

IN THE SUPREME COURT OF THE STATE OF NEVADA

LONNIE LYNN SWEAT

Petitioner,

vs.

THE EIGHTH JUDICIAL DISTRICT
COURT OF THE STATE OF NEVADA,
IN AND FOR THE COUNTY OF
CLARK, AND THE HONORABLE
STEFANY MILEY DISTRICT JUDGE

Respondents,

And

THE STATE OF NEVADA,

Real Party In Interest.

Electronically Filed
Nov 14 2016 01:21 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

CASE NO: 71110

REAL PARTY IN INTEREST'S APPENDIX

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CERTIFICATE OF SERVICE

I hereby certify and affirm that this document was filed electronically with the Nevada Supreme Court on November 14, 2016. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

ADAM PAUL LAXALT
Nevada Attorney General

KENTON G. EICHACKER
Deputy Public Defender

RYAN J. MACDONALD
Deputy District Attorney

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

JUDGE STEFANY MILEY
Eighth Judicial District Court, Dept. 23
Regional Justice Center
200 Lewis Avenue
Las Vegas, Nevada 89101

BY /s/ E. Davis
Employee, District Attorney's Office

RJM//ed

Justice Court, Las Vegas Township

JUSTICE COURT, LAS VEGAS TOWNSHIP CLARK COUNTY, NEVADA

THE STATE OF NEVADA,
Plaintiff,

vs.

Lonnie Sweat
Defendant.

CASE NO.:

16F07438X

DEPT.NO.:

0010

Battery/Domestic Violence: ADMONISHMENT OF RIGHTS

(For offenses committed on or after October 1, 2007)

I am the Defendant in this case. I am charged with battery constituting domestic violence in having willfully and unlawfully committed an act of force or violence upon my spouse, former spouse, a person to whom I am related by blood or marriage, a person with whom I am or was actually residing, a person with whom I have had or am having a dating relationship, a person with whom I have a child in common, my minor child, or the minor child of one of those persons (in violation of NRS 33.018/NRS 200.485).

I AM AWARE THAT I HAVE EACH OF THE FOLLOWING RIGHTS AND THAT I WILL BE WAIVING THESE RIGHTS IF I PLEAD GUILTY OR NOLO CONTENDERE:

1. The right to a speedy trial;
2. The right to require the State to prove the charge(s) against me beyond a reasonable doubt;
3. The right to confront and question all witnesses against me;
4. The right to subpoena witnesses on my behalf and compel their attendance;
5. The right to remain silent and not be compelled to testify if there were a trial; and
6. The right to appeal my conviction except on constitutional or jurisdictional grounds.

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Admonishment of Rights - BDV
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I AM ALSO AWARE THAT BY PLEADING GUILTY OR NOLO CONTENDERE I AM ADMITTING THE STATE COULD FACTUALLY PROVE THE CHARGE(S) AGAINST ME. I AM ALSO AWARE THAT MY PLEA OF GUILTY OR NOLO CONTENDERE MAY HAVE THE FOLLOWING CONSEQUENCES:

1. I understand the State will use this conviction, and any other prior conviction from this or any other state which prohibits the same or similar conduct, to enhance the penalty for any subsequent offense.
2. I understand that as a consequence of my plea of guilty or nolo contendere, if I am not a citizen of the United States, I may, in addition to other consequences provided for by federal law, be removed, deported, excluded from entry into the United States, or denied naturalization.

3. I understand that if I am convicted of a misdemeanor or felony that constitutes domestic violence pursuant to NRS 33.018, my possession, shipment, transportation, or receipt of a firearm or ammunition may constitute a felony pursuant to NRS 202.360 or federal law.

DEFENDANT'S INITIALS:

LS

4. I understand that sentencing is entirely up to the court and the following range of penalties for committing the offense described above will apply (unless a greater penalty is provided pursuant to NRS 200.481):

DEFENDANT'S INITIALS:

LS

DEFENDANT'S ATTORNEY'S INITIALS (if applicable):

KGE

FIRST OFFENSE WITHIN 7 YEARS (MISDEMEANOR):

At least 2 days in jail but not more than 6 months; at least 48 hours but not more than 120 hours, of community service; a fine of not less than \$200, but not more than \$1,000, in addition to certain fees and assessments that are required by statute; mandatory participation in weekly counseling sessions of not less than 1 1/2 hours per week (or bi-weekly counseling sessions for an equivalent number of hours if I reside more than 70 miles from the nearest location at which counseling services are available) for not less than 6 months, but not more than 12 months, at my expense; in the Court's discretion, the Court may order me to participate in an alcohol or drug treatment program at my expense; and, in the Court's discretion, if it appears from information presented to the Court that a child under the age of 18 years may need counseling as a result of the commission of a battery which constitutes domestic violence, the Court may refer the child to an agency which provides protective services, and, if that occurs, the Court will require me to reimburse the agency for the costs of any services provided, to the extent of my ability to pay.

SECOND OFFENSE WITHIN 7 YEARS (MISDEMEANOR):

At least 10 days in jail but not more than 6 months; at least 100 hours, but not more than 200 hours, of community service; a fine of not less than \$500, but not more than \$1,000, in addition to certain fees and assessments that are required by statute; mandatory participation in weekly counseling sessions of not less than 1 1/2 hours per week (or bi-weekly counseling sessions for an equivalent number of hours if I reside more than 70 miles from the nearest location at which counseling services are available) for 12 months, at my expense; in the Court's discretion, the Court may order me to participate in an alcohol or drug treatment program at my expense; and, in the Court's discretion, if it appears from information presented to the Court that a child under the age of 18 years may need counseling as a result of the commission of a battery which constitutes domestic violence, the Court may refer the child to an agency which provides protective services, and, if that occurs, the Court will require me to reimburse the agency for the costs of any services provided, to the extent of my ability to pay.

THIRD OFFENSE OR ANY SUBSEQUENT OFFENSE WITHIN 7 YEARS (CATEGORY C FELONY):

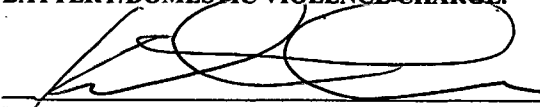
A category C felony punishable by a sentence of imprisonment in the Nevada State Prison for at least 1 year but not more than 5 years; a possible fine of not more than \$10,000, in addition to certain fees and assessments that are required by statute; in the Court's discretion, the Court may require me to participate in an alcohol or drug treatment program at my expense; and, in the Court's discretion, if it appears from information presented to the Court that a child under the age of 18 years may need counseling as a result of the commission of a battery which constitutes domestic violence, the Court may refer the child to an agency which provides protective services, and, if that occurs, the Court will require me to reimburse the agency for the costs of any services provided, to the extent of my ability to pay. A third or subsequent offense is not probationable.

ALL DEFENDANTS MUST INITIAL EITHER #1 or #2 BELOW-DO NOT INITIAL BOTH:

- 15 1. I am represented by an attorney in this case. My attorney has fully discussed these matters with me and advised me about my legal rights. My attorney is Public Defender
- 65 2. I have declined to have an attorney represent me and I have chosen to represent myself. I have made this decision even though there are dangers and disadvantages in self-representation in a criminal case, including but not limited to, the following:
- (a) Self-representation is often unwise, and a defendant may conduct a defense to his or her own detriment;
 - (b) a defendant who represents himself is responsible for knowing and complying with the same procedural rules as lawyers, and cannot expect help from the judge in complying with those procedural rules;
 - (c) a defendant representing himself will not be allowed to complain on appeal about the competency or effectiveness of his or her representation;
 - (d) the state is represented by experienced professional attorneys who have the advantage of skill, training and ability;
 - (e) a defendant unfamiliar with legal procedures may allow the prosecutor an advantage, may not make effective use of legal rights, and may make tactical decisions that produce unintended consequences; and
 - (f) the effectiveness of the defense may well be diminished by defendant's dual role as attorney and accused.

 DEFENDANT'S SIGNATURE	<u>5-6-85</u> DATE OF BIRTH	<u>6-7-16</u> DATE
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I HAVE REVIEWED THIS ADMONISHMENT WITH MY CLIENT AND WE HAVE DISCUSSED THE RIGHTS HE/SHE IS WAIVING AND THE CONSEQUENCES OF HIS/HER PLEA OF GUILTY/NOLO CONTENDERE TO THE BATTERY/DOMESTIC VIOLENCE CHARGE.


DEFENDANT'S ATTORNEY (IF APPLICABLE)

63114
BAR NUMBER