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Electronically Filed  
Feb 03 2017 01:58 p.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

V.

)

**APPELLANT'S APPENDIX**

Counsel for Respondent

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**ANTHONY JACKSON**  
**Case No. 70870**

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JUSTICE COURT CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff, JUSTICE COURT CLARK COUNTY, NEVADA

-vs-

ANTHONY JACKSON, aka,  
Anthony Rashard Johnson #6018419,

Defendant.

CASE NO: 15F06134X

DEPT NO: 4

CRIMINAL COMPLAINT

The Defendant above named having committed the crimes of CARRYING CONCEALED FIREARM OR OTHER DEADLY WEAPON (Category C Felony - NRS 202.350 (1)(d)(3) - NOC 51459) and OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON (Category B Felony - NRS 202.360 - NOC 51460), in the manner following, to-wit: That the said Defendant, on or about the 21st day of April, 2015, at and within the County of Clark, State of Nevada,

COUNT 1 - CARRYING CONCEALED FIREARM OR OTHER DEADLY WEAPON

did then and there wilfully, intentionally, unlawfully and feloniously carry concealed upon his person, a firearm or other deadly weapon, to-wit: a Walther PPK/S, .380 caliber, bearing Serial No. S035295.

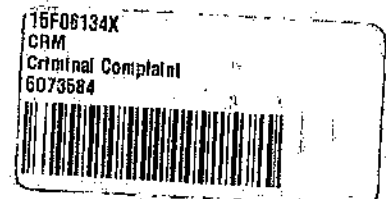
COUNT 2 - OWNERSHIP OR POSSESSION OF FIREARM BY PROHIBITED PERSON

did wilfully, unlawfully, and feloniously own, or have in his possession and/or under his custody or control, a firearm, to-wit: a Walther PPK/S, .380 caliber, bearing Serial No. S035295, the defendant being a convicted felon, having in 2011, been convicted of Possession of Controlled Substance, in Case No. SCD235996, and/or having in 2013, been convicted of Robbery, in Case No. SCD246084, in the Superior Court, San Diego County, felonies under the laws of the State of California.

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1 All of which is contrary to the form, force and effect of Statutes in such cases made and  
2 provided and against the peace and dignity of the State of Nevada. Said Complainant makes  
3 this declaration subject to the penalty of perjury.

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27 15F06134X/jjd  
28 NVGCB EV# 20157433LV.  
(TK4)

Justice Court, Las Vegas Township  
Clark County, Nevada

Court Minutes



PC15F06134X State of Nevada vs. JOHNSON, ANTHONY RASHARD

4/24/2015 8:30:00 AM 72 Hour Hearing (In Custody)

Result: Matter Heard

PARTIES  
PRESENT: Defendant JOHNSON, ANTHONY RASHARD

Judge: Bonaventure, Joseph M.

Prosecutor: Wiborg, Erika

Court Reporter: MacDonald, Kit

Court Clerk: Nelson-Moore, Elizabeth

PROCEEDINGS

Hearings: 7/28/2015 8:30:00 AM: Status Check on Filing of Criminal Complaint Added

Events: Release Order - Court Ordered due to no complaint  
filed

Continued for Status Check on filing of Criminal  
Complaint

**Justice Court, Las Vegas Township  
Clark County, Nevada**

**Court Minutes**



**15F06134X State of Nevada vs. JOHNSON, ANTHONY RASHARD**

**7/28/2015 8:30:00 AM Initial Appearance (No bail Posted)**

**Result: Bench Warrant Issued**

**PARTIES  
PRESENT:**

**Judge:** Pro Tempore, Judge  
**Prosecutor:** Cannizzaro, Nicole  
**Court Reporter:** MacDonald, Kit  
**Pro Tempore:** Stoberski, Holly S.  
**Court Clerk:** Nelson-Moore, Elizabeth

**PROCEEDINGS**

**Events:**

**Comment**

*The Public Defender (Mr. Yohay, represents the defendant is represented by their office in another case and he wrote a letter stating that this case violated his case in San Diego California and he is doing time on that case and this would be the reason for his failure to appear today.*

**Bench Warrant Ordered to be Issued**

40,000/40,000 total.

Justice Court, Las Vegas Township  
Clark County, Nevada

Court Minutes



L006265897

15F06134X State of Nevada vs. JOHNSON, ANTHONY RASHARD

Lead Atty: Public Defender

3/15/2016 8:30:00 AM Initial Appearance (In Custody)

Result: Matter Heard

**PARTIES PRESENT:** Attorney Jones, Kelley R.  
Defendant JOHNSON, ANTHONY RASHARD

**Judge:** Saragosa, Melissa  
**Prosecutor:** Schwartz, Bryan  
**Court Reporter:** MacDonald, Kit  
**Court Clerk:** Nelson-Moore, Elizabeth

PROCEEDINGS

|                   |   |                          |       |
|-------------------|---|--------------------------|-------|
| <b>Attorneys:</b> | <b>Jones, Kelley R.</b>   | JOHNSON, ANTHONY RASHARD | Added |
|                   | <b>Public Defender</b>  | JOHNSON, ANTHONY RASHARD | Added |
| <b>Hearings:</b>  | 3/29/2016 9:30:00 AM: Preliminary Hearing   |                          | Added |
| <b>Events:</b>    | <b>Initial Appearance Completed</b>   |                          |       |
|                   | <i>Advised of Charges on Criminal Complaint, Waives Reading of Criminal Complaint</i> |                          |       |
|                   | <b>Public Defender Appointed</b>  |                          |       |
|                   | <b>Bail Stands - Cash or Surety</b>   | Amount: \$40,000.00      |       |
|                   | <i>Counts: 001; 002 - \$40,000.00/\$40,000.00 Total Bail</i>                          |                          |       |

**Justice Court, Las Vegas Township  
Clark County, Nevada**

**Court Minutes**



L006325610

**15F06134X State of Nevada vs. JOHNSON, ANTHONY RASHARD**

Lead Atty: Public Defender

**3/29/2016 9:30:00 AM Preliminary Hearing (In Custody)**

Result: Bound Over

**PARTIES** Attorney Berkley, Maxwell  
**PRESENT:** Defendant JOHNSON, ANTHONY RASHARD

**Judge:** Pro Tempore, Judge

**Prosecutor:** Cannizzaro, Nicole

**Court Reporter:** MacDonald, Kit

**Court Clerk:** Clayton, Renita

**Pro Tempore:** Stoberski, Holly S.

**PROCEEDINGS**

**Attorneys:** Berkley, Maxwell JOHNSON, ANTHONY RASHARD Added

**Events:** Unconditional Bind Over to District Court Review Date: 3/30/2016

*Defendant unconditionally waives right to Preliminary Hearing. Defendant Bound Over to District Court as Charged. Defendant to Appear in the Lower Level Arraignment Courtroom A.*

**District Court Appearance Date Set**

*Mar 31 2016 10:00AM: In custody*

**Case Closed - Bound Over**

**Bail Stands - Cash or Surety** Amount: \$40,000.00

*Counts: 001; 002 - \$40,000.00/\$40,000.00 Total Bail*

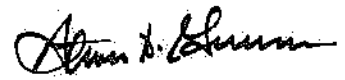
**Plea/Disp:** 001: Carry conceal expl/gun/dang weap w/o prmt [51459]

Disposition: Waiver of Preliminary Hearing - Bound Over to District Court

002: Own/poss gun by prohibit pers [51460]

Disposition: Waiver of Preliminary Hearing - Bound Over to District Court



  
CLERK OF THE COURT

1 CASE NO. C313747

2

3 IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP

4 CLARK COUNTY, STATE OF NEVADA

5

6 STATE OF NEVADA,

7 PLAINTIFF,

8 VS.

9 ANTHONY RASHARD JOHNSON,

10 DEFENDANT,

11

CASE NO. 15F06134X

12 REPORTER'S TRANSCRIPT OF UNCONDITIONAL WAIVER

13

14 BEFORE HOLLY S. STOBERSKI, JUSTICE OF THE PEACE, PRO TEM

15

16 TUESDAY, MARCH 29, 2016

17 11:49 O'CLOCK A.M.

18

19 FOR THE PLAINTIFF:

NICOLE CANNIZZARO,  
DEPUTY DISTRICT ATTORNEY

20

21 FOR THE DEFENDANT:

MAXWELL A. BERKLEY,  
DEPUTY PUBLIC DEFENDER

22

23

\* \* \* \*

24 REPORTED BY: KIT MACDONALD, C.C.R.  
25 CERTIFICATE NO. 65

1 LAS VEGAS, CLARK COUNTY, NEVADA, TUESDAY, MARCH 29, 2016.

2

3

11:49 O'CLOCK A.M.

4

5

\* \* \* \* \*

6

7 **THE COURT:** ARE THE PARTIES READY ON THE JOHNSON MATTER?

8 **MS. CANNIZZARO:** IF WE CAN HAVE JUST ONE MOMENT, YOUR

9 HONOR?

10 (DISCUSSION BETWEEN MS. CANNIZZARO AND MR. BERKLEY.)

11 **MR. BERKLEY:** YOUR HONOR, THANK YOU FOR YOUR HONOR'S

12 PATIENCE, I THINK WE HAVE THIS RESOLVED, MR. JOHNSON'S MATTER.

13 **THE COURT:** ALL RIGHT. CASE NO. 15F06134X.

14 **MR. BERKLEY:** TODAY MR. JOHNSON IS GOING TO

15 UNCONDITIONALLY WAIVE HIS RIGHT TO A PRELIMINARY HEARING. IN

16 DISTRICT COURT HE'S GOING TO PLEAD GUILTY TO ONE COUNT OF

17 POSSESSION OF A DANGEROUS WEAPON, WHICH IS A GROSS

18 MISDEMEANOR. IT IS GOING TO BE A PLEA PURSUANT TO ALFORD, SO

19 IT WILL BE A NO CONTEST PLEA.

20 IN ADDITION, THE STATE WILL HAVE NO OPPOSITION TO THIS

21 CASE RUNNING CONCURRENT TO -- IT MUST -- YOU KNOW, I'LL JUST

22 SAY CONCURRENT TO HIS OTHER CASE, AND WE'LL MAKE SURE IN THE

23 GUILTY PLEA AGREEMENT THAT IS THE CORRECT CASE NUMBER THAT

24 HE'S ON PROBATION ON RIGHT NOW. STATE WILL HAVE NO OPPOSITION

25 TO PROBATION IN THIS CASE.

1       IN ADDITION, BOTH PARTIES WILL RECOMMEND TO THE DISTRICT  
2 COURT THAT THE PROBATIONARY PERIOD NOT EXCEED ONE YEAR. THE  
3 STATE WILL HAVE NO OPPOSITION TO AN O.R. AT ENTRY OF PLEA.  
4 AND MR. JOHNSON HAS BEEN IN GOOD CONTACT WITH HIS PROBATION  
5 OFFICER AND WILL CHECK INTO PAROLE AND PROBATION WITHIN 48  
6 HOURS AFTER BEING RELEASED IN -- WHEN HE SIGNS HIS GUILTY PLEA  
7 AGREEMENT.

8       **MS. CANNIZZARO:** THAT'S CORRECT.

9       **THE COURT:** GREAT, THANK YOU.

10       MR. JACKSON [SIC], DO YOU UNDERSTAND THE TERMS OF THE  
11 NEGOTIATIONS?

12       **THE DEFENDANT:** YES, MA'AM.

13       **THE COURT:** DO YOU WISH TO ACCEPT THE NEGOTIATIONS?

14       **THE DEFENDANT:** YES, MA'AM.

15       **THE COURT:** DO YOU UNDERSTAND THAT YOU HAVE A RIGHT TO A  
16 PRELIMINARY HEARING?

17       **THE DEFENDANT:** YES, MA'AM.

18       **THE COURT:** DO YOU ALSO UNDERSTAND THAT YOU HAVE THE  
19 RIGHT TO CONFRONT AND CROSS-EXAMINE ANY WITNESSES THAT THE  
20 STATE PRESENTS?

21       **THE DEFENDANT:** YES, MA'AM.

22       **THE COURT:** AND YOU ALSO HAVE THE RIGHT TO PRESENT  
23 WITNESSES AND EVIDENCE ON YOUR OWN BEHALF?

24       **THE DEFENDANT:** YES.

25       **THE COURT:** DO YOU UNDERSTAND THAT?

1       **THE DEFENDANT:**  YES, MA'AM.

2       **THE COURT:**  DO YOU UNDERSTAND THAT YOU HAVE THE RIGHT TO  
3 TESTIFY AND THE RIGHT TO REMAIN SILENT AND THAT CANNOT BE HELD  
4 AGAINST YOU?

5       **THE DEFENDANT:**  YES, MA'AM.

6       **THE COURT:**  DO YOU UNDERSTAND THAT YOU'RE UNCONDITIONALLY  
7 WAIVING THOSE RIGHTS TODAY?

8       **THE DEFENDANT:**  YES, MA'AM.

9       **THE COURT:**  THIS MEANS, WHEN YOU GET TO DISTRICT COURT IF  
10 YOU CHANGE YOUR MIND ABOUT THE PARTIES NEGOTIATIONS, YOU WILL  
11 GO TO TRIAL ON THE CHARGES AS STATED IN THE COMPLAINT; DO YOU  
12 UNDERSTAND THAT?

13       **THE DEFENDANT:**  YES, MA'AM, IF I CHANGE THEM.  I WON'T  
14 CHANGE THEM.  BUT IF THEY CHANGE THEM IT'S DIFFERENT.

15       **THE COURT:**  NOPE, THIS ONE'S ALL ON YOU.

16       **THE DEFENDANT:**  OKAY.

17       **THE COURT:**  IF YOU CHANGE YOUR MIND --

18       **THE DEFENDANT:**  YEAH, I WON'T CHANGE MY MIND THAT MUCH.

19       **THE COURT:**  -- IF YOU DON'T WANT THESE NEGOTIATIONS --

20       **THE DEFENDANT:**  OKAY, THANK YOU.

21       **THE COURT:**  OKAY.  SO IF YOU GET UP TO DISTRICT COURT AND  
22 GO, NAH, I DON'T WANT THOSE NEGOTIATIONS, THEN THE TRIAL IS  
23 GOING TO GO FORWARD ON WHAT'S STATED IN THE COMPLAINT; DO YOU  
24 UNDERSTAND THAT?

25       **THE DEFENDANT:**  OKAY.  YEAH, I WANT TO GO HOME.

1       **THE COURT:**  OKAY.  YOU WILL NOT HAVE THE OPPORTUNITY TO  
2 COME BACK TO JUSTICE COURT ---  
3       **THE DEFENDANT:**  OKAY.  
4       **THE COURT:**  -- AND REQUEST A PRELIMINARY HEARING --  
5       **THE DEFENDANT:**  OKAY.  
6       **THE COURT:**  -- DO YOU UNDERSTAND THAT?  
7       **THE DEFENDANT:**  YES, MA'AM.  
8       **THE COURT:**  AND DO YOU ALSO UNDERSTAND THAT YOUR ULTIMATE  
9 SENTENCING IS UP TO THE DISTRICT COURT JUDGE, AND THAT JUDGE  
10 HAS THE DISCRETION AS TO WHETHER OR NOT TO AGREE WITH WHAT THE  
11 PARTIES HAVE NEGOTIATED; DO YOU UNDERSTAND THAT?  
12       **THE DEFENDANT:**  THEY ARE GONNA GO ALONG...  
13       **MR. BERKLEY:**  COURT'S BRIEF INDULGENCE, I'LL EXPLAIN THAT  
14 TO HIM.  
15       **THE COURT:**  OKAY, NO PROBLEM.  
16       **THE DEFENDANT:**  I DIDN'T --  
17       **MR. BERKLEY:**  NO, THAT'S OKAY.  
18       (DISCUSSION BETWEEN MR. BERKLEY AND THE DEFENDANT.)  
19       **THE DEFENDANT:**  I DO, MA'AM.  
20       **THE COURT:**  ALL RIGHT.  SO YOU'RE CLEAR ON THAT --  
21       **THE DEFENDANT:**  YES.  
22       **THE COURT:**  -- THAT THE DISTRICT COURT JUDGE HAS THE  
23 DISCRETION AS TO WHETHER OR NOT TO AGREE WITH WHAT THE PARTIES  
24 HAVE NEGOTIATED?  
25       **THE DEFENDANT:**  YES, MA'AM.

1       **THE COURT:** ALL RIGHT. BASED ON YOUR ACKNOWLEDGMENT THAT  
2 YOU UNDERSTAND THE CONSEQUENCES OF WAIVING YOUR RIGHTS TO A  
3 PRELIMINARY HEARING, THE COURT FINDS FROM THE REPRESENTATIONS  
4 THAT HAVE BEEN MADE BY COUNSEL, AS WELL AS THE COMPLAINT THAT  
5 HAS BEEN FILED, THAT THE ENUMERATED CRIME HAS OCCURRED AND  
6 THAT THERE'S PROBABLE CAUSE THAT YOU COMMITTED THIS CRIME.  
7 I'M GOING TO HOLD YOU TO ANSWER TO THESE CHARGES IN THE EIGHTH  
8 JUDICIAL DISTRICT COURT ON THE DATE THAT WE PROVIDE YOU.

9       **THE DEFENDANT:** YES, MA'AM.

10       **THE CLERK:** MARCH 31ST, 10 A.M.

11       **MR. BERKLEY:** TWO DAYS.

12       THANK YOU VERY MUCH, YOUR HONOR.

13       **THE COURT:** GREAT, THANK YOU.

14       **THE DEFENDANT:** THANK YOU, MA'AM.

15       **THE COURT:** THANK YOU.

16

17               (AT 11:53 A.M. THE PROCEEDINGS WERE RECESSED.)

18                               \*   \*   \*   \*

19       ATTEST: FULL, TRUE AND CERTIFIED TRANSCRIPT.

20                               /S/KIT MACDONALD  
21                               KIT MACDONALD, C.C.R.  
22                               COURT REPORTER  
23                               C.C.R. NO. 65  
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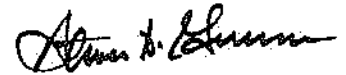
REPORTER'S DECLARATION

STATE OF NEVADA)  
COUNTY OF CLARK)

I, KIT MACDONALD, A CERTIFIED COURT REPORTER IN AND  
FOR THE STATE OF NEVADA, HEREBY DECLARE THAT PURSUANT TO NRS  
239B.030 I HAVE NOT INCLUDED THE SOCIAL SECURITY NUMBER OF ANY  
PERSON WITHIN THIS DOCUMENT.

I FURTHER DECLARE THAT I AM NOT A RELATIVE OR  
EMPLOYEE OF ANY PARTY INVOLVED IN SAID ACTION, NOR A PERSON  
FINANCIALLY INTERESTED IN THE ACTION.

/S/KIT MACDONALD  
KIT MACDONALD, C.C.R.  
C.C.R. NO. 65



CLERK OF THE COURT

1 INFM  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 NICOLE J. CANNIZZARO  
6 Deputy District Attorney  
7 Nevada Bar #011930  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

12 I.A. 3/31/16  
13 10:00 AM  
14 PD - BERKLEY

15 THE STATE OF NEVADA,  
16 Plaintiff,

CASE NO: C-16-313747-1

17 -vs-

DEPT NO: IV

18 ANTHONY JACKSON,  
19 aka Anthony Rashard Johnson, #6018419  
20 Defendant.

INFORMATION

21 STATE OF NEVADA }  
22 COUNTY OF CLARK } ss.

23 STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State  
24 of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

25 That ANTHONY JACKSON, aka Anthony Rashard Johnson, the Defendant(s) above  
26 named, having committed the crime of POSSESSION OF DANGEROUS WEAPON (Gross  
27 Misdemeanor - NRS 202.350 - NOC 51454), on or about the 21st day of April, 2015, within  
28 the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such  
cases made and provided, and against the peace and dignity of the State of Nevada, did then

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1 and there willfully, intentionally, and unlawfully have in his possession, a dangerous weapon,  
2 to-wit: a Walther PPK/S, .380 caliber, bearing Serial No. S035295.

3 STEVEN B. WOLFSON  
4 Clark County District Attorney  
Nevada Bar #001565

5  
6 BY

  
7 NICOLE J. CANNIZZARO  
8 Deputy District Attorney  
9 Nevada Bar #011930  
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27 15F06134X /cc/L3  
28 NVGCB EV#20157433LV  
(TK4)

ORIGINAL

1 **GPA**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 NICOLE J. CANNIZZARO  
6 Deputy District Attorney  
7 Nevada Bar #011930  
8 200 Lewis Avenue  
9 Las Vegas, NV 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

FILED IN OPEN COURT  
STEVEN D. GRIERSON  
CLERK OF THE COURT

MAR 31 2016

BY: Kristen Brown  
KRISTEN BROWN, DEPUTY

DISTRICT COURT  
CLARK COUNTY, NEVADA

C-16-313747-1  
GPA  
Guilty Plea Agreement  
4638081



9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

12 ANTHONY JACKSON,  
13 aka Anthony Rashard Johnson, #6018419

14 Defendant.

CASE NO: C-16-313747-1

DEPT NO: IV

15 GUILTY PLEA AGREEMENT

16 I hereby agree to plead guilty, pursuant to North Carolina v. Alford, 400 U.S. 25 (1970),  
17 to: POSSESSION OF DANGEROUS WEAPON (Gross Misdemeanor - NRS 202.350 - NOC  
18 51454), as more fully alleged in the charging document attached hereto as Exhibit "1".

19 My decision to plead guilty by way of the Alford decision is based upon the plea  
20 agreement in this case which is as follows:

21 The State has no opposition to probation. Both Parties stipulate to jointly recommend  
22 probation period not to exceed one (1) year. The State retains the right to argue any other  
23 terms and conditions. This case to run concurrent with California case. Defendant agrees to  
24 waive any defects in the plea. The State will not oppose Defendant's own recognizance release  
25 after entry of guilty plea in District Court.

26 I agree to the forfeiture of any and all weapons or any interest in any weapons seized  
27 and/or impounded in connection with the instant case and/or any other case negotiated in  
28 whole or in part in conjunction with this plea agreement.

W:\2015\2015F06134\15F06134-GPA-(JACKSON\_ANTHONY)-001.DOCX

1 I understand and agree that, if I fail to interview with the Department of Parole and  
2 Probation (P&P), fail to appear at any subsequent hearings in this case, or an independent  
3 magistrate, by affidavit review, confirms probable cause against me for new criminal charges  
4 including reckless driving or DUI, but excluding minor traffic violations, the State will have  
5 the unqualified right to argue for any legal sentence and term of confinement allowable for the  
6 crime(s) to which I am pleading guilty, including the use of any prior convictions I may have  
7 to increase my sentence as an habitual criminal to five (5) to twenty (20) years, Life without  
8 the possibility of parole, Life with the possibility of parole after ten (10) years, or a definite  
9 twenty-five (25) year term with the possibility of parole after ten (10) years.

10 Otherwise I am entitled to receive the benefits of these negotiations as stated in this  
11 plea agreement.

#### 12 CONSEQUENCES OF THE PLEA

13 By pleading guilty pursuant to the Alford decision, it is my desire to avoid the  
14 possibility of being convicted of more offenses or of a greater offense if I were to proceed to  
15 trial on the original charge(s) and of also receiving a greater penalty. I understand that my  
16 decision to plead guilty by way of the Alford decision does not require me to admit guilt, but  
17 is based upon my belief that the State would present sufficient evidence at trial that a jury  
18 would return a verdict of guilty of a greater offense or of more offenses than that to which I  
19 am pleading guilty.

20 I understand that by pleading guilty I admit the facts which support all the elements of  
21 the offense(s) to which I now plead as set forth in Exhibit "I".

22 I understand that as a consequence of my plea of guilty by way of the Alford decision  
23 I may be imprisoned in the Clark County Detention Center for a period of not more than three  
24 hundred sixty-four (364) days and that I may be fined up to \$2,000.00. I understand that the  
25 law requires me to pay an Administrative Assessment Fee.

26 I understand that, if appropriate, I will be ordered to make restitution to the victim of  
27 the offense(s) to which I am pleading guilty and to the victim of any related offense which is

28 ///

1 being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to  
2 reimburse the State of Nevada for any expenses related to my extradition, if any.

3 I understand that I am eligible for probation for the offense to which I am pleading  
4 guilty. I understand that, except as otherwise provided by statute, the question of whether I  
5 receive probation is in the discretion of the sentencing judge.

6 I understand that I must submit to blood and/or saliva tests under the Direction of the  
7 Division of Parole and Probation to determine genetic markers and/or secretor status.

8 I understand that if I am pleading guilty to charges of Burglary, Invasion of the Home,  
9 Possession of a Controlled Substance with Intent to Sell, Sale of a Controlled Substance, or  
10 Gaming Crimes, for which I have prior felony conviction(s), I will not be eligible for probation  
11 and may receive a higher sentencing range.

12 I understand that if more than one sentence of imprisonment is imposed and I am  
13 eligible to serve the sentences concurrently, the sentencing judge has the discretion to order  
14 the sentences served concurrently or consecutively.

15 I understand that information regarding charges not filed, dismissed charges, or charges  
16 to be dismissed pursuant to this agreement may be considered by the judge at sentencing.

17 I have not been promised or guaranteed any particular sentence by anyone. I know that  
18 my sentence is to be determined by the Court within the limits prescribed by statute.

19 I understand that if my attorney or the State of Nevada or both recommend any specific  
20 punishment to the Court, the Court is not obligated to accept the recommendation.

21 I understand that if the offense(s) to which I am pleading guilty was committed while I  
22 was incarcerated on another charge or while I was on probation or parole that I am not eligible  
23 for credit for time served toward the instant offense(s).

24 I understand that if I am not a United States citizen, any criminal conviction will likely  
25 result in serious negative immigration consequences including but not limited to:

- 26 1. The removal from the United States through deportation;
- 27 2. An inability to reenter the United States;
- 28 3. The inability to gain United States citizenship or legal residency;

1                   4.     An inability to renew and/or retain any legal residency status; and/or

2                   5.     An indeterminate term of confinement, with the United States Federal  
3                   Government based on my conviction and immigration status.

4           Regardless of what I have been told by any attorney, no one can promise me that this  
5 conviction will not result in negative immigration consequences and/or impact my ability to  
6 become a United States citizen and/or a legal resident.

7           I understand that P&P will prepare a report for the sentencing judge prior to sentencing.  
8 This report will include matters relevant to the issue of sentencing, including my criminal  
9 history. This report may contain hearsay information regarding my background and criminal  
10 history. My attorney and I will each have the opportunity to comment on the information  
11 contained in the report at the time of sentencing. Unless the District Attorney has specifically  
12 agreed otherwise, then the District Attorney may also comment on this report.

13                                   WAIVER OF RIGHTS

14           By entering my plea of guilty, I understand that I am waiving and forever giving up the  
15 following rights and privileges:

- 16                   1.     The constitutional privilege against self-incrimination, including the right  
17                   to refuse to testify at trial, in which event the prosecution would not be  
18                   allowed to comment to the jury about my refusal to testify.
- 19                   2.     The constitutional right to a speedy and public trial by an impartial jury,  
20                   free of excessive pretrial publicity prejudicial to the defense, at which  
21                   trial I would be entitled to the assistance of an attorney, either appointed  
22                   or retained. At trial the State would bear the burden of proving beyond  
23                   a reasonable doubt each element of the offense(s) charged.
- 24                   3.     The constitutional right to confront and cross-examine any witnesses who  
25                   would testify against me.
- 26                   4.     The constitutional right to subpoena witnesses to testify on my behalf.
- 27                   5.     The constitutional right to testify in my own defense.
- 28                   6.     The right to appeal the conviction with the assistance of an attorney,  
either appointed or retained, unless specifically reserved in writing and  
agreed upon as provided in NRS 174.035(3). I understand this means I  
am unconditionally waiving my right to a direct appeal of this conviction,  
including any challenge based upon reasonable constitutional,  
jurisdictional or other grounds that challenge the legality of the  
proceedings as stated in NRS 177.015(4). However, I remain free to  
challenge my conviction through other post-conviction remedies  
including a habeas corpus petition pursuant to NRS Chapter 34.

1 VOLUNTARINESS OF PLEA

2 I have discussed the elements of all of the original charge(s) against me with my  
3 attorney and I understand the nature of the charge(s) against me.

4 I understand that the State would have to prove each element of the charge(s) against  
5 me at trial.

6 I have discussed with my attorney any possible defenses, defense strategies and  
7 circumstances which might be in my favor.

8 All of the foregoing elements, consequences, rights, and waiver of rights have been  
9 thoroughly explained to me by my attorney.


10 I believe that pleading guilty and accepting this plea bargain is in my best interest, and  
11 that a trial would be contrary to my best interest.

12 I am signing this agreement voluntarily, after consultation with my attorney, and I am  
13 not acting under duress or coercion or by virtue of any promises of leniency, except for those  
14 set forth in this agreement.

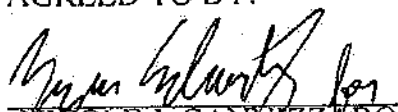
15 I am not now under the influence of any intoxicating liquor, a controlled substance or  
16 other drug which would in any manner impair my ability to comprehend or understand this  
17 agreement or the proceedings surrounding my entry of this plea.

18 My attorney has answered all my questions regarding this guilty plea agreement and its  
19 consequences to my satisfaction and I am satisfied with the services provided by my attorney.

20 DATED this 31 day of March, 2016.

21  
22   
23 ANTHONY JACKSON,  
24 aka Anthony Rashard Johnson  
25 Defendant

26 AGREED TO BY:

27   
28 NICOLE J. CANNIZZARO  
Deputy District Attorney  
Nevada Bar #011930

1 CERTIFICATE OF COUNSEL:

2 I, the undersigned, as the attorney for the Defendant named herein and as an officer of the court  
3 hereby certify that:

- 4 1. I have fully explained to the Defendant the allegations contained in the  
5 charge(s) to which Alford pleas are being entered.  
6 2. I have advised the Defendant of the penalties for each charge and the restitution  
7 that the Defendant may be ordered to pay.  
8 3. I have inquired of Defendant facts concerning Defendant's immigration status  
9 and explained to Defendant that if Defendant is not a United States citizen any  
10 criminal conviction will most likely result in serious negative immigration  
11 consequences including but not limited to:  
12 a. The removal from the United States through deportation;  
13 b. An inability to reenter the United States;  
14 c. The inability to gain United States citizenship or legal residency;  
15 d. An inability to renew and/or retain any legal residency status; and/or  
16 e. An indeterminate term of confinement, by with United States Federal  
17 Government based on the conviction and immigration status.

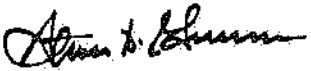
18 Moreover, I have explained that regardless of what Defendant may have been  
19 told by any attorney, no one can promise Defendant that this conviction will not  
20 result in negative immigration consequences and/or impact Defendant's ability  
21 to become a United States citizen and/or legal resident.

- 22 4. All pleas of Alford offered by the Defendant pursuant to this agreement are  
23 consistent with the facts known to me and are made with my advice to the  
24 Defendant.  
25 5. To the best of my knowledge and belief, the Defendant:  
26 a. Is competent and understands the charges and the consequences of  
27 pleading Alford as provided in this agreement,  
28 b. Executed this agreement and will enter all Alford pleas pursuant hereto  
voluntarily, and  
c. Was not under the influence of intoxicating liquor, a controlled  
substance or other drug at the time I consulted with the Defendant as  
certified in paragraphs 1 and 2 above.

Dated: This 31 day of March, 2016.

  
ATTORNEY FOR DEFENDANT

cc/L3

  
CLERK OF THE COURT

INFM  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
NICOLE J. CANNIZZARO  
Deputy District Attorney  
Nevada Bar #011930  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

I.A. 3/31/16  
10:00 AM  
PD - BERKLEY

THE STATE OF NEVADA,  
  
Plaintiff,

CASE NO: C-16-313747-1

DEPT NO: IV

-vs-  
  
ANTHONY JACKSON,  
aka Anthony Rashard Johnson, #6018419  
  
Defendant.

INFORMATION

STATE OF NEVADA }  
COUNTY OF CLARK } ss.

STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

That ANTHONY JACKSON, aka Anthony Rashard Johnson, the Defendant(s) above named, having committed the crime of POSSESSION OF DANGEROUS WEAPON (Gross Misdemeanor - NRS 202.350 - NOC 51454), on or about the 21st day of April, 2015, within the County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made and provided, and against the peace and dignity of the State of Nevada, did then

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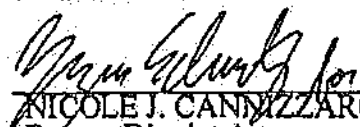
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**EXHIBIT 66-199**



1 and there willfully, intentionally, and unlawfully have in his possession, a dangerous weapon,  
2 to-wit: a Walther PPK/S, .380 caliber, bearing Serial No. S035295.

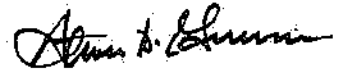
3 STEVEN B. WOLFSON  
4 Clark County District Attorney  
5 Nevada Bar #001565

6 BY   
7 NICOLE J. CANNIZZARO  
8 Deputy District Attorney  
9 Nevada Bar #011930

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27 15F06134X /cc/L3  
28 NVGCB EV#20157433LV  
(TK4)

1 JOC  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 200 Lewis Avenue  
6 Las Vegas, Nevada 89155-2212  
7 (702) 671-2500  
8 Attorney for Plaintiff

le  
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05/13/2016 09:54:22 AM

  
CLERK OF THE COURT

6 DISTRICT COURT  
7 CLARK COUNTY, NEVADA

8 THE STATE OF NEVADA,  
9 Plaintiff,

10 -vs-

11 ANTHONY JACKSON,  
12 aka Anthony Rashard Johnson, #6018419

13 Defendant.

CASE NO: C-16-313747-1

DEPT NO: IV

14 JUDGMENT OF CONVICTION  
15 (PLEA OF GUILTY)

16 The Defendant previously appeared before the Court with counsel and entered a plea  
17 of guilty to the crime(s) of POSSESSION OF DANGEROUS WEAPON (Gross  
18 Misdemeanor), in violation of NRS 202.350; thereafter, on the 12th day of April, 2016, the  
19 Defendant was present in court for sentencing with his counsel, MAXWELL BERKLEY,  
20 Deputy Public Defender, and good cause appearing,

21 THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense(s) and, in  
22 addition to the \$25.00 Administrative Assessment Fee, \$150.00 DNA Analysis Fee, WAIVED  
23 if already taken and \$3.00 DNA Collection Fee, the Defendant is sentenced as follows: to  
24 Clark County Detention Center (CCDC) for THREE HUNDRED SIXTY-FOUR (364)  
25 DAYS, CONCURRENT with California case, SUSPENDED; placed on PROBATION for an  
26 indeterminate period not to exceed ONE (1) YEAR, CONCURRENT with California case.

27 ///

28 ///

1 CONDITIONS:

2 STANDARD PROBATION AGREEMENT AND RULES:

3 1. Reporting: You are to report in person to the Division of Parole and  
4 Probation (P&P) as instructed by the Division or its agent. You are required to submit a written  
5 report each month on forms supplied by the Division. This report shall be true and correct in  
6 all respects.

7 2. Residence: You shall not change your place of residence without first  
8 obtaining permission from the Division of Parole and Probation, in each instance.

9 3. Intoxicant: You shall not consume any alcoholic beverages (whatsoever)  
10 (to excess). Upon order of the Division of Parole and Probation or its agent, you shall submit  
11 to a medically recognized test for blood / breath alcohol content. Test results of .08 blood  
12 alcohol content or higher shall be sufficient proof of excess.

13 4. Controlled Substances: You shall not use, purchase, or possess any illegal  
14 drugs, or any prescription drugs, unless first prescribed by a licensed medical professional.  
15 You shall immediately notify the Division of Parole and Probation of any prescription  
16 received. You shall submit to drug testing as required by the Division or its agent.

17 5. Weapons: You shall not possess, have access to, or have under your  
18 control any type of weapon.

19 6. Search: You shall submit your person, property, place of residence,  
20 vehicle, or areas under your control to search including electronic surveillance or monitoring  
21 of your location, at any time, with or without a search warrant or warrant of arrest, for evidence  
22 of a crime or violation of probation by the Division of Parole and Probation or its agent.

23 7. Associates: You must have prior approval by the Division of Parole and  
24 Probation to associate with any person convicted of a felony, or any person on probation or  
25 parole supervision. You shall not have any contact with persons confined to a correctional  
26 institution unless specific written permission has been granted by the Division and the  
27 correctional institution.

28 ///

1           8. Directives and Conduct: You shall follow the directives of the Division  
2 of Parole and Probation and your conduct shall justify the opportunity granted to you by this  
3 community supervision.

4           9. Laws: You shall comply with all municipal, county, state, and federal  
5 laws and ordinances.

6           10. Out-of-State Travel: You shall not leave the state without first obtaining  
7 written permission from the Division of Parole and Probation.

8           11. Employment / Program: You shall seek and maintain legal employment,  
9 or maintain a program approved by the Division of Parole and Probation and not change such  
10 employment or program without first obtaining permission. All terminations of employment  
11 or program shall be immediately reported to the Division.

12           12. Financial Obligation: You shall pay fees, fines, and restitution on a  
13 schedule approved by the Division of Parole and Probation. Any excess monies paid will be  
14 applied to any other outstanding fees, fines, and / or restitution, even if it is discovered after  
15 your discharge.

16 SPECIAL CONDITIONS:

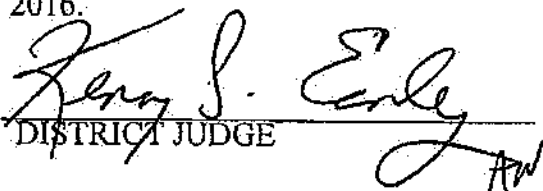
17           1. Abide by any curfew imposed.

18           2. Maintain full time employment. If employed part-time, Defendant to  
19 complete sixteen (16) hours community service work each month.

20 Defendant to report to P&P within forty eight (48) hours of today.

21 BOND, if any, EXONERATED.

22 DATED this 4<sup>th</sup> day of <sup>May</sup>~~April~~, 2016.

23  
24   
25 DISTRICT JUDGE  
26  
27  
28

cc/L3

Public Defender  
Attorney; Max Berkley

July 12, 2016

# Notice of Appeal

C-16-313747-1

Electronically Filed

07/15/2016 12:16:00 PM

CASE NO. 16-3351

Anthony R. Johnson #6018419  
330 S. Casino Center Dr.  
Las Vegas, NV. 89101  
CDC U-7B - cell #5

CLERK OF THE COURT

I want to appeal my June 2, 2016  
revocation hearing! The DA stated  
California wanted me for a (ZSC)  
Interstate Compact probation & the  
judge imposed my 300 dayz stayed  
sentence for that falsified  
statement! I only had change of  
Residence on my first Revocation  
Please put me in for a appeal!

PS

Thank you & God Bless...

Respectfully Submitted

Anthony R. Johnson

RECEIVED

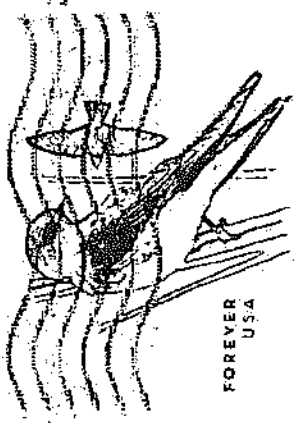
RECEIVED JUL 15 2016  
CLERK OF THE COURT

CLERK OF THE COURT

JUL 13 2016

RECEIVED

Anthony Rashad Johnson #6018419  
330 S Casino Center DR  
Las Vegas, NV. 89101  
CCDC - 7B-cell #5



Bank Swallow

(Notice of Appeal)  
Steven D. Grierson  
Clerk of Court  
200 Lewis Ave (3rd floor)  
Las Vegas, NV 89105-1160

"Legal Mail"

000069-10168

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SENT FROM CCDC

LEGAL MAIL

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

March 31, 2016

C-16-313747-1      State of Nevada  
vs.  
Anthony Jackson

March 31, 2016      10:00 AM      Initial Arraignment

HEARD BY: De La Garza, Melisa      COURTROOM: RJC Lower Level Arraignment

COURT CLERK: Kristen Brown

RECORDER: Kiara Schmidt

REPORTER:

PARTIES

PRESENT: Hillman, Ralph R.      Attorney for the Defendant  
Jackson, Anthony      Defendant  
Public Defender      Attorney

JOURNAL ENTRIES

- Deputized Law Clerk, Chelsea Kallas appearing for the State.

NEGOTIATIONS are as contained in the Guilty Plea Agreement FILED IN OPEN COURT. DEFT. JOHNSON ARRAIGNED AND PLED GUILTY TO POSSESSION OF DANGEROUS WEAPON (GM). Court ACCEPTED plea, ORDERED matter set for sentencing and directed counsel to prepare the Gross Misdemeanor Worksheet. Pursuant to negotiations, COURT FURTHER ORDERED, Deft. GRANTED Own Recognizance (OR) Release.

O.R.

4/12/16 9:00 AM SENTENCING (USE GROSS MISDEMEANOR WORKSHEET) (DEPT. 4)

PRINT DATE: 04/04/2016

Page 1 of 1

Minutes Date: March 31, 2016

**DISTRICT COURT  
CLARK COUNTY, NEVADA**

**Felony/Gross Misdemeanor****COURT MINUTES****April 12, 2016**

C-16-313747-1      State of Nevada  
vs  
Anthony Jackson

**April 12, 2016      9:00 AM      Sentencing**

**HEARD BY:** Earley, Kerry

**COURTROOM:** RJC Courtroom 16B

**COURT CLERK:** April Watkins / aw  
Shana Stephens

**RECORDER:**

**REPORTER:** Gina Shrader

**PARTIES**

|                 |  |   |
|-----------------|--|---|
| <b>PRESENT:</b> | Berkley, Maxwell<br>Hendricks, Craig L.<br>Jackson, Anthony<br>State of Nevada | Attorney for Deft.<br>Attorney for Plt.<br>Defendant<br>Plaintiff |
|-----------------|--|---|

**JOURNAL ENTRIES**

- DEFT. JACKSON ADJUDGED GUILTY of POSSESSION OF DANGEROUS WEAPON (GM). Colloquy regarding gross misdemeanor worksheet. Statements by counsel and Deft. COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$150.00 DNA Analysis fee, WAIVED if already taken and \$3.00 DNA Collection fee, Deft. SENTENCED to Clark County Detention Center (CCDC) for THREE HUNDRED (300) DAYS, CONCURRENT with California case, SUSPENDED; placed on PROBATION for an indeterminate period not to exceed ONE (1) YEAR, CONCURRENT with California case. CONDITIONS:

**STANDARD PROBATION AGREEMENT AND RULES:**

1. Reporting: You are to report in person to the Division of Parole and Probation as instructed by the Division or its agent. You are required to submit a written report each month on forms supplied by the Division. This report shall be true and correct in all respects.

PRINT DATE: 04/25/2016

Page 1 of 3

Minutes Date: April 12, 2016



2. **Residence:** You shall not change your place of residence without first obtaining permission from the Division of Parole and Probation, in each instance.
3. **Intoxicant:** You shall not consume any alcoholic beverages (whatsoever) (to excess). Upon order of the Division of Parole and Probation or its agent, you shall submit to a medically recognized test for blood / breath alcohol content. Test results of .08 blood alcohol content or higher shall be sufficient proof of excess.
4. **Controlled Substances:** You shall not use, purchase, or possess any illegal drugs, or any prescription drugs, unless first prescribed by a licensed medical professional. You shall immediately notify the Division of Parole and Probation of any prescription received. You shall submit to drug testing as required by the Division or its agent.
5. **Weapons:** You shall not possess, have access to, or have under your control any type of weapon.
6. **Search:** You shall submit your person, property, place of residence, vehicle, or areas under your control to search including electronic surveillance or monitoring of your location, at any time, with or without a search warrant or warrant of arrest, for evidence of a crime or violation of probation by the Division of Parole and Probation or its agent.
7. **Associates:** You must have prior approval by the Division of Parole and Probation to associate with any person convicted of a felony, or any person on probation or parole supervision. You shall not have any contact with persons confined to a correctional institution unless specific written permission has been granted by the Division and the correctional institution.
8. **Directives and Conduct:** You shall follow the directives of the Division of Parole and Probation and your conduct shall justify the opportunity granted to you by this community supervision.
9. **Laws:** You shall comply with all municipal, county, state, and federal laws and ordinances.
10. **Out-of-State Travel:** You shall not leave the state without first obtaining written permission from the Division of Parole and Probation.
11. **Employment / Program:** You shall seek and maintain legal employment, or maintain a program approved by the Division of Parole and Probation and not change such employment or program without first obtaining permission. All terminations of employment or program shall be immediately reported to the Division.
12. **Financial Obligation:** You shall pay fees, fines, and restitution on a schedule approved by the Division of Parole and Probation. Any excess monies paid will be applied to any other outstanding

fees, fines, and / or restitution, even if it is discovered after your discharge.

SPECIAL CONDITIONS:

1. Abide by any curfew imposed.
2. Maintain full time employment. If employed part-time, Deft. to complete 16 hours community service work each month.

Deft. to report to P & P within 48 hours of today.

BOND, if any, EXONERATED.

CLERK'S NOTE: Minute order corrected to reflect underlying sentence of THREE HUNDRED (300) DAYS in the Clark County Detention Center (CCDC) aw 4/25/16.

DISTRICT COURT  
CLARK COUNTY, NEVADA

Felony/Gross Misdemeanor

COURT MINUTES

June 21, 2016

C-16-313747-1      State of Nevada  
vs  
Anthony Jackson

June 21, 2016      9:00 AM      Revocation of Probation

HEARD BY: Earley, Kerry      COURTROOM: RJC Courtroom 16B

COURT CLERK: April Watkins

REPORTER: Gina Shrader

PARTIES

|          |                   |                    |
|----------|-------------------|--------------------|
| PRESENT: | Berkley, Maxwell  | Attorney for Deft. |
|          | Holthus, Mary Kay | Attorney for Pltf. |
|          | Jackson, Anthony  | Defendant          |
|          | State of Nevada   | Plaintiff          |

JOURNAL ENTRIES

- Officer Bonnell of Parole and Probation (P & P) present.

Mr. Berkley stated Deft. will stipulate to the violation he did not notify P & P of moving, will not stipulate to absconding and advised Deft. has stated he signed in a couple of time in April, Statement by Officer Bonnell. Further argument by Mr. Berkley. Ms. Holthus argued in support of revocation. Statement by Deft. COURT ORDERED, PROBATION REVOKED; original SENTENCE MODIFIED to THREE HUNDRED (300) DAYS in the Clark County Detention Center (CCDC) IMPOSED with FORTY-SIX (46) DAYS credit for time served.

PRINT DATE: 06/29/2016

Page 1 of 1

Minutes Date: June 21, 2016

  
CLERK OF THE COURT

TRAN

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

vs.

ANTHONY JACKSON, aka,  
Anthony Rashard Johnson,

Defendant.

CASE NO. C-16-313747-1

DEPT. IV

(ARRAIGNMENT HELD IN DEPT. LLA)

BEFORE THE HONORABLE MELISA DE LA GARZA, HEARING MASTER  
THURSDAY, MARCH 31, 2016

**RECORDER'S TRANSCRIPT OF HEARING RE:  
INITIAL ARRAIGNMENT**

APPEARANCES:

For the State:

CHELSEA KALLAS, ESQ.,  
Deputized Law Clerk

For the Defendant:

R. ROGER HILLMAN, ESQ.,  
Deputy Public Defender

RECORDED BY: KIARA SCHMIDT, COURT RECORDER

1 THURSDAY, MARCH 31, 2016

2 \* \* \* \* \*

3 P R O C E E D I N G S

4  
5 THE COURT: State of Nevada versus Anthony Johnson, C313747.  
6 He is present in custody. Mr. Hillman is here on his behalf. Counsel?

7 MS. KALLAS: Your Honor, I just want to double check, it's Anthony  
8 Jackson, correct?

9 MR. HILLMAN: Yes, Anthony Jackson, also, Anthony Johnson.

10 MS. KALLAS: There's --

11 THE COURT: Oh, it's both?

12 MR. HILLMAN: Sorry, Judge. I've got a guilty plea agreement right  
13 here.

14 THE COURT: All right. He is present in custody.

15 Yes, sir? What's the problem, sir?

16 THE DEFENDANT: I'll let you go first and then I'll tell you, 'cause on  
17 this case, this is a 2015 case, and this is my only violation, this case. I was  
18 extradited to California. When I came back I been on probation for four months.  
19 This is the only thing that's on my case with probation. They told me to make  
20 sure I showed this to you and showed at my preliminary hearing whatever  
21 happened that my probation hold get lifted. They can't do nothing about it until  
22 this situation, and I was 29. My lawyer said to let the Judge know that -- give  
23 me 48 hours to meet down there, 'cause this is my only violation and it happened  
24 last year. I already did 365 for it.

25 THE COURT: Meet where? Down where?

1 THE DEFENDANT: To P and P.

2 THE COURT: Okay.

3 THE DEFENDANT: So if I get O.R.'d today -- I don't want to get  
4 O.R.'d and have this probation hold when this -- they're telling me to show this to  
5 the Judge.

6 THE COURT: What probation hold?

7 THE DEFENDANT: I have a hold because I got pulled over for this  
8 warrant.

9 THE COURT: For this particular case?

10 THE DEFENDANT: For this particular case. I'm trying to show you  
11 right now. They told me to give this to you.

12 THE COURT: All right. So does he have a warrant? Do we show  
13 that there is an active warrant on this case?

14 MR. HILLMAN: I think he has a probation hold.

15 THE DEFENDANT: It's a warrant for this. It's not just a probation  
16 hold. It's a warrant for this.

17 MR. HILLMAN: The warrant for this was gone when you went to  
18 Justice Court.

19 THE DEFENDANT: Okay. So the probation hold --

20 THE COURT: Hold on, sir. We're looking.

21 THE DEFENDANT: The probation hold is for this, too. That's what  
22 I'm saying. If I show you this you'll see. They told me --

23 THE COURT: Sir, listen.

24 THE DEFENDANT: -- to give it to the Judge.

25 THE COURT: Where are you on probation?

1 THE DEFENDANT: I'm interstate compact out here. I have two  
2 months left and they said to let this --

3 THE COURT: Listen. Listen.

4 THE DEFENDANT: Yeah.

5 THE COURT: Where are you on probation?

6 THE DEFENDANT: Here in Nevada on Bonanza Street.

7 MR. HILLMAN: It's a California case.

8 THE COURT: So you're on probation in California?

9 THE DEFENDANT: But I got it interstate compact out here. So I'm  
10 out here.

11 THE COURT: I know, but I'm asking you where your probation is.  
12 Listen to me.

13 THE DEFENDANT: Oh, oh. Yeah, yeah, yeah, yeah, yeah, yeah.  
14 It's in California.

15 THE COURT: Okay. So your probation is in California.

16 THE DEFENDANT: Yeah.

17 THE COURT: Now you got a violation, that being this case before  
18 me.

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: It's possession of dangerous weapon.

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: Okay. And then we're going to handle this case and  
23 we're going to O.R. you.

24 THE DEFENDANT: Okay.

25 THE COURT: But your probation case in California might hold you.

1 They're not going to probably let you out to the street. They'll probably take you  
2 back to California.

3 THE DEFENDANT: Okay, yeah. I'm out here, ma'am. That's what  
4 I'm saying. I'm in Nevada.

5 THE COURT: I understand you're out here.

6 THE DEFENDANT: No, I'm saying my probation is in Nevada. I live  
7 in Nevada. I check in in Nevada. That's where I check in at probation. That's  
8 why I'm trying to show you this and you'll read it and see what the situation. I'm  
9 not trying to take you around a trip. I check in on Bonanza. I caught a case in  
10 California, but California knows they already sent me back out here. I already did  
11 that with California on this case. If you read this right here --

12 THE COURT: Okay. So what do you want me to know?

13 THE DEFENDANT: I want you to know what it's telling you right  
14 here. It says Mr. Johnson back to Nevada interstate compact, and they was  
15 unaware of this outstanding warrant --

16 THE COURT: They were unaware --

17 THE DEFENDANT: Yes, that Nevada was unaware of this and that's  
18 why they still got a hold on me over there on P and P. If I give you this you could  
19 read it, ma'am. Please let -- just read it. It's interstate compact right here.

20 THE COURT: Okay. So listen to me. Okay?

21 THE DEFENDANT: Uh-huh.

22 THE COURT: I'm going to O.R. you on this case.

23 THE DEFENDANT: Okay.

24 THE COURT: Now whatever they decide to do on that case is what  
25 they decide to do on that case. So if they hold you on that case --



1 THE DEFENDANT: Yeah.

2 THE COURT: -- then your attorney is going to have to contact them.  
3 There's nothing I can do about that other case, whether you picked it up in  
4 California and they let you be on probation in Nevada --

5 THE DEFENDANT: Uh-huh.

6 THE COURT: -- that has nothing to do with the case that's in front of  
7 me. So your attorney is going to have to deal with that other case, and maybe  
8 they've let you go on that other case, maybe that is already resolved, but there is  
9 nothing I can do about it whether it's resolved or not, whether I read that or not.

10 THE DEFENDANT: Right. It's -- that's what I'm saying. There's no  
11 other case.

12 THE COURT: Okay.

13 THE DEFENDANT: I'm on probation right here in Nevada.

14 THE COURT: I understand what you're saying.

15 THE DEFENDANT: I got pulled over in Nevada --

16 THE COURT: I understand what you're saying.

17 THE DEFENDANT: -- and my probation officer in Nevada put a hold  
18 on me because I have this case.

19 THE COURT: Right.

20 THE DEFENDANT: Now once this case is O.R.'d they should lift that  
21 hold but they said you had --

22 THE COURT: And they might not.

23 THE DEFENDANT: Well they told me you got to lift it.

24 THE COURT: Huh-uh.

25 THE DEFENDANT: They not lifting it.

1 THE COURT: I cannot lift a hold from another case that's not in front  
2 of me.

3 THE DEFENDANT: Okay.

4 THE COURT: That's what I'm telling you.

5 THE DEFENDANT: Okay, but that's -- this is the case right here  
6 that's in front of me.

7 THE COURT: Okay, but it's not that case. That case is in front -- in  
8 front of me [sic]. The only case that's in front of me is this possession of  
9 dangerous weapon.

10 THE DEFENDANT: And that's what I'm in jail for.

11 THE COURT: Okay, no. You're not understanding me. You've got  
12 two cases. Okay? This is what you need to understand.

13 THE DEFENDANT: Okay.

14 THE COURT: Okay. Now this case that's in front of me right here,  
15 I'm going to O.R. you on.

16 THE DEFENDANT: Okay.

17 THE COURT: If this case is holding you because they showed a  
18 probation violation, even though it's my case that I'm O.R.'g you on and this is the  
19 probation violation case over here, this is the case that you actually got picked up  
20 on, if this is the case holding you and your P and P officer put a hold on you, then  
21 you're going to have to deal with that case.

22 THE DEFENDANT: Okay. Okay. Okay. Okay. I see what you're  
23 saying, ma'am.

24 THE COURT: Okay?

25 THE DEFENDANT: That's all.

1 THE COURT: All right.

2 THE DEFENDANT: I just don't want to, you know, be thinking I'm

3 going home and -- you know --

4 THE COURT: You might not be going home. I don't know.

5 THE DEFENDANT: Right.

6 THE COURT: They're going to deal with it. Okay?

7 THE DEFENDANT: How long do they got to deal with it? Do you

8 know?

9 THE COURT: How long do they have to deal with it?

10 THE DEFENDANT: Yeah, because they told me --

11 THE COURT: Technically they can let you sit in there until this case

12 is completely resolved.

13 THE DEFENDANT: So am I getting sentenced today?

14 THE COURT: No.

15 THE DEFENDANT: They told me gross misdemeanor, no time.

16 THE COURT: This says gross misdemeanor, probation. I am not

17 sentencing you today.

18 THE DEFENDANT: Okay.

19 THE COURT: So you are going to go in front of a Judge in about

20 three weeks and that Judge is going to sentence you.

21 THE DEFENDANT: Okay.

22 THE COURT: All right? Do you have any other questions?

23 THE DEFENDANT: No, ma'am.

24 THE COURT: All right. So looks like he's going to plead guilty

25 pursuant to the *Alford* decision to possession of dangerous weapon, gross

1 misdemeanor. State has no opposition to probation. Parties stipulate to jointly  
2 recommend probation not to exceed one year. The State retains the right to  
3 argue any other terms and conditions. This case is to run concurrent with his  
4 California case. Defendant agrees to waive any defects in the pleading, and the  
5 State will not oppose an own recognizance release after entry of plea in this case.  
6 Is that correct, State?

7 MS. KALLAS: That's correct, your Honor.

8 THE COURT: Anything to add, Mr. Hillman?

9 MR. HILLMAN: No, Judge.

10 THE COURT: Is that your understanding, sir?

11 THE DEFENDANT: Yes, ma'am.

12 THE COURT: What is your true, full name?

13 THE DEFENDANT: Anthony Rashard Johnson.

14 THE COURT: How old are you, sir?

15 THE DEFENDANT: Forty years old.

16 THE COURT: How far did you go in school?

17 THE DEFENDANT: College.

18 THE COURT: So you read, write, and understand the English  
19 language?

20 THE DEFENDANT: Yes, ma'am.

21 THE COURT: You understand that you're being charged with  
22 possession of a dangerous weapon, a gross misdemeanor?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: How do you plead to that charge?

25 THE DEFENDANT: I plead guilty.

1 THE COURT: Is that pursuant to the *Alford* decision?

2 THE DEFENDANT: Yes, ma'am, I plead guilty to -- pursuant to the  
3 *Alford* decision.

4 THE COURT: Do you understand the *Alford* decision allows you to  
5 enter into a plea where you're not admitting that you did anything wrong but you  
6 do want to accept the negotiation rather than go to trial and face a harsher  
7 penalty?

8 THE DEFENDANT: Yes, ma'am.

9 THE COURT: And is that what you're doing here today?

10 THE DEFENDANT: Yes, ma'am.

11 THE COURT: Is anybody forcing you to enter into that plea?

12 THE DEFENDANT: No, ma'am.

13 THE COURT: Are you doing so of your own free will?

14 THE DEFENDANT: Yes, ma'am.

15 THE COURT: Do you understand as a consequence of your plea the  
16 Court must sentence you to the Clark County Detention Center for up to 364  
17 days, --

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: -- you may be fined up to \$2,000, and you will be  
20 required to pay an administrative assessment fee?

21 THE DEFENDANT: Yes, ma'am.

22 THE COURT: Do you understand this is a probationable offense?

23 THE DEFENDANT: Yes, ma'am.

24 THE COURT: Do you understand that sentencing is strictly up to the  
25 Court --

1 THE DEFENDANT: Yes, ma'am.

2 THE COURT: --so nobody can promise you probation, leniency, or  
3 special treatment?

4 THE DEFENDANT: Yes, ma'am.

5 THE COURT: I have the original of your guilty plea agreement. Did  
6 you read through it?

7 THE DEFENDANT: Yes, ma'am.

8 THE COURT: Did you understand it?

9 THE DEFENDANT: Somewhat, yes. I mean, it's parts that I don't  
10 understand but --

11 THE COURT: What parts don't you understand? I can't have you  
12 plead guilty unless you fully understand this document, sir.

13 THE DEFENDANT: Just the parts as far as they were letting me  
14 know that they were going to run this -- I mean, they were going to run this with  
15 the California case and that this case was going to --

16 THE COURT: Run concurrent, which is at the same time.

17 THE DEFENDANT: Right. I got two more months on probation.

18 THE COURT: All right, sir. Listen.

19 THE DEFENDANT: So if it's running concurrent that means that --

20 THE COURT: That doesn't mean that you're just going to have two  
21 months.

22 THE DEFENDANT: Okay.

23 THE COURT: Don't believe that.

24 THE DEFENDANT: Okay.

25 THE COURT: Okay?

1 THE DEFENDANT: Okay.  
2 THE COURT: Concurrent says at the time --  
3 THE DEFENDANT: Okay.  
4 THE COURT: -- but that doesn't mean you get the same sentence.  
5 THE DEFENDANT: Okay.  
6 THE COURT: So that doesn't mean just because I've got two  
7 months left here, --  
8 THE DEFENDANT: Yeah.  
9 THE COURT: -- that's all I'm going to get here.  
10 THE DEFENDANT: Okay.  
11 THE COURT: That's not necessarily true.  
12 THE DEFENDANT: Okay.  
13 THE COURT: They'll start this time with your two months, but this  
14 could go one year, it could go up to three years, because it's a gross  
15 misdemeanor. They're agreeing -- they're saying they don't want it to exceed one  
16 year --  
17 THE DEFENDANT: Yeah.  
18 THE COURT: -- but, again, it's up to the Judge.  
19 THE DEFENDANT: Right.  
20 THE COURT: So the Judge might say this guy was already on  
21 probation and, guess what, he picked up another case even though we let him  
22 come back to Nevada, and guess what, we don't want to let him out on probation  
23 too soon so we're going to keep him on probation for three years, or the Judge  
24 might even say, guess what, you picked up a new case while you were on  
25 probation, I'm going to put on in jail. Okay?

1 THE DEFENDANT: Okay.

2 THE COURT: This is the negotiation. It's between you and the  
3 State, but ultimately the Judge can say whatever the Judge wants to say as long  
4 as it's a legal sentence. You understand that?

5 THE DEFENDANT: Yes, ma'am.

6 THE COURT: All right.

7 THE DEFENDANT: Can I have a sentence soon -- as soon as  
8 possible, please?

9 THE COURT: It'll be in about three weeks, sir.

10 THE DEFENDANT: Okay.

11 THE COURT: That's about the soonest we can get you.

12 THE DEFENDANT: Okay.

13 THE COURT: Do you have any other questions regarding this  
14 negotiation?

15 THE DEFENDANT: No, ma'am.

16 THE COURT: Did you sign this page five?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: You signed it freely and voluntarily?

19 THE DEFENDANT: Yes, ma'am.

20 THE COURT: Do you understand by pleading guilty you're giving up  
21 the constitutional rights listed in this agreement?

22 THE DEFENDANT: Yes, ma'am.

23 THE COURT: Do you understand that if you're not a United States  
24 citizen you may be deported based upon this guilty plea?

25 THE DEFENDANT: Yes, ma'am.



1 THE COURT: Did you discuss your case and your rights with your  
2 attorney?

3 THE DEFENDANT: Yes, ma'am.

4 THE COURT: Do you have any questions regarding your rights or  
5 this negotiation?

6 THE DEFENDANT: No, ma'am, just one -- yeah, I do have a  
7 question.

8 THE COURT: Okay.

9 THE DEFENDANT: Are you guys going to -- are you guys going to  
10 notify P and P today that this matter is over?

11 THE COURT: No.

12 THE DEFENDANT: No?

13 THE COURT: No.

14 THE DEFENDANT: That's on me?

15 THE COURT: We're not -- I'm not notifying P and P. It's up to you to  
16 contact your attorney on that other case or to contact P and P and say, "Officer, I  
17 pled guilty. They're giving me an O.R. Will you lift my hold".

18 THE DEFENDANT: Yes, ma'am.

19 THE COURT: All right?

20 THE DEFENDANT: Yes, ma'am.

21 THE COURT: It's up to you. All right. Do you have any other  
22 questions?

23 THE DEFENDANT: No, ma'am.

24 THE COURT: All right. Before I can accept your plea of guilty  
25 pursuant to the *Alford* decision, I must be assured there is a factual basis. State?

1 MS. KALLAS: Your Honor, if this case had proceeded to trial, the  
2 State would have presented evidence from Gaming Control Board, Agent  
3 Romano, that he was in possession of a car owned and used by the Gaming  
4 Control Board to conduct its investigative and enforcement activities, and that  
5 while he was in possession of said vehicle he cleaned out the interior of the  
6 vehicle prior to it being washed at a local car wash. He would further testify he  
7 conducted a full vehicle -- a full search of the vehicle including underneath the  
8 seats of the car and did not recover, find any weapons whatsoever. He would  
9 have testified that he then drove the car to Gaming Control Board headquarters  
10 where he turned the car and its keys -- turned in the car and its keys.

11 Agent Garcia of Gaming Control Board would further testify he then  
12 checked out the same car and that no other person or agent had access to that  
13 car between the time Agent Romano turned the car in and the time he checked  
14 out the same car. Agent Garcia would further testify he and Agent Smith  
15 conducted a search of the car and he did not recover, find any weapons.

16 Agent Garcia would further testify he was called out to the Fiesta in  
17 response to a report defendant cheating at gambling. He would further testify he  
18 arrived at the Fiesta and contacted defendant where he conducted a limited  
19 search of defendant's person. Agent Garcia and Smith would testify they  
20 checked the car again prior to placing defendant into the car and did not find any  
21 weapons. They would testify defendant was placed into the backseat and that  
22 during transport defendant struggled to sit still and was moving around the  
23 backseat a great deal. They would testify that they then took defendant to the  
24 Clark County Detention Center and turned in the car, having seen nothing in the  
25 immediate backseat of the car.

1           Gaming Control Board Agent Losurdo, L-o-s-u-r-d-o, would testify he  
2 checked out the same car and that no other persons were in the backseat of the  
3 car between the time Agent Garcia dropped off the car and the time he picked it  
4 up. He would further testify that upon inspection of the car and a search  
5 underneath the seats he recovered a small pouch which contained a firearm in it.

6           The State would have proved at trial beyond a reasonable doubt the  
7 defendant was the only person who had access to the backseat of the car, and  
8 that he possessed a firearm discovered in the car, and that no other persons  
9 could have left the firearm in the car.

10           THE COURT: Sir, you've heard the facts as stated by the District  
11 Attorney's office. You're not contesting those facts, are you?

12           THE DEFENDANT: I never received those --

13           THE COURT: Sir, --

14           THE DEFENDANT: Yeah, yeah, yeah.

15           THE COURT: -- listen to me.

16           THE DEFENDANT: I know. I never -- I never --

17           THE COURT: Listen to the question.

18           THE DEFENDANT: No, ma'am.

19           THE COURT: And, in fact, you believe if you go to trial there's a  
20 substantial likelihood that you'd be facing a harsher penalty?

21           THE DEFENDANT: Yes, ma'am.

22           THE COURT: Court accepts your plea as being freely and voluntarily  
23 entered into. I am going to release you on your own recognizance in this case  
24 pursuant to this negotiation. You do not need to go back to Parole and Probation  
25 but you do need to return to court on this date for sentencing.

1 THE CLERK: April 12<sup>th</sup>, nine o'clock, Department 4.

2 THE COURT: All right, sir. So you might have to deal with P and P  
3 on your other case.

4 MS. KALLAS: Your Honor, I'm --

5 THE COURT: I'm just telling you, you don't need to go to P and P on  
6 this case.

7 THE DEFENDANT: Okay.

8 MS. KALLAS: I apologize for interrupting. So he's not being referred  
9 to P and P at all for this case? Does he have another --

10 THE COURT: No. This is a gross misdemeanor, right?

11 MS. KALLAS: Oh, okay. I apologize.

12 THE COURT: So, in fact, I'm waiving the PSI and ordering a gross  
13 misdemeanor worksheet, and is there one in the file, State?

14 MR. HILLMAN: I have one in my file.

15 THE COURT: Wonderful.

16 THE DEFENDANT: Hey, thank you, your Honor.

17 THE COURT: All right. All right. Thank you, sir.

18 (Whereupon, the proceedings concluded.)

19 \* \* \* \* \*

20 ATTEST: Pursuant to Rule 3C(d) of the Nevada Rules of Appellate Procedure, I  
21 certify that this is a rough draft transcript, expeditiously prepared, not proofread,  
22 corrected, or certified to be an accurate transcript.

23   
24 Kiara Schmidt, Court Recorder/Transcriber

25

DISTRICT COURT

CLERK OF THE COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA, )

ORIGINAL

Plaintiff, )

vs. )

CASE NO.: C-16-313747-1

DEPT. NO.: IV

JACKSON, ANTHONY Also )

Known As JOHNSON, )

ANTHONY RASHARD, )

Defendant. )

REPORTER'S ROUGH DRAFT TRANSCRIPT

OF

SENTENCING

BEFORE THE HONORABLE KERRY L. EARLEY  
DISTRICT COURT JUDGE

TUESDAY, APRIL 12, 2016

AT 9:00 A.M.

## APPEARANCES:

For the State:

CRAIG L. HENDRICKS, ESQ.  
Deputy District Attorney

For the Defendant:

MAXWELL A. BERKLEY, ESQ.

REPORTED BY: GINA M. SHRADER, RPR, CCR NO. 647

ROUGH DRAFT TRANSCRIPT

1 LAS VEGAS, NEVADA; TUESDAY, APRIL 12, 2016

2 10:18 A.M.

3 -oOo-

4  
5 THE MARSHAL: Your Honor, C313747-1,  
6 State of Nevada versus Anthony Jackson.

7 THE COURT: Okay. This is the time set  
8 for sentencing and this should be a public defender  
9 case.

10 Good morning. And you are --

11 THE DEFENDANT: Mr. Johnson.

12 THE COURT: I got also -- which are you?  
13 Anthony Jackson also known as Anthony Rashard  
14 Johnson?

15 THE DEFENDANT: Johnson, ma'am.

16 THE COURT: But you are the defendant in  
17 Case C313747-1, correct?

18 THE DEFENDANT: That is correct.

19 THE COURT: This is the time set for  
20 sentencing. This is the one that I know is the  
21 gross misdemeanor worksheet.

22 MR. BERKLEY: Your Honor, I spoke to the  
23 district attorney this morning and he was  
24 thoughtful enough to come up with something that we  
25 hope Your Honor will accept as a gross misdemeanor

1 worksheet. Both sides stand by the negotiations.  
2 It looks a little unconventional.

3 Um, we kind of attached the fact pattern  
4 intake sheet, which I think has all the same  
5 information as a gross misdemeanor worksheet, and  
6 I'm hoping Your Honor will accept that. We would  
7 both like to go forward today.

8 THE COURT: I wanted to go forward. I  
9 didn't know what you wanted to do.

10 MR. HENDRICKS: The deputy that was  
11 handling this didn't put a worksheet in there.

12 THE COURT: I did notice that.

13 MR. HENDRICKS: I put down I provided  
14 you with a Pretrial Services Information sheet.  
15 Additionally, I think it was an Alford plea.

16 THE COURT: I have an Alford plea down  
17 here.

18 MR. HENDRICKS: Right. The facts  
19 intake, those Alford facts to the intake sheet.  
20 Hopefully, if you could take a moment just read  
21 through those facts.

22 THE COURT: What I did have was the  
23 guilty plea and that is what I did read to cull  
24 some facts.

25 MR. BERKLEY: Thank you, Your Honor.

1 THE COURT: You're very welcome. Let me  
2 just take one second or maybe two seconds.

3 That's where the handgun came from.  
4 Okay. That fits. That fits from what -- I'm going  
5 to use that as a gross misdemeanor.

6 MR. BERKLEY: Thank you, Your Honor.

7 THE COURT: And let me look through my  
8 notes here.

9 My understanding is that the agreement,  
10 and I'm looking at the facts that probation not to  
11 exceed one year. I didn't have any terms and  
12 conditions but here's what I had put down.

13 Obviously, the general terms and  
14 conditions of probation, I was going to put the  
15 curfew so I want to discuss it with you. You might  
16 want to argue or discuss the terms and conditions  
17 of probation.

18 MR. HENDRICKS: That's fine with the  
19 State, Your Honor.

20 THE COURT: I did want to put full-time  
21 employment. You're already employed?

22 MR. BERKLEY: Sure.

23 THE COURT: You can show it to me.

24 MR. BERKLEY: May I approach? He is in  
25 the process of getting hired by a trucking company.



1 And just to also kind of let the Court know, he's  
2 been on probation for some time in a California  
3 case that was --

4 THE COURT: I had down a California  
5 case.

6 MR. BERKLEY: -- but it was transferred  
7 to Nevada. So as long as --

8 THE COURT: Oh, his probation was  
9 transferred.

10 MR. BERKLEY: Exactly. So he's  
11 currently serving probation in Nevada. So as long  
12 as this runs concurrent, it should do it for the --

13 THE COURT: I put down concurrent with  
14 the California case.

15 MR. BERKLEY: That's correct. I think  
16 that's the right terminology. He's serving on a  
17 California case here in Nevada. That's the right  
18 way to say it.

19 THE COURT: That was my question.

20 MR. BERKLEY: As long as it runs  
21 concurrent, and Your Honor follows the  
22 negotiations, he's already been supervised for some  
23 time. He's had the same probation officer for some  
24 time.

25 THE COURT: He can stay with that

1 same -- I remember. That would make sense. We'll  
2 keep the same probation going. This one is just  
3 concurrent. Hopefully he can work at the trucking  
4 company and he won't be back.

5 MR. BERKLEY: Exactly. I'm hoping Your  
6 Honor says just concurrent and terms and conditions  
7 determined by probation, because his probation  
8 officer has been working with him for some time.

9 THE COURT: Do you know what his terms  
10 and conditions are from the one in California by  
11 chance?

12 THE DEFENDANT: They are all the same as  
13 Nevada.

14 THE COURT: Can I ask, do you have a no  
15 use, possession or control of alcohol as a term?

16 THE DEFENDANT: Um, no.

17 THE COURT: Okay. Do you have an issue  
18 with that? That's the only other one --

19 THE DEFENDANT: That's the one they  
20 were -- they were having a problem about. But I  
21 guess he called down and talked to a supervisor.  
22 They didn't add that on there so that's the only  
23 one that ain't on there. They say stay away from  
24 liquor stores, stay away from anything like that.

25 There's no where to go. But if we keep

1 it the same probation, if they want to add  
2 something --

3 THE COURT: The only thing I'm going to  
4 add -- I assume it's on there any way because it's  
5 part of the general terms. I make it a special  
6 condition. So you understand, I do want you to  
7 work full time.

8 THE DEFENDANT: Yes. That's why I was  
9 showing you that because, um, any longer probation  
10 that I'm already on will affect that because that's  
11 the trucking company. And Officer Bonnell, he's  
12 been working with me on that.

13 THE COURT: I think I'm pretty good  
14 then. Let me see if I had any other questions.

15 Also, he does have to pay the  
16 administrative fees, correct?

17 THE DEFENDANT: Yes.

18 THE COURT: Thank you, Mr. Johnson. I  
19 don't even need Mr. Berkley.

20 MR. BERKLEY: Not very people are as  
21 enthusiastic to volunteer.

22 THE COURT: Or say the opposite: No, I  
23 don't need to do that.

24 MR. BERKLEY: I think Mr. Johnson's  
25 right. He will pay those.

1 THE COURT: Okay. All right. Welcome  
2 Back, Judge Earley. All right. I'm ready to go.  
3 Are you ready to go? It fits together for me. You  
4 gave me the facts I wanted to make sure I had. All  
5 right.

6 I hereby adjudge you guilty of one count  
7 of possession of a dangerous weapon, which is going  
8 to be treated as a gross misdemeanor.

9 In accordance with the laws of the state  
10 of Nevada, I assess a \$25 administrative assessment  
11 fee, a \$3 DNA administrative assessment fee. Has  
12 he paid the \$150? I don't know since it came from  
13 California. I'm going to do it. If he has, he  
14 doesn't have to pay it twice.

15 MR. BERKLEY: He's indicated he has. If  
16 Your Honor -- you know. If Your Honor wants us to  
17 check with California to verify --

18 THE COURT: Let's do this: I'm going to  
19 assess the \$150 DNA analysis fee and require you to  
20 submit for the testing for determination of genetic  
21 markers.

22 That will be waived if information comes  
23 forward that you have already done that. You don't  
24 need to do that twice.

25 You are hereby sentenced -- I put 300

1 days -- I don't know where I got -- days in the  
2 Clark County Detention Center and I am going to  
3 suspend that sentence to place you on probation for  
4 a period of time not to exceed one year, under the  
5 following terms and conditions.

6 And this probation is to run concurrent  
7 with your California case. I don't have the  
8 number. I don't know if you have it but  
9 hopefully -- do you have it?

10 THE DEFENDANT: It's on the bottom of  
11 that sheet he gave me. The first one. The first  
12 sheet he gave me.

13 THE COURT: It's the underlying sentence  
14 that's running concurrent. It wouldn't be  
15 probation would it be. It would be the underlying  
16 sentence.

17 MR. HENDRICKS: It can be both.

18 THE COURT: Okay.

19 MR. BERKLEY: You know, I don't have it.

20 THE COURT: I am going to say the  
21 California case, so we know. You are to follow the  
22 general terms and conditions of probation.

23 I'm also going to do the special term  
24 that you are to follow any curfews that are imposed  
25 by Parole and Probation. You are to maintain

1 full-time employment, and if you're only part-time  
2 employed, you are to do 16 hours a month community  
3 service, if you are not full-time employed.

4 And you probably know you are to report  
5 for this case to Parole and Probation to register  
6 for this case within 48 hours of today's date.

7 So you need to go back to Parole and  
8 Probation and say I am now on this case.

9 THE DEFENDANT: I went yesterday for my  
10 regular probation check in.

11 THE COURT: I still want you to go and  
12 tell them you have been placed, and they can put  
13 you on the same schedule. You don't have to be on  
14 two different schedules but I do want you to do  
15 that so they know your on this and what's going on,  
16 okay, Mr. Johnson?

17 THE DEFENDANT: Yes, ma'am.

18 THE COURT: Let me give you --  
19 congratulations. You'll want t take that back, and  
20 we should be done. I want to keep it in my --  
21 okay. I think we're done then.

22 MR. BERKLEY: Thank you, Your Honor.

23 ATTEST: TRUE ORIGINAL ROUGH DRAFT TRANSCRIPT OF  
24 PROCEEDINGS.

25 /s/Gina M. Shrader

Gina M. Shrader, CCR 647, RPR

ROUGH DRAFT TRANSCRIPT

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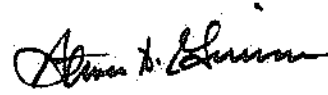
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ROUGH DRAFT TRANSCRIPT



08/14/2016 12:53:35 AM

DISTRICT COURT  
CLARK COUNTY, NEVADA

  
CLERK OF THE COURT

THE STATE OF NEVADA, )  
Plaintiff, )  
vs. )  
JACKSON, ANTHONY Also )  
Known As JOHNSON, )  
ANTHONY RASHARD, )  
Defendant. )

ORIGINAL

CASE NO.: C-16-313747-1  
DEPT. NO.: IV

REPORTER'S ROUGH DRAFT TRANSCRIPT

OF

REVOCATION OF PROBATION

BEFORE THE HONORABLE KERRY L. EARLEY  
DISTRICT COURT JUDGE

TUESDAY, JUNE 21, 2016

AT 9:00 A.M.

## APPEARANCES:

For the State: MARY KAY HOLTHUS, ESQ.  
Chief Deputy District Attorney

For the Defendant: MAXWELL A. BERKLEY, ESQ.

REPORTED BY: GINA M. SHRADER, RPR, CCR NO. 647

ROUGH DRAFT TRANSCRIPT

1 LAS VEGAS, NEVADA; TUESDAY, JUNE 21, 2016

2 10:18 A.M.

3 -oOo-

4  
5 THE MARSHAL: Page 25, Your Honor.

6 C313747-1, State of Nevada versus Anthony Jackson.

7 THE COURT: A revocation of probation.

8 MS. HOLTHUS: Good morning, Your Honor.

9 THE COURT: Good morning.

10 THE CLERK: For the P and P officer, can  
11 we get your name for the record?

12 OFFICER BONNELL: Officer Bonnell,  
13 B-o-n-n-e-l-l.

14 THE COURT: Okay. This is set for  
15 revocation.

16 MR. BERKLEY: Your Honor, I think what  
17 we'll -- Court's brief indulgence.

18 THE COURT: That's fine.

19 MR. BERKLEY: I think we're going to do  
20 is stipulate to the -- we'll stipulate to the  
21 violations that he did move without informing his  
22 probation officer of his new address. However, as  
23 far as absconding, he did check in, it sounds like  
24 a couple times in April as well as he missed his  
25 scheduled check-in date in May but he indicated to

ROUGH DRAFT TRANSCRIPT

1 me that he did go down to probation. He didn't  
2 have an appointment in May and did sign in.

3 So it sounds like I think the probation  
4 officer at least stipulates that there was at least  
5 a sign-in, you know, a couple sign-in's in April.  
6 It sounds like we need to continue it for me to  
7 research that but I think the probation officer  
8 will consent to that.

9 THE COURT: I don't have that in the  
10 report.

11 OFFICER BONNELL: I think what happened  
12 with Mr. Jackson, I've supervised him with  
13 interstate case. I'm well familiar with how he  
14 tries to handle business and what it is, he'll  
15 usually skip a day when the front desk. He may  
16 sign it, but then if it's my day off, if it's a day  
17 where I'm in the field, he'll pick a day to report  
18 when he's told to report the following day at 10:00  
19 a.m.

20 THE COURT: And there's a legitimate day  
21 so you're --

22 OFFICER BONNELL: It's when I'm going to  
23 be there. With 100 offenders and he's choosing  
24 when he wants to report, the front office told him  
25 adamantly do not call up there because we put the

1 notes chronologically of when he's supposed to be  
2 there. They do their due diligence, give him the  
3 next reporting date when I will be there and a  
4 couple days after that is when he tends to show up.

5 So I didn't get any paperwork signed  
6 from his original probation on this matter and he  
7 was sentenced April 12th.

8 THE COURT: April 12th.

9 OFFICER BONNELL: So he didn't show up.  
10 You gave him 48 hours to show up. He doesn't show  
11 up to sign paperwork and he just continues to miss  
12 appointments, we're trying to make home contact, et  
13 cetera.

14 THE COURT: And he's familiar with  
15 probation.

16 OFFICER BONNELL: He's been on for two  
17 years on interstate. They want him to report to  
18 California, you know. Depending on what happens in  
19 the court, they've already ordered him to return.

20 THE COURT: On that probation?

21 OFFICER BONNELL: The California matter.  
22 He's not in a good position as far as this  
23 continuation.

24 MR. BERKLEY: Your Honor, really quick  
25 here. He just communicated to me that he called on

1 April 13th.

2 THE COURT: Calling isn't -- never mind.

3 Okay.

4 MR. BERKLEY: Sure. Of course.

5 THE COURT: Yes.

6 MR. BERKLEY: We'll stipulate to -- that  
7 he -- he'll stipulate to the violation that he  
8 didn't check in on his scheduled time to do so and  
9 he didn't move out informing his probation officer.

10 THE COURT: All right.

11 MR. BERKLEY: They get to go first.  
12 They get a chance.

13 MS. HOLTHUS: Your Honor, our  
14 position -- we want him revoked, Judge.

15 He committed this offense while on  
16 probation for possession with use out of  
17 California. We still gave him probation. He knows  
18 the drill. He didn't follow it. He knows the  
19 drill. It's time to revoke him.

20 I assume California comes to get him and  
21 will release him after not so long. So I would  
22 just ask that you revoke him. That's what he  
23 deserves.

24 THE COURT: Okay. Mr. Berkley.

25 MR. BERKLEY: Thank you, Your Honor.

*ROUGH DRAFT TRANSCRIPT*

1 Mr. Johnson wrote a letter.

2 THE COURT: Jackson or Johnson?

3 MR. BERKLEY: He goes by Johnson.

4 THE COURT: Because I've got two --

5 MR. BERKLEY: I'm showing the State.

6 There's a letter he wrote to Your Honor which  
7 pretty much is going to be my argument.

8 THE COURT: I did not get a letter.

9 MR. BERKLEY: I just received it this  
10 morning. Certainly the State can review it and  
11 I'll ask that Your Honor take a look at it.

12 THE COURT: I will.

13 MR. BERKLEY: Permission to approach?

14 THE COURT: Yes.

15 (Whereupon the correspondence was reviewed.)

16 THE COURT: Okay. What's the  
17 significance of the fingerprint?

18 MR. BERKLEY: I -- I don't really know  
19 but Mr. Johnson --

20 THE DEFENDANT: Just something to let me  
21 know that's me who presented this letter so you  
22 know it's no miscellaneous going on when you deal  
23 with a third party.

24 THE COURT: Can I keep this then for my  
25 file?

1 MR. BERKLEY: Absolutely.

2 THE DEFENDANT: For the record,  
3 Ms. Kerry -- I mean, Your Honorable Judge Earley.

4 You mentioned it was going to be  
5 complicated when you sentenced me two months ago  
6 for the interstate compact and taking the deal.  
7 Remember my situation?

8 THE COURT: I do remember.

9 THE DEFENDANT: And you wasn't going to  
10 give the probation. I'm digging a hole by pleading  
11 to stuff I shouldn't pleading into but --

12 MR. BERKLEY: Your --

13 THE DEFENDANT: Right, right, right,  
14 right.

15 THE COURT: Talk to Mr. Berkley.

16 THE DEFENDANT: -- or not. I take that  
17 statement back. I'm digging a hole by accepting  
18 stuff because just because I want to get out with  
19 my family but I'm not thinking about the situation,  
20 if I can handle this like right now.

21 I mentioned -- mentioned two years.  
22 I've been with Officer Bonnell, best probation  
23 officer I've had, because we went from checking in  
24 every day -- not every day, once a month. He gave  
25 me my receipt too saying I don't want to bother you

ROUGH DRAFT TRANSCRIPT

1 at work. I know you're working. Come check in  
2 when you got off on these days and we had no  
3 problem.

4 But now that I'm on Nevada probation,  
5 he's not my PO no more. He specifically states if  
6 you get reinstated, you not going to be able to do  
7 stuff you do with me. I understand that now.

8 If I get reinstated, get my receipt to  
9 come back in 30 days. On the day I'm supposed to  
10 be there. So it's like a lot of combinations for  
11 three days. I got 30 days left on a three-year  
12 sentence from California probation.

13 MR. BERKLEY: That's correct.

14 THE DEFENDANT: I talked to my probation  
15 officer down there. He asked me to come down on  
16 Tuesday to figure out if they going to give me a  
17 dishonorable or honorable for no extradition. He  
18 want me to come down on my own. If I show up in  
19 the office, he will give me a traffic permission to  
20 go down there and deal with it and come back and do  
21 it.

22 I know you guys and, I mean, I have no  
23 problem with it. All I want to do is follow the  
24 law and get this stuff behind me so I can move on  
25 with life. I don't want to give you guys the



1 runaround. I sure don't want to give P and P the  
2 runaround. They are helping me in my situation.

3 If I follow probation orders, all it's  
4 doing is helping me be a productive person. So I  
5 don't have no problem with that. I just wanted let  
6 Officer Bonnell know that and the Court to know  
7 that. Whatever you need to do. I've been doing it  
8 for three years. So it's like, why would I stop  
9 now, you know. It's just a misunderstanding.

10 THE COURT: The Court has that question.

11 THE DEFENDANT: It was a  
12 misunderstanding, like I had a city hold. So I  
13 couldn't go down there the next day because I went  
14 to the city. And I have that case stuff right  
15 here. I went to the city under these case numbers  
16 and then, you know, they hold you for a day or two  
17 just like I got a city hold to go over there, deal  
18 with that, get back on my thing.

19 Since I left your courtroom, I went over  
20 there to whatever, sign up for the community  
21 service just in case there's any money obligations.  
22 I can do a weeks community service or one week out  
23 the month. I'm trying to make these arrangements  
24 to abide by. I don't want you to do nothing and  
25 doing my own thing.

1 I am going to do the best I can to abide  
2 by the law.

3 MR. BERKLEY: I'll pick up right there.  
4 Mine will be real quick. I think he's addressed  
5 most of the concerns Your Honor would have. He did  
6 have his traffic warrants as he was instructed to  
7 do when he started --

8 THE COURT: I saw that.

9 MR. BERKLEY: -- in this case. He's  
10 also attending AIT school which, to be a trucker,  
11 and is working as a deckton staffing (phonetic) as  
12 well.

13 So it sounds like he's doing pretty  
14 well. He just obviously needs to make sure he  
15 checks in when he's got an appointment. He has,  
16 you know, gone to Parole and Probation. He needs  
17 to go the check days when his officers is going to  
18 be there, obviously informing his probation officer  
19 where he's living.

20 Besides that, it sounds like the last  
21 couple of months he's done everything he's been  
22 asked to do. We are hoping Your Honor considers  
23 reinstating him, you know, and allowing him to  
24 continue on what appears to be a pretty good path  
25 that he's been on.

1 THE COURT: Okay. I do find you  
2 violated your probation. I am going to revoke your  
3 probation for violating the terms. I am going to  
4 impose your underlying sentence of 364 days --

5 MR. BERKLEY: Your Honor, I think it's  
6 300 days.

7 THE COURT: I have 364. Maybe I did it  
8 wrong. I have 364 --

9 THE DEFENDANT: It's 300.

10 THE COURT: I want to do it correctly.  
11 We'll pull it up. We'll do it.

12 MS. HOLTHUS: I have 300 on April 12th.  
13 So did Mr. Hendricks.

14 MR. BERKLEY: So I don't have a JOC.

15 THE COURT: She just looked at the JOC.  
16 We'll amend the JOC.

17 MS. HOLTHUS: It may very well have said  
18 300. These people wrote down 300 and that you  
19 meant 364.

20 THE COURT: I don't know. It is  
21 modified to 300.

22 THE CLERK: The minutes say 300.

23 THE COURT: Let's do this. Then the JOC  
24 was wrong. You know what? I'll just impose the  
25 different -- I will impose and change the

1 underlying sentence to 300 days in the Clark County  
2 Detention Center.

3 MS. HOLTHUS: That's fine.

4 THE COURT: We'll just do it that way.

5 MR. BERKLEY: And I believe he has 46  
6 days credit for time served.

7 MS. HOLTHUS: Forty-six days. Thank  
8 you, Your Honor.

9 THE COURT: You're welcome.

10 THE DEFENDANT: So when I get out, no  
11 more probation?

12 THE COURT: Talk to Mr. Berkley.

13

14 -oOo-

15

16 ATTEST: TRUE ORIGINAL ROUGH DRAFT TRANSCRIPT OF  
17 PROCEEDINGS.

18

19 /s/Gina M. Shrader

20

21 Gina M. Shrader, CCR 647, RPR

22

23

24

25

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No. 70870

vs.

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