

1 2515
2 MARTIN H. WIENER
3 NBN 2115
4 316 South Arlington Avenue
5 Reno, Nevada 89501
6 (775) 322-4008
7 ATTORNEY FOR DEFENDANT

Electronically Filed
Dec 15 2016 02:29 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

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

9 IN AND FOR THE COUNTY OF WASHOE

10 THE STATE OF NEVADA,

11 Plaintiff,

12 vs.

Case No. CR16-0567

13 DANIEL JAMES RODRIGUEZ,

Dept. No. 6

14 Defendant.

15 NOTICE OF APPEAL

16 Defendant DANIEL JAMES RODRIGUEZ, through his undersigned counsel
17 Martin H. Wiener, appeals to the Supreme Court of Nevada from the judgment of
18 conviction of this Court entered in this action on November 9, 2016, and from the
19 corrected judgement entered November 15, 2016. The conviction was for a Category B
20 felony, so this is not a Fast Track Appeal, NRAP 3C(a)(3)(A).

21 The undersigned affirms, under NRS 239B.030, that this document does not
22 contain the "personal information" of any person, as defined in NRS 603A.040.

23 DATED this 9th day of December, 2016.

24
25
26 MARTIN H. WIENER
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Law Office of Martin H. Wiener, and that on this date, I electronically filed the foregoing with the Clerk of the Court by using the ECF system, which served the following parties electronically at the Washoe County District Attorney's Office:

Matt Lee, Esq., for State of Nevada

Paul Young, Esq., for State of Nevada

DATED: December 9, 2016

/s/ Martin H. Wiener
MARTIN H. WIENER

1 2515
2 MARTIN H. WIENER
3 NBN 2115
4 316 South Arlington Avenue
5 Reno, Nevada 89501
6 (775) 322-4008
7 ATTORNEY FOR DEFENDANT

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

12 THE STATE OF NEVADA,
13
14 Plaintiff,

15 vs.

Case No. CR16-0567

16 DANIEL JAMES RODRIGUEZ,
17
18 Defendant.

Dept. No. 6

19
20
21 CORRECTED NOTICE OF APPEAL

22 Defendant DANIEL JAMES RODRIGUEZ, through his undersigned counsel
23 Martin H. Wiener, appeals to the Supreme Court of Nevada from the judgment of
24 conviction of this Court entered in this action on November 9, 2016, and from the
25 corrected judgement entered November 15, 2016. The conviction was for a Category B
26 felony, so this is not a Fast Track Appeal, NRAP 3C(a)(3)(A).

27 The undersigned affirms, under NRS 239B.030, that this document does not
28 contain the “personal information” of any person, as defined in NRS 603A.040.

DATED this 9th day of December, 2016.

29
30
31 */s/ Martin H. Wiener*
32 MARTIN H. WIENER
33 Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Law Office of Martin H. Wiener, and that on this date, I electronically filed the foregoing with the Clerk of the Court by using the ECF system, which served the following parties electronically at the Washoe County District Attorney's Office:

Matt Lee, Esq., for State of Nevada

Paul Young, Esq., for State of Nevada

DATED: December 9, 2016

/s/ Martin H. Wiener
MARTIN H. WIENER

1 1310
MARTIN H. WIENER
2 NBN 2115
316 South Arlington Avenue
3 Reno, Nevada 89501
(775) 322-4008
4 ATTORNEY FOR DEFENDANT

5
6 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
7 IN AND FOR THE COUNTY OF WASHOE
8

9 THE STATE OF NEVADA,

10 Plaintiff,

11 vs.

Case No. CR16-0567

12 DANIEL JAMES RODRIGUEZ,

Dept. No. 6

13 Defendant.
14 _____/

15 **CASE APPEAL STATEMENT**

16 Pursuant to NRAP 3(f) and Form 2, the above Defendant, through undersigned
17 counsel MARTIN H. WIENER files the required Case Appeal Statement.

18 1. Appellant: Daniel James Rodriguez

19 2. District Judge whose judgment of conviction is appealed from: Hon. Lynne
20 Simons

21 3. Counsel for Appellant Daniel James Rodriguez: Martin H. Wiener, 316 South
22 Arlington Avenue, Reno, Nevada 89501

23 4. Counsel for Respondent State of Nevada: Washoe County District Attorney,
24 One South Sierra Street, Reno, Nevada 89501

25 5. No non-Nevada counsel.

26 6. District court representation of Appellant was by retained counsel.

27 7. Appellate representation of Appellant is by retained counsel.

28 8. This is not an in forma pauperis appeal.

9. District court proceedings commenced by indictment filed April 13, 2016.

MARTIN H. WIENER
Counsel For Defendant
Nevada State Bar No. 2115
316 South Arlington Avenue
Reno, Nevada 89501
(775) 322-4008

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of the Law Office of Martin H. Wiener, and that on this date, I electronically filed the above document with the Clerk of the Court by using the ECF system, which served the following parties electronically at the Washoe County District Attorney's Office:

Matt Lee, Esq., for State of Nevada

Paul Young, Esq., for State of Nevada

DATED: December 9, 2016

/s/ Martin H. Wiener

MARTIN H. WIENER

**SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE**

Case History - CR16-0567

DEPT. D6

HON. LYNNE K. SIMONS

Report Date & Time

12/12/2016

9:13:30AM

Case Description: STATE VS. DANIEL JAMES RODRIGUEZ (D6)			
Case ID:	CR16-0567	Case Type:	CRIMINAL
		Initial Filing Date:	4/13/2016

Parties

PLTF	STATE OF NEVADA - STATE
DA	Paul T. Young, Esq. - 12529
DA	Matthew Lee, Esq. - 10654
DA	Terrence P. McCarthy, Esq. - 2745
DEFT	DANIEL JAMES RODRIGUEZ (TN) - @1203284
DATY	Martin H. Wiener, Esq. - 2115
PNP	Div. of Parole & Probation - DPNP

Charges

Charge No.	Charge Code	Charge Date	Charge Description
1	50227	4/13/2016	IND BATTERY WITH A DEADLY WEAPON CAUSING SUBSTANTIAL BODILY HARM AGAINST A PERSON 60 YEARS OF AGE OR OLDER

Plea Information

Charge No.	Plea Code	Plea Date	Plea Description
1	50227	4/19/2016	PLED NOT GUILTY

Sentences

Date	Charge No.	Charge Desc	Time Served	Sentence Text
11/9/2016	1 - Nevada State Prison/Probation			DEFENDANT SENTENCED TO 4 -10 YEARS NDOC WITH 1 -10 YEARS FOR ELDERLY ENHANCEMENT, SUSPENDED; PROBATION NTE 60 MONTHS. FEES.

Release Information

Custody Status

4/14/2016	BAIL - BOND	4/15/16 AT 5:00 P.M. TO BE ADD-BOOKED ON NEW CHARGES AND IMMEDIATELY RELEASED.
4/14/2016	BAIL - BOND	HE SHALL BE IMMEDIATELY REVOKED; DEFT TO REPORT TO 911 PARR NO LATER THAN
4/14/2016	BAIL - BOND	COURT SERVICES SHALL SUPERVISE THE DEFENDANT - UPON ANY PRETRIAL VIOLATION
4/14/2016	BAIL - BOND	TRANSFERRED TO DISTRICT COURT; DEFT SHALL RESIDE IN BRISTLECONE HOUSING;
4/14/2016	BAIL - BOND	SUPERVISED BAIL; BAIL SET AT \$20,000.00 BONDABLE; BAIL POSTED IN RJC
4/19/2016	BAIL - BOND	SUPERVISED BAIL

Hearings

Department	Event Description	Sched. Date & Time	Disposed Date
1 D15	HEARING...	4/14/2016 09:00:00	4/14/2016
Event Extra Text:		Disposition: D435 4/14/2016	

Case Description: STATE VS. DANIEL JAMES RODRIGUEZ (D6)

Case ID: CR16-0567 **Case Type:** CRIMINAL **Initial Filing Date:** 4/13/2016

<i>Department</i>		<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
2	D15	ARRAIGNMENT	4/19/2016	09:00:00	4/19/2016
Event Extra Text:			Disposition: D725 4/19/2016 TO THE INDICTMENT		
<i>Department</i>		<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
3	D15	ORAL ARGUMENTS	6/28/2016	15:00:00	6/23/2016
Event Extra Text: HEARING SET AT ARRAIGNMENT			Disposition: D845 6/23/2016 TO BE HEARD WITH PRE-TRIAL WRIT PETITION ON JULY 14.		
<i>Department</i>		<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
4	D15	Tickle Start Code	7/5/2016	09:00:00	6/23/2016
Event Extra Text: DEADLINE FOR STATE TO FILE RESPONSE			Disposition: T200 6/23/2016 DEADLINE FOR STATE TO FILE RESPONSE - RESPONSE FILED		
<i>Department</i>		<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
5	D15	WRIT OF HABEAS CORPUS	7/14/2016	14:30:00	7/12/2016
Event Extra Text: HEARING ON PRE-TRIAL PETITION FOR WRIT OF HABEAS CORPUS			Disposition: D844 7/12/2016 WRIT HEARING RESET TO 7/15/16 AT 3:00 P.M.		
<i>Department</i>		<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
6	D15	WRIT OF HABEAS CORPUS	7/15/2016	13:30:00	7/15/2016
Event Extra Text:			Disposition: D840 7/15/2016		
<i>Department</i>		<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
7	D15	MOTION TO CONFIRM TRIAL	8/2/2016	09:00:00	8/2/2016
Event Extra Text:			Disposition: D425 8/2/2016 MOTION TO CONFIRM TRIAL - GRANTED.		
<i>Department</i>		<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
8	D15	EXHIBITS TO BE MARKED W/CLERK	8/5/2016	10:00:00	8/8/2016
Event Extra Text:			Disposition: D596 8/8/2016 STATE'S EXHIBITS 1-6		
<i>Department</i>		<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
9	D15	PRE-TRIAL MOTIONS	8/8/2016	12:00:00	8/8/2016
Event Extra Text: 1 HOUR RESERVED, IF NEEDED.			Disposition: D435 8/8/2016		

Case Description: STATE VS. DANIEL JAMES RODRIGUEZ (D6)

Case ID: CR16-0567 Case Type: CRIMINAL Initial Filing Date: 4/13/2016

	Department	Event Description	Sched. Date & Time		Disposed Date
10	D15	TRIAL - JURY	8/8/2016	13:00:00	8/8/2016
	Event Extra Text: DAY 1 ? DAYS		Disposition: D832 8/8/2016		

	Department	Event Description	Sched. Date & Time		Disposed Date
11	D6	TRIAL ONGOING	8/9/2016	09:00:00	8/9/2016
	Event Extra Text:		Disposition: D895 8/9/2016 DEFENDANT TO REMAIN OUT OF CUSTODY UNTIL SENTENCING. COURT TO BE NOTIFIED WITHIN 24 HOURS OF ANY VIOLATIONS; THAT DEFENDANT IS TO BE TESTED 2X A WEEK; REMAIN EMPLOYED; AND AA/NA MEETINGS 5X A WEEK. DEFENDANT TO REMAIN AT BRISTLECONE. IF DISMISSED FROM BRISTLECONE, THE COURT TO BE NOTIFIED.		

	Department	Event Description	Sched. Date & Time		Disposed Date
12	D6	STATUS HEARING	9/14/2016	09:00:00	9/14/2016
	Event Extra Text:		Disposition: D260 9/14/2016 DEFENDANT DOING WELL WITH PRETRIAL SERVICES TERMS AND CONDITIONS.		

	Department	Event Description	Sched. Date & Time		Disposed Date
13	D6	SENTENCING	10/12/2016	08:30:00	10/11/2016
	Event Extra Text:		Disposition: D870 10/11/2016 reset to Nov 9		

	Department	Event Description	Sched. Date & Time		Disposed Date
14	D6	SENTENCING	11/9/2016	09:00:00	11/9/2016
	Event Extra Text:		Disposition: D765 11/9/2016		

Agency Cross Reference

Code	Agency Description	Case Reference I.D.
DA	District Attorney's Office	DA1512768
PC	PCN number	PCNRPD1510277C
RP	Reno Police Department	RP15021677

Actions

Action Entry Date	Code	Code Description	Text
4/13/2016	1300	Bench Warrant Filed-Case Clsd	BAIL SET IN THE AMOUNT OF \$30,000 CASH ONLY
4/13/2016	1795	Indictment	
4/13/2016	3370	Order ...	ORDER STAYING PROCEEDINGS
4/13/2016	1695	** Exhibit(s) ...	REPORT OF THE GRAND JURY
4/14/2016	3725	Proof ...	PROOF OF FAX CONFIRMATION TO WCJ - Transaction 5466241 - Approved By: YVILORIA : 04-14-2016:11:4
4/14/2016	3370	Order ...	ORDER TRANSFERRING BAIL TO THE SECOND JUDICIAL DISTRICT COURT - Transaction 5465994 - Appr

Case Description: STATE VS. DANIEL JAMES RODRIGUEZ (D6)

Case ID:	CR16-0567	Case Type:	CRIMINAL	Initial Filing Date:	4/13/2016
4/14/2016	NEF	Proof of Electronic Service	Transaction 5466004 - Approved By: NOREVIEW : 04-14-2016:10:52:16		
4/14/2016	NEF	Proof of Electronic Service	Transaction 5466301 - Approved By: NOREVIEW : 04-14-2016:11:49:11		
4/14/2016	NEF	Proof of Electronic Service	Transaction 5466323 - Approved By: NOREVIEW : 04-14-2016:11:54:53		
4/14/2016	1930	Letters ...	CONFIDENTIAL LETTERS RECEIVED APRIL 14, 2016 - Transaction 5466258 - Approved By: YVILORIA : 04-1		
4/15/2016	MIN	***Minutes	REPORT OF THE GRAND JURY - 04-13-16 - Transaction 5468358 - Approved By: NOREVIEW : 04-15-2016:1		
4/15/2016	NEF	Proof of Electronic Service	Transaction 5468365 - Approved By: NOREVIEW : 04-15-2016:10:38:32		
4/15/2016	1491	Pretrl Srves Assessment Report	Transaction 5468047 - Approved By: MCHOLICO : 04-15-2016:09:20:19		
4/15/2016	NEF	Proof of Electronic Service	Transaction 5468127 - Approved By: NOREVIEW : 04-15-2016:09:21:09		
4/15/2016	COC	Evidence Chain of Custody Form			
4/18/2016	NEF	Proof of Electronic Service	Transaction 5470615 - Approved By: NOREVIEW : 04-18-2016:10:35:15		
4/18/2016	MIN	***Minutes	4/14/16 HEARING - Transaction 5470592 - Approved By: NOREVIEW : 04-18-2016:10:33:45		
4/19/2016	1280	** 60 Day Rule - Waived			
4/20/2016	NEF	Proof of Electronic Service	Transaction 5475641 - Approved By: NOREVIEW : 04-20-2016:11:16:03		
4/20/2016	4189	Grand Jury Transcript	APRIL 13, 2016 GRAND JURY TRANSCRIPT - Transaction 5477050 - Approved By: YVILORIA : 04-21-2016:0		
4/20/2016	3835	Report...	REPORT AND FINDING - Transaction 5475621 - Approved By: CSULEZIC : 04-20-2016:11:15:08		
4/21/2016	MIN	***Minutes	4/19/16 ARRAIGNMENT - Transaction 5477090 - Approved By: NOREVIEW : 04-21-2016:08:04:05		
4/21/2016	NEF	Proof of Electronic Service	Transaction 5477096 - Approved By: NOREVIEW : 04-21-2016:08:05:03		
4/21/2016	NEF	Proof of Electronic Service	Transaction 5477155 - Approved By: NOREVIEW : 04-21-2016:08:21:04		
5/9/2016	4185	Transcript	APRIL 19, 2016 ARRAIGNMENT - Transaction 5505737 - Approved By: NOREVIEW : 05-09-2016:12:51:39		
5/9/2016	NEF	Proof of Electronic Service	Transaction 5505741 - Approved By: NOREVIEW : 05-09-2016:12:52:38		
5/12/2016	3585	Pet Writ Habeas Corpus	Transaction 5513815 - Approved By: RKWATKIN : 05-13-2016:08:48:25		
5/12/2016	3665	Points&Authorities Support...	POINTS AND AUTHORITIES IN SUPPORT OF PETITION FOR WRIT OF HABEAS CORPUS - Transaction 55		
5/13/2016	NEF	Proof of Electronic Service	Transaction 5513963 - Approved By: NOREVIEW : 05-13-2016:08:49:10		
5/17/2016	3897	Return	Transaction 5518345 - Approved By: YVILORIA : 05-17-2016:11:29:45		
5/17/2016	NEF	Proof of Electronic Service	Transaction 5518488 - Approved By: NOREVIEW : 05-17-2016:11:30:30		
5/18/2016	2605	Notice to Set	MAY 23, 201 @ 11:00 AM - Transaction 5520981 - Approved By: MFERNAND : 05-18-2016:12:22:02		
5/18/2016	NEF	Proof of Electronic Service	Transaction 5521063 - Approved By: NOREVIEW : 05-18-2016:12:22:54		
5/19/2016	2315	Mtn to Dismiss ...	MOTION TO DISMISS FOR LACK OF PROBABLE CAUSE - Transaction 5524335 - Approved By: MFERNAND		
5/20/2016	NEF	Proof of Electronic Service	Transaction 5525961 - Approved By: NOREVIEW : 05-20-2016:14:09:00		
5/20/2016	3320	Ord to File ...	ORDER TO ANSWER PETITION AND SETTING HEARING THEREON - Transaction 5525952 - Approved By: I		
5/20/2016	NEF	Proof of Electronic Service	Transaction 5524641 - Approved By: NOREVIEW : 05-20-2016:08:53:51		
6/14/2016	2475	Mtn to Strike...	MOTION TO STRIKE DEFENDANT'S MOTION TO DISMISS; ALTERNATIVELY, OPPOSITION TO DEFENDAI		
6/14/2016	NEF	Proof of Electronic Service	Transaction 5561938 - Approved By: NOREVIEW : 06-14-2016:16:11:52		
6/14/2016	NEF	Proof of Electronic Service	Transaction 5562084 - Approved By: NOREVIEW : 06-14-2016:16:35:49		
6/14/2016	1130	Answer ...	ANSWER IN OPPOSITION TO PETITION FOR WRIT OF HABEAS CORPUS - Transaction 5561521 - Approve		
6/15/2016	2315	Mtn to Dismiss ...	MOTION TO DISMISS DEADLY WEAPON ALLEGATION - Transaction 5564408 - Approved By: YVILORIA : 06		
6/16/2016	2315	Mtn to Dismiss ...	MOTION TO DISMISS JUSTICE COURT COMPLAINT OR TO REMAND FOR PRELIMINARY HEARING - Trar		
6/16/2016	2610	Notice ...	NOTICE OF ERRORS IN DEFENDANT'S MOTION TO DISMISS DEADLY WEAPON ALLEGATION - Transacti		
6/16/2016	NEF	Proof of Electronic Service	Transaction 5564594 - Approved By: NOREVIEW : 06-16-2016:09:08:19		

Case Description: STATE VS. DANIEL JAMES RODRIGUEZ (D6)				
Case ID:	CR16-0567	Case Type:	CRIMINAL	Initial Filing Date: 4/13/2016
6/16/2016	NEF	Proof of Electronic Service	Transaction 5565105 - Approved By: NOREVIEW : 06-16-2016:11:21:01	
6/16/2016	NEF	Proof of Electronic Service	Transaction 5565748 - Approved By: NOREVIEW : 06-16-2016:14:28:46	
6/23/2016	T200	Tickle End Code	DEADLINE FOR STATE TO FILE RESPONSE - RESPONSE FILED	
6/24/2016	2645	Opposition to Mtn ...	OPPOSITION TO MOTION TO DISMISS JUSTICE COURT COMPLAINT OR TO REMAND FOR PRELIMINAR	
6/27/2016	NEF	Proof of Electronic Service	Transaction 5580124 - Approved By: NOREVIEW : 06-27-2016:09:09:01	
6/28/2016	2645	Opposition to Mtn ...	OPPOSITION TO DEFENDANT'S MOTION TO DISMISS DEADLY WEAPON ALLEGATION - Transaction 5582	
6/28/2016	NEF	Proof of Electronic Service	Transaction 5583520 - Approved By: NOREVIEW : 06-28-2016:14:07:28	
7/14/2016	NEF	Proof of Electronic Service	Transaction 5609707 - Approved By: NOREVIEW : 07-14-2016:16:11:10	
7/14/2016	2490	Motion ...	Motion To Exclude Evidence Of Or Derived From Defendant's Statements - Transaction 5608990 - Approved By	
7/14/2016	3795	Reply...	IN SUPPORT OF MOTION TO DISMISS JUSTICE COURT COMPLAINT OR TO REMAND FOR PRELIMINAR	
7/14/2016	NEF	Proof of Electronic Service	Transaction 5609607 - Approved By: NOREVIEW : 07-14-2016:15:53:11	
7/15/2016	3370	Order ...	ADVISING COUNSEL TO PREPARE FOR TRIAL UNLESS THE COURT ORDERS OTHERWISE - Transaction	
7/15/2016	NEF	Proof of Electronic Service	Transaction 5611947 - Approved By: NOREVIEW : 07-15-2016:16:30:21	
7/20/2016	NEF	Proof of Electronic Service	Transaction 5618362 - Approved By: NOREVIEW : 07-20-2016:15:53:33	
7/20/2016	2490	Motion ...	MOTION IN LIMINE TO DISCOVER EVIDENCE OF UNCHARGED ACTS AND PRIOR CONVICTIONS, AND T	
7/21/2016	4185	Transcript	JULY 15, 2016 WRIT OF HABEAS CORPUS - Transaction 5620408 - Approved By: NOREVIEW : 07-21-2016:1	
7/21/2016	NEF	Proof of Electronic Service	Transaction 5620413 - Approved By: NOREVIEW : 07-21-2016:14:19:32	
7/22/2016	2520	Notice of Appearance	PAUL YOUNG DA - Transaction 5622756 - Approved By: CSULEZIC : 07-22-2016:13:58:03	
7/22/2016	NEF	Proof of Electronic Service	Transaction 5622969 - Approved By: NOREVIEW : 07-22-2016:14:01:10	
7/26/2016	NEF	Proof of Electronic Service	Transaction 5628245 - Approved By: NOREVIEW : 07-26-2016:16:16:27	
7/26/2016	MIN	***Minutes	7/15/16 WRIT OF HABEAS CORPUS - Transaction 5628240 - Approved By: NOREVIEW : 07-26-2016:16:15:25	
8/1/2016	2592	Notice of Witnesses	NOTICE OF WITNESSES - Transaction 5636281 - Approved By: TBTRITON : 08-01-2016:16:09:50	
8/1/2016	2592	Notice of Witnesses	NOTICE OF WITNESS PURSUANT TO NRS 174.234 - Transaction 5635326 - Approved By: TBTRITON : 08-0	
8/1/2016	NEF	Proof of Electronic Service	Transaction 5635749 - Approved By: NOREVIEW : 08-01-2016:11:24:31	
8/1/2016	NEF	Proof of Electronic Service	Transaction 5636745 - Approved By: NOREVIEW : 08-01-2016:16:10:44	
8/2/2016	3880	Response...	RESPONSE TO DEFENDANT'S MOTION IN LIMINE TO DISCOVER EVIDENCE OF UNCHARGED ACTS AND	
8/3/2016	2490	Motion ...	MOTION TO EXCLUDE PROSECUTION WITNESSES AND EVIDENCE - Transaction 5641465 - Approved By:	
8/3/2016	NEF	Proof of Electronic Service	Transaction 5639379 - Approved By: NOREVIEW : 08-03-2016:08:53:37	
8/3/2016	NEF	Proof of Electronic Service	Transaction 5639372 - Approved By: NOREVIEW : 08-03-2016:08:51:48	
8/3/2016	2840	Ord Denying ...	DEFENDANT'S MOTIONS - Transaction 5639376 - Approved By: NOREVIEW : 08-03-2016:08:52:38	
8/4/2016	NEF	Proof of Electronic Service	Transaction 5642183 - Approved By: NOREVIEW : 08-04-2016:10:19:37	
8/8/2016	NEF	Proof of Electronic Service	Transaction 5647181 - Approved By: NOREVIEW : 08-08-2016:14:11:25	
8/8/2016	4185	Transcript	AUGUST 2, 2016 MOTION TO CONFIRM - Transaction 5647180 - Approved By: NOREVIEW : 08-08-2016:14:1	
8/11/2016	NEF	Proof of Electronic Service	Transaction 5653122 - Approved By: NOREVIEW : 08-11-2016:08:47:44	
8/11/2016	NEF	Proof of Electronic Service	Transaction 5653135 - Approved By: NOREVIEW : 08-11-2016:08:52:14	
8/11/2016	1890	Jury Question, Court Response	Transaction 5653120 - Approved By: NOREVIEW : 08-11-2016:08:46:51	
8/11/2016	1885	Jury Instructions	Transaction 5653120 - Approved By: NOREVIEW : 08-11-2016:08:46:51	
8/11/2016	3760	Refused Instructions-Pltf	Transaction 5653132 - Approved By: NOREVIEW : 08-11-2016:08:51:15	
8/11/2016	4245	Verdict(s)...	Transaction 5653120 - Approved By: NOREVIEW : 08-11-2016:08:46:51	

Case Description: STATE VS. DANIEL JAMES RODRIGUEZ (D6)				
Case ID:	CR16-0567	Case Type:	CRIMINAL	Initial Filing Date: 4/13/2016
8/11/2016	3755	Refused Instructions-Deft	Transaction 5653132 - Approved By: NOREVIEW : 08-11-2016:08:51:15	
8/11/2016	4235	Unused Verdict Form(s)...	Transaction 5653132 - Approved By: NOREVIEW : 08-11-2016:08:51:15	
8/12/2016	3370	Order ...	TRANSFERRING CASE - Transaction 5657449 - Approved By: NOREVIEW : 08-12-2016:16:44:29	
8/12/2016	NEF	Proof of Electronic Service	Transaction 5657450 - Approved By: NOREVIEW : 08-12-2016:16:45:19	
8/17/2016	NEF	Proof of Electronic Service	Transaction 5662353 - Approved By: NOREVIEW : 08-17-2016:09:28:47	
8/17/2016	MIN	***Minutes	8/2/16 MOTION TO CONFIRM TRIAL - Transaction 5662349 - Approved By: NOREVIEW : 08-17-2016:09:26:12	
8/29/2016	NEF	Proof of Electronic Service	Transaction 5682585 - Approved By: NOREVIEW : 08-29-2016:15:17:46	
8/29/2016	MIN	***Minutes	Trial (8/8/16 - 8/9/16) - Transaction 5682581 - Approved By: NOREVIEW : 08-29-2016:15:16:45	
9/9/2016	4185	Transcript	8/9/16 - Hearing Re: Custody Status - Transaction 5700493 - Approved By: NOREVIEW : 09-09-2016:15:11:37	
9/9/2016	NEF	Proof of Electronic Service	Transaction 5700495 - Approved By: NOREVIEW : 09-09-2016:15:12:37	
9/16/2016	MIN	***Minutes	Status Hrg 9/14/16 - Transaction 5712224 - Approved By: NOREVIEW : 09-16-2016:14:24:35	
9/16/2016	NEF	Proof of Electronic Service	Transaction 5712238 - Approved By: NOREVIEW : 09-16-2016:14:25:54	
9/28/2016	NEF	Proof of Electronic Service	Transaction 5731150 - Approved By: NOREVIEW : 09-28-2016:15:09:15	
9/28/2016	4500	PSI - Confidential	Transaction 5731055 - Approved By: CSULEZIC : 09-28-2016:15:06:53	
10/11/2016	NEF	Proof of Electronic Service	Transaction 5751866 - Approved By: NOREVIEW : 10-11-2016:15:40:47	
10/11/2016	4025	Stip & Ord to Continue	Transaction 5751856 - Approved By: NOREVIEW : 10-11-2016:15:39:37	
11/7/2016	4285	Waiver ...	CONDITIONAL WAIVER OF APPEAL RIGHTS; CONSENT TO PROBATION CONDITION PROHIBITING APPEAL	
11/8/2016	1930	Letters ...	DOCUMENTS SUBMITTED IN SUPPRT OF DEFENDANT AT SENTENCING - Transaction 5797454 - Approved By: NOREVIEW : 11-08-2016:14:45:16	
11/8/2016	NEF	Proof of Electronic Service	Transaction 5797537 - Approved By: NOREVIEW : 11-08-2016:14:45:16	
11/8/2016	NEF	Proof of Electronic Service	Transaction 5795559 - Approved By: NOREVIEW : 11-08-2016:08:15:42	
11/10/2016	NEF	Proof of Electronic Service	Transaction 5803039 - Approved By: NOREVIEW : 11-10-2016:16:36:49	
11/10/2016	1850	Judgment of Conviction	Transaction 5803035 - Approved By: NOREVIEW : 11-10-2016:16:35:59	
11/15/2016	1860	Judgment Conviction-Corrected	Transaction 5806824 - Approved By: NOREVIEW : 11-15-2016:12:51:38	
11/15/2016	NEF	Proof of Electronic Service	Transaction 5806827 - Approved By: NOREVIEW : 11-15-2016:12:52:38	
11/16/2016	MIN	***Minutes	Sentencing 11/9/16 - Transaction 5809883 - Approved By: NOREVIEW : 11-16-2016:15:46:07	
11/16/2016	NEF	Proof of Electronic Service	Transaction 5809898 - Approved By: NOREVIEW : 11-16-2016:15:47:33	
11/18/2016	1695	** Exhibit(s) ...		
11/18/2016	PAYRC	**Payment Receipted	A Payment of -\$28.00 was made on receipt DCDC558528.	
12/9/2016	2515	Notice of Appeal Supreme Court	Corrected Notice Of Appeal - Transaction 5846359 - Approved By: YVILORIA : 12-09-2016:14:49:23	
12/9/2016	2515	Notice of Appeal Supreme Court	Transaction 5846320 - Approved By: YVILORIA : 12-09-2016:14:49:01	
12/9/2016	3870	Request	REQUEST FOR ORDER ADMITTING DEFENDANT TO PROBATION - Transaction 5846840 - Approved By: PI	
12/9/2016	1310	Case Appeal Statement	Transaction 5846894 - Approved By: YVILORIA : 12-09-2016:16:43:16	
12/9/2016	1368	Certificate ...	Amended Certificate of Service of Notice of Appeal - Transaction 5846575 - Approved By: YVILORIA : 12-09-2016:16:43:16	
12/9/2016	NEF	Proof of Electronic Service	Transaction 5846455 - Approved By: NOREVIEW : 12-09-2016:14:51:04	
12/9/2016	NEF	Proof of Electronic Service	Transaction 5846449 - Approved By: NOREVIEW : 12-09-2016:14:50:43	
12/9/2016	NEF	Proof of Electronic Service	Transaction 5847077 - Approved By: NOREVIEW : 12-09-2016:16:50:17	
12/9/2016	NEF	Proof of Electronic Service	Transaction 5847044 - Approved By: NOREVIEW : 12-09-2016:16:44:15	
12/9/2016	NEF	Proof of Electronic Service	Transaction 5846888 - Approved By: NOREVIEW : 12-09-2016:16:15:19	
12/12/2016	NEF	Proof of Electronic Service	Transaction 5847664 - Approved By: NOREVIEW : 12-12-2016:09:12:13	

Case Description: STATE VS. DANIEL JAMES RODRIGUEZ (D6)**Case ID: CR16-0567****Case Type: CRIMINAL****Initial Filing Date: 4/13/2016**12/12/2016

1350

Certificate of Clerk

CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 5847661 - Approved By: I

1 **CODE 1850**

2
3
4
5
6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF WASHOE**
8

9 **STATE OF NEVADA,**

10 **Plaintiff,**

11 **vs.**

Case No. CR16-0567

12 **DANIEL JAMES RODRIGUEZ,**

Dept. No. 6

13 **Defendant.**
14 _____/

15 **JUDGMENT OF CONVICTION**

16 The Defendant, having been found Guilty, and no legal reason or cause
17 existing to preclude entry of judgment against him, the Court rendered judgment as
18 follows:

19 1. Daniel James Rodriguez is guilty of the crime of Battery with a Deadly
20 Weapon Against a Person 60 Years of Age or Older, a violation of NRS 200.481(2)(e) and
21 NRS 193.167, a Category B felony, as found guilty by jury.

22 2. He is punished by:

23 a) Imprisonment in the Nevada Department of Corrections for a
24 maximum term of ten (10) years with a minimum parole eligibility of four (4) years with a
25 consecutive minimum term of one (1) years and a maximum term of ten (10) years for the
26 deadly weapon enhancement, with credit for fifty-three (53) days time served, to be served
27 concurrently with RMC 15CR14135.
28

1 b) Payment to the Clerk of the Second Judicial District Court of
2 the following amounts:

3 1. Twenty-Five Dollars (\$25.00) administrative assessment
4 fee; and

5 2. Three Dollar (\$3.00) administrative assessment for
6 obtaining a biological specimen and conducting a genetic marker analysis.

7 3. It is further ordered that the prison sentence is suspended and the
8 Defendant is placed on probation for an indeterminate period of time not to exceed sixty
9 (60) months, in accordance with the following:

10 a) Pursuant to NRS 176A.100(4) and NRS 176A.440, Defendant
11 is placed on probation pursuant to the Program of Intensive Supervision;

12 b) The Defendant's probation shall include the general terms
13 stated by the Court and reduced to writing in the terms and general conditions set forth in
14 the Order Admitting Defendant to Probation and Fixing the Terms Thereof.

15 c) The Defendant's probation shall include the following special
16 conditions:

17 1. Defendant shall submit to a substance abuse evaluation,
18 at his own expense, and if necessary, participate in a counseling program as approved by
19 the Division of Parole and Probation until discharged by agreement of both counselor and
20 supervising officer.

21 2. Defendant shall abstain from the use, possession, or
22 control of any alcohol, controlled substance, or weapon during his entire term of probation.

23 3. Defendant is to have no contact with victim, Glen
24 Dufrisne or his family or friends, during his entire term of probation.

25 4. Defendant shall not enter any gaming establishment for
26 the purpose of gambling or consuming alcohol during his entire term of probation.

27 5. Defendant shall participate in an anger management
28 counseling program and parenting classes, as deemed appropriate by the Division of

1 Parole and Probation, at his own expense, until discharged by agreement of both
2 counselor and supervising officer.

3 6. Defendant must remain gainfully employed. He may
4 continue his employment at the Grand Sierra Resort, notwithstanding subsection 4 above
5 restricting Defendant from entering gaming establishments.

6 7. Defendant must volunteer for at least ten (10) hours per
7 month.

8 8. Defendant shall continue participating in Bristlecone
9 outpatient treatment program until discharged by agreement of both Bristlecone staff and
10 Defendant's supervising officer.

11 9. Defendant shall continue attending with at least three (3)
12 NA/AA meetings per week and will maintain documentation of the same to provide to
13 Defendant's supervising officer.

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

18 Dated the 10th day of November, 2016.

19 *Hunc pro tunc to*
20 *November 9, 2016*


DISTRICT JUDGE

1 **CODE 1850**

2
3
4
5
6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF WASHOE**
8

9 **STATE OF NEVADA,**

10 **Plaintiff,**

11 **vs.**

Case No. CR16-0567

12 **DANIEL JAMES RODRIGUEZ,**

Dept. No. 6

13 **Defendant.**
14 _____/

15 **CORRECTED JUDGMENT OF CONVICTION**

16 The Defendant, having been found Guilty, and no legal reason or cause
17 existing to preclude entry of judgment against him, the Court rendered judgment as
18 follows:

19 1. Daniel James Rodriguez is guilty of the crime of Battery with a Deadly
20 Weapon Against a Person 60 Years of Age or Older, a violation of NRS 200.481(2)(e) and
21 NRS 193.167, a Category B felony, as found guilty by jury.

22 2. He is punished by:

23 a) Imprisonment in the Nevada Department of Corrections for a
24 maximum term of ten (10) years with a minimum parole eligibility of four (4) years with a
25 consecutive minimum term of one (1) years and a maximum term of ten (10) years for the
26 elder enhancement, with credit for fifty-three (53) days time served, to be served
27 concurrently with RMC 15CR14135.
28

1 b) Payment to the Clerk of the Second Judicial District Court of
2 the following amounts:

3 1. Twenty-Five Dollars (\$25.00) administrative assessment
4 fee; and

5 2. Three Dollar (\$3.00) administrative assessment for
6 obtaining a biological specimen and conducting a genetic marker analysis.

7 3. It is further ordered that the prison sentence is suspended and the
8 Defendant is placed on probation for an indeterminate period of time not to exceed sixty
9 (60) months, in accordance with the following:

10 a) Pursuant to NRS 176A.100(4) and NRS 176A.440, Defendant
11 is placed on probation pursuant to the Program of Intensive Supervision;

12 b) The Defendant's probation shall include the general terms
13 stated by the Court and reduced to writing in the terms and general conditions set forth in
14 the Order Admitting Defendant to Probation and Fixing the Terms Thereof.

15 c) The Defendant's probation shall include the following special
16 conditions:

17 1. Defendant shall submit to a substance abuse evaluation,
18 at his own expense, and if necessary, participate in a counseling program as approved by
19 the Division of Parole and Probation until discharged by agreement of both counselor and
20 supervising officer.

21 2. Defendant shall abstain from the use, possession, or
22 control of any alcohol, controlled substance, or weapon during his entire term of probation.

23 3. Defendant is to have no contact with victim, Glen
24 Dufrisne or his family or friends, during his entire term of probation.

25 4. Defendant shall not enter any gaming establishment for
26 the purpose of gambling or consuming alcohol during his entire term of probation.

27 5. Defendant shall participate in an anger management
28 counseling program and parenting classes, as deemed appropriate by the Division of

1 Parole and Probation, at his own expense, until discharged by agreement of both
2 counselor and supervising officer.

3 6. Defendant must remain gainfully employed. He may
4 continue his employment at the Grand Sierra Resort, notwithstanding subsection 4 above
5 restricting Defendant from entering gaming establishments.

6 7. Defendant must volunteer for at least ten (10) hours per
7 month.

8 8. Defendant shall continue participating in Bristlecone
9 outpatient treatment program until discharged by agreement of both Bristlecone staff and
10 Defendant's supervising officer.

11 9. Defendant shall continue attending with at least three (3)
12 NA/AA meetings per week and will maintain documentation of the same to provide to
13 Defendant's supervising officer.

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

18 Dated the 15th day of November, 2016.

19 Nunc pro tunc to November 9, 2016.

20 
21 DISTRICT JUDGE
22
23
24
25
26
27
28

CASE NO. CR16-0567

STATE OF NEVADA VS. DANIEL JAMES RODRIGUEZ

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

04/13/16
HONORABLE
PATRICK
FLANAGAN
Dept. No. 7
K. Oates
(Clerk)
R. Walker
(Reporter)

REPORT OF THE GRAND JURY

Deputy District Attorney Matt Lee presented an Indictment, which endorsed "A TRUE BILL", to wit:

CR16-0567

STATE OF NEVADA VS. DANIEL JAMES RODRIGUEZ

BATTERY WITH A DEADLY WEAPON CAUSING SUBSTANTIAL BODILY HARM
AGAINST A PERSON 60 YEARS OF AGE OR OLDER

Deputy District Attorney Lee presented argument regarding bail.

COURT ORDERED bench warrant issued and set bail at \$30,000.00 cash only.

COURT FURTHER ENTERED ORDER staying Justice Court proceedings.

EXHIBITS 1 - 4 lodged with the Court Clerk.

CASE NO. CR16-0567

STATE OF NEVADA VS. DANIEL JAMES RODRIQUEZ

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

<p>4/14/16 HONORABLE DAVID A. HARDY Dept. No. 15 A. Dick (Clerk)</p> <p>JAVS RECORDING Hearing Room B</p>	<p><u>HEARING</u> Deputy District Attorney Matthew Lee represented the State. Defendant was present represented by Martin Wiener, Esq. 9:00 a.m. – Court convened with counsel and the Defendant present. Counsel Wiener addressed the Court presented letters from Bristlecone for review. Counsel argued in support of no change to the Defendant custodial status, in that, bail bond should remain at \$20,000.00 and the Defendant should continue to reside at Bristlecone's transitional living house and participate in treatment. Counsel advised he may argue in support of probation with a mental health component at the time of sentencing. <i>Whereupon, letters from Bristlecone were e-filed to the case docket and returned to defense counsel.</i> Court briefly inquired the Defendant. Defendant answered the Court's questioning on his own behalf. Counsel Lee addressed the Court argued in support of increasing bail to \$30,000.00 cash only and indicated the Defendant's pattern of violence jeopardizes the community's safety. Counsel Wiener further argued in support of no change to the Defendant's custodial status or suggested possibly installing an ankle bracelet. Counsel advised any pretrial violation may result in a sentence consisting of incarceration. Defendant further addressed the Court on his own behalf. <i>At the direction of the Court, Court Clerk summoned Court Services; Court Services Officer Lori Pitt appeared.</i> Court addressed Court Services Officer Pitt authorized random drug testing as deemed necessary and stated this a "one-strike" case, meaning upon any violation of pretrial release terms the Defendant's supervised bail status shall immediately be revoked. COURT ORDERED: On April 13, 2016, a Grand Jury Indictment was filed against the Defendant and a Bench Warrant was issued of the Defendant's arrest with bail set in the amount of \$30,000.00 cash only. Further, on the same date, an Order Staying Proceedings was filed staying Reno Justice Court case</p>	<p>April 19, 2016 9:00 a.m. Arraignment</p>
---	---	---

number RCR2015-083950. The Defendant has not been arrested on the above-referenced Bench Warrant for the charges outlined in the Indictment and the Bench Warrant remains active. After a hearing conducted on April 14, 2016, the bail amount is modified to \$20,000.00 bondable. Good causing appearing, IT IS HEREBY ORDERED that surety bond posted on November 24, 2015, issued by At Last Bail in the amount of \$20,000.00 bondable shall be transferred to the Second Judicial District Court. IT IS FURTHER ORDERED, that the Defendant shall resided in Bristlecone housing during his release and his bail shall be supervised by Court Services. Supervised bail will be immediately revoked upon any pretrial violations. IT IS FURTHER ORDERED, that the Defendant shall voluntarily appear at the Washoe County Jail no later than 5:00 p.m. on April 15, 2016, to booked and immediately released on the Indictment charges. IT IS FURTHER ORDERED, that the Defendant shall appear in Department 15 for an arraignment hearing scheduled for April 19, 2016, at 9:00 a.m.
9:56 a.m. – Court stood in recess.
Defendant remained on supervised bail.

CASE NO. CR16-0567

STATE OF NEVADA VS. DANIEL JAMES RODRIGUEZ

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES-HEARING	CONTINUED TO
4/19/16 HONORABLE DAVID A. HARDY Dept. No. 15 A. Dick (Clerk) R. Walker (Reporter)	<u>ARRAIGNMENT</u> Deputy District Attorney Matthew Lee represented the State. Defendant was present represented by Martin Wiener, Esq. Specialist Tomasa Kizer was present on behalf of the Division of Parole and Probation. Counsel Wiener addressed and advised the Court a writ of Habeas Corpus will likely be filed. TRUE NAME: DANIEL JAMES RODRIGUEZ Defendant handed a copy of the Indictment; waived reading. Defendant entered a plea of Not Guilty to: Battery With a Deadly Weapon Causing Substantial Bodily Harm Against a Person 60 Years of Age or Older, a violation of NRS 200.481(2) (e) and NRS 193.167, a felony, as contained in the Indictment. Defendant WAIVED the 60-day rule. Counsel Wiener requested notice upon e-filing of the Grand Jury transcript. COURT ORDERED: Upon notice of its e-filing, Court Clerk shall send a copy of the Grand Jury transcript to Mr. Wiener's office. Counsel Wiener moved to dismiss the criminal complaint in the justice court or in the alternate conduct a preliminary hearing. Counsel Lee addressed the Court indicated opposing counsel's request should be submitted as pleadings. COURT FURTHER ORDERED: Matter continued for oral arguments, motion to confirm trial, and trial by jury. Defendant remained on supervised bail.	Oral Arguments June 28, 2016 3:00 p.m. Motion to Confirm August 2, 2016 9:00 a.m. Jury Trial (? days) August 8, 2016 Time TBD

COURT ORDERED: The preparation of a transcript of today's hearing.

Counsel Lee indicated the State does not anticipate filing any motion.

Counsel Wiener indicated a preliminary hearing is needed before trial and request trial be continued – DENIED.

COURT FURTHER ORDERED: Motions and Petition under advisement. [See Order entered July 15, 2016.]

2:41 p.m. – Court stood in recess.

Defendant not present.

CASE NO. CR16-0567

STATE OF NEVADA VS. DANIEL JAMES RODRIGUEZ

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

8/2/16	<u>MOTION TO CONFIRM TRIAL</u>	
HONORABLE	Deputy District Attorney Paul Young represented the State.	August 5, 2016
DAVID A. HARDY	Defendant was present represented by Martin Wiener, Esq.	10:00 a.m.
Dept. No. 15	Specialist Justin Mounts was present on behalf of the Division of	Exhibit Marking with
A. Dick	Parole and Probation.	Clerk
(Clerk)	Court directed counsel to expect an Order regarding the writ	
R. Walker	hearing in the next couple days.	
(Reporter)	Counsel Wiener addressed and advised the Court a motion was	August 8, 2016
	filed 7/20/16 and there are problems with the State's witnesses.	12:00 p.m.
	Court directed counsel to submit Jury Instructions for review	Pretrial Motions
	before opening statements.	
	COURT ORDERED: Motion to confirm – GRANTED.	
	COURT FURTHER ORDERED: Counsel shall arrive at noon the	August 8, 2016
	day of trial to discuss any remaining pretrial motions. Matter	1:00 p.m.
	continued for pretrial motions hearing and trial by Jury.	Jury Trial (3 days)
	Defendant remained on supervised bail.	

CASE NO. CR16-0567 STATE V DANIEL JAMES RODRIGUEZ

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES - HEARING

CONT'D TO

8/8/16
HONORABLE
LYNNE SIMONS
DEPT. NO. 6
Y. GENTRY
(Clerk)
Greco
(Reporter)
Masters
(Bailliff)

Motion in Limine

Deputy District Attorneys Matt Lee and Paul Young were present on behalf of the State. Defendant was present with counsel, Marty Weiner, Esq.

COURT advised this is the time set for Motion in Limine regarding uncharged bad acts and motion to exclude witness. Appearances put on the record.

Uncharged Acts, Prior Convictions, and Exclude Evidence of the same

Counsel Weiner addressed the Court and advised State notified Defense of what evidence State may be using; that State can only use evidence if Defendant takes the witness stand; that uncharged acts that State is seeking to admit is regarding fight inside motel room. Counsel presented argument regarding uncharged acts; that there is no relevance to ultimate charge; that other elements are not proven. Counsel further argued that acts have no relevance to trial. Counsel cited NRS 48.025 regarding relevance; that evidence is inadmissible because unfair prejudice (NRS 48.035).

Discussion ensued between Court and Counsel Weiner regarding relevance.

Counsel Weiner presented argument regarding excluding evidence; evidence is prejudicial; no probative value. Counsel argue evidence should be excluded.

Further discussion ensued.

Counsel Weiner presented further argument regarding unfair prejudice; misleading to jury. Counsel Lee addressed the Court and argued res gestae statute; that the jury would be left with too many questions; that evidence has to come in or why parties were outside. Counsel requested parties stipulated to fact to why parties are outside; use acceptable language.

Counsel Weiner advised squirmish occurred outside.

COURT ORDERED parties to work on language of stipulated facts and cautionary instruction.

Exclude Prosecutors Witness

COURT addressed medical records and hospital records; testimony of hospital staff; that no experts were disclosed; no 911 log; no recording of jail calls.

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES - HEARING

CONT'D TO

8/8/16
HONORABLE
LYNNE SIMONS
DEPT. NO. 6
Y. GENTRY
(Clerk)
Greco
(Reporter)
Masters
(Bailiff)

Motion in Limine

Counsel Weiner addressed the Court and argued regarding State's use of prior bad acts.

COURT stated Defense is conceding to veracity.

Counsel Weiner advised the Defense is conceding that State can use it; that it is relevant only to credibility. Counsel presented argument that Defendant's crime had nothing to do with credibility. Counsel argued NRS 48.035 and argued further regarding credibility and probative value.

Discussion ensued that issue only arises if Defendant testifies.

Counsel Weiner presented further argument regarding prejudicial.

Discussion ensued regarding prior bad acts.

Counsel Lee further addressed the Court regarding prior bad acts; that the State is not bringing up unless Defendant testifies; that the State will concede it is very relevant; that if Defendant denies, the State can bring in.

Counsel Weiner argued that prior conviction has nothing to do with credibility; prejudice of similarity.

Further discussion ensued.

Counsel Weiner presented further argument and requested no prior conviction be used if Defendant decides to testify.

Medical records

Counsel Lee advised medical records will only be used to refresh victim's memory.

Testimony of staff

Counsel Lee advised the State is not intending to call doctor; not going to call.

911 Log

Counsel Lee advised the State is not intending to use the log.

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES - HEARING

CONT'D TO

8/8/16
HONORABLE
LYNNE SIMONS
DEPT. NO. 6
Y. GENTRY
(Clerk)
Greco
(Reporter)
Masters
(Bailiff)

Motion in Limine

Jail calls

Counsel Lee advised the State is not intending to use the jail calls.

COURT ADVISED the medical records may be use to refresh victim's memory.

Counsel Weiner presented argument opposing victim using medical records that were prepared by a doctor.

Discussion ensued.

Counsel Weiner presented further argument regarding disc and no medical records; that Counsel has photos and police report. Counsel requested exclusion of medical records; that to use the way the State would like, would be hearsay.

Counsel Lee argued against Counsel Weiner's argument regarding medical records use; that there is nothing in code about using records to refresh memory. Counsel further argued regarding jail calls and Defense counsel receiving copies of jail calls.

COURT ADVISED counsel of Voir Dire and questions asked by Court and Court schedule.

Counsel Weiner further addressed the Court regarding refreshing memory and requested a non-lawyer at table during jury selection.

Counsel Lee had no objection to non-lawyer at table.

12:57 p.m. Court recessed.

1:08 p.m. Court reconvened. All parties present.

COURT ORDERED prior felony may be used for impeachment if Defendant testifies; if Defendant denies, the State will be free to open up.

Res Gestae – will be resolved by parties preparing a stipulated fact and will be part of instructions.

Medical Records – there is no bad faith of production of records; the State will be allowed to refresh recollection of victim's memory.

1:13 p.m. Court recessed for jury panel to be brought up.

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES - HEARING

CONT'D TO

8/8/16

JURY TRIALHONORABLE
LYNNE SIMONS
DEPT. NO. 6
Y. GENTRY
(Clerk)
Greco
(Reporter)
Masters
(Bailiff)

1:30 p.m. All parties present. Jury Panel present. Court convened.
Bailiff took roll as potential jurors entered courtroom.
Counsel for State introduced selves and gist of crime and potential witnesses that may be called.
Counsel for Defendant introduced self and Defendant.

Court introduced staff. Jury panel sworn regarding qualifications to serve as jurors.

Twenty-Three names drawn and seated (Sot, Claiborne, Stacey, Cummings, Dickinson, Newbury, Tissier, Baker, Prescott, Mahe, Marmolejo, Powell, Allen, Niedzieski, Reynolds, Quirk, Kingston, Grove, Richardson, Roscoe, Braun, Fast, and Richeson).

Court gave trial schedule.

Court generally examined potential jurors and during examination and advised Counsel that the Court knows potential juror Richeson. Counsel had no issue. Court continued general examination of potential jurors. Court thanked and excused potential jurors Sot, Powell, and Allen and another three names drawn, Johnson, Nannini, and Gentner. Court continued general examination of potential jurors. Court thanked and excused potential juror Claiborne and another name drawn, Enard. Court continued general examination of potential jurors. Court thanked and excused potential juror Enard and another name drawn, Beaudoin.

3:00 p.m. Court recessed for afternoon break.

3:20 p.m. Court reconvened. All parties present. Jury panel present.

Upon direction of the Court, State's counsel Lee specifically examined prospective jurors and passed for cause.

Upon direction of the Court, Defense counsel Weiner specifically examined prospective jurors.

Court thanked and excused potential juror Reynolds and another name drawn, Gilbert. Court generally examined potential juror Gilbert. Voir Dire by State of juror Gilbert. Counsel Weiner further examined prospective jurors and passed for cause.

3:55 p.m. Court recessed to place Peremptory Challenges on the record.

Court convened in Chambers. Counsel, Court Reporter, Bailiff, Defendant and Court Clerk were present.

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES - HEARING

CONT'D TO

8/8/16

JURY TRIALHONORABLE
LYNNE SIMONS
DEPT. NO. 6

4:30 p.m. Court reconvened. All parties present. Clerk called the following thirteen persons to be sworn to try this case:

Y. GENTRY
(Clerk)
Greco
(Reporter)
Masters
(Bailiff)Melanie Stacey
Bryce Prescott
Marla Nannini
Christon GrovePhilip Tissier
Darla Mahe
Kaya Quirk
Shaun RichardsonGeorge Baker
John Marmolejo
Julia Kingston
John Roscoe Stephanie Braun

Jurors sworn.

4:35 p.m. Court admonished jurors and adjourned until tomorrow morning.

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES - HEARING

CONT'D TO

8/9/16

JURY TRIALDay 2

HONORABLE
LYNNE SIMONS
DEPT. NO. 6
Y. GENTRY
(Clerk)
Eisenberg
(Reporter)
Masters
(Bailiff)

Deputy District Attorneys Matt Lee and Paul Young were present on behalf of the State. Defendant was present with counsel, Marty Weiner, Esq.

9:05 p.m. All parties present. Outside the presence of the jury.

Counsel Lee addressed the Court and advised regarding disclosure last week regarding prior conviction regarding witness Pleasant; that the State has learned now Mr. Pleasant has expired sentence as of April 13, 2002; that pursuant to NRS 50.095 priors should not be use against credibility.

Counsel Weiner advised Defense will not dispute facts stated by State.

COURT advised it is appropriate to exclude this information; that it will not be used to impeach Mr. Pleasant.

COURT addressed stipulated facts regarding altercation that started inside the motel and then moved outside.

Discussion ensued regarding stipulated facts.

Counsel Weiner addressed the Court and argued opposing statement regarding stipulated facts; prejudicial.

Counsel Lee presented opposing argument.

COURT will provide copy of stipulated facts to parties; the Court will take away implication of why parties were outside.

Counsel Lee advised that the State has laid out the entire case for Counsel Weiner and who is testifying in case.

COURT advise it will have an outside the presence of the jury, if Defendant's injury is brought up.

Discussion ensued regarding medical records; that the State will not be using the medical records.

Counsel Weiner argued regarding production of Driver License or Birth Certificate regarding Dufrisne's age. Counsel objected to any use of any document to support Mr. Dufrisne's age.

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES - HEARING

CONT'D TO

8/9/16

JURY TRIALDay 2HONORABLE
LYNNE SIMONS
DEPT. NO. 6
Y. GENTRY
(Clerk)
Eisenberg
(Reporter)
Masters
(Bailliff)

COURT advised it will stay out.

9:30 a.m. Court recessed.

9:40 a.m. Jury convened in Courtroom. All parties present.

COURT advised Jury regarding sidebar and outside the presence of the jury procedures.
COURT read general instructions.

Indictment read to jury by Court Clerk.

COURT further read general instructions.

9:55 a.m. State made opening statements.

9:59 a.m. Defense made opening statements.

Rule of Exclusion invoked.

10:15 a.m. Glen Dufrisne called by State's Counsel Lee, sworn and testified. Witness identified Defendant. Further direct examination by Counsel Lee. During State's direct examination, **Exhibit 1 Offered, and with no objection, Admitted.*******Sidebar***** Jury to disregard statement, 'calling the police'.Further direct examination by Counsel Lee of witness Dufrisne. During State's direct examination, **Exhibits 4, 5, and 6 Offered.** Objection made by Counsel Weiner. Voir Dire of witness by Counsel Weiner.Counsel Weiner argued duplicity of Exhibits 4 and 5, overruled and **Exhibits 4, 5, and 6 Admitted.**

Further direct examination of witness Dufrisne by Counsel Lee.

10:40 a.m. Jury admonished. Court took morning break.

10:55 a.m. Jury reconvened in Courtroom. All parties present.

Witness Dufrisne retook stand. Cross examination by Counsel Weiner.

Discussion ensued regarding medical records. Court advised it has ruled regarding records.

Re-direct examination by Counsel Lee of witness Dufrisne. Witness excused.

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES - HEARING

CONT'D TO

8/9/16

HONORABLE
LYNNE SIMONS
DEPT. NO. 6Y. GENTRY
(Clerk)Eisenberg
(Reporter)Masters
(Bailiff)JURY TRIAL

George Pleasant called by State's Counsel Young, sworn and testified. Witness identified Defendant. Further direct examination of witness; cross examination by Counsel Wiener.

Sidebar

Witness excused.

Officer Charles Higley called by Counsel Young, sworn and testified. Witness excused.

State rested.

Defense rested.

Jury admonished and returned to Jury room.

Outside the presence of the jury, Court advised it has not yet received jury instructions from Defense.

Counsel Lee advised the State is ready to go.

COURT ORDERED Counsel Weiner to email to District Attorney and to the Court, jury instructions no later than 1:00 p.m.

COURT ORDERED Bailiff to advised Jury to return at 1:30.

11:40 a.m. Court adjourned for lunch.

1:50 p.m. Court reconvened outside the presence of the jury. Court and Counsel went over jury instructions, objections to jury instructions and settled jury instructions and verdict forms on the record.

2:19 p.m. Court adjourned to print jury instructions.

3:05 p.m. Court reconvened outside the presence of the jury and changed/corrected a few jury instructions.

3:15 p.m. Jury returned to Courtroom. All parties present.

COURT read jury instructions.

3:30 p.m. State's Counsel Lee made opening argument.

3:44 p.m. Counsel Weiner made answering argument.

Jury admonished and returned to jury room.

Day 2

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES - HEARING

CONT'D TO

8/9/16

JURY TRIALDay 2

HONORABLE
LYNNE SIMONS
DEPT. NO. 6
Y. GENTRY
(Clerk)
Eisenberg
(Reporter)
Masters
(Bailiff)

Outside the presence of the jury, discussion ensued regarding victim's Driver License being used and was denied. Defense is arguing that Driver License has not been presented as evidence; that the State did not corroborate information regarding victim's age. Further discussion ensued.

Counsel Weiner presented further argument that the State did not prove that victim is being truthful about his age; that the evidence was not produced by State.

Further discussion ensued between Court and Counsel Weiner.

Counsel Weiner presented further argument regarding no evidence to support victim's age.

COURT advised it will not address State providing Driver License any further.

3:56 p.m. Jury returned to Courtroom. All parties present.
Counsel Weiner made further answering argument.

*****Sidebar***** regarding altercation earlier.

4:12 p.m. Counsel Weiner made further answering argument.
4:24 p.m. Counsel Lee made closing argument.

COURT advised that objections were made and noted during final arguments.

4:30 p.m. Bailiff sworn.

COURT admonished alternate juror.
COURT instructed jurors regarding deliberations. Jury returned to jury room to commence deliberations.

Court recessed.

5:30 p.m. Question given to Bailiff and counsel called.
5:43 p.m. Outside the presence of the jury, Court and counsel discussed question and response to be given. Parties agreed that Court's response is acceptable.

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES - HEARING

CONT'D TO

8/9/16
HONORABLE
LYNNE SIMONS
DEPT. NO. 6
Y. GENTRY
(Clerk)
Eisenberg
(Reporter)
Masters
(Bailiff)JURY TRIAL

6:35 p.m. Verdict reached. Counsel called.

6:48 p.m. All parties present. Court advised that a verdict has been reached.

Jury returned to Courtroom. John Roscoe was chosen as foreperson.

Jury Foreperson handed Verdict to Bailiff to hand to Court. Court handed Verdict to Court Clerk.

VERDICT

We, the jury in the above-entitled matter, find the Defendant DANIEL JAMES RODRIGUEZ, GUILTY of BATTERY.

DATED this 9th day of August, 2016.

(sgd) John Roscoe
FOREPERSON

Do you find that the Battery was committed with the use of a Deadly Weapon?

Yes X No _____

(check one)

Do you find that the Battery resulted in Substantial Bodily Harm upon Glen Dufrisne?

Yes _____ No X

(check one)

Do you find that the Battery was committed against a Person 60 years of Age or Older?

Yes X No _____

DATED this 9th day of August, 2016.

(sgd) John Roscoe
FOREPERSON

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES - HEARING

CONT'D TO

8/9/16 HONORABLE LYNNE SIMONS DEPT. NO. 6 Y. GENTRY (Clerk) Eisenberg (Reporter) Masters (Bailliff)	<u>JURY TRIAL</u> Jury polled and there was no negative responses. Jury excused to jury room. Counsel Lee addressed the Court and memorialized sidebars and objections, objections in closing arguments regarding Driver License and medical records. Counsel further addressed the Court and requested Defendant be remanded into custody of Sheriff. Presented argument. Counsel gave Defendant's criminal history of prior conviction in 2013 and was released approximately 4 months before this incident; that Defendant has 11 criminal conviction; that Defendant should be remanded. Counsel Weiner presented opposing argument; that Defendant is a different person; that Defendant was released on bail on this case; that Defendant entered inpatient program at Bristlecone. Counsel presented further argument for Defendant to remain out of custody until sentencing. COURT STATED Defendant to remain out of custody until sentencing; that the Court is to be notified within 24 hours of any Pretrial violations; Defendant to be tested 2x a week; AA/NA meeting 5x a week; that Defendant is to remain at Bristlecone. COURT ORDERED a Status Hearing be set for September 14, 2016. COURT FURTHER ORDERED Sentencing be set for October 12, 2016. PSI questionnaire given to Defendant.	<u>Day 2</u> 9/14/16 @ 9:00 a.m. Status Hrg. 10/12/16 @ 9:00 a.m. Sentencing
--	---	--

**DATE, JUDGE
OFFICERS OF****COURT PRESENT****APPEARANCES-HEARING****CONT'D TO**

9/14/16	<u>STATUS HEARING</u>	10/12/16 @
HONORABLE	Deputy District Attorney Matt Lee represented the State. Defendant was present with	9:00 a.m.
LYNNE SIMONS	counsel, Martin Wiener, Esq.	Sentencing
DEPT. 6	Appearances put on the record.	
Y. Gentry	Counsel for Defendant addressed the Court and advised Defendant is compliant with all	
(Clerk)	terms and conditions with Pretrial Services; that Defendant is working at Grand Sierra and is	
Eisenberg	continuing AA/NA meetings and counseling.	
(Reporter)	Counsel for State addressed the Court and advised the Court knows the State's position after	
Masters	trial regarding remand.	
(Bailiff)	COURT addressed Defendant and requested he continued to do well with Pretrial Services.	
Derosa	COURT ADVISED sentencing is set for October 12, 2016.	
(Prob. Spec.)	DEFENDANT was present.	

CASE NO. CR16-0567 STATE V DANIEL JAMES RODRIGUEZ

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES - HEARING

CONT'D TO

11/9/16
HONORABLE
LYNNE SIMONS
DEPT. NO. 6
Y. Gentry
(Clerk)
Cecere
(Reporter)
Masters
(Bailiff)
Grochocki
(Prob. Spec.)

SENTENCING

Deputy District Attorney Paul Young represented the State. Defendant was present with counsel, Martin Wiener, Esq.
Appearances put on the record.
COURT advised it has reviewed the PSI report.
Specialist Grochocki advised Defendant has 53 days credit time served.
Counsel for Defendant addressed the Court and introduced Defendant's family members: step-mom, step-mom's fiancé, half-brother, step-brother, grandmother, maternal grandparents of Defendant's child, and mom. Counsel handed 'booklet' of statutes to Court.
Booklet marked as Exhibit 1.
Counsel for Defendant present argument regarding terms of sentencing from 'booklet'; that it should be a 2-10 year sentence and not 2-15 year as stated on the PSI report.
Counsel for State addressed the Court and had no objection to 2-10 year sentence term; that that term is correct.
Counsel for Defendant further address the Court and requested correction on page 2 regarding scars; that it is a one inch scar and not 2 inches.
Counsel for State had no objection to change on PSI.
Counsel for Defendant addressed substance abuse history; that Defendant attends daily AA/NA meetings; approximately 5 days a week.
Counsel for State had no objection to the change.
Counsel for Defendant requested correction regarding pending complaint be dismissed and presented argument regarding Pretrial Services requirements.
COURT read Pretrial Services notes into the record.
Counsel for Defendant further addressed the Court and objected to much of the Offense Synopsis; that the synopsis should be limited to what was in evidence in Trial.
Specialist Grochocki addressed the Court and advised the Division enters information from police reports and the District Attorney files into the PSI report.
Discussion ensued.
COURT redacted Offense Synopsis.
Counsel for Defendant advised he is satisfied with Court's statements regarding redaction.
Counsel presented further argument regarding laceration on Defendant's forehead (page 8 of PSI); that Defendant was struck in head by victim with an ax.
Counsel for State objected to information; that Defendant can't have it both ways regarding information in police report, PSI report; that counsel now wants to add laceration information to the PSI report. Counsel further argued that the Defendant did not testify; that that information is not in the trial transcript or testimony.

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES - HEARING

CONT'D TO

11/9/16

HONORABLE

LYNNE SIMONS

DEPT. NO. 6

Y. Gentry

(Clerk)

Cecere

(Reporter)

Masters

(Bailliff)

Grochocki

Perez

(Prob. Spec.)

SENTENCING

Discussion ensued.

COURT made changes to pages 7 and 8 regarding cut on Defendant's forehead.

Counsel for State further addressed the Court and argued there is no evidence of victim struck Defendant in head.

Counsel for Defendant objected to recommendation of the Division regarding sentencing term.

Specialist Perez addressed the Court and advised the recommendation should be 36-120 months; that the elder enhancement remains the same.

Counsel for State advised the State has no changes/correction to the PSI report.

COURT advised it has reviewed all documents that were filed, including documents in support of Defendant at sentencing, letters submitted, and exhibits from Bristlecone program. Court noted letters have certain highlights (highlights were made by defense counsel). Court further advised it has read letters in their entirety. Court advised it has reviewed the *Conditional Waiver of Appeal Rights; Consent to Probation Condition Prohibiting Appeal* filed by Defense Counsel; that the Court has a tremendous concern with the document; that it attempts to 'cut a deal' with the Court. Court advised it is not considering any binding appeal; sentencing not contingent upon waiving Defendant's right to appeal.

Counsel for State believes the 'Conditional Waiver' is an inappropriate document to the Court.

Counsel for Defendant advised the 'waiver' was not a document to cut a deal and argued that it is a solemn promise from the Defendant to stay out of trouble. Counsel presented further argument that Defendant is consenting to 'waiver' of appeal if given probation; that counsel saw as a different form of consent for probation; that this is a probation eligible case. Counsel went over Exhibit 1.

Counsel for State objected – improper argument.

Discussion ensued between Court and Counsel Weiner regarding Blankenship case and scoring sheet by the Division.

Counsel for Defendant presented further argument for probation and continued explaining Exhibit 1.

Specialist Perez advised the Division's recommendation is not binding, it is a recommendation; that the scoring sheet is the parameter.

Counsel for Defendant presented further argument opposing the scoring sheet and requested to disregard the PSI report. Counsel moved to exclude recommendation in the PSI report.

COURT HELD IN ABEYANCE until sentence is imposed.

1:10 p.m. Court recessed.

1:25 p.m. Court reconvened. All parties present.

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES - HEARING

CONT'D TO

11/9/16

HONORABLE
LYNNE SIMONS
DEPT. NO. 6Y. Gentry
(Clerk)
Cecere
(Reporter)
Masters
(Bailliff)
Grochocki
Perez
(Prob. Spec.)SENTENCING

Joann Rodriguez (mother) called by Counsel Weiner, sworn and testified. Ms. Rodriguez read statement on son's behalf. Witness excused.

Counsel Weiner presented further argument regarding the Division's scoring sheet and requested probation.

Counsel for State addressed the Court and presented argument for prison and stated Defendant's criminal history. Counsel argued that Defendant is committing exact same crimes and requested 4-10 years for the Battery with a consecutive 1-10 years for elder enhancement; that the victim is a veteran and is over the age of 60. Counsel argued that Defendant has a conviction already for the same crime and requested prison.

COURT reviewed the September 8, 2016 statement.

COURT advised the 'conditional waiver' is legally void; that this Court has heard no less than 10 times that this matter will be appealed.

Defendant addressed the Court on his own behalf.

COURT RENDERED JUDGMENT as follows: Daniel James Rodriguez is guilty of the crime of Battery with a Deadly Weapon Against a Person 60 Years of Age or Older, a violation of NRS 200.481(2)(e) and NRS 193.167, a Category B felony, as found guilty by jury. He is punished by: Imprisonment in the Nevada Department of Corrections for a maximum term of ten (10) years with a minimum parole eligibility of four (4) years with a consecutive minimum term of one (1) years and a maximum term of ten (10) years for the elder enhancement, with credit for fifty-three (53) days time served, to be served concurrently with RMC 15CR14135. Payment to the Clerk of the Second Judicial District Court of the following amounts: Twenty-Five Dollars (\$25.00) administrative assessment fee; and Three Dollar (\$3.00) administrative assessment for obtaining a biological specimen and conducting a genetic marker analysis. It is further ordered that the prison sentence is suspended and the Defendant is placed on probation for an indeterminate period of time not to exceed sixty (60) months, in accordance with the following: Pursuant to NRS 176A.100(4) and NRS 176A.440, Defendant is placed on probation pursuant to the Program of Intensive Supervision. The Defendant's probation shall include the general terms stated by the Court and reduced to writing in the terms and general conditions set forth in the Order Admitting Defendant to Probation and Fixing the Terms Thereof. The Defendant's probation shall include the following special conditions: Defendant shall submit to a substance abuse evaluation, at his own expense, and if necessary, participate in a counseling program as approved by the Division of Parole and Probation until discharged by agreement of both counselor and supervising officer. Defendant shall abstain from the use, possession, or control of any alcohol, controlled substance, or weapon during his entire term of probation. Defendant shall have no contact with victim, Glen Dufrisne or his family or friends during his entire term of probation. Defendant shall

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES - HEARING

CONT'D TO

11/9/16

SENTENCINGHONORABLE
LYNNE SIMONS
DEPT. NO. 6
Y. Gentry
(Clerk)
Cecere
(Reporter)
Masters
(Bailiff)
Grochocki
Perez
(Prob. Spec.)

not enter any gaming establishment for the purpose of gambling or consuming alcohol during his entire term of probation. Defendant shall participate in an anger management counseling program and parenting classes, as deemed appropriate by the Division of Parole and Probation, at his own expense, until discharged by agreement of both counselor and supervising officer. Defendant must remain gainfully employed. He may continue his employment at the Grand Sierra Resort, notwithstanding subsection 4 above restricting Defendant from entering gaming establishments. Defendant must volunteer for at least ten (10) hours per month. Defendant shall continue participating in Bristlecone outpatient treatment program until discharged by agreement of both Bristlecone staff and Defendant's supervising officer. Defendant shall continue attending with at least three (3) NA/AA meetings per week and will maintain documentation of the same to provide to Defendant's supervising officer.

Defendant was present.

1 **Code 1350**

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

6 **STATE OF NEVADA,**

Case No. CR16-0567

7
8 **Plaintiff,**

Dept. No. 6

9 **vs.**

10 **DANIEL JAMES RODRIGUEZ,**

11 **Defendant.**

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

14 I certify that I am an employee of the Second Judicial District Court of the State of Nevada,
15 County of Washoe; that on the 12th day of December, 2016, I electronically filed the Notice of
16 Appeal in the above entitled matter to the Nevada Supreme Court.

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

19 Dated this 12th day of December, 2016

20 Jacqueline Bryant
21 Clerk of the Court

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