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NOV 06 2018

Douglas County  
District Court Clerk

FILED

2018 NOV -6 AM 10:30

Electronically Filed  
Nov 15 2018 02:12 p.m.

By Elizabeth A. Brown  
Clerk of Supreme Court

1 JOHN E. MALONE, ESQ.  
2 Nevada Bar No. 5706  
3 209 N. Pratt Ave.  
4 Carson City, NV 89701  
5 Attorney for Petitioner

6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

7 IN AND FOR DOUGLAS COUNTY

8  
9 MICHAEL LUIS COTA,  
10  
11 Petitioner,

CASE NO. 18-CR-0084

DEPT NO. 11

12 vs.

13 THE STATE OF NEVADA,  
14 Respondent.

15 **NOTICE OF APPEAL**

16 NOTICE is hereby given that MICHAEL LUIS COTA, Defendant above named, by and  
17 through his attorney, JOHN E. MALONE, ESQ., hereby appeals to the Supreme Court of Nevada  
18 from the Ninth Judicial District Court's Judgment of Conviction of Mr. Cota filed on the 10<sup>th</sup> day  
19 of October, 2018.

20 This appeal is to all issues of law.

21 DATED this 5<sup>th</sup> day of November, 2018.

22  
23 JOHN E. MALONE, ESQ.  
24 Attorney for the Petitioner,  
Michael Luis Cota

1 CERTIFICATE OF SERVICE

2 Pursuant to NRCP 5(b), I hereby certify that service of the foregoing NOTICE OF  
3 APPEAL was made this date by depositing a true copy of the same for mailing and/or hand  
4 delivery in Carson City, Nevada, addressed to each of the following:

5 Douglas County District Attorney's Office  
6 PO Box 218  
Minden, NV 89423

7 Michael Luis Cota, #1206075  
8 NNCC  
PO Box 7000  
9 Carson City, NV 89702

10 DATED this 5<sup>th</sup> day of November, 2018.

11 Kelly Atkinson  
12 Kelly Atkinson  
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FILED

1 JOHN E. MALONE, ESQ.  
2 Nevada Bar No. 5706  
3 209 N. Pratt Ave.  
4 Carson City, NV 89701  
5 Attorney for Petitioner

Douglas County  
District Court Clerk

2018 NOV -6 AM 10:30

BOBBIE R. WILLIAMS  
CLERK

BY ATL DEPUTY

6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
7  
8 IN AND FOR CARSON CITY

9 MICHAEL LUIS COTA,  
10  
11 Petitioner,

12 vs.

13 THE STATE OF NEVADA,  
14  
15 Respondent.

CASE NO. 18-CR-0084

DEPT NO. II

16 CASE APPEAL STATEMENT

- 17 1. Name of Appellant filing this case appeal statement: MICHAEL LUIS COTA.
- 18 2. Identify the judge issuing the order appealed from: HON. THOMAS W. GREGORY.
- 19 3. Identify each appellant and the name and address of counsel for each appellant:
- 20 MICHAEL LUIS COTA, Appellant, JOHN E. MALONE, ESQ., Counsel, 209 N. Pratt
- 21 Ave., Carson City, NV 89701.
- 22 4. Identify each respondent and the name and address of appellate counsel, if known, for
- 23 each respondent: STATE OF NEVADA, Respondent, Douglas County District
- 24 Attorney, 1038 Buckeye Road, Post Office Box 218, Minden, Nevada 89423.

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5. Indicate whether any attorney identified above in response to question 3 or 4 is not licensed to practice law in Nevada and, if so, whether the District Court granted that attorney permission to appear under SCR 42: Both attorneys identified in questions 3 and 4 are licensed to practice in Nevada.
6. Indicate whether Appellant was represented by appointed or retained counsel in the District Court: Counsel was appointed.
7. Indicate whether Appellant is represented by appointed or retained counsel on appeal: Counsel is appointed.
8. Indicate whether Appellant was granted leave to proceed in forma pauperis, and the date of entry of the District Court Order granting such leave: Not applicable.
9. Indicate the date the proceedings commenced in the District Court: Sentencing hearing, held on October 8, 2018.
10. Provide a brief description of the nature of the action and result in the District Court, including the type of Order being appealed and the relief granted by the District Court: This is a direct appeal from a Judgment of Conviction. Appellant pled guilty to one count of Principal to Grand Larceny of a Firearm, a category B felony. Appellant was sentenced to a maximum term of seventy-two (72) months and a minimum of term of sixteen (16) months and ordered to be joint and severally liable for restitution in the amount of nine hundred sixty-nine dollars and eighteen cents (\$969.18). At sentencing, the District Court, over defense objection, allowed a sentencing memo containing confidential juvenile justice information, and testimony regarding gang membership, to be introduced and considered at Mr. Cota's sentencing.

///  
///

1 11. Indicate whether the case has previously been the subject of an appeal to or original  
2 writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket  
3 number of the prior proceeding: Not applicable.

4 12. Indicate whether this appeal involves child custody or visitation: Not applicable.

5 13. If this civil case, indicate whether this appeal involves the possibility of settlement: Not  
6 applicable.

7 DATED this 5<sup>th</sup> day of November, 2018.

8  
9 JOHN E. MALONE, ESQ.  
10 NV State Bar No. 5706  
11 209 N. Pratt Ave.  
12 Carson City, NV 89701  
13 T: (775) 461-0254  
14 Attorney for the **Petitioner,**  
15 **Michael Luis Cota**  
16  
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CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I hereby certify that service of the foregoing CASE APPEAL STATEMENT was made this date by depositing a true copy of the same for mailing and/or hand delivery in Carson City, Nevada, addressed to each of the following:

Douglas County District Attorney's Office  
PO Box 218  
Minden, NV 89423

Michael Luis Cota, #1206075  
NNCC  
PO Box 7000  
Carson City, NV 89702

DATED this 5<sup>th</sup> day of November, 2018.

  
\_\_\_\_\_  
Kelly Atkinson

9TH JUDICIAL DISTRICT COURT  
 Bobbie R. Williams  
 Clerk of the Court  
 Ph 782-9820 Fax 782-9954  
 1038 Buckeye Rd.  
 P.O. Box 218  
 Minden, NV 89423-0000  
 (775)-782-9820, TTY for Deaf: (775)-782-9964  
 (775) 782-9820

11/09/18

Case Number: 18-CR-00084-DC FCAP  
 Date Filed: 05/29/18  
 Status: Re-Open  
 Judge Assigned: Gregory, Thomas

State Of Nevada vs Michael L Cota

### C A S E H I S T O R Y

#### INVOLVED PARTIES

Type Num	Name(Last,First,Mid,Title)	Dispo	Entered
PLT 001	State Of Nevada		05/30/18
	Attorney: 9999 ATTORNEY, DISTRICT		
	P O BOX 218		
	MINDEN, NV 89423		
	(775)782-9800		
DEF 001	Cota, Michael Louis		05/30/18
	Attorney: 005632 Ence, Matthew D	Removed: 06/13/18	
	5706 Malone, John		
	1865 Monte Vista Dr		
	Reno, NV 89511		
	(775)830-2307		

#### CALENDAR EVENTS

Date	Time	Dur	Cer	Evtnt	Jdg L	Day	Of	Rslt	By	ResultDt	Jdg T	Notice	Rec
06/18/18	09:00A	001	yes	ARGN	TWG	01	/01	CON	C	06/18/18	TWG		N
07/09/18	09:00A	001	yes	CRIM	TWG	01	/01	CON	C	07/09/18	TWG P		N
09/10/18	09:00A	001	yes	SENT	TWG	01	/01	CON	C	09/10/18	TWG		N
10/08/18	09:00A	001	yes	SENT	TWG	01	/01	CON	C	10/08/18	TWG		N

## COUNTS

Count	Ver	Amd	Date	ATN	Statute	Class	Disp	Date	Stg	Plea	Date	Vrd	Date	Judge
0001	001	0	02/13/18		NRS 199.480.3	GM	BTD	10/08/18	AR					TWG *
					CONSP TO COMMIT A CRIME									
0001	000	0	02/13/18		NRS 199.480.3	GM	BTD	10/08/18	AR					TWG *
					CONSP TO COMMIT A CRIME									
0002	001	0	02/13/18		NRS 199.480.3	GM	BTD	10/08/18	AR					TWG *
					CONSP TO COMMIT A CRIME									
0002	000	0	02/13/18		NRS 199.480.3	GM	BTD	10/08/18	AR					TWG *
					CONSP TO COMMIT A CRIME									
0003	001	0	02/13/18		NRS 205.060.4	FB	BTD	10/08/18	AR					TWG *
					BURGLARY WHILE IN POSSESSION OF FIREARM OR DEADLY WEAPON									
0003	000	0	02/13/18		NRS 205.060.4	FB	BTD	10/08/18	AR					TWG *
					BURGLARY WHILE IN POSSESSION OF FIREARM OR DEADLY WEAPON									
0004	001	0	02/13/18		NRS 205.226.2	FB	BTGP	10/08/18	AR	G	07/09/18			TWG *
					GRAND LARCENY OF FIREARM									
0004	000	0	02/13/18		NRS 205.226.2	FB	BTGP	10/08/18	AR	G	07/09/18			TWG *
					GRAND LARCENY OF FIREARM									
0005	001	0	02/13/18		NRS 205.275.2b	FC	BTD	10/08/18	AR					TWG *
					BUY, POSSESS, RECEIVE, OR WITHHOLD STOLEN PROPERTY, \$650 - \$3500									
0005	000	0	02/13/18		NRS 205.275.2b	FC	BTD	10/08/18	AR					TWG *
					BUY, POSSESS, RECEIVE, OR WITHHOLD STOLEN PROPERTY, \$650 - \$3500									

## SENTENCE

## JAIL

Count	Ver	Life/ Death	Serve Time				Suspended Time				Unsuspending Time			
			Years	Months	Days	Hours	Years	Months	Days	Hours	Years	Months	Days	Hours
0004	001		000	072	000	000	000	000	000	000	0000	000	000	000
0004	000		000	072	000	000	000	000	000	000	0000	000	000	000

## Count Ver

04 1 FREE TEXT: No remarks.  
The defendant is ineligible for parole.

## Count Ver

04 0 FREE TEXT: No remarks.  
The defendant is ineligible for parole.

## PROBATION

Supervised

UnSupervised



Count	Ver	Years	Months	Days	Hours	Years	Months	Days	Hours
4	1	000	000	000	000	000	000	000	000
4	0	000	000	000	000	000	000	000	000

## CONDITIONS OF PROBATION

## JUDGE HISTORY

JUDGE ASSIGNED	Type	Assign Date	Removal RSN
TWG Gregory, Thomas	J	05/29/18	

## DOCUMENT TRACKING

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User ID
001000	Order and Commitment	05/29/18		TWG	000	Moot	10/08/18	AN MB
002000	Information	05/29/18		TWG	PLT001	Moot	10/08/18	AN MB
003000	Guilty Plea Agreement Filed by DEF001-Cota, Michael Louis, PLT001-State Of Nevada,	06/04/18		TWG	DEF001	Moot	10/08/18	DG MB
004000	Motion to Withdraw as Counsel	06/07/18		TWG	000	Ruled	06/12/18	AN EP
005000		06/08/18		TBA	000	Moot	10/08/18	AN MB
006000	Order Granting Motion to Withdrawal as Counsel	06/12/18		TWG	000	Moot	10/08/18	MB MB
007000	Order Appointing Counsel (Malone)	06/13/18		TWG	000	Moot	10/08/18	AN MB
008000		06/13/18		TBA	000	Moot	10/08/18	AN MB
009000	Order Concerning Bail	06/18/18		TWG	000	Moot	10/08/18	DG MB
010000	Order Setting Hearing	06/22/18		TWG	000	Moot	10/08/18	AN MB
012000	Order Concerning Bail	07/09/18		TWG	000	Moot	10/08/18	MB MB
011000	Order Setting Hearing	07/10/18		TWG	000	Moot	10/08/18	AN MB
013000	Motion for Court Appointed Fees With Affidavit in Support Thereof	07/12/18		TWG	DEF001	Ruled	08/14/18	AN EP

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User	ID
014000		07/12/18		TBA	000	Moot	10/08/18	AN	MB
015000	Transcript of Proceedings (Arraignment 6/18/18)	07/13/18		TWG	000	Moot	10/08/18	AN	MB
016000	Transcript of Proceedings (Sentencing Hearing 7/9/18)	07/27/18		TWG	000	Moot	10/08/18	AN	MB
017000	Order for Payment of Attorney Fees	08/14/18		TWG	000	Moot	10/08/18	AN	MB
018000		08/14/18		TBA	000	Moot	10/08/18	AN	MB
019000	(SEALED) CONFIDENTIAL Pre-Sent. Invest	08/27/18		TWG	000	Moot	10/08/18	AN	MB
020000	Motion to File Sentencing Memorandum And/Or Exhibits Under Seal	08/28/18		TWG	PLT001	Ruled	08/29/18	AN	EP
021000		08/28/18		TBA	000	Moot	10/08/18	AN	MB
022000	(SEALED) Sentencing Memorandum	08/28/18		TWG	PLT001	Moot	10/08/18	AN	MB
023000	Order Sealing Sentencing Memorandum and Exhibits	08/29/18		TWG	000	Moot	10/08/18	AN	MB
024000		08/29/18		TBA	000	Moot	10/08/18	AN	MB
026000		08/30/18		TBA	000	Moot	10/08/18	KW	MB
025000	ExParte Motion for Psychological Evaluation and Fees	08/30/18		TWG	DEF001	Ruled	08/31/18	KW	EP
027000	Order Granting Ex Parte Motion for Psychological Evaluation and Fees	08/31/18		TWG	000	Moot	10/08/18	AN	MB
028000		08/31/18		TBA	000	Moot	10/08/18	AN	MB
029000	Motion to File Under Seal	08/31/18		TWG	DEF001	Ruled	09/05/18	AN	EP
030000		09/04/18		TBA	000	Moot	10/08/18	AN	MB
031000	Order to File Under Seal	09/05/18		TWG	000	Moot	10/08/18	AN	MB
032000		09/05/18		TBA	000	Moot	10/08/18	AN	MB
033000	(SEALED) Motion to Strike the State's Sentencing Memorandum and Attached Exhibits	09/06/18		TWG	DEF001	Ruled	09/13/18	AN	EP
034000		09/06/18		TBA	000	Moot	10/08/18	AN	MB
035000	Opposition to Motion to Strike the State's Sentencing Memorandum and Attached Exhibits	09/07/18		TWG	PLT001	Moot	10/08/18	MB	MB

Num/Seq	Description	Filed	Received	Party	Routed	Ruling	Closed	User	ID
036000	Order Setting Hearing	09/10/18	TWG	000		Moot	10/08/18	AN	MB
037000		09/11/18	TBA	000		Moot	10/08/18	AN	MB
038000	Disclosure	09/13/18	TWG	000		Moot	10/08/18	AN	MB
039000	(SEALED) Order	09/13/18	TWG	000		Moot	10/08/18	AN	MB
040000	Transcript of Proceedings (Sentencing 9/10/18)	09/25/18	TWG	000		Moot	10/08/18	AN	MB
043000	Motion for Court Appointed Fees With Affidavit in Support Thereof	10/03/18	TWG	000		Moot	10/08/18	AN	MB
041000	Defendant's Submission of Documentation In Mitigation Of Sentencing	10/04/18	TWG	DEF001		Moot	10/08/18	DG	MB
042000	Order for Payment of Attorney's Fees	10/09/18	TWG	000		Moot	10/08/18	MB	MB
044000		10/09/18	TBA	000		Moot	10/08/18	AN	MB
045000	Judgment of Conviction	10/10/18	TWG	000		Moot	10/08/18	MB	MB
046000	Transcript of Proceedings (Sentencing 10/8/18)	10/24/18	TWG	000				AN	AN
047000	Notice of Appeal	11/06/18	TWG	DEF001				AN	AN
048000	Case Appeal Statement	11/06/18	TWG	DEF001				AN	AN
049000	Request for Transcript of Proceedings	11/06/18	TWG	DEF001				AN	AN
050000		11/06/18	TBA	000				AN	AN

1 JOHN E. MALONE, ESQ.  
2 State Bar No. 5706  
209 N. Pratt Ave.  
3 Carson City, NV 89701  
Telephone (775) 461-0254  
4 Attorney for **Petitioner**

**RECEIVED**

NOV 06 2018

Douglas County  
District Court Clerk

**FILED**

2018 NOV -6 AM 10:30

BUEBIE R. WILLIAMS  
CLERK

BY *[Signature]* DEPUTY

6 IN THE NINTH JUDICIAL DISTRICT COURT OF STATE OF NEVADA

7 IN AND FOR DOUGLAS COUNTY

9 MICHAEL LUIS COTA,

10 Petitioner,

CASE NO. 18-CR-0084

DEPT NO. II

11 vs.

12 THE STATE OF NEVADA,

13 Respondent.

15 **REQUEST FOR TRANSCRIPT OF PROCEEDINGS**

16 TO: NINTH JUDICIAL DISTRICT COURT CLERK  
17 CAPITOL RECORDERS

18 MICHAEL LUIS COTA, Defendant named above, requests preparation of a transcript of  
19 proceedings before the District Court, as follows:


20 Specific individual dates of proceedings for which transcripts are being requested: October  
21 8, 2018 (Sentencing Hearing).

22 Specific portions of the transcript being requested: N/A.

23 Number of copies required: 3.

1 I hereby certify that on the 5<sup>th</sup> day of November, 2018, I ordered the transcript(s) listed  
2 above from the court reporter named above, and will submit the invoice from the court reporter to  
3 the court once received as this is a court appointed matter.

4 DATED this 5<sup>th</sup> day of Nov., 2018.

6  
7   
8 JOHN E. MALONE, ESQ.  
9 Nevada State Bar No. 5706  
10 209 N. Pratt Ave.  
11 Carson City, NV 89701  
12 T: (775) 461-0254  
13 F: (775) 461-0237  
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CERTIFICATE OF MAILING

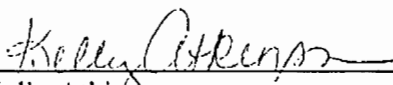
Pursuant to NRCP 5(b), I hereby certify that service of the foregoing REQUEST FOR TRANSCRIPT OF PROCEEDINGS was made this date by depositing a true copy of the same for mailing in Carson City, Nevada, addressed to each of the following:

Douglas County District Attorney's Office  
PO Box 218  
Minden, NV 89423

Capitol Reporters  
123 W. Nye Ln., Ste 107  
Carson City, NV 89706

MICHAEL LUIS COTA, #1206075  
NNCC  
PO Box 7000  
Carson City, NV 89702

DATED this 5<sup>th</sup> day of November, 2018.

  
\_\_\_\_\_  
Kelly Atkinson

FILED

1 Case No. 18-CR-0084

2 Dept. No. II

RECEIVED

OCT 10 2018

Douglas County  
District Court Clerk

2018 OCT 10 AM 11:54

DOBBIE R. WILLIAMS  
CLERK

BY WWS/12 DEPUTY

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5  
6 IN THE NINTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
7 IN AND FOR THE COUNTY OF DOUGLAS

8  
9 THE STATE OF NEVADA,  
10 Plaintiff,

11 vs.

JUDGMENT OF CONVICTION

12 MICHAEL LUIS COTA,  
13 Defendant.

14  
15 On the 9<sup>th</sup> day of July, 2018, Defendant entered a plea of  
16 guilty to the following offense contained within the Information:  
17 Count IV: PRINCIPAL TO GRAND LARCENY OF A FIREARM, a violation of  
18 NRS 205.226, NRS 195.020, a category B felony.

19 On the 8<sup>th</sup> day of October, 2018, Defendant appeared for  
20 sentencing. Finding no legal cause why judgment should not be  
21 pronounced, judgment was rendered as follows: Count IV: PRINCIPAL  
22 TO GRAND LARCENY OF A FIREARM, a violation of NRS 205.226, NRS  
23 195.020, a category B felony, imprisonment in the state prison for  
24 a maximum term of seventy-two (72) months and a minimum term of  
25 sixteen (16) months and ordered the Defendant to be joint and  
26 severally liable with Robert Donald Brown for restitution in the  
27 amount of nine hundred sixty-nine dollars and eighteen cents  
28 (\$969.18). Defendant is granted one hundred sixty-one (161) days

1 credit for time served.

2 Defendant shall pay statutory fees and assessments of \$25.00  
3 (NRS 176.062), \$3.00 (NRS 176.0623), and \$150.00 (NRS 176.0915).


4 Defendant shall appear on the first Monday following his  
5 release from incarceration at 9:00 a.m. to arrange a payment  
6 schedule for all Court ordered fees and restitution.

7 This judgment constitutes a lien in like manner as a judgment  
8 rendered in a civil action. NRS 176.275.

9 DATED this 10<sup>th</sup> day of October, 2018.

10

11

  
THOMAS W. GREGORY  
DISTRICT JUDGE

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CASE NO. 18-CR-0084

DEPT NO. II

THE STATE OF NEVADA,

v.

MICHAEL LOUIS COTA,

DATE: 06-18-2018 PLAINTIFFS COUNSEL:  
Michael S. Johnson

JUDGE: THOMAS W. GREGORY

CLERK: Delores Goelz DEFENDANTS COUNSEL:  
John Malone

COURT REPORTER: Christy Joyce

LAW CLERK: Skylar Young

BAILIFFS: David Nishikida/Les Vido

PAROLE & PROBATION: Heather Hardy

The above-entitled matter was before the Court this being the time set for ARRAIGNMENT. The defendant was present in court (in custody) and his true name was ascertained. The Court appointed Mr. Malone to represent the defendant in all further proceedings.

Mr. Malone requested a continuance.

Mr. Johnson did not oppose.

The Court continued this matter to a time to be determined by Mr. Malone.

The defendant was remanded to the custody of the Douglas County Sheriff.

CASE NO. 18-CR-0084

DEPT NO. II

THE STATE OF NEVADA,

v.

MICHAEL LOUIS COTA,

DATE: 7-9-2018 PLAINTIFFS COUNSEL:  
Matthew Johnson

JUDGE: THOMAS W. GREGORY

CLERK: Delores Goelz DEFENDANTS COUNSEL:  
John Malone

COURT REPORTER: Shelly Loomis

LAW CLERK: Skylar Young

BAILIFFS: Les Vido

PAROLE & PROBATION: Kayla Burt

The above-entitled matter was before the Court this being the time set for CONTINUED ARRAIGNMENT. The defendant was present in court and represented by counsel.

The Information was filed with the Court on May 29<sup>th</sup>, 2018; copies were received and acknowledged and the defendant waived the formal reading thereof. The Information charges the defendant with Count I: CONSPIRACY TO COMMIT BURGLARY AND/OR LARCENY, a gross misdemeanor, in violation of NRS 199.480; Count II: CONSPIRACY TO COMMIT AN OFFENSE INVOLVING STOLEN PROPERTY, a gross misdemeanor, a violation of NRS 199.480; Count III: PRINCIPAL TO BURGLARY WITH A DEADLY WEAPON OR FIREARM, a category B felony, in violation of NRS 205.060(1), (4), NRS 195.020; Count IV: PRINCIPAL TO GRAND LARCENY OF A FIREARM, a category B felony, in violation of NRS 205.226, NRS 195.020; Count V: PRINCIPAL TO POSSESSION OF STOLEN PROPERTY, a category C felony, in violation of NRS 205.275, NRS 195.020.

The Guilty Plea Agreement is on file with the Court. The defendant advised that he understands its contents and that he entered into the agreement freely and voluntarily.

To Count IV contained in the Information, the defendant entered a plea of GUILTY.

Mr. Johnson informed the Court that pursuant to the Guilty Plea, counts 1, 2, 3 and 5 will be dismissed.

The Court advised the defendant of all his legal and constitutional rights, and of the elements of the offense. The defendant understands the maximum penalty as outlined in the Plea Agreement and that sentencing lies solely with the Court. The Court advised the defendant that it can consider all original charges when determining the appropriate sentence in this matter. The Court advised the defendant that payment of restitution may be ordered if deemed appropriate by the Court. The defendant stated his involvement in the matter.

The Court accepted the plea of the defendant as having been freely, voluntarily and intelligently made and ordered it entered on the record.

Sentencing is set for Monday, September 10, 2018 at 9:00 a.m., and the matter was referred to the Division of Parole and Probation for a pre-sentence report. The Court ordered the defendant to appear at the time set for sentencing, and advised the defendant that failure to appear would result in the issuance of a bench warrant and the filing of additional charges.

The Court entered an Order Concerning Bail.

The defendant was remanded to the custody of the Douglas County Sheriff.

CASE NO. 18-CR-0084

DEPT NO. II

THE STATE OF NEVADA,

v.

MICHAEL LUIS COTA,

DATE: 10/8/18 PLAINTIFFS COUNSEL:  
Matthew Johnson

JUDGE: THOMAS W. GREGORY

CLERK: Mary Biaggini DEFENDANTS COUNSEL:  
John Malone

COURT REPORTER: Kathy Jackson

LAW CLERK: Syndie Wells

BAILIFFS: Les Vido/David Nishikida

PAROLE & PROBATION: Pat Cerniglia

The above-entitled matter was before the court this being the time set for SENTENCING. The defendant was present in court and represented by counsel.

**WITNESSES SWORN AND TESTIFIED:**

Deputy Francisco Torres

Mika Cota

The Pre-sentence Report is on file with the Court; copies were received and acknowledged. There were no factual errors contained in the report.

Mr. Malone requested that the Court sentence the defendant to the Regimental Discipline Program.

Mr. Johnson requested that the Court impose a 12-30 month sentence to run consecutive to the sentence imposed in case no. 18-CR-0116 and dismissed Counts I, II, III and V.

Finding no legal cause why judgment should not be pronounced, judgment was rendered as follows: Count IV: PRINCIPAL TO GRAND LARCENY OF A FIREARM, a violation of NRS 205.226, NRS 195.020, a category B felony, imprisonment in the state prison for a maximum term of seventy-two (72) months and a minimum term of sixteen

(16) months and ordered the Defendant to be joint and severally liable with Robert Donald Brown for restitution in the amount of nine hundred sixty-nine dollars and eighteen cents (\$969.18). Defendant is granted one hundred sixty-one (161) days credit for time served.

Defendant shall pay statutory fees and assessments of \$25.00 (NRS 176.062), \$3.00 (NRS 176.0623), and \$150.00 (NRS 176.0915).

Defendant shall appear on the first Monday following his release from incarceration at 9:00 a.m. to arrange a payment schedule for all Court ordered fees and restitution.


This judgment constitutes a lien in like manner as a judgment rendered in a civil action. NRS 176.275.

The defendant was remanded to the custody of the Douglas County Sheriff.

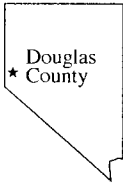
1 STATE OF NEVADA           )  
                                  )  
2 COUNTY OF DOUGLAS       )       SS

3  
4           I, BOBBIE R. WILLIAMS, Clerk of the Ninth Judicial  
5 District Court, State of Nevada, in and for the said County of  
6 Douglas; said Court being a Court of Record, having common law  
7 jurisdiction, and a Clerk and a Seal, do hereby certify that the  
8 foregoing are the full, true copies of the original pleadings  
9 filed in Case No. 18-CR-0084 STATE V. MICHAEL LUIS COTA. Notice  
10 of Appeal; Case Appeal Statement; District Court Docket entries;  
11 Request for Transcripts; Judgment of Conviction; District Court  
12 minutes.

13           IN       TESTIMONY       WHEREOF, I have hereunto set my hand  
14 and affixed my Official Seal at Minden, in said County and State  
15 this 9<sup>th</sup> day of November, A.D., 2018.

16  
17   
\_\_\_\_\_  
Clerk of Court

18           *ANEM*  
19 \_\_\_\_\_  
Deputy Clerk



**BOBBIE R. WILLIAMS**  
**CLERK OF COURT**  
**COURT ADMINISTRATOR**  
**JURY COMMISSIONER**

**District Court Clerk's Office**  
(775) 782-9820  
**Tahoe Justice Court**  
(775) 586-7200  
**East Fork Justice Court**  
(775) 782-9955

**Transmittal to the Supreme Court**

To: Nevada Supreme Court  
210 South Carson Street  
Carson City, Nevada 89710

Date: November 9, 2018

Re: District Court Case #: 18-CR-0084

District Court Case Name: **STATE V. MICHAEL LUIS COTA**

The following documents are transmitted to the Supreme Court pursuant to the July 22, 1996 revisions to the Nevada Rules of Appellate Procedure. Checked items are **NOT** included in this appeal:

- ☐ Notice of Appeal
- ☐ Case Appeal Statement
- ☒ Notice of Posting of Appeal Bond
- ☐ District Court Docket entries
- ☐ Request for Transcript
- ☐ Judgment(s) or order(s) appealed from
- ☒ Order (NRAP FORM 4)
- ☒ Notice of entry of the judgment(s) or order(s) appealed from
- ☒ Certification order directing entry of judgment pursuant to NRCP 54(b)
- ☐ District Court Minutes
- ☒ Exhibit List
- ☒ Supreme Court filing fee (\$250.00), under separate cover.

Respectfully,  
BOBBIE WILLIAMS  
CLERK OF THE COURT

By:

  
Deputy Court Clerk