

FILED

MAY 25 2017

JACQUELINE BRYANT, CLERK
BY *[Signature]*
DEPUTY CLERK

THE SECOND JUDICIAL DISTRICT COURT
STATE OF NEVADA
JAIL FOR INSIDE COUNTS

STATE OF NEVADA,
PLAINTIFF,

Electronically Filed
Jun 01 2017 03:39 p.m.
Elizabeth A. Brown
Clerk of Supreme Court
CASE NO. RCR2016-00332
DEPT. 4 CR17-0210

NOTICE OF APPEAL

✓
JUAN JOSE RODRIGUEZ,
DEFENDANT.

COMES NOW JUAN JOSE RODRIGUEZ, DEFENDANT
IN THE ABOVE CAPTIONED CAUSE MOVES BEFORE
THIS COURT ON NOTICE OF APPEAL AND ASSIGNMENT
OF COUNSEL AND FOR SAID REASON DEFENDANT
STATES AS FOLLOWS:

(1) APRIL 25, 2017, DEFENDANT WAS SENTENCED
TO AN ILLEGAL SENTENCE.

(2) DEFENDANT IS WITHOUT COUNSEL AND UNABLE
TO AFFORD COUNSEL.

(3) DEFENDANT INTENDS TO RAISE ON APPEAL
ILLEGAL SENTENCE, AND INEFFECTIVE ASSISTANCE
OF COUNSEL ISSUES.

DATED THIS 18TH DAY OF MAY 2017

RESPECTFULLY
[Signature]

CERTIFICATE OF SERVICE BY MAIL

Pursuant to N.R.C.P. Rule 5 (b), I hereby certify that I am the petitioner/Defendant named herein and that on this 18 day of March 2018, I mailed a true a correct copy of the foregoing document to the following:

Guerra Yabe Rodriguez

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding document, motion For Appointment of Counsel
Pursuant to NRS 34.750
(Title of Document)

filed in case number: RCR 2016-08838Q



Document does not contain the social security number of any person

-OR-



Document contains the social security number of a person as required by:



A specific state or federal law, to wit:

(State specific state or federal law)

-or-



For the administration of a public program

-or-



For an application for a federal or state grant

-or-



Confidential Family Court Information Sheet
(NRS 125.130, NRS 125.230 and NRS 125B.055)

Date: May 18 2017

Juan Jose Rodriguez
(Signature)

JUAN JOSE RODRIGUEZ
(Print Name)

(Attorney for)

1 **Code 1310**

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6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

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

8 **STATE OF NEVADA,**

9 **Plaintiff,**

Case No. CR17-0210

10 **vs.**

Dept. No. 4

11 **JUAN JOSE RODRIGUEZ,**

12 **Defendant.**

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

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

- 17 1. Appellant is Juan Jose Rodriguez.
- 18 2. This appeal is from an order entered by the Honorable Judge Connie Steinheimer.
- 19 3. Appellant is representing himself in Proper Person on appeal. The Appellant's
- 20 address is:
- 21 Juan Jose Rodriguez #1177442
- 22 Warm Springs Correctional Center
- 23 P.O. Box 7007
- 24 Carson City, Nevada 89702
- 25 4. Respondent is the State of Nevada. Respondent is represented by the Washoe
- 26 County District Attorney's Office:
- 27 Terrance McCarthy, Esq., SBN: 2745
- 28 P.O. Box 11130
- Reno, Nevada 89520
5. Respondent's attorney is not licensed to practice law in Nevada: n/a

6. Appellant is represented by retained counsel in District Court.
7. Appellant is not represented by retained counsel on appeal.
8. Appellant was not granted leave to proceed in forma pauperis in the District Court..
9. Proceeding commenced by the filing of an Information on February 15, 2017.
10. This is a criminal proceeding and the Appellant is appealing the Judgement filed April 25, 2017.
11. The case has not been the subject of a previous appeal to the Supreme Court.
12. This case does not involve child custody or visitation.
13. This is not a civil case involving the possibility of a settlement.

Dated this 30th day of May, 2017.

Jacqueline Bryant
Clerk of the Court

By: /s/ Yvonne Vilorio
Yvonne Vilorio
Deputy Clerk

**SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE**

Case History - CR17-0210

DEPT. D4

HON. CONNIE J. STEINHEIMER

Report Date & Time

5/30/2017

9:33:59AM

Case Description: STATE VS JUAN JOSE RODRIGUEZ (D4)

Case ID:	CR17-0210	Case Type:	CRIMINAL	Initial Filing Date:	2/9/2017
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Parties

PLTF	STATE OF NEVADA - STATE
DA	Jeff Hoppe, Esq. - 11993
DA	Kelly Ann Kossow, Esq. - 8221
DA	Terrence P. McCarthy, Esq. - 2745
DA	Zach Young, Esq. - 9227
DEFT	JUAN JOSE RODRIGUEZ - @202369
DATY	Jeb Bond, Esq. - 13309
DATY	Bret O. Whipple, Esq. - 6168
PNP	Div. of Parole & Probation - DPNP

Charges

<i>Charge No.</i>	<i>Charge Code</i>	<i>Charge Date</i>	<i>Charge Description</i>
1	50216	2/15/2017	INF BATTERY RESULTING IN SUBSTANTIAL BODILY HARM COMMITTED AGAINST AN OLDER PERSON

Plea Information

<i>Charge No.</i>	<i>Plea Code</i>	<i>Plea Date</i>	<i>Plea Description</i>
1	50216	3/2/2017	PLED GUILTY

Sentences

<i>Date</i>	<i>Charge No.</i>	<i>Charge Desc</i>	<i>Time Served</i>	<i>Sentence Text</i>
4/25/2017	1	Nevada Dept. of Corrections		NDOC - MAX. 60 MOS, MIN. PAROLE 18 MOS, W/CONSE C. TERM OF NDOC - 120 MOS, MIN. PAROLE 48 MOS FOR ELDER ENHANCEMENT (AGGREGATE SENTENCE IS NDOC - 180-72 MOS), CONSEC. TO RCR2014-075500 AND 16CR-00182; DNA TESTING; FEES & REST, SUBJECT TO REMOVAL FROM DEFT'S BOOKS AT WCJ/N DOC

Release Information

Custody Status

Hearings

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>	<i>Disposed Date</i>
1 D4	ARRAIGNMENT	2/21/2017 09:00:00	2/17/2017

Event Extra Text:

Disposition:
D870 2/17/2017

Case Description: STATE VS JUAN JOSE RODRIGUEZ (D4)

Case ID:	CR17-0210	Case Type:	CRIMINAL	Initial Filing Date:	2/9/2017
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Department	Event Description	Sched. Date & Time	Disposed Date
2 D4	ARRAIGNMENT	3/2/2017 09:00:00	3/2/2017
Event Extra Text:		Disposition: D655 3/2/2017 INFORMATION	

Department	Event Description	Sched. Date & Time	Disposed Date
3 D4	SENTENCING	4/25/2017 11:00:00	4/25/2017
Event Extra Text:		Disposition: D765 4/25/2017	

Department	Event Description	Sched. Date & Time	Disposed Date
4 D4	SENTENCING	4/25/2017 09:00:00	4/20/2017
Event Extra Text:		Disposition: D844 4/20/2017 TIME OF HEARING MOVED TO 11:00 DUE TO LENGTH OF HEARING	

Agency Cross Reference

Code	Agency Description	Case Reference I.D.
DA	District Attorney's Office	DA1612206
PC	PCN number	PCNRPD0011395C
PC	PCN number	PCNRPD0011394C
RJ	Reno Justice's Court	RCR2016088382
RP	Reno Police Department	RP16-016624

			Actions
Action Entry Date	Code	Code Description	Text
2/9/2017	NEF	Proof of Electronic Service	Transaction 5944283 - Approved By: NOREVIEW : 02-09-2017:15:09:31
2/9/2017	2522	Notice of Bindover	Transaction 5944170 - Approved By: RRODRIGU : 02-09-2017:15:02:14
2/9/2017	3700	Proceedings	Transaction 5944170 - Approved By: RRODRIGU : 02-09-2017:15:02:14
2/9/2017	1250E	Application for Setting eFile	02/21/17 AT 9:00AM - Transaction 5944281 - Approved By: NOREVIEW : 02-09-2017:15:08:41
2/10/2017	1491	Pretrl Srves Assessment Report	PRETRIAL SERVICES ASSESSMENT REPORT - Transaction 5944969 - Approved By: TBRITTON : 02-10-2017:15:08:41
2/10/2017	NEF	Proof of Electronic Service	Transaction 5945042 - Approved By: NOREVIEW : 02-10-2017:08:27:19
2/15/2017	1800	Information	Transaction 5953737 - Approved By: MFERNAND : 02-16-2017:09:55:12
2/15/2017	4265	Waiver of Preliminary Exam	Transaction 5953737 - Approved By: MFERNAND : 02-16-2017:09:55:12
2/16/2017	NEF	Proof of Electronic Service	Transaction 5954080 - Approved By: NOREVIEW : 02-16-2017:09:56:08
2/17/2017	NEF	Proof of Electronic Service	Transaction 5956609 - Approved By: NOREVIEW : 02-17-2017:11:14:39
2/17/2017	4045	Stipulation to Continuance	Transaction 5956428 - Approved By: CSULEZIC : 02-17-2017:11:13:50
2/21/2017	NEF	Proof of Electronic Service	Transaction 5958901 - Approved By: NOREVIEW : 02-21-2017:11:56:55
2/21/2017	3020	Ord Granting Continuance	- ARRAIGNMENT FROM 2/21/17 TO 3/2/17 AT 9:00 A.M. - Transaction 5958895 - Approved By: NOREVIEW : 02-21-2017:11:56:55
3/2/2017	1785	Guilty Plea Memo/Agreement	Transaction 5977598 - Approved By: NOREVIEW : 03-02-2017:15:42:47
3/2/2017	NEF	Proof of Electronic Service	Transaction 5977608 - Approved By: NOREVIEW : 03-02-2017:15:44:08
3/20/2017	2520	Notice of Appearance	JUSTICE LAW CENTER JEB BOND, ESQ / DEFT JUAN JOSE RODRIGUEZ - Transaction 6007846 - Approved By: NOREVIEW : 03-20-2017:14:54:13
3/20/2017	NEF	Proof of Electronic Service	Transaction 6007869 - Approved By: NOREVIEW : 03-20-2017:14:54:13

Case Description: STATE VS JUAN JOSE RODRIGUEZ (D4)			
Case ID:	CR17-0210	Case Type:	CRIMINAL
			Initial Filing Date: 2/9/2017
3/21/2017	4185	Transcript	Arraignment - March 2, 2017 - Transaction 6009568 - Approved By: NOREVIEW : 03-21-2017:11:43:37
3/21/2017	NEF	Proof of Electronic Service	Transaction 6009576 - Approved By: NOREVIEW : 03-21-2017:11:46:44
4/11/2017	NEF	Proof of Electronic Service	Transaction 6044327 - Approved By: NOREVIEW : 04-11-2017:09:36:25
4/11/2017	4500	PSI - Confidential	Transaction 6044292 - Approved By: TBRITTON : 04-11-2017:09:35:16
4/12/2017	2610	Notice ...	NOTICE OF INTENT TO INTRODUCE POWERPOINT PRESENTATION DURING SENTENCING HEARING - T
4/12/2017	NEF	Proof of Electronic Service	Transaction 6047449 - Approved By: NOREVIEW : 04-12-2017:13:04:11
4/20/2017	1250E	Application for Setting eFile	VACATES 4/25/17 AT 9:00 A.M. AND RESETS FOR 4/25/17 AT 11:00 A.M. DUE TO LENGTH OF HEARING - T
4/20/2017	NEF	Proof of Electronic Service	Transaction 6061135 - Approved By: NOREVIEW : 04-20-2017:08:47:35
4/21/2017	NEF	Proof of Electronic Service	Transaction 6064737 - Approved By: NOREVIEW : 04-21-2017:15:40:22
4/21/2017	1960	Memorandum ...	SENTENCING MEMORANDUM - Transaction 6064722 - Approved By: TBRITTON : 04-21-2017:15:39:24
4/25/2017	1850	Judgment of Conviction	Transaction 6069380 - Approved By: NOREVIEW : 04-25-2017:15:25:09
4/25/2017	NEF	Proof of Electronic Service	Transaction 6069384 - Approved By: NOREVIEW : 04-25-2017:15:26:09
4/25/2017	1695	** Exhibit(s) ...	A THROUGH D - ADMITTED
4/26/2017	NEF	Proof of Electronic Service	Transaction 6071496 - Approved By: NOREVIEW : 04-26-2017:15:32:22
4/26/2017	1860	Judgment Conviction-Corrected	Transaction 6071488 - Approved By: NOREVIEW : 04-26-2017:15:31:21
5/3/2017	COC	Evidence Chain of Custody Form	
5/10/2017	PAYRC	**Payment Received	A Payment of -\$10.43 was made on receipt DCD574779.
5/25/2017	2515	Notice of Appeal Supreme Court	
5/25/2017	2490	Motion ...	MOTION FOR APPOINTMENT OF COUNSEL PURSUANT TO NRS 34.750
5/30/2017	1310E	Case Appeal Statement	Transaction 6122074 - Approved By: NOREVIEW : 05-30-2017:09:33:16
5/30/2017	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 6122074 - Approved By: N

1 **CODE 1850**

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6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**
7 **IN AND FOR THE COUNTY OF WASHOE**
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9 **STATE OF NEVADA,**

10 **Plaintiff,**

Case No. CR17-0210

11 **vs.**

Dept. No. 4

12 **JUAN JOSE RODRIGUEZ,**

13 **Defendant.**

14 _____ /
15 **JUDGMENT**

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

19 That Tomisha Tyronda Montgomery is guilty of the crime of Battery Resulting
20 In Substantial Bodily Harm Committed Against An Older Person, a violation of NRS
21 200.481(2)(b) and NRS 193.167, a category C felony, as charged in the Information, and
22 that he be punished by imprisonment in the Nevada Department of Corrections for the
23 maximum term of sixty (60) months with the minimum parole eligibility of eighteen (18)
24 months, with credit for one hundred fifty (150) days time served, with a consecutive term of
25 imprisonment in the Nevada Department of Corrections for the maximum term of one
26 hundred twenty (120) months with the minimum parole eligibility of forty-eight (48) for
27 committing the crime against an Older Person. The aggregated sentence imposed is a
28 maximum of one hundred eighty (180) months with the minimum parole eligibility of sixty-

1 six (66) months. Further, the Defendant must submit to a DNA Analysis Test for the
2 purpose of determining genetic markers and pay a One Hundred Fifty Dollar (\$150.00)
3 DNA analysis fee; and pay restitution in the amount of Three Hundred Fifty Two Dollars
4 and Seven Cents (\$352.07). Defendant is further ordered to pay a Three Dollar (\$3.00)
5 administrative assessment for obtaining a biological specimen and conducting a genetic
6 marker analysis and a Twenty-Five Dollar (\$25.00) administrative assessment fee to the
7 Clerk of the Second Judicial District Court.

8 The fees and restitution are subject to removal from the Defendant's books at
9 the Washoe County Jail and/or Nevada Department of Corrections.

10 Dated this 25 day of April, 2017.

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13 Connie J. Steinheimer
14 DISTRICT JUDGE
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1 **Code 1350**

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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. CR17-0210

7
8 **Plaintiff,**

Dept. No. 4

9 **vs.**

10 **JUAN JOSE 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 30th day of May, 2017, I electronically filed the Notice of Appeal in
16 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 30th day of May, 2017

20 Jacqueline Bryant
21 Clerk of the Court

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