

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

4 DATED this 21 day of December, 2007.

5
6 JOSE ALEJANDRO GONZALES
7 Defendant
8

9 AGREED TO BY:

10 Bruce W. Nelson
11 BRUCE W. NELSON
12 Deputy District Attorney
13 Nevada Bar #001936
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1 CERTIFICATE OF COUNSEL:

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

4 1. I have fully explained to the Defendant the allegations contained in the charge(s)
5 to which guilty pleas are being entered.

6 2. I have advised the Defendant of the penalties for each charge and the restitution
7 that the Defendant may be ordered to pay.

8 3. All pleas of guilty offered by the Defendant pursuant to this agreement are
9 consistent with the facts known to me and are made with my advice to the Defendant.

10 4. To the best of my knowledge and belief, the Defendant:

11 a. Is competent and understands the charges and the consequences of pleading
12 guilty as provided in this agreement.

13 b. Executed this agreement and will enter all guilty pleas pursuant hereto
14 voluntarily.

15 c. Was not under the influence of intoxicating liquor, a controlled substance or
16 other drug at the time I consulted with the defendant as certified in paragraphs
17 1 and 2 above.

18 Dated: This 21 day of December, 2007.

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ATTORNEY FOR DEFENDANT

da

1 **INFO**

2 DAVID ROGER
3 Clark County District Attorney
4 Nevada Bar #002781
5 BRUCE W. NELSON
6 Deputy District Attorney
7 Nevada Bar #001936
8 200 Lewis Avenue
9 Las Vegas, Nevada 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

DISTRICT COURT
CLARK COUNTY, NEVADA

7 I.A. 12-31-07
10:30 A.M.
8 PD

10 THE STATE OF NEVADA,

11 Plaintiff,

12 -vs-

13 JOSE ALEJANDRO GONZALES,
14 #2636822

15 Defendant.

Case No: C239888
Dept No: II

INFORMATION

16 STATE OF NEVADA }

17 COUNTY OF CLARK }

ss.

18 DAVID ROGER, District Attorney within and for the County of Clark, State of
19 Nevada, in the name and by the authority of the State of Nevada, informs the Court:


20 That JOSE ALEJANDRO GONZALES, the Defendant above named, having
21 committed the crime of STOP REQUIRED ON SIGNAL OF POLICE OFFICER (Category
22 B Felony - NRS 484.348), on or about the 2nd day of December, 2007, within the County of
23 Clark, State of Nevada, contrary to the form, force and effect of statutes in such cases made
24 and provided, and against the peace and dignity of the State of Nevada, did, while driving a
25 motor vehicle, to-wit: a 1994 Honda, bearing Nevada License No. 213UKG, at U.S. 95
26 north and Flamingo, Las Vegas, Clark County, Nevada, wilfully, unlawfully, and feloniously
27 fail or refuse to bring said vehicle to a stop, or otherwise flee or attempt to elude a peace
28 officer in a readily identifiable vehicle of any police department or regulatory agency, to-wit:

EXHIBIT "1"

P:\WPDOCS\INF\725172517401.DOC

1 Officer(s) D. FLETCHER and/or P. KRUSE, with the Las Vegas Metropolitan Police
2 Department, after being given a signal to bring the vehicle to a stop, operate said motor
3 vehicle in a manner which proximately caused damage to the property of others, or was
4 likely to endanger any person other than himself or the property of any person other than
5 himself, in the following manner, to-wit: by Defendant driving at speeds in excess of posted
6 limits and reaching 80 to 90 miles per hour, colliding with numerous vehicles and driving on
7 U.S. 95 at Flamingo in the direction opposite the flow of traffic.

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9
10 BY



11 DAVID ROGER
12 DISTRICT ATTORNEY
13 Nevada Bar #002781
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26 DA#07F25174X/da
27 LVMPD EV#0712023217
28 STOP REQ BY P.O. - F
(TK4)

38

JOCP

FILED

ORIGINAL

MAR 14 11 39 AM '08

DISTRICT COURT

C. J. [Signature]
CLERK OF THE COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

CASE NO. C239888

-vs-

DEPT. NO. II

JOSE ALEJANDRO GONZALES

#2636822

Defendant.

JUDGMENT OF CONVICTION

(PLEA OF GUILTY)

The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crime of STOP REQUIRED ON SIGNAL OF POLICE OFFICER (Category B Felony) in violation of NRS 484.348; thereafter, on the 26th day of February, 2008, the Defendant was present in court for sentencing with his counsel, MONIQUE A. McNEILL, Deputy Public Defender, and good cause appearing,

THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense and, in addition to the \$25.00 Administrative Assessment Fee and \$150.00 DNA Analysis Fee, following testing to determine genetic markers, the Defendant is sentenced as follows: TO A MAXIMUM of THIRTY-SIX (36) MONTHS with a MINIMUM parole eligibility of

RECEIVED

MAR 14 2008

CLERK OF THE COURT

02363

1 TWELVE (12) MONTHS, in the Nevada Department of Corrections (NDC); with
2 EIGHTY-SIX (86) DAYS credit for time served.
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6 DATED this 13th day of ^{March}~~February~~, 2008

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9 VALORIE J. VEGA
10 DISTRICT JUDGE
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MARKED FOR IDENTIFICATION

PROPOSED EXHIBIT DEFT

mmm

Case No. C283700-1

02365

REGISTER OF ACTIONS

CASE NO. 09F16224X

State of Nevada vs Gonzales, Jose Alejandro

§
§
§
§
§

Case Type: Felony
Date Filed: 09/15/2009
Location: JC Department 12

PARTY INFORMATION

Defendant	Gonzales, Jose Alejandro <i>Also Known As</i> Gonzales, Jose	Lead Attorneys Xiomara Ferrera <i>Public Defender</i> 702-455-4685(W)
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State of Nevada

CHARGE INFORMATION

Charges: Gonzales, Jose Alejandro	Statute	Level	Date
1. POSSESSION FIREARM BY PROHIBITED PERSON	202.360	Felony	08/05/2009

EVENTS & ORDERS OF THE COURT

DISPOSITIONS

02/23/2012 (Judicial Officer: Sullivan, Diana L.)
1. POSSESSION FIREARM BY PROHIBITED PERSON
DISMISSED/GRAND JURY

OTHER EVENTS AND HEARINGS

08/06/2009 **COMPLETED BY JI**
MinuteCode1: COMPLETED BY JI MinuteCode3: COMPLETED BY JI

08/07/2009 **RETURNING FOR FURTHER INVESTIGATION**
RETURNING FOR FURTHER INVESTIGATION

08/07/2009 **48 HOUR - PROBABLE CAUSE FOUND** (Judicial Officer: Sciscento, Joseph S.)
48 HOUR HEARING

08/07/2009 **48 Hour Probable Cause Review** (8:00 AM) (Judicial Officer Sciscento, Joseph S.)
Result: COMPLETED

08/07/2009 **Custody Status Slip**

08/07/2009 **Probable Cause Arrest Documents**

08/10/2009 **72 HOUR COMPLETED** (Judicial Officer: Sciscento, Joseph S.)
72H HEARING P/C

08/10/2009 **72 Hour Hearing** (8:00 AM) (Judicial Officer Sciscento, Joseph S.)
Result: COMPLETED

08/10/2009 **Custody Status Slip**

08/10/2009 **Minute Order**

08/10/2009 **Official Court Date Slip**

09/15/2009 **TRANSFERRED TO JC**
TRANSFERRED TO JC

09/15/2009 **COMPLETED BY DCD**
MinuteCode1: COMPLETED BY DCD MinuteCode3: COMPLETED BY DCD

09/15/2009 **CTRACK Track Assignment JC12**

09/16/2009 **RECEIVED FROM DA**
RECEIVED FROM DA

09/16/2009 **COMPLAINT FILED** (Judicial Officer: Sciscento, Joseph S.)
RETURN DATE

09/16/2009 **Converted Hearing Type** (8:00 AM) (Judicial Officer Sciscento, Joseph S.)
Result: COMPLETED

09/16/2009 **Criminal Complaint (NON USJR)**

11/12/2009 **BENCH WARRANT ISSUED** (Judicial Officer: Sciscento, Joseph S.)
FELONY ARRGN

11/12/2009 **Arraignment** (8:00 AM) (Judicial Officer Sciscento, Joseph S.)
Result: COMPLETED

11/12/2009 **Bench Warrant - Face Sheet**

11/12/2009 **Bench Warrant Confidential**

02/07/2012 **NJCIS - CLEAR/SERVE**
NJCIS - CLEAR/SERVE

02/07/2012 **Warrant Arrest Documents**

02/07/2012 **Warrant Arrest Documents**

02/07/2012 **PreTrial Services Financial Affidavit and Information Sheet**

02/09/2012 **ARRAIGNMENT COMPLETED** (Judicial Officer: Sullivan, Diana L.)
B/W HEARING

02/09/2012 **Bench Warrant Return Hearing** (8:00 AM) (Judicial Officer Sullivan, Diana L.)
Result: COMPLETED

MARKED FOR IDENTIFICATION
PROPOSED EXHIBIT DEFT
NNN
Case No. C283700-1

02/09/2012 **Custody Status Slip (No Custody Change)**
02/23/2012 **DISMISSED/GRAND JURY** (Judicial Officer: Sullivan, Diana L.)
PRELIM HEARING
02/23/2012 **COURTESY NOTICE OF DISPOSITION GENERATED**
MinuteCode1: COURTESY NOTICE OF DISPOSITION GENERATED MinuteCode3: COURTESY NOTICE OF DISPOSITION GENERATED
02/23/2012 **Preliminary Hearing** (8:00 AM) (Judicial Officer Sullivan, Diana L.)
Result: CASE FINDING
02/23/2012 **Custody Status Slip (Release From Custody)**
02/23/2012 **Notice of Disposition and Judgment**

MARKED FOR IDENTIFICATION
PROPOSED EXHIBIT DEFT

LLL

Case No. C283700-1

1 JUSTICE COURT, LAS VEGAS TOWNSHIP

2 CLARK COUNTY, NEVADA

3 THE STATE OF NEVADA,

4 Plaintiff,

5 -vs-

6 JOSE GONZALES, aka,
7 Jose Alejandro Gonzales #2636822,

8 Defendant.

FILED
DEC 4 2 11 PM '07

JUSTICE COURT
LAS VEGAS NEVADA
BY SA

CASE NO: 07F25174X

DEPT NO: 4

CRIMINAL COMPLAINT

9 The Defendant above named having committed the crimes of POSSESSION OF
10 STOLEN VEHICLE (Felony - NRS 205.273), STOP REQUIRED ON SIGNAL OF
11 POLICE OFFICER (Felony - NRS 484.348), and ATTEMPT BATTERY ON AN OFFICER
12 WITH USE OF A DEADLY WEAPON (Felony - NRS 200.481 (2)(c)), 193.330), in the
13 manner following, to-wit: That the said Defendant, on or about the 2nd day of December,
14 2007, at and within the County of Clark, State of Nevada,

15 COUNT 1 - POSSESSION OF STOLEN VEHICLE

16 did then and there wilfully, unlawfully, and feloniously possess a stolen motor
17 vehicle wrongfully taken from RAUL MERCADO, to-wit: a 1994 Honda, bearing Nevada
18 License No. 213UKG, which Defendant knew, or had reason to believe, had been stolen; the
19 value of said vehicle being \$2,500.00, or more.

20 COUNT 2 - STOP REQUIRED ON SIGNAL OF POLICE OFFICER

21 did, while driving a motor vehicle, to-wit: a 1994 Honda, bearing Nevada License
22 No. 213UKG, U.S. 95 North and Flamingo, Las Vegas, Clark County, Nevada, willfully,
23 unlawfully, and feloniously fail or refuse to bring said vehicle to a stop, or otherwise flee or
24 attempt to elude a peace officer in a readily identifiable vehicle of any police department or
25 regulatory agency, to-wit: Officers D. FLETCHER and/or P. KRUSE, Las Vegas
26 Metropolitan Police Department, after being given a signal to bring the vehicle to a stop,
27 operate said motor vehicle in a manner which proximately caused damage to the property of
28 others, or was likely to endanger any person other than himself or the property of any person

1 other than himself, in the following manner, to-wit: by the Defendant driving at speeds in
2 excess of posted limits and reaching 80 to 90 miles per hour, colliding with numerous
3 vehicles and driving on U.S. 95 at Flamingo in the direction opposite the flow of traffic.

4 COUNT 3 - ATTEMPT BATTERY ON AN OFFICER WITH USE OF A DEADLY
5 WEAPON

6 did then and there wilfully, unlawfully, feloniously and knowingly attempt to use
7 force or violence upon the person of another, to-wit: D FLETCHER, an Officer with the Las
8 Vegas Metropolitan Police Department, Clark County, Nevada, who at said time, was
9 performing his official duties as a Police Officer, with use of a deadly weapon, to-wit: a
10 vehicle, in the following manner, to-wit: by the Defendant driving a Honda into the marked
11 patrol vehicle being driven by the said Officer D. FLETCHER, Defendant knowing, or
12 should have known, the said Officer D. FLETCHER to be a Police Officer.

13 COUNT 4 - ATTEMPT BATTERY ON AN OFFICER WITH USE OF A DEADLY
14 WEAPON

15 did then and there wilfully, unlawfully, feloniously and knowingly attempt to use
16 force or violence upon the person of another, to-wit: Officer P. KRUSE, an Officer with the
17 Las Vegas Metropolitan Police Department, Clark County, Nevada, who at said time, was
18 performing his official duties as a Police Officer, with use of a deadly weapon, to-wit: a
19 vehicle, in the following manner, to-wit: by the Defendant driving a Honda into the marked
20 patrol vehicle being driven by the said Officer P. KRUSE, Defendant knowing, or should
21 have known, the said Officer P. KRUSE to be a Police Officer.

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

25 *ST. Andrew*

26 12/4/2007

27 07F25174X/cas
28 LVMPD EV# 0712023217
(TK4)

ARREST REPORT

09F 25174X/4

☒ City ☐ County ☒ Adult ☐ Juvenile Sector/Beat B3

ID/EVENT# 2636822	ARRESTEE'S NAME GONZALES, JOSE (Last, First, Middle)				S.S.# 612-42-8519	
ARRESTEE'S ADDRESS (Number, Street, City, State, Zip Code) 6255 W. TROPICANA AVE. APT 283, LV, NV 89103						
CHARGES: POSSESSION OF STOLEN VEHICLE EVADING POLICE OFFICER WHICH ENDANGERS/VEHICLE OPERATION ATTEMPT BATTERY ON A PO WITH DEADLY WEAPON (3X)						
OCCURRED: DATE 12-02-07	DAY OF WEEK SUN	TIME 2343 HRS	LOCATION OF ARREST (Number, Street, City, State, Zip Code) 6500 BLOCK OF SAHARA, LV, NV 89121			
RACE H	SEX M	D.O.B.	HT 5'10	WT 160	HAIR BLK	EYES BRO
						PLACE OF BIRTH MISSION VIEJO, CA

CIRCUMSTANCES OF ARREST

OFFICERS INVOLVED:

Officer B. Brown P#8767 / 8A10
Officer D. Fletcher P#8734
Officer P. Kruse P#8909

OTHER LVMPD PERSONNEL:

Det. Palmer
CSI F. Pulliam P#5412 / C25

VICTIMS:

#1:

Mercado, Raul

#2:

Officer D. Fletcher

#3:

Officer P. Kruse

VICTIM'S VEHICLE:

94' Honda Accord, 2D, gray in color, with license plate NV 213-UKG

DETAILS:

On 12-02-07 at approximately 2330 hrs, I, Officer B. Brown, P#8767, operating as marked patrol unit 8A10, was on routine patrol in the area of Cedar & Eastern, LV, NV 89101. I observed a silver Honda Accord, with NV license plate 213-UKG driving in the area. I ran the vehicle's license plate for wants and received a hot hit, indicating it was stolen vehicle.

ARRESTING OFFICER(S)	P#	APPROVED BY	CONNECTING RPTS. (Type or Event Number)
B. BROWN	8767	Lt. Goode	071202-3217, TCR, DOA, WITNESS LIST, REQUEST FOR PROSECUTION, VEHICLE IMPOUND REPORT, ICR, 071201-1375 (FROM STOLEN VEHICLE)

CONFIDENTIAL

VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION REPORT

ID/Event Number: 2636822

Page 2 of 3

I requested the air unit to monitor the vehicle should it attempt to avoid being stop. I continued to follow the vehicle through a residential neighborhood and then onto Bonanza from 28th St while waiting for the air units to arrive. I then followed the vehicle, the vehicle soon began to accelerate, and was evident that the suspect was not gonna stop for Police.

The vehicle is occupied by only the driver which appeared to be a Hispanic male with a shaved head. As the suspect approached Nellis and Bonanza, the Police Air Unit arrived and started to monitor the stolen vehicle's movements. Patrol Officers backed off from visual range, and allowed the air unit to monitor the vehicle, and update locations. The suspect did not slow down, and in fact increased speed. It was now going approximately 85-90 mph on Nellis Southbound, with traffic conditions being monitor. The suspect traveled through steady red lights (Boulder Hwy/Nellis & Sahara/Nellis) and created extensive risks out of motorists. The suspect collided with another motorist at Boulder Hwy and Nellis, but continued on.

Patrol Officers remained in the vicinity of where the air unit was updating locations of the suspect's vehicle. The suspect entered US 95 highway at Flamingo and traveled northbound. The vehicle was traveling at speed in excess of 90-100 mph approximately. Downtown area command Officer Fletcher, P#8734, had already entered the freeway and actually traveling ahead of the suspect's vehicle. Officer Fletcher was going to attempt to deploy spike strips to slow the vehicle down. As the suspect's vehicle approached Officer Fletcher from behind, still traveling in excess of approximately 90 mph, the suspect cross two lanes of traffic, lane #1 to lane # 3, swerving to collide with the marked patrol vehicle, being driven by Officer Fletcher. Disappeared to south of Boulder Hwy, in the northbound lanes of US 95.

After the suspect completed this attempt to ram Officer Fletcher's vehicle, it lost control and collided with the center concrete barrier. The suspect's vehicle then started to drive in opposite direction of the normal flow of traffic on US 95. Officer Kruse had been following the suspect after he entered the highway, was confronted with a suspect's vehicle coming directly at him, after it lost control and hit the median.

The suspect directed his vehicle toward Officer Kruse's marked police unit, and then collided with it. The collision was a glancing blow to the front bumper area, and the suspect then continued on. The suspect accelerated and was going southbound in the northbound lanes of US Highway 95, speed again at approximately 90 mph. There is moderate traffic on US 95 at the time of this incident, about 10-15 cars per area hundred yards.

With the clear threat in human lives, a pursue was initiated by Officer Kruse and Officer Fletcher, was full Police emergency equipment activated (lights and sirens). Officer Kruse closed the distance as he is going to attempt a PIT (Pursuit Intervention Technique) and rammed the vehicle, as deadly force will be appropriate to end the threat to public safety.

02352

VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION REPORT

ID/Event Number: 2636822

Page 3 of 3

(Inaudible) Kruse approached the rear right area of the vehicle, the suspect/driver made an abrupt lane change, in an apparent attempt to collide with the Police vehicle. The suspect continued driving the wrong way on the highway, and continued to evade multiple Police units. A total of three times the suspect uses motor vehicle to potentially injure/kill Police Officers that were attempting to capture him.

The suspect exited the highway at Flamingo and traveled eastbound. The suspect continued to evade Officers despite used of full emergency equipment. Suspect drove back through the Boulder Hwy on Flamingo Area. The suspect eventually entered a parking lot at Sahara and Nellis (Walgreens) and collided with the van as he exit this parking, and traveled east on Sahara. With Patrol Officers still using full emergency equipment and the air units still following the suspect. Suspect traveled east on Sahara, pass Hollywood at excessive speed (80-90 mph). Suspect eventually left the roadway, and collided with a dirt embankment. The suspect's vehicle sustained heavy damaged at the turnation (phonetic) point.

The suspect was taken into custody by Officer Kruse, and Officer Brown, and also other assisting Officers. Complete details on the direction and actual route taken by this suspect is documented on the DTAC radio channel as called out by the air unit (2330-2345 hrs). The suspect was verbally identified as Gonzales, Jose, DOB 11-21-89, SS# 612-42-8519. The stolen vehicle, a 1994 Honda Accord, Vin# 1HGCD7257RA021701, was taken in a car-jacking with the (inaudible) previous day.

Two Hispanic males, one of which somewhat matching the driver description, robbing the victim of the vehicle, and LVMPD event #071201-1875. This information was not known until about 10 minutes into the incident. Robbery Detectives were notified and Det. Palmer responded. The suspect refused to make any statements to Detectives. The investigation linking the suspect to the original robbery incident is on going. The vehicle was confirmed by LVMPD WVS as an active stolen vehicle by Veronica in WVS. ORI is NV0020100, OCA is 071201-1375, NIC# is V191287463 and date is 12-01-07.

Gonzales was released within the last year, and had multiple felony charges as a juvenile, including (inaudible). Gonzales is a self-admitted Barrio San Tuco (no spelling given) Gang #A Orange County, CA. Based on above facts, Gonzales was arrested for Possession of Stolen Vehicle, Evading a Police Officer which Endangers, and Attempt Battery on a Police Officer (3X), transported to CCDC and booked.

BB / M9470P (Records)

Job#89722

Date and Time Dictated: 12-03-07 0412 hrs

Date and Time Transcribed: 12-03-07 1119 hrs

cc: Officer B. Brown P#8767 (DTAC)

02353

Justice Court, Las Vegas Township

STATE VS. GONZALES, JOSE ALEJANDRO

CASE NO. 07F25174 ~~X~~

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES — HEARING

CONTINUED TO:

DECEMBER 4, 2007

CRIMINAL COMPLAINT FILED:
COUNT 1 – POSSESSION OF STOLEN VEHICLE
COUNT 2 – STOP REQUIRED AT SIGNAL OF POLICE OFFICER
COUNT 3 – ATTEMPT BATTERY ON AN OFFICER WITH USE OF A DEADLY WEAPON
COUNT 4 – ATTEMPT BATTERY ON AN OFFICER WITH USE OF A DEADLY WEAPON

CM

DECEMBER 5, 2007
M. SARAGOSA
C. MORTON, DA
M. GILES, PD
APPOINTED
K. MACDONALD, CR
B. CAMERON, CLK

INITIAL ARRAIGNMENT
DEFENDANT PRESENT IN COURT IN CUSTODY
DEFENDANT ADVISED OF CHARGES/WAIVES READING OF COMPLAINT
PRELIMINARY HEARING DATE SET

12/18/07 10:30 #4

DEFENDANT REMANDED TO THE CUSTODY OF THE SHERIFF

ks

DECEMBER 18, 2007
M. SARAGOSA
B. NELSON, DA
M. MCNEILL, PD
K MACDONALD, CR
B. CAMERON, CLK

TIME SET FOR PRELIMINARY HEARING
DEFENDANT PRESENT IN COURT IN CUSTODY
PER NEGOTIATIONS: DEFENDANT UNCONDITIONALLY WAIVES THE
RIGHT TO A PRELIMINARY HEARING
DEFENDANT BOUND OVER TO DISTRICT COURT #2 AS CHARGED
DEFENDANT TO APPEAR IN THE LOWER LEVEL ARRAIGNMENT
COURTROOM A
DATE SET

12-31-07 10:30 DC
ARRAIGNMENT

BC

DEFENDANT REMANDED TO THE CUSTODY OF THE SHERIFF

CASE FORWARDED TO

DEC 19 2007

COUNTY CLERK'S OFFICE

ORIGINAL

1 GMEM

2 DAVID ROGER
3 DISTRICT ATTORNEY
4 Nevada Bar #002781
5 BRUCE W. NELSON
6 Deputy District Attorney
7 Nevada Bar #001936
8 200 Lewis Avenue
9 Las Vegas, NV 89155-2212
10 (702) 671-2500
11 Attorney for Plaintiff

FILED IN OPEN COURT

DEC 31 2007 20

CHARLES J. SHORT
CLERK OF THE COURT

BY Monica Schmidt
DEPUTY
MONICA SCHMIDT

DISTRICT COURT

CLARK COUNTY, NEVADA

9 THE STATE OF NEVADA,

10 Plaintiff,

11 -vs-

12 JOSE ALEJANDRO GONZALES,
13 #2636822

14 Defendant.

CASE NO: C239888
DEPT NO: II

15 GUILTY PLEA AGREEMENT

16 I hereby agree to plead guilty to: STOP REQUIRED ON SIGNAL OF POLICE
17 OFFICER (Category B Felony - NRS 484.348), as more fully alleged in the charging
18 document attached hereto as Exhibit "I".

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

21 The State has agreed to retain the right to argue at rendition of sentence.

22 CONSEQUENCES OF THE PLEA

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

25 I understand that as a consequence of my plea of guilty the Court must sentence me to
26 imprisonment in the Nevada Department of Corrections for a minimum term of not less than
27 one (1) year and a maximum term of not more than six (6) years. The minimum term of
28 imprisonment may not exceed forty percent (40%) of the maximum term of imprisonment. I

1 understand that I may also be fined up to \$5,000.00. I understand that the law requires me to
2 pay an Administrative Assessment Fee.

3 I understand that, if appropriate, I will be ordered to make restitution to the victim of
4 the offense(s) to which I am pleading guilty and to the victim of any related offense which is
5 being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to
6 reimburse the State of Nevada for any expenses related to my extradition, if any.

7 I understand that I am eligible for probation for the offense(s) to which I am pleading
8 guilty. I understand that, except as otherwise provided by statute, the question of whether I
9 receive probation is in the discretion of the sentencing judge.

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

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

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

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

20 I understand that if the State of Nevada has agreed to recommend or stipulate a
21 particular sentence or has agreed not to present argument regarding the sentence, or agreed
22 not to oppose a particular sentence, or has agreed to disposition as a gross misdemeanor
23 when the offense could have been treated as a felony, such agreement is contingent upon my
24 appearance in court on the initial sentencing date (and any subsequent dates if the sentencing
25 is continued). I understand that if I fail to appear for the scheduled sentencing date or I
26 commit a new criminal offense prior to sentencing the State of Nevada would regain the full
27 right to argue for any lawful sentence.

28 ///

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

4 I understand that as a consequence of my plea of guilty, if I am not a citizen of the
5 United States, I may, in addition to other consequences provided for by federal law, be
6 removed, deported, excluded from entry into the United States or denied naturalization.

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

14 WAIVER OF RIGHTS

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

17 1. The constitutional privilege against self-incrimination, including the right to refuse
18 to testify at trial, in which event the prosecution would not be allowed to comment to the
19 jury about my refusal to testify.

20 2. The constitutional right to a speedy and public trial by an impartial jury, free of
21 excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the
22 assistance of an attorney, either appointed or retained. At trial the State would bear the
23 burden of proving beyond a reasonable doubt each element of the offense charged.

24 3. The constitutional right to confront and cross-examine any witnesses who would
25 testify against me.

26 4. The constitutional right to subpoena witnesses to testify on my behalf.

27 5. The constitutional right to testify in my own defense.

28 ///

1 6. The right to appeal the conviction, with the assistance of an attorney, either
2 appointed or retained, unless the appeal is based upon reasonable constitutional jurisdictional
3 or other grounds that challenge the legality of the proceedings and except as otherwise
4 provided in subsection 3 of NRS 174.035.

5 VOLUNTARINESS OF PLEA

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

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

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

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

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

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

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

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ORIG: NLPD0202X0 NLPD0674 SCOPE:1128 05/02/2012-09:19:48
 RESP: SCOPE (NV002129CBD5) SCOPE:1128 05/02/2012-09:19:50
 NM-GONZALES JOSE ALEJANDRO SID-03583942 000 SS-612428519
 CS-2636822 BD-11211989 RC-H SX-M HT-510 WT-160 HR-BLK EY-BRO
 AK-DIAZ JOSE SID-03583942 002 MPD
 AK-DOE JOHN SID-03583942 003 NLV
 MK-SMOKEY SID-03583942 004 NLV
 BP-MISSION VIEJO, CA FB-62695HC3 SI-NV04228958 01- 02-
 A1-5795 W FLAMINGO RD #268 LVN 89103 022712
 CP254 MPD FELONY EVADE PO/VEH OPER #239888 08 NV 022712 REGISTERED
 CP255 MPD FELONY ASSAULT WDW #256027 09 NV 022712 REGISTERED
 PP255 MPD 051007 ***WHEN CONTACTED FI AND FORWARD TO GCB***
 PI251 022712 MPD**TT:CHEST-"FORGIVE ME MOTHER FOR MY CRAZY LIFE**"
 PI252 022712 MPD**BACK OF NECK-"OC**"
 PI253 062207 NLV-**ALSO USES DOB 01011986**
 PI254 052604 MPD***SHAVED HEAD, SC R SHLD***
 PI255 092003 MPD***SC ABDOM***
 MP250 MPD 031005 MISSING PER/RUNAWAY 050310-3203 *CANCEL*0603C
 MP251 MPD 052604 MISSING PER/RUNAWAY 040526-2123 *CANCEL*0310C
 MP252 MPD 092003 MISSING PER/RUNAWAY 030920-1208 *CANCEL*0922C
 MP253 MPD 010602 MISSING PER/RUNAWAY 020106-0965 *CANCEL*0108C
 MP254 MPD 091301 MISSING PER/RUNAWAY 010913-1400 *CANCEL*0918C
 MP255 MPD 090801 MISSING PER/RUNAWAY 010908-2239 *CANCEL*0909C
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 MPD BW-09F16224X
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 AD238 MPD 034 062309 POSS BURG TOOLS
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 AD239 MPD 033 062309 CONSPIRACY
 09F12926C CON PCN 25130433
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 AD240 MPD 032 062309 GLA
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 09F12926C CON PCN 25130433
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 AD242 MPD 030 062409 ASSLT W/DEAD WEAP
 09F12926C CON PCN 25130433 // AMEND
 SID-03583942
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 AD243 MPD 029 120207 ATT BATT O/OFCR W/DEAD WEAP
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 AD245 MPD 027 120207 ATT BATT O/OFCR W/DEAD WEAP

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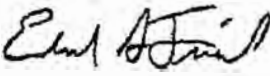
MF

071202-3217

MF

MARKED FOR IDENTIFICATION
PROPOSED EXHIBIT DEFT
KKK
Case No. C283700-1

02337


CLERK OF THE COURT

1 **INFO**
2 **DAVID ROGER**
3 **Clark County District Attorney**
4 **Nevada Bar #002781**
5 **DANAE ADAMS**
6 **Chief Deputy District Attorney**
7 **Nevada Bar #004902**
8 **200 Lewis Avenue**
9 **Las Vegas, Nevada 89155-2212**
10 **(702) 671-2500**
11 **Attorney for Plaintiff**

12 **I.A. 7/16/09**
13 **9:00 AM**
14 **D. WINDER**
15 **DISTRICT COURT**
16 **CLARK COUNTY, NEVADA**

17 **THE STATE OF NEVADA,**
18 **Plaintiff,**

19 **-vs-**

20 **JOSE A. GONZALES, aka,**
21 **Jose Alejandro Gonzales, #2636822**
22 **Defendant.**

Case No: C256027
Dept No: XXI

INFORMATION

23 **STATE OF NEVADA**
24 **COUNTY OF CLARK** } ss.

25 **DAVID ROGER, District Attorney within and for the County of Clark, State of**
26 **Nevada, in the name and by the authority of the State of Nevada, informs the Court:**

27 **That JOSE A. GONZALES, aka, Jose Alejandro Gonzales, the Defendant(s) above**
28 **named, having committed the crime of ASSAULT WITH A DEADLY WEAPON**
29 **(Category B Felony - NRS 200.471), on or about the 23rd day of June, 2009, within the**
30 **County of Clark, State of Nevada, contrary to the form, force and effect of statutes in such**
31 **cases made and provided, and against the peace and dignity of the State of Nevada, did, then**
32 **and there wilfully, unlawfully, feloniously and intentionally place another person, to-wit:**
33 **SERGEANT W. WILSON, Las Vegas Metropolitan Police Department, in reasonable**

34 **///**

35 **///**

1 apprehension of immediate bodily harm with use of a deadly weapon, to-wit: a motor
2 vehicle, by driving at the said SERGEANT W. WILSON with the said motor vehicle.

3
4
5
6 BY

David Roger

7 DAVID ROGER
8 DISTRICT ATTORNEY
9 Nevada Bar #002781
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27 DA#09F12926C/jm
28 LVMPD EV#09062231741; 0906232384
(TK2)

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TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE

Alvin J. Cabrera
CLERK OF THE COURT

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ORIGINAL

FILED IN OPEN COURT

JUL 16 2009

EDWARD A. FRIEDLAND
CLERK OF THE COURT

BY Carole D. Aloia
CAROLE D'ALOIA DEPUTY

1 GMEM

2 DAVID ROGER

3 DISTRICT ATTORNEY

4 Nevada Bar #002781

5 DANA E ADAMS

6 Chief Deputy District Attorney

7 Nevada Bar #004902

8 200 Lewis Avenue

9 Las Vegas, NV 89155-2212

10 (702) 671-2500

11 Attorney for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

JOSE A. GONZALES, aka,
Jose Alejandro Gonzales, #2636822

Defendant.

CASE NO: C256027
DEPT NO: XXI

GUILTY PLEA AGREEMENT

I hereby agree to plead guilty to: **ASSAULT WITH A DEADLY WEAPON**
(Category B Felony - NRS 200.471), as more fully alleged in the charging document
attached hereto as Exhibit "1".

My decision to plead guilty is based upon the plea agreement in this case which is as
follows:

The State will make no recommendation at rendition of sentence. The State will not
oppose dismissal of the remaining counts in this case.

CONSEQUENCES OF THE PLEA

I understand that by pleading guilty I admit the facts which support all the elements of
the offense(s) to which I now plead as set forth in Exhibit "1".

I understand that as a consequence of my plea of guilty the Court must sentence me to
imprisonment in the Nevada Department of Corrections for a minimum term of not less than
ONE (1) year and a maximum term of not more than SIX (6) years. The minimum term of

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1 imprisonment may not exceed forty percent (40%) of the maximum term of imprisonment. I
2 understand that I may also be fined up to \$5,000.00. I understand that the law requires me to
3 pay an Administrative Assessment Fee.

4 I understand that, if appropriate, I will be ordered to make restitution to the victim of
5 the offense(s) to which I am pleading guilty and to the victim of any related offense which is
6 being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to
7 reimburse the State of Nevada for any expenses related to my extradition, if any.

8 I understand that I am eligible for probation for the offense(s) to which I am pleading
9 guilty. I understand that, except as otherwise provided by statute, the question of whether I
10 receive probation is in the discretion of the sentencing judge.

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

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

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

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

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

23 I understand that if the State of Nevada has agreed to recommend or stipulate a
24 particular sentence or has agreed not to present argument regarding the sentence, or agreed
25 not to oppose a particular sentence, or has agreed to disposition as a gross misdemeanor
26 when the offense could have been treated as a felony, such agreement is contingent upon my
27 appearance in court on the initial sentencing date (and any subsequent dates if the sentencing
28 is continued). I understand that if I fail to appear for the scheduled sentencing date or I

1 commit a new criminal offense prior to sentencing the State of Nevada would regain the full
2 right to argue for any lawful sentence.

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

6 I understand that as a consequence of my plea of guilty, if I am not a citizen of the
7 United States, I may, in addition to other consequences provided for by federal law, be
8 removed, deported, excluded from entry into the United States or denied naturalization.

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

16 WAIVER OF RIGHTS

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

19 1. The constitutional privilege against self-incrimination, including the right to refuse
20 to testify at trial, in which event the prosecution would not be allowed to comment to the
21 jury about my refusal to testify.

22 2. The constitutional right to a speedy and public trial by an impartial jury, free of
23 excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the
24 assistance of an attorney, either appointed or retained. At trial the State would bear the
25 burden of proving beyond a reasonable doubt each element of the offense charged.

26 3. The constitutional right to confront and cross-examine any witnesses who would
27 testify against me.

28 4. The constitutional right to subpoena witnesses to testify on my behalf.

1 5. The constitutional right to testify in my own defense.

2 6. The right to appeal the conviction, with the assistance of an attorney, either
3 appointed or retained, unless the appeal is based upon reasonable constitutional jurisdictional
4 or other grounds that challenge the legality of the proceedings and except as otherwise
5 provided in subsection 3 of NRS 174.035.

6 VOLUNTARINESS OF PLEA

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

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

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

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

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

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

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

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

4 DATED this 16 day of July, 2009.

5 Jose Gonzales
6 JOSE A. GONZALES, aka,
7 Jose Alejandro Gonzales
8 Defendant

8 AGREED TO BY:

9 Danae Adams

10 DANAE ADAMS
11 Chief Deputy District Attorney
12 Nevada Bar #004902

1 CERTIFICATE OF COUNSEL:

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

4 1. I have fully explained to the Defendant the allegations contained in the charge(s)
5 to which guilty pleas are being entered.

6 2. I have advised the Defendant of the penalties for each charge and the restitution
7 that the Defendant may be ordered to pay.

8 3. All pleas of guilty offered by the Defendant pursuant to this agreement are
9 consistent with the facts known to me and are made with my advice to the Defendant.


10 4. To the best of my knowledge and belief, the Defendant:

11 a. Is competent and understands the charges and the consequences of pleading
12 guilty as provided in this agreement.

13 b. Executed this agreement and will enter all guilty pleas pursuant hereto
14 voluntarily.


15 c. Was not under the influence of intoxicating liquor, a controlled substance or
16 other drug at the time I consulted with the defendant as certified in paragraphs
17 1 and 2 above.

18 Dated: This 16 day of July, 2009.

19 
20 ATTORNEY FOR DEFENDANT

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TRUE AND CORRECT COPY
OF THE ORIGINAL ON FILE


CLERK OF THE COURT.

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DA - Gonzales/Cabrera 000868

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DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

CASE NO. C256027

-vs-

DEPT. NO. XXI

JOSE A. GONZALES
aka Jose Alejandro Gonzales
#2636822

Defendant.

JUDGMENT OF CONVICTION
(PLEA OF GUILTY)

The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crime of ASSAULT WITH A DEADLY WEAPON (Category B Felony) in violation of NRS 200.471; thereafter, on the 27TH day of August, 2009, the Defendant was present in court for sentencing with his counsel ARNOLD WEINSTOCK, ESQ., and good cause appearing,

THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense and, in addition to the \$25.00 Administrative Assessment Fee and \$150.00 DNA Analysis Fee including testing to determine genetic markers, the Defendant is sentenced as follows:
TO A MAXIMUM of FORTY-EIGHT (48) MONTHS with a MINIMUM parole eligibility of

09-02-09A10:59 RCV9

DA - Gonzales/Cabrera 000869

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1 FOURTEEN (14) MONTHS in the Nevada Department of Corrections (NDC); with
2 SIXTY-FIVE (65) DAYS credit for time served.
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4 DATED this 28 day of September, 2009.
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6 Valerie Adair
7 VALERIE ADAIR
8 DISTRICT JUDGE JA
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Cheryl L. Brown
CLERK OF THE COURT

DA - Gonzales/Cabrera 000870

02347

IN THE SUPREME COURT OF THE STATE OF NEVADA

Electronically Filed
Aug 02 2018 10:53 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

IVONNE CABRERA,)	
)	Case No. 74341
Appellant,)	
)	
vs.)	
)	
THE STATE OF NEVADA,)	
)	
Respondent.)	
_____)	

AMENDED

APPENDIX TO APPELLANT'S OPENING BRIEF VOLUME XII

**Appeal from Judgment of Conviction
Eighth Judicial District Court**

Patricia M. Erickson, Esq.
Nevada Bar No. 3506
601 South Tenth St., Suite 108
Las Vegas, Nevada 89101
(702) 388-1055
pme@pmericksonlaw.com

Attorney for Appellant

Steven B. Wolfson
Nevada Bar No. 1565
Clark County District Attorney
200 Lewis Avenue, Third Floor
Las Vegas, Nevada 89155
(702) 671-2500

Attorney for Respondent

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Transcript Hearing on 09.12.2012	I 26 - 34
Transcript Hearing on 10.01.2012	I 72 - 79

Transcript Hearing on 10.17.2012	I 86 - 96
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Transcript Hearing on 09.09.2015	III 565 - 570
Transcript Hearing on 09.14.2015	III 592 - 621
Transcript Hearing on 11.20.2015	III 622 - 657
Transcript Hearing on 12.09.2015	III 658 - 672
Transcript Hearing on 12.16.2015	III 679 - 701
Transcript Hearing on 12.21.2015	III 702 - 712

Transcript Hearing on 06.22.2016	IV 734 - 751
Transcript Hearing on 08.08.2016	IV 768 - 784
Transcript Hearing for Jose Gonzales on 04.12.2017	IV 787 - 802
Transcript Hearing for Jose Gonzales on 05.22.2017	IV 813 - 877
Transcript Preliminary Hearing on 08.21.2012	I 5 - 16

1 JUSTICE COURT, LAS VEGAS TOWNSHIP

2 CLARK COUNTY, NEVADA

3 THE STATE OF NEVADA,

4 Plaintiff,

5 -vs-

6 CELSO PINEDA AGUIRRE #1423903,

7 Defendant.

CASE NO: 04F19415X

DEPT NO: 4

8 CRIMINAL COMPLAINT

9 The Defendant above named having committed the crimes of COERCION (Felony -
10 NRS 207.190), ASSAULT WITH A DEADLY WEAPON (Felony - NRS 200.471), and
11 BATTERY CONSTITUTING DOMESTIC VIOLENCE (Misdemeanor - NRS 200.481;
12 200.485; 33.018), in the manner following, to-wit: That the said Defendant, on or about the
13 1st day of November, 2004, at and within the County of Clark, State of Nevada,

14 COUNT 1 - COERCION

15 did then and there wilfully, unlawfully, and feloniously use physical force, or the
16 immediate threat of such force, against IVONNE CABRERA, with intent to compel her to
17 do, or abstain from doing, an act which she had a right to do, or abstain from doing, by using
18 force and/or violence to prevent the said IVONNE CABRERA from leaving the residence,
19 located at 1630 North Lamont, Las Vegas, Clark County, State of Nevada.

20 COUNT 2 - ASSAULT WITH A DEADLY WEAPON

21 did then and there wilfully, unlawfully, feloniously and intentionally place another
22 person, to-wit: IVONNE CABRERA, in reasonable apprehension of immediate bodily harm
23 with use of a deadly weapon, to-wit: a knife, by pointing said knife at the said IVONNE
24 CABRERA and threatening to kill the said IVONNE CABRERA.

25 COUNT 3 - BATTERY CONSTITUTING DOMESTIC VIOLENCE

26 did then and there wilfully and unlawfully use force or violence against or upon the
27 person of his spouse, former spouse, any other person to whom he is related by blood or
28 marriage, a person with whom he is or was actually residing, a person with whom he has had

ARREST REPORT

04F19415X14

☐ City☒ County☒ Adult☐ Juvenile

Sector/Beat F1

ID/EVENT# 1423903	ARRESTEE'S NAME (Last, First, Middle) AGUIRRE, CELSO, P.		S.S.#	
ARRESTEE'S ADDRESS (Number, Street, City, State, Zip Code) 1630 NORTH LAMONT, APARTMENT 101, LAS VEGAS, NEVADA, 89110				
CHARGES: ASSAULT WITH A DEADLY WEAPON BATTERY DOMESTIC VIOLENCE				
OCCURRED:	DATE 11/01/04	DAY OF WEEK MONDAY	TIME 2030 HRS	LOCATION OF ARREST (Number, Street, City, State, Zip Code) 1630 NORTH LAMONT, APARTMENT 101, LAS VEGAS, NEVADA, 89110
RACE	SEX	D.O.B.	HT	WT
	M	10/24/78	5'6"	145
HAIR	EYES	PLACE OF BIRTH		
BLK	BRO			

CIRCUMSTANCES OF ARREST

OFFICERS INVOLVED:

Officer J. Caine, P#6593
Officer D. Garner, P#7077

VICTIM INVOLVED:

Ivonne Cabrera
DOB: 07/17/80
1630 North Lamont, Apartment 101,
Las Vegas, Nevada, 89110

DETAILS:

On November 1, 2004, at approximately 1841 hours, I, Officer J. Caine, P#6593, operating as marked patrol unit 3F30, arrived at a domestic disturbance call. The details stated that the victim's husband had threatened her with a knife.

Upon arrival, I made contact with the victim, Ivonne Cabrera, date of birth 07/17/80, who was crying. She stated that on today's date, at approximately 1700 hours, her husband of three years, Celso Aguirre, who resides with her, called her at work stating that he was going to move out. Ivonne stated that she left work early and went home. Upon arrival, Celso had packed up his belongs along with his nephew, Francisco Aguirre, who is 17 years of age and was also living at the apartment. Ivonne stated at one point, Celso, became aggressive and locked the front door of the apartment while they were standing in the living room. She stated that Celso then grabbed a large, kitchen knife off the counter and was holding it pointed towards her in his right hand and stated that if she wasn't going to be with him that he was going to make it worth it.

Celso began yelling at her and threatened to kill her. She stated that Celso began walking towards her with the knife in his hand, as he was yelling. She stated that she believed that he was going to kill her, so she attempted to escape by opening the front-room window to climb out. While she was trying to climb out the window, Celso grabbed her and pushed

ARRESTING OFFICER(S)	P#	APPROVED BY	CONNECTING RPTS. (Type or Event Number)
J. CAINE		Lt. B. Zimmerman B3966Z 11-02-04@1816	041101-2591

VEGAS METROPOLITAN POLICE DEPARTMENT
CONTINUATION REPORT

ID/Event Number: 1423903

Page 2 of 2

her back into the apartment. She stated that she cut her finger while attempting to climb out of the window. Ivonne stated that Francisco was outside the apartment and came inside upon hearing the commotion telling Celso to calm down.

Celso and Francisco then left the apartment complex. Ivonne pointed out the knife Celso was using to threaten her with. A photo was taken of the knife, as well as the cut on her hand. Ivonne also stated that Celso had pushed her forcefully with his hand around the area of her right shoulder. Upon police leaving the scene, the suspect returned at approximately 1954 hours. Police then returned to the scene, and the suspect was detained. He was read his rights per Miranda at approximately 2024 hours and was questioned about the incident by Officer D. Garner, P#7077, who was also translating the suspect's statement in Spanish to English. The suspect stated that they did get into an argument in the apartment, and at one point, he became angry and grabbed Ivonne by the arm.

Celso stated that he did not pick up a knife and threaten his wife on today's date, but he admitted to doing it last week. Francisco was verbally questioned. He stated he did hear them arguing, so he went outside. He stated that he did notice the window open about four inches, and he heard arguing, so he went inside to check on them. He stated that he did not see anything else. The suspect was arrested for assault with a deadly weapon and battery domestic violence. He was transported to Clark County Detention Center where he was booked accordingly.

JC/teb (Records)

Job# 5054

Date & Time Dictated: 11/01/04 2308 hours

Date & Time Transcribed: 11/02/04 1035 hours

cc: Officer J. Caine

02326

Justice Court, Las Vegas Township

STATE VS. AGUIRRE, CELSO PINEDA

CASE NO. 04F19415X

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES — HEARING

CONTINUED TO:

NOVEMBER 3, 2004

CRIMINAL COMPLAINT FILED:
COUNT 1 - COERCION
COUNT 2 - ASSAULT WITH A DEADLY WEAPON
COUNT 3 - BATTERY CONSTITUTING DOMESTIC VIOLENCE

jm

NOVEMBER 4, 2004
A. ZIMMERMAN FOR
J. BIXLER
T. BRIERLY, DA
L. DIEFENBACH, PD
A. CAMPAGNA, CR
J. JOLLEY, CLK

INITIAL ARRAIGNMENT
DEFENDANT PRESENT IN COURT *IN CUSTODY*
DEFENDANT ADVISED OF CHARGES/REQUESTS READING OF COMPLAINT
SPANISH COURT INTERPRETER PRESENT IN COURT
COURT APPOINTS PUBLIC DEFENDER TO REPRESENT THE DEFENDANT
PRELIMINARY HEARING DATE SET

11-19-04 9:00 #4

DEFENDANT REMANDED TO THE CUSTODY OF THE SHERIFF

jm

NOVEMBER 19, 2004
R. WALSH FOR
J. BIXLER
K. KELLAM, DA
B. KHAMSI, PD
D. MCCORD, CR
S. SHROCK, CLK

TIME SET FOR PRELIMINARY HEARING
DEFENDANT PRESENT IN COURT *IN CUSTODY*
SPANISH COURT INTERPRETER PRESENT IN COURT
PER NEGOTIATIONS: DEFENDANT UNCONDITIONALLY WAIVES HIS
RIGHT TO A PRELIMINARY HEARING. DEFENDANT BOUND OVER AS
CHARGED TO DISTRICT COURT
APPEARANCE DATE SET
COURT RESET BAIL: \$100/100

11/30/04 9:00 #5
DISTRICT COURT

DEFENDANT REMANDED INTO THE CUSTODY OF THE SHERIFF

CASE FORWARDED TO
NOV 23 2004
COUNTY CLERK'S OFFICE SLS

NOV 30 2004

ORIGINAL

SANDRA JETER DEPUTY

GMEM
DAVID ROGER
DISTRICT ATTORNEY
Nevada Bar #002781
KRISTIN KELLAM
Deputy District Attorney
Nevada Bar #008138
200 South Third Street
Las Vegas, NV 89155-2212
(702) 455-4711
Attorney for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CELSO PINEDA AGUIRRE,
#1423903

Defendant.

CASE NO:

C206631

DEPT NO:

V

GUILTY PLEA AGREEMENT

I hereby agree to plead guilty to: **CONSPIRACY TO COMMIT BATTERY (Gross Misdemeanor - NRS 200.481, 199.480)**, as more fully alleged in the charging document attached hereto as Exhibit "1".

My decision to plead guilty is based upon the plea agreement in this case which is as follows:

The State has agreed to have no opposition to probation for a fixed term of two (2) years with all of the Domestic Violence requirements and a three hundred sixty-four (364) day suspended sentence. Further, the State retains the full right to argue other terms and conditions, such as alcohol counseling and any other conditions deemed appropriate by the Division of Parole and Probation.

CONSEQUENCES OF THE PLEA

I understand that by pleading guilty I admit the facts which support all the elements of the offense(s) to which I now plead as set forth in Exhibit "1".

1 I understand that as a consequence of my plea of guilty I may be imprisoned in the
2 Clark County Detention Center for a period of not more than one (1) year and that I may be
3 fined up to \$2,000.00. I understand that the law requires me to pay an Administrative
4 Assessment Fee.

5 I understand that, if appropriate, I will be ordered to make restitution to the victim of
6 the offense(s) to which I am pleading guilty and to the victim of any related offense which is
7 being dismissed or not prosecuted pursuant to this agreement. I will also be ordered to
8 reimburse the State of Nevada for any expenses related to my extradition, if any.

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

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

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

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

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

22 I understand that if the State of Nevada has agreed to recommend or stipulate a
23 particular sentence or has agreed not to present argument regarding the sentence, or agreed
24 not to oppose a particular sentence, or has agreed to disposition as a gross misdemeanor
25 when the offense could have been treated as a felony, such agreement is contingent upon my
26 appearance in court on the initial sentencing date (and any subsequent dates if the sentencing
27 is continued). I understand that if I fail to appear for the scheduled sentencing date or I
28 commit a new criminal offense prior to sentencing the State of Nevada would regain the full

1 right to argue for any lawful sentence.

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

5 I understand that as a consequence of my plea of guilty, if I am not a citizen of the
6 United States, I may, in addition to other consequences provided for by federal law, be
7 removed, deported, excluded from entry into the United States or denied naturalization.

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

15 WAIVER OF RIGHTS

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

18 1. The constitutional privilege against self-incrimination, including the right to refuse
19 to testify at trial, in which event the prosecution would not be allowed to comment to the
20 jury about my refusal to testify.

21 2. The constitutional right to a speedy and public trial by an impartial jury, free of
22 excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the
23 assistance of an attorney, either appointed or retained. At trial the State would bear the
24 burden of proving beyond a reasonable doubt each element of the offense charged.

25 3. The constitutional right to confront and cross-examine any witnesses who would
26 testify against me.

27 4. The constitutional right to subpoena witnesses to testify on my behalf.

28 5. The constitutional right to testify in my own defense.

1 6. The right to appeal the conviction, with the assistance of an attorney, either
2 appointed or retained, unless the appeal is based upon reasonable constitutional jurisdictional
3 or other grounds that challenge the legality of the proceedings and except as otherwise
4 provided in subsection 3 of NRS 174.035.

5 VOLUNTARINESS OF PLEA

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

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

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

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

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

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

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

22 \\

23 \\

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28 \\

1 IVONNE CABRERA, by grabbing the said IVONNE CABRERA by the arm and/or by
2 punching her on her shoulder.

3
4
5 BY


DAVID ROGER
DISTRICT ATTORNEY
Nevada Bar #002781

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27 DA#04F19415X/ac
LVMPD EV#0411012591
28 CONSP. COMMIT BATTERY - GM
(TK4)

BNCH

DISTRICT COURT
CLARK COUNTY, NEVADA

Shirley B. Rosenberg

THE STATE OF NEVADA

Plaintiff,

-vs-

CELSO PINEDA AGUIRRE,
ID# 1423903

Defendant.

FEB 23 3 37 PM '05

FILED

Case No. C206631
Dept No. V

BENCH WARRANT

THE STATE OF NEVADA,

TO: Any Sheriff, Constable, Marshal, Policeman, or Peace Officer in this State:

IT APPEARING to the Court that CELSO PINEDA AGUIRRE was heretofore ordered to appear before the above entitled Court on the 10th day of February, 2005, on the charge of **CONSPIRACY TO COMMIT BATTERY (Gross Misdemeanor - NRS 199.480, 200.481)**, and having failed to appear at said time, NOW, THEREFORE, YOU ARE COMMANDED to arrest and bring the said person before the Court, or, if the Court has adjourned, to deliver said person into the custody of the Sheriff of Clark County. The Warrant may be served at any hour day or night.

GIVEN under my hand this *23* day of February, 2005.

DAVID ROGER
District Attorney
Nevada Bar #002781

BY

Bernard B. Zadrowski

BERNARD B. ZADROWSKI
Deputy District Attorney
Nevada Bar #006545

Jankel
DISTRICT JUDGE
GLASS NO BAIL

DA#04F19415X/sam
LVMPD EV#0411012591/J. CAINE #6593
10/24/1978; HMA; 000-00-0000
(TK4)

RECEIVED

FEB 23 2005

COUNTY CLERK

RECEIVED
FEB 17 2005
COUNTY CLERK

02333

MARK
PROP

Case N

