

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

D'VAUGHN KEITHAN KING,

No. 74703

Electronically Filed  
Jun 04 2018 08:56 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Appellant,

v.

THE STATE OF NEVADA,

Respondent.

\_\_\_\_\_ /

**STATE'S SUPPLEMENTAL APPENDIX**

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1 John Ohlson, Esq.  
2 Bar Number 1672  
3 275 Hill Street, Suite 230  
4 Reno, Nevada 89501  
5 Telephone: (775) 323-2700  
6 *Attorneys for Defendant*

7 **SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**

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

9 \* \* \* \* \*

10 STATE OF NEVADA,

Case No. CR12-1160

11 Plaintiff,

Dept. No. 7

12 vs.

13 DVAUGHN KING,

14 Defendant.  
15 \_\_\_\_\_/

16 **DEFENDANT'S PRE-SENTENCE MEMORANDUM**

17 Comes now defendant above named, and submits the following pre-sentence  
18 memorandum:

19 1. P & P pre-sentence report: The department has prepared and submitted a  
20 presentence report regarding the defendant dated 12/31/13. Counsel has reviewed that report, and  
21 submits the following additions and corrections:

22 a. Page 3 of the report indicates that the defendant suffered 7 incarcerations in  
23 prison. The defendant would note that, of those 7, 3 were parole violations, not the result  
24 of separate convictions;

25 b. Page 6 of the report states that the defendant was arrested for "sex with a  
26 minor with a mental disability". This charge was dismissed.  
27  
28

1           c .       Page 8 of the report states that the defendant has 596 days credit for time  
2 served based on his arrest on this offense. While technically true, it is relevant for  
3 purposes described herein below that the defendant was actually arrested in California at  
4 the instigation of the Sparks Police Department (on or about November 8, 2010),  
5 investigating this case. California authorities arrested the defendant pursuant to this  
6 Sparks request and he was convicted and given an 8 year prison sentence in California for  
7 Possession of a controlled substance while armed. The defendant was arrested on this  
8 case, thereafter, while serving a prison term in California.  
9

10           d.       Page 3 of the report cites the jail classes completed by the defendant.  
11 Collective Exhibit 1 hereto are certificates of completion.  
12

13           e.       Paragraph V of the report is entitled "Offense Synopsis", while paragraph  
14 VI is labeled "Defendant's Statement." So styling these paragraphs lends the impression  
15 that paragraph V represents the truth, while paragraph VI simply records a defendant's  
16 avoidance. In many cases that may be accurate. It should be remembered that paragraphs  
17 V and VI are the respective accounts of co-defendants, each accusing the other of  
18 committing the crime. This observation does not take away from the defendant's  
19 acceptance of responsibility in any way. It is merely posed to cast these proceedings in the  
20 proper perspective.  
21

22           2.       Consecutive or concurrent with the California sentence? As set forth above, the  
23 warrant in this case was served on the defendant while he was doing an 8 year sentence in  
24 California. NRS 176.045 (1) provides as follows:

25           Whenever a person convicted of a public offense in this State is under sentence of  
26 imprisonment pronounced by another jurisdiction, federal or state, whether or not  
27 the prior sentence is for the same offense, the court in imposing any sentence for  
28 the offense committed in this State may, in its discretion, provide that such  
sentence shall run either concurrently or consecutively with the prior sentence.

1 The statute, therefore grants this Court the unfettered discretion to run this sentence either way  
2 with the existing California sentence. In this regard, it should be noted that the California arrest  
3 was instigated by Sparks police desire to investigate the defendant for this crime, and is therefore  
4 “collateral damage” (from the defendant’s perspective). It should also be noted that the California  
5 offense (possession of a controlled substance while in possession of a firearm) is a particular  
6 California offense and reaches a severity not known in Nevada).

8 3. Certificate of Counsel. Undersigned counsel certifies that:

- 9 a. He personally delivered a copy of the pre-sentence report to the defendant;  
10 b. He discussed the pre-sentence report in person with the defendant;  
11 c. During that discussion the defendant asked all question possessed of him  
12 and those questions were answered by counsel;  
13 d. The defendant reads and writes extremely well;  
14 e. The defendant obviously understands the report, and did articulate changes  
15 and corrections to counsel;  
16 f. There is no legal cause why sentence should not be imposed.

17  
18 **AFFIRMATION**  
19 **Pursuant to NRS 239B.030**

20 The undersigned does hereby affirm that the preceding document does not contain the  
21 social security number of any person.

22 Dated this 16th day of January, 2014.

23  
24 By: /s/ John Ohlson  
25 John Ohlson, Esq.  
26 Bar Number 1672  
27 275 Hill Street, Suite 230  
28 Reno, Nevada 89501  
Telephone: (775) 323-2700  
*Attorneys for Defendant*

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**CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of JOHN OHLSON, and that on this date I personally caused to be served a true copy of the foregoing **DEFENDANT’S PRE-SENTENCE MEMORANDUM**, addressed to:

Bruce Hahn, Esq.	<input type="checkbox"/>	Via U.S. Mail
Washoe County District Attorney’s Office	<input type="checkbox"/>	Via Overnight Mail
PO BOX 30083	<input type="checkbox"/>	Via Hand Delivery
Reno, NV 89520	<input type="checkbox"/>	Via Facsimile
	<input checked="" type="checkbox"/>	Via ECF

Dated this 16th day of January, 2014.

/s/ Robert M. May  
Robert M. May

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**SCHEDULE OF EXHIBITS**

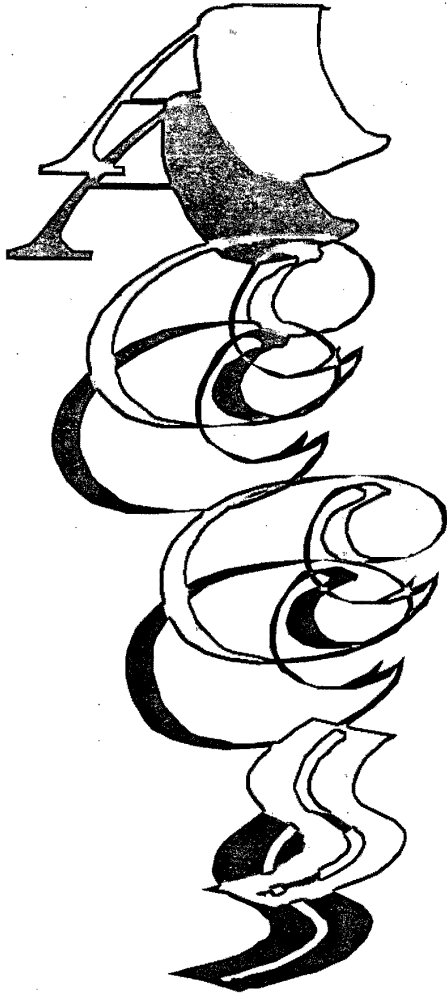
EXHIBIT 1: Certificates of Completion

**FILED**  
Electronically  
01-16-2014:02:55:01 PM  
Joey Orduna Hastings  
Clerk of the Court  
Transaction # 4262738

**EXHIBIT 1**

**EXHIBIT 1**





# Certificate Of Completion

Awarded to

*D'Vaughn King*

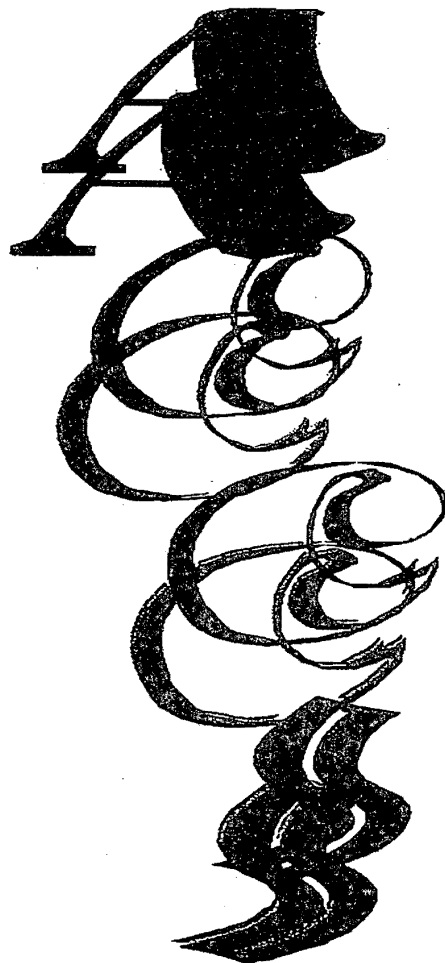
For Successful Completion of  
Domestic Violence II

Presented By  
American Comprehensive Counseling Services

Certificate  
222313

*Dan Leman MFT*  
ACCS Signature

November 21, 2013



# Certificate Of Completion

Awarded to

*D'oughn King*

For Successful Completion of  
Domestic Violence I

Presented By  
American Comprehensive Counseling Services

Certificate  
221769

*Cassie Buck*  
ACCS Signature

March 20, 2013



# CERTIFICATE of COMPLETION

KING, DVAUGHN KIETHAN

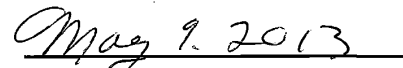
Has completed the Eleven Hour Course on

PARENTING THE ADOLESCENT  
AND TEENAGER

As programmed by:

Active Parenting Series  
(Atlanta, Georgia)

  
Dr. Pete Perriera - Instructor

  
Date

American Comprehensive Counseling Services

ACCS

Central Office Location:

738 Prater Way

Sparks, NV 89431

775-356-0371

Date:

Jan 15 2013

Re: ACCS Group Client:

D'Vaughn K. King

Detention Ctr Booking No:

1209206

Dear Mr. / Ms.

King

*Standard disclaimer: this correspondence is not and should not be considered a comprehensive assessment of performance or of recidivism risk.*

I am providing this letter to document for you and the court your participation in our in-custody group programs. You have, throughout your stay at the detention center, attended 23 weekly domestic violence groups. Please remember that our protocol prohibits sharing this information with other inmates, whether or not they are program participants.

On behalf of my colleagues at American Comprehensive Counseling Services (ACCS) I wish you the best resolving your legal entanglements and moving forward free of domestic violence. ACCS personnel will be happy to assist you with transition to community based treatment programs.

Very truly yours,

Dan Leman MFT



To whom it may concern:

Monday, September 24, 2012

Booking 12-9206

Housing: 08-26

Inmate KING,DVAUGHN KIETHAN

Total weekly sessions attended to date: 8

Successfully completed a minimum of 8 weekly Substance Abuse counseling sessions while in custody at the Washoe County Jail. The Substance Abuse counseling was provided by American Comprehensive Counseling Services (A.C.C.S.) at 911 Parr Blvd.

Under Nevada Revised Statute 211.340 this qualifies this person for a 5 day early release from the Washoe County Jail.

Attendance verified by:           W 2449  
  WCSO staff member/ID

# American Comprehensive Counseling Services

Dec 19, 2013

Dan Lemaire MFT  
ACCS  
860 Tyler Way,  
Sparks, NV, 89431  
775 356 0371

Judge Flannigan  
Dept 7  
Reno NV

Re: D'Vaughn King

Your Honor, Judge Flannigan;

Mr. King has been attending Domestic Violence groups at the Washoe County Detention Center on Parr Blvd., in Reno for over a year (about 60 groups at one per week; he has very rarely missed a week.) He is consistently a good participant. He will bring up situations for discussion from his own life, or he will have a question about subjects that he is interested in, sometimes from a book he is reading, always relevant to the context of a Domestic Violence group. He does not distract us from the subject matter at hand or derail the group. When he has questions from his own life, he is open to feedback from others and will give thoughtful consideration to what others suggest, making sure he understands thoroughly what others are saying. He also is able to give healthy feedback to other group members in a manner that is clear, understandable and compassionate.

Mr. King is a learner, always interested in going a little deeper than most into any given subject. He is interested in what others bring to the group, and typically is attentive to whatever is being discussed. He does not monopolize a discussion, but will be sure to give his input if he has an opinion. He seems to be well respected by others, and is certainly respectful towards everyone else in the room as I have experienced him. He speaks fondly of his children and family, and his concerns for them seem to be consistent and authentic.

Respectfully,



Dan Lemaire MFT

**CERTIFICATE OF SERVICE**

I hereby certify that this document was filed electronically with the Nevada Supreme Court on June 1, 2018. Electronic Service of the foregoing document shall be made in accordance with the Master Service List as follows:

Troy C. Jordan, Esq.

/s/ Margaret Ford  
MARGARET FORD