58:00	
3/20/2013	4145	Supreme Court Remittitur	SUPREME COURT NO. 61160/REMITTITUR - Transaction 3603579 - Approved By: NOREVIEW : 03-20-2013:	
2/4/2014	2383	Mtn to Modify/Correct Sentence	MOTION TO CORRECT AND/OR MODIFY ILLEGAL SENTENCE	
2/4/2014	2490	Motion ...	MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD OR IN THE ALTERNATIVE, REQUEST FOR REC	
2/14/2014	3565	Pet Post-Conviction Relief		
3/7/2014	2501	Non-Opposition ...	NON-OPPOSITION TO MOTION FOR WITHDRAWAL OF ATTY OF RECORD OR IN THE ALTERNATIVE, REI	
3/7/2014	NEF	Proof of Electronic Service	Transaction 4334394 - Approved By: NOREVIEW : 03-07-2014:15:20:03	
8/15/2014	1215	Application Appoint Counsel		
8/15/2014	3565	Pet Post-Conviction Relief		
11/5/2014	3860	Request for Submission	DOCUMENT TITLE: PETITION OF WRIT OF HABEAS CORPUS (POST-CONVICTION) AND MOTION TO MO	
1/6/2015	3370	Order ...	Transaction 4761168 - Approved By: NOREVIEW : 01-06-2015:13:21:15	
1/6/2015	NEF	Proof of Electronic Service	Transaction 4761171 - Approved By: NOREVIEW : 01-06-2015:13:22:04	
1/6/2015	S200	Request for Submission Complet		
2/23/2015	1130	Answer ...	ANSWER TO PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTION) - Transaction 4829088 - Ap	
2/23/2015	2520	Notice of Appearance	TERRENCE MCCARTHY, ESQ. / STATE - Transaction 4829088 - Approved By: MCHOLICO : 02-23-2015:15:5	
2/23/2015	2300	Mtn to Dismiss Pet	MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS - Transaction 4829088 - Approved By: MC	
2/23/2015	NEF	Proof of Electronic Service	Transaction 4829745 - Approved By: NOREVIEW : 02-23-2015:15:55:48	
2/23/2015	2645	Opposition to Mtn ...	OPPOSITION TO MOTION TO CORRECT AND/OR MODIFY ILLEGAL SENTENCE - Transaction 4829088 - A	
3/20/2015	3790	Reply to/in Opposition	REPLY TO STATE'S MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPUS (POST-CONVICTIO	
3/20/2015	3880	Response...	RESPONSE TO STATE'S OPPOSITION OF MOTION TO CORRECT AND/OR MODIFY ILLEGAL SENTENCE	
3/20/2015	3860	Request for Submission	DOCUMENT TITLE: REPLY TO STATE'S MOTION TO DISMISS PETITION FOR WRIT OF HABEAS CORPU	
6/3/2015	3370	Order ...	Transaction 4982289 - Approved By: NOREVIEW : 06-03-2015:14:52:09	
6/3/2015	2840	Ord Denying ...	Transaction 4982289 - Approved By: NOREVIEW : 06-03-2015:14:52:09	
6/3/2015	S200	Request for Submission Complet		
6/3/2015	NEF	Proof of Electronic Service	Transaction 4982292 - Approved By: NOREVIEW : 06-03-2015:14:53:09	
7/1/2015	2715	Ord Appointing Counsel	RECOMMENDATION AND ORDER FOR APPOINTMENT OF COUNSEL - Transaction 5025977 - Approved By	
7/1/2015	NEF	Proof of Electronic Service	Transaction 5025991 - Approved By: NOREVIEW : 07-01-2015:09:26:24	
8/27/2015	4047	Stip Extension of Time ...	STIPULATION FOR EXTENSION OF TIME WITHIN WHICH TO FILE SUPPLEMENTAL PETITION FOR WRIT	
8/27/2015	NEF	Proof of Electronic Service	Transaction 5115312 - Approved By: NOREVIEW : 08-27-2015:14:21:52	
9/16/2015	3030	Ord Granting Extension Time	Transaction 5143734 - Approved By: NOREVIEW : 09-16-2015:12:04:17	
9/16/2015	NEF	Proof of Electronic Service	Transaction 5143741 - Approved By: NOREVIEW : 09-16-2015:12:05:18	
10/12/2015	4047	Stip Extension of Time ...	STIPULATION FOR EXTENSION OF TIME WITHIN WHICH TO FILE SUPPLEMENTAL PETITION FOR WRIT	
10/12/2015	NEF	Proof of Electronic Service	Transaction 5183816 - Approved By: NOREVIEW : 10-12-2015:14:01:38	
10/16/2015	3105	Ord Granting ...	ORDER GRANTING STIPULATION FOR EXTENSION OF TIME - Transaction 5192174 - Approved By: NORE	
10/16/2015	NEF	Proof of Electronic Service	Transaction 5192176 - Approved By: NOREVIEW : 10-16-2015:09:31:43	
12/18/2015	4047	Stip Extension of Time ...	STIPULATION FOR EXTENSION OF TIME WITHIN WHICH TO FILE SUPPLEMENTAL PETITION FOR WRIT	

Case Description: STATE VS. KUPAA KEA (TN)(D9)			
Case ID:	CR12-0110	Case Type:	CRIMINAL
			Initial Filing Date: 1/20/2012
12/18/2015	NEF	Proof of Electronic Service	Transaction 5285852 - Approved By: NOREVIEW : 12-18-2015:12:31:34
12/29/2015	3030	Ord Granting Extension Time	Transaction 5296869 - Approved By: NOREVIEW : 12-29-2015:11:57:31
12/29/2015	NEF	Proof of Electronic Service	Transaction 5296875 - Approved By: NOREVIEW : 12-29-2015:11:58:20
2/22/2016	2075	Mtn for Extension of Time	MOTION FOR EXTENSION OF TIME TO FILE SUPPLEMENTAL PETITION FOR WRIT OF HABEAS CORPUS
2/22/2016	NEF	Proof of Electronic Service	Transaction 5379878 - Approved By: NOREVIEW : 02-22-2016:13:40:13
2/28/2016	3860	Request for Submission	MOTION FOR EXTENSION OF TIME WITHIN WHICH TO FILE A SUPPLEMENTAL PETITION FOR WRIT OF
2/29/2016	NEF	Proof of Electronic Service	Transaction 5390832 - Approved By: NOREVIEW : 02-29-2016:09:28:48
3/15/2016	4300	Withdrawal of Counsel	MOTION FOR WITHDRWAL OF ATTORNEY OR RECORD OR IN THE ALTERNATIVE, REQUEST FOR REC
3/15/2016	2610	Notice ...	NOTICE OF MOTION FOR WITHDRAWAL OF ATTORNEY OF RECORD
3/16/2016	3030	Ord Granting Extension Time	ORDER GRANTING MOTION FOR EXTENSION OF TIME TO FILE SUPPLEMENTAL PETITION FOR WRIT C
3/16/2016	NEF	Proof of Electronic Service	Transaction 5420673 - Approved By: NOREVIEW : 03-16-2016:15:54:09
3/17/2016	1360	Certificate of Service	Transaction 5422546 - Approved By: CSULEZIC : 03-17-2016:14:32:42
3/17/2016	NEF	Proof of Electronic Service	Transaction 5422617 - Approved By: NOREVIEW : 03-17-2016:14:35:13
3/18/2016	PAYRC	**Payment Received	A Payment of -\$114.01 was made on receipt DCDC534241.
3/18/2016	S200	Request for Submission Complet	
4/19/2016	3870	Request	REQUEST TO WITHDRAWAL MOTION OF WITHDRAWAL OF ATTORNEY
4/19/2016	3860	Request for Submission	DOCUMENT TITLE: REQUEST TO WITHDRAWAL MOTION OF WITHDRAWAL OF ATTORNE (NO PAPER C
4/29/2016	2075	Mtn for Extension of Time	SECOND MOTION FOR EXTENSION OF TIEM TO FILE SUPPLEMENTAL PETITION FOR WRIT OF HABEAS
4/29/2016	NEF	Proof of Electronic Service	Transaction 5491374 - Approved By: NOREVIEW : 04-29-2016:11:44:32
5/2/2016	S200	Request for Submission Complet	
5/2/2016	2842	Ord Denying Motion	Transaction 5494713 - Approved By: NOREVIEW : 05-02-2016:15:59:24
5/2/2016	NEF	Proof of Electronic Service	Transaction 5494718 - Approved By: NOREVIEW : 05-02-2016:16:00:23
5/31/2016	2515	Notice of Appeal Supreme Court	Appellant, KUPOA KEA, proper
5/31/2016	1310	Case Appeal Statement	Filed by Appellant, KUPAA KEA, pro per
6/3/2016	1310E	Case Appeal Statement	Transaction 5545060 - Approved By: NOREVIEW : 06-03-2016:08:15:43
6/3/2016	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 5545060 - Approved By: I
6/3/2016	NEF	Proof of Electronic Service	Transaction 5545062 - Approved By: NOREVIEW : 06-03-2016:08:16:33

1 Code: 3370

2
3
4 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
5 IN AND FOR THE COUNTY OF WASHOE
6

7 KUPAA KEA,

Case No. CR12-0110
Dept. No. 9

8 Petitioner,

9 v.

10 THE STATE OF NEVADA,

11 Respondent.
12

ORDER DENYING MOTION TO CORRECT AND/OR MODIFY ILLEGAL SENTENCE

13
14 Before the Court is Petitioner KUPAA KEA's (hereinafter "Petitioner") *Motion to Correct*
15 *and/or Modify Illegal Sentence* filed on February 4, 2014. On February 23, 2015, the State filed an
16 *Opposition to Motion to Correct and/or Modify Illegal Sentence*. On March 20, 2015, Petitioner
17 filed a *Response to State's Opposition of Motion to Correct and/or Modify Illegal Sentence*.

18 BACKGROUND

19 Petitioner seeks post-conviction relief from a judgment of conviction entered on June 5,
20 2012, pursuant to Petitioner's plea of guilty. *See* (Judgment of Conviction, p.1). Petitioner was
21 convicted of two counts of battery with the use of a deadly weapon causing substantial bodily harm.
22 *Id.* The Nevada Supreme Court entered an *Order of Affirmance* on February 13, 2013.

23 ARGUMENTS

24 Petitioner moves this Court to correct or modify his sentence. First, Petitioner moves for
25 correction or modification of his sentence pursuant to NRS 62B.390(3), as Petitioner argues he was
26 improperly convicted as an adult. *See* (Mot. to Correct and/or Modify, p.4). Second, Petitioner
27 argues his sentence should be corrected or modified as Petitioner contends the crimes were
28 incorrectly presented to the Court as an "ambush." *Id.* at p.10.

1 The State first argues Petitioner's *Motion* should be denied as his argument regarding
2 correction or modification of sentence for being convicted as an adult fails. *See* (Opp. to Mot., p.2).
3 Specifically, the State contends Petitioner's *Motion* is inappropriate as a motion to correct
4 presupposes a valid conviction. *Id.* The State further argues there is no constitutional right to be
5 tried as a juvenile. *Id.*

6 Second, the State argues Petitioner's claim based on the disputed ambush fails as Petitioner
7 is disputing the details of the crime, rather than mistakes concerning the defendant's criminal
8 history. *Id.* at p.2. Thus, the State argues Petitioner's *Motion* should be denied. *Id.*

9 DISCUSSION

10 The Court may consider a motion to modify sentence or motion to correct an illegal
11 sentence in limited circumstances. *Edwards v. State*, 112 Nev. 704, 707, 918 P.2d 321, 323-324
12 (1996). A motion to modify a sentence is limited to sentences "based on mistaken assumption
13 about a defendant's criminal record which work to the defendant's extreme detriment." *Id.* at 324.
14 A motion to correct an illegal sentence addresses the facial legality of a sentence. *Id.* The facial
15 legality of a sentence depends on: 1) whether the district court was without jurisdiction to impose a
16 sentence; and, 2) whether the sentence imposed exceeds the statutory maximum. *Id.* However, a
17 motion to correct an illegal sentence may not be used to challenge the validity of a judgment of
18 conviction or to challenge any alleged errors that occurred either at trial or during sentencing. *Id.* A
19 district court should summarily deny a motion to modify or a motion to correct an illegal sentence
20 that raises claims outside the proper scope of said motions. *Id.* at 325 n.2.

21
22 Upon careful consideration of the moving papers the Court finds Petitioner's first claim for
23 relief fails as it falls outside the proper scope of a motion to modify sentence or a motion to correct
24 an illegal sentence. First, Petitioner's claim he was improperly convicted as an adult is outside the
25 scope of a motion to modify a sentence as the claim is not based upon a mistaken assumption of
26 Petitioner's criminal record. Second, Petitioner's claim falls outside the scope of a motion to correct
27 an illegal sentence as said claim does not challenge the facial validity of the sentence; specifically,
28

1 Petitioner does not allege the Court lacked jurisdiction to impose the sentence, nor has Petitioner
2 alleged the sentence exceeds the statutory maximum.

3 The Court also finds Petitioner's second claim, regarding the "ambush" theory, fails as it
4 also falls outside the proper scope of a motion to modify or a motion to correct an illegal sentence.
5 First, Petitioner's claim falls outside the scope of a motion to modify sentence as Petitioner does not
6 argue the Court based its decision on a mistaken assumption of the Petitioner's criminal record.
7 *Edwards v. State*, 112 Nev. at 707 (holding "[T]he district court has inherent authority to correct,
8 vacate or modify a sentence that is based on a materially untrue assumption or mistake of fact that
9 has worked to the extreme detriment of the defendant, but only if the mistaken sentence 'is the
10 result of the sentencing judge's misapprehension of a *defendant's criminal record*.'" (emphasis
11 added) (citing *State v. Eighth Judicial Dist. In and For Clark County*, 100 Nev. 90, 97, 677 P.2d
12 1044, 1048 (1984))). Second, Petitioner's claim regarding the ambush does not argue the sentence
13 was facially illegal or beyond the parameters of the statutory maximum.
14

15 Accordingly, and good cause appearing, the Court's order is as follows:

16 IT IS HEREBY ORDERED Petitioner's *Motion to Correct and/or Modify Illegal Sentence*
17 is DENIED.

18
19 DATED: this 3 day of June, 2015.

20
21 
22 _____
23 DISTRICT JUDGE
24
25
26
27
28

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on this 3rd day of June, 2015, I deposited in the County mailing system for postage and mailing with the United States Postal Service in Reno, Nevada, a true copy of the attached document addressed to:

Kupaa Kea #1086980
Ely State Prison
P.O. Box 1989
Ely, NV 89301

Further, I certify that on the 3rd day of June, 2015, I electronically filed the foregoing with the Clerk of the Court electronic filing system, which will send notice of electronic filing to the following:

KATHERINE LYON, ESQ. for STATE OF NEVADA
KATHRINE BERNING, ESQ. for KUPAA KEA (TN)
SHANNON BRYANT, ESQ. for STATE OF NEVADA
DIV. OF PAROLE & PROBATION
TERRENCE MCCARTHY, ESQ. for STATE OF NEVADA


Brianne Buzzell
Judicial Assistant

FILED

Electronically

03-12-2012:11:47:53 AM

Joey Orduna Hastings

Clerk of the Court

Transaction # 2817766

CASE NO. CR12-0110

STATE OF NEVADA VS. KUPAA KEA

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

02/08/2012

HON. NORMAN C.

ROBISON

DEPT. NO. 9

G. Bartlett

(Clerk)

S. Loder

(Reporter)

ARRAIGNMENT

Deputy D.A. Katherine Lyon represented the State.

Defendant present with counsel, Kathrine Berning, Esq.

Probation Officer, Deborah Brown, also present.

TRUE NAME: KUPAA KEA. Defendant handed a copy of the

Information; waived formal reading; waived time in which to enter a plea and plead Guilty to Battery With a Deadly Weapon Causing Substantial Bodily Harm, as charged in Counts I and II of the Information.

Counsel for Defendant stated plea negotiations to the Court.

The Defendant was sworn.

Court interrogated the Defendant and informed him of his rights and stated the possible penalties thereto.

Counsel for State stated elements of the charge she was prepared to prove at the time of trial.

Court made finding that the Defendant is aware of his rights and knowingly waives them, that there is a factual basis for the entry of plea and the Court accepts the plea and enters a formal finding of guilt on the record.

Respective counsel requested P.S.I. report.

COURT ORDERED: Matter continued for entry of judgment and imposition of sentence.

Defendant remanded to the custody of the Sheriff.

03/23/12

8:30 a.m.

Sentencing

FILED

Electronically

04-05-2012:02:27:57 PM

Joey Orduna Hastings

Clerk of the Court

Transaction # 2872319

CASE NO. CR12-0110

STATE OF NEVADA VS. KUPAA KEA

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

04/04/12

HON. SCOTT N.

FREEMAN

DEPT. NO. 9

G. Bartlett

(Clerk)

C. Vohl

(Reporter)

MOTION TO SET BAIL

Deputy D.A. Christian Wilson represented the State.

Defendant present with counsel, Kathrine Irene Berning, Esq.

Probation Officer, Michael Duncan, also present.

Counsel for Defendant informed the Court that the Defendant is currently on a no bail hold and is seeking a \$30,000.00 bondable bail amount. Counsel stated that this is the Defendant's first adult felony arrest and discussed the Defendant's family support and employment opportunity and will further agree to Court Services supervision while on bail if granted.

Counsel for State discussed the Defendant's juvenile history and elements of crime and reasons for a no bail hold.

Counsel for Defendant moved to invoke the rule of exclusion; SO ORDERED.

Detective Chad Crowe was called by counsel for State, sworn, testified and cross-examined.

Detective John Patton was called by counsel for State, sworn, testified and cross-examined.

Respective counsel presented closing arguments.

COURT ORDERED: Motion to set bail denied. Defendant shall remain on no bail hold.

Defendant remanded to the custody of the Sheriff.

FILED

Electronically

06-07-2012:04:46:46 PM

Joey Orduna Hastings

Clerk of the Court

Transaction # 3004669

CASE NO. CR12-0110

STATE OF NEVADA VS. KUPAA KEA

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

06/01/12

HON. SCOTT N.

FREEMAN

DEPT. NO. 9

G. Bartlett

(Clerk)

C. Vohl

(Reporter)

ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE

Deputy D.A. Christian Wilson represented the State.

Defendant present with counsel, Kathrine Irene Berning, Esq.

Probation Officer, Deborah Brown, also present.

Counsel for Defendant discussed the Defendant's juvenile criminal history, the Defendant's gang affiliation, the Defendant's childhood upbringing and Dr. Mahaffey's report and urged the Court to impose 24-72 month sentences on each count to run them concurrently.

Counsel for State requested the maximum sentence of 72-180 months to run consecutively with each other and discussed the elements of the crime, the Defendant's actions while on bail and stated that the Defendant is a danger to the community.

The Defendant made a statement to the Court.

COURT ORDERED: Judgment entered. Defendant sentenced to Nevada State Prison for the minimum term of thirty-five (35) months to a maximum term of one hundred fifty-six (156) months, as to Count I. As to Count II, the Defendant is sentenced to Nevada State Prison for the minimum term of thirty-five (35) months to a maximum term of one hundred fifty-six (156) months, to run consecutively to Count I.

The Defendant is further ordered to pay the statutory Twenty-Five Dollar (\$25.00) administrative assessment fee and a One Hundred Fifty Dollar (\$150.00) DNA testing fee. The Defendant is given credit for one hundred sixty-four (164) days time served.

Defendant remanded to the custody of the Sheriff.

1 **Code 1350**

2
3
4 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
5 **IN AND FOR THE COUNTY OF WASHOE**

6 **KUPAA KEA,**

Case No. CR12-0110

7
8 **Petitioner,**

Dept. No. 9

9 **vs.**

10 **THE STATE OF NEVADA,**

11 **Respondent.**

12
13 **CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL**

14 I certify that I am an employee of the Second Judicial District Court of the State of Nevada,
15 County of Washoe; that on the 3rd day of June, 2016, I electronically filed the Notice of Appeal in
the above entitled matter to the Nevada Supreme Court.

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

18 Dated this 3rd day of June, 2016

19 Jacqueline Bryant
20 Clerk of the Court

21 By /s/ Yvonne Vilorio
22 Yvonne Vilorio
23 Deputy Clerk
24
25
26
27
28