

1 **2515**
2 Thomas E. Viloría, Esq.
3 Nevada Bar No. 003833
4 VILORIA, OLIPHANT, OSTER & AMAN L.L.P.
5 P.O. Box 62
6 Reno, NV 89504
7 (775) 284-8888
8 Attorney for Defendant

Electronically Filed
Feb 20 2019 01:28 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

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

7 IN AND FOR THE COUNTY OF WASHOE

8 * * *

9 THE STATE OF NEVADA

10 Plaintiff,

Case No. CR18-1142

11 vs.

Dept. No. 8

12 TYLER CHASE NIED,

13 Defendant.
14 _____/

15 **NOTICE OF APPEAL TO SUPREME COURT**

16 TO: THE STATE OF NEVADA, Plaintiff; and

17 TO: The Washoe County District Attorney's Office, its counsel:

18 PLEASE TAKE NOTICE that the Defendant TYLER CHASE NIED, hereby appeals to
19 the Supreme Court of the State of Nevada from the Judgment of Conviction filed January 17,
20 2019.

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ATTORNEYS AND
COUNSELORS AT LAW
Office: (775) 284-8888 Fax: (775) 284-3838
P. O. Box 62 ~ RENO, NEVADA 89504
327 CALIFORNIA AVENUE ~ RENO, NEVADA 89509

VILORIA,
OLIPHANT,
OSTER &
AMAN L.L.P.

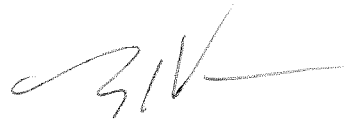
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AFFIRMATION PURSUANT TO NRS 239B.030

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

DATED this 14th day of February, 2019.

FAHRENDORF, VILORIA,
OLIPHANT & OSTER L.L.P.


By: _____
Thomas E. Viloría, Esq.

ATTORNEYS AND
COUNSELORS AT LAW
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CERTIFICATE OF SERVICE

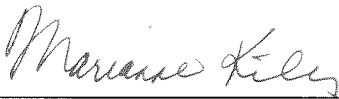
Pursuant to NRCP 5(b), I certify that I am an employee of the law firm of VILORIA, OLIPHANT, OSTER & AMAN L.L.P., and that on the date shown below, I caused service of a true and correct copy of the attached:

NOTICE OF APPEAL

to be completed by electronic service upon electronically filing the within document with the Second Judicial District Court addressed to:

KEVIN NAUGHTON, ESQ. for STATE OF NEVADA
DIV. OF PAROLE & PROBATION

DATED this 14th day of February, 2019.



Employee of Viloria, Oliphant, Oster & Aman L.L.P.

ATTORNEYS AND
COUNSELORS AT LAW
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2 Nevada Bar No. 003833
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4 (775) 284-8888
Attorney for Defendant
5

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

7 IN AND FOR THE COUNTY OF WASHOE

8 * * *

9 THE STATE OF NEVADA

10 Plaintiff,

Case No. CR18-1142

11 vs.

Dept. No. 8

12 TYLER CHASE NIED,

13 Defendant.
14 _____/

15 **CASE APPEAL STATEMENT**
16

17 1. Name of Appellant filing this Case Appeal Statement: Defendant, TYLER CHASE
18 NIED.

19 2. Identify the judge issuing the decision, judgment or order appealed from: The Honorable
20 Barry Breslow.

21 3. Identify each Appellant and the name and address of counsel for each Appellant: TYLER
22 CHASE NIED, Defendant; Thomas E. Viloría, Esq., Viloría, Oliphant, Oster & Aman, L.L.P.,
23 327 California Avenue, Reno, Nevada 89509.

24 4. Identify each Respondent and the name and address of appellate counsel, if known, for
25 each Respondent: THE STATE OF NEVADA, Plaintiff; Washoe County District Attorney's
26 Office, Appellate Division, 1 South Sierra Street, 7th Floor, Reno Nevada 89501.

27 5. Indicate whether any attorney identified above in response to questions 3 or 4 is not
28 licensed to practice law in Nevada: Not applicable.

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VILORIA,
OLIPHANT,
OSTER &
AMAN LLP.

6. Indicate whether Appellant was represented by appointed or retained counsel in the district court: Retained.

7. Indicate whether Appellant is represented by appointed or retained counsel on Appeal: Retained.

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 of the proceedings commenced in the district court: The original Information was filed July, 18, 2018.

10. Provide a brief description of the nature of the action and the result in the district court, including the type of judgment, or order appealed and the relief granted by the district court:

An Amended Information was filed July 20, 2018 alleging Reckless Driving Resulting in Death or Substantial Bodily Harm to Another Person. The Defendant entered a guilty plea to the charge. The parties were free to argue for an appropriate sentence. The Defendant also agreed to pay restitution as determined by this court. The Defendant filed his Notice of Objection to Restitution Amount in PSI on January, 15, 2018. The Defendant was sentenced on January 16, 2019. At sentencing the State admitted Exhibit "1" in support of the restitution amount. The District Court placed the Defendant on Probation for a fixed period of 5 years with a number of special conditions. The District Court further ordered payment of restitution in the amount of Four Hundred Sixty-Three Thousand, Eight Hundred Twenty Five Dollars and Fifty-Nine Cents (\$463,825.59), a fine of Two Thousand Dollars (\$2,000.00), plus the administrative fee, DNA fee and testing fee. This appeal is from the sentence imposed only and in relation to the amount of restitution ordered.

11. Indicate whether the case has been previously been the subject of an appeal to or original writ proceeding in the Supreme Court: No.

12. Indicate whether this appeal involves child custody or visitation: No.

13. If this is a civil case, Not applicable.

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AFFIRMATION PURSUANT TO NRS 239B.030

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DATED this 14th day of February, 2019.

VILORIA, OLIPHANT
OSTER & AMAN L.L.P.



By: _____
Thomas E. Vilorio, Esq.

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VILORIA,
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OSTER &
AMAN L.L.P.

1 **CERTIFICATE OF SERVICE**

2 Pursuant to NRCP 5(b), I certify that I am an employee of the law firm of VILORIA,
3 OLIPHANT, OSTER & AMAN L.L.P., and that on the date shown below, I caused service of a
4 true and correct copy of the attached:

5 **CASE APPEAL STATEMENT**

6 to be completed by electronic service upon electronically filing the within document with the
7 Second Judicial District Court addressed to:

8 KEVIN NAUGHTON, ESQ. for STATE OF NEVADA
9 DIV. OF PAROLE & PROBATION

10 DATED this 14th day of February, 2019.

11 *Mariann Kiley*
12 Employee of Viloria, Oliphant, Oster & Aman L.L.P.
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1 **3870**
2 Thomas E. Vioria, Esq.
3 Nevada Bar No. 003833
4 VILORIA, OLIPHANT, OSTER & AMAN L.L.P.
5 P.O. Box 62
6 Reno, NV 89504
7 (775) 284-8888
8 Attorney for Defendant

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

10 IN AND FOR THE COUNTY OF WASHOE

11 * * *

12 THE STATE OF NEVADA

13 Plaintiff,

Case No. CR18-1142

14 vs.

Dept. No. 8

15 TYLER CHASE NIED,

16 Defendant.

17 **REQUEST FOR TRANSCRIPT**

18 TO: Isolde Zihn, Court Reporter Dept. 8.

19 Defendant, TYLER CHASE NIED, hereby requests a copy of the transcript of sentencing
20 on January 16, 2019. Apparently one was already prepared and filed on February 12, 2019.
21 Defendant also requests a true and correct copy of his transcript of his August 29, 2018
22 arraignment filed September 9, 2018.

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By: 
Thomas E. Vioria, Esq.

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1 **CERTIFICATE OF SERVICE**

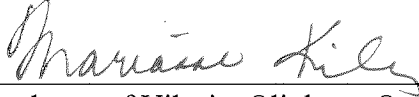
2 Pursuant to NRCP 5(b), I certify that I am an employee of the law firm of VILORIA,
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4 true and correct copy of the attached:

5 **REQUEST FOR TRANSCRIPT**

6 to be completed by electronic service upon electronically filing the within document with the
7 Second Judicial District Court addressed to:

8 KEVIN NAUGHTON, ESQ. for STATE OF NEVADA
9 DIV. OF PAROLE & PROBATION

10 DATED this 14th day of February, 2019.

11 
12 _____
13 Employee of Viloría, Oliphant, Oster & Aman L.L.P.
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VILORIA,
OLIPHANT,
OSTER &
AMAN L.L.P.

**SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE**

Case History - CR18-1142

DEPT. D8

HON. BARRY L. BRESLOW

Report Date & Time

2/14/2019

3:45:45PM

Case Description: STATE VS. TYLER CHASE NIED (D8)

Case ID:	CR18-1142	Case Type:	CRIMINAL	Initial Filing Date:	7/2/2018
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Parties

PLTF	STATE OF NEVADA - STATE
DA	Jennifer P. Noble, Esq. - 9446
DA	Kevin P. Naughton, Esq. - 12834
DEFT	TYLER CHASE NIED - @1326187
DATY	Thomas E. Vilorio, Esq. - 3833
PNP	Div. of Parole & Probation - DPNP

Charges

<i>Charge No.</i>	<i>Charge Code</i>	<i>Charge Date</i>	<i>Charge Description</i>
1	53896	7/20/2018	AI RECKLESS DRIVING RESULTING IN DEATH OR SUBSTANTIAL BODILY HARM TO ANOTHER PERSON

Plea Information

<i>Charge No.</i>	<i>Plea Code</i>	<i>Plea Date</i>	<i>Plea Description</i>
1	53896	8/29/2018	PLED GUILTY

Sentences

<i>Date</i>	<i>Charge No.</i>	<i>Charge Desc</i>	<i>Time Served</i>	<i>Sentence Text</i>
1/16/2019	1	Nevada State Prison/Probation		NDOC 24-60 MONTHS, SUSP. PROB. GRANTED FOR A FIXED TERM OF 5 YEARS, SPECIAL CONDITIONS IMPOSED TO INCLUDE THE DEF SERVING 30 DAYS IN THE WASHOE COUNTY JAIL AS A CONDITION OF PROBATION - FLAT TIME - WITH THE DEFENDANT SELF-SURRENDERING NO LATER THAN 11:00 A.M. ON JULY 1, 2019, RESTITUTION, FEES

Release Information

Custody Status

Hearings

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>	<i>Disposed Date</i>
1 D8	ARRAIGNMENT	7/26/2018 09:00:00	7/23/2018

Event Extra Text:

Disposition:
D845 7/23/2018

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>	<i>Disposed Date</i>
2 D8	ARRAIGNMENT	8/29/2018 09:00:00	8/29/2018

Event Extra Text:

Disposition:
D655 8/29/2018
TO THE INFORMATION

Case Description: STATE VS. TYLER CHASE NIED (D8)

Case ID:	CR18-1142	Case Type:	CRIMINAL	Initial Filing Date:	7/2/2018
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	Department	Event Description	Sched. Date & Time		Disposed Date
3	D8	SENTENCING	1/7/2019	09:00:00	12/19/2018
	Event Extra Text:		Disposition:		
			D844	12/19/2018	

	Department	Event Description	Sched. Date & Time		Disposed Date
4	D8	SENTENCING	1/7/2019	09:00:00	12/19/2018
	Event Extra Text:		Disposition:		
			D844	12/19/2018	

	Department	Event Description	Sched. Date & Time		Disposed Date
5	D8	SENTENCING	1/16/2019	11:00:00	1/16/2019
	Event Extra Text:		Disposition:		
			D765	1/16/2019	
			1/16/19: Sentencing Court Reporter: I. Zihn		

	Department	Event Description	Sched. Date & Time		Disposed Date
6	D9	SENTENCING	1/16/2019	09:00:00	1/16/2019
	Event Extra Text:		Disposition:		
			D844	1/16/2019	
			COURT CALLED CASE TO INFORM ALL PARTIES THAT MATTER TO BE HEARD IN DEPT. 8 ON 1/16/19 AT 11:00 A.M.		

Agency Cross Reference

Code	Agency Description	Case Reference I.D.
DA	District Attorney's Office	DA175557
PC	PCN number	PCNRPD0016984C
PC	PCN number	PCNRPD0016985C
RJ	Reno Justice's Court	RCR2017091699
RP	Reno Police Department	RP17009682
RP	Reno Police Department	RP17009685

Actions				
Action Entry Date	Code	Code Description	Text	
7/2/2018	1250E	Application for Setting eFile	7/26/18 AT 0900 - Transaction 6757836 - Approved By: NOREVIEW : 07-02-2018:16:04:55	
7/2/2018	NEF	Proof of Electronic Service	Transaction 6757841 - Approved By: NOREVIEW : 07-02-2018:16:05:52	
7/2/2018	2522	Notice of Bindover	Transaction 6757758 - Approved By: NMASON : 07-02-2018:15:58:01	
7/2/2018	3700	Proceedings	Transaction 6757758 - Approved By: NMASON : 07-02-2018:15:58:01	
7/3/2018	1491	Pretrl Srves Assessment Report	Transaction 6758996 - Approved By: NMASON : 07-03-2018:11:45:07	
7/3/2018	NEF	Proof of Electronic Service	Transaction 6759126 - Approved By: NOREVIEW : 07-03-2018:11:48:08	
7/18/2018	NEF	Proof of Electronic Service	Transaction 6782653 - Approved By: NOREVIEW : 07-18-2018:11:49:53	
7/18/2018	4265	Waiver of Preliminary Exam	Transaction 6782500 - Approved By: YVILORIA : 07-18-2018:11:48:46	
7/18/2018	1800	Information	Transaction 6782500 - Approved By: YVILORIA : 07-18-2018:11:48:46	
7/20/2018	1095	Amended Information	Transaction 6789079 - Approved By: NMASON : 07-23-2018:08:14:22	
7/20/2018	NEF	Proof of Electronic Service	Transaction 6788821 - Approved By: NOREVIEW : 07-20-2018:15:45:27	
7/20/2018	4045	Stipulation to Continuance	Transaction 6788742 - Approved By: PMSEWELL : 07-20-2018:15:42:56	

Case Description: STATE VS. TYLER CHASE NIED (D8)				
Case ID:	CR18-1142	Case Type:	CRIMINAL	Initial Filing Date: 7/2/2018
7/23/2018	NEF	Proof of Electronic Service	Transaction 6789313 - Approved By: NOREVIEW : 07-23-2018:08:15:21	
7/24/2018	NEF	Proof of Electronic Service	Transaction 6793134 - Approved By: NOREVIEW : 07-24-2018:15:04:00	
7/24/2018	3020	Ord Granting Continuance	Transaction 6793119 - Approved By: NOREVIEW : 07-24-2018:15:02:33	
8/21/2018	BAIL	**Bailbond Posted	Bond ID: IS15K-380195; Total Bond Amount: \$5,000.00.	
8/21/2018	BAIL	**Bailbond Posted	Bond ID: IS50K-126608; Total Bond Amount: \$40,000.00.	
8/28/2018	3645	Petition ...	PETITION FOR TREATMENT PURSUANT TO NRS 458.300 - Transaction 6852549 - Approved By: PMSEWELL	
8/28/2018	NEF	Proof of Electronic Service	Transaction 6852849 - Approved By: NOREVIEW : 08-28-2018:14:46:27	
8/28/2018	1785	Guilty Plea Memo/Agreement	Transaction 6852564 - Approved By: NOREVIEW : 08-28-2018:13:55:08	
8/28/2018	NEF	Proof of Electronic Service	Transaction 6852587 - Approved By: NOREVIEW : 08-28-2018:13:57:46	
9/9/2018	NEF	Proof of Electronic Service	Transaction 6869967 - Approved By: NOREVIEW : 09-09-2018:09:25:48	
9/9/2018	4185	Transcript	AUGUST 29, 2018 ARRAIGNMENT - Transaction 6869966 - Approved By: NOREVIEW : 09-09-2018:09:24:58	
9/14/2018	NEF	Proof of Electronic Service	Transaction 6881199 - Approved By: NOREVIEW : 09-14-2018:15:36:08	
9/14/2018	MIN	***Minutes	8/29/18 ARRAIGNMENT - Transaction 6881190 - Approved By: NOREVIEW : 09-14-2018:15:34:55	
12/19/2018	NEF	Proof of Electronic Service	Transaction 7031118 - Approved By: NOREVIEW : 12-19-2018:08:43:15	
12/19/2018	4500	PSI - Confidential	Transaction 7031040 - Approved By: CVERA : 12-19-2018:08:42:00	
12/20/2018	NEF	Proof of Electronic Service	Transaction 7034118 - Approved By: NOREVIEW : 12-20-2018:11:33:01	
12/20/2018	NEF	Proof of Electronic Service	Transaction 7034522 - Approved By: NOREVIEW : 12-20-2018:13:43:42	
12/20/2018	2550	Notice of Hearing	NOTICE OF HEARING - Transaction 7033974 - Approved By: YVILORIA : 12-20-2018:11:31:16	
12/20/2018	1930	Letters ...	Transaction 7034452 - Approved By: PMSEWELL : 12-20-2018:13:42:47	
12/28/2018	1932	Letter Rejecting – Specialty C	Transaction 7042987 - Approved By: CSULEZIC : 12-28-2018:12:19:42	
12/28/2018	NEF	Proof of Electronic Service	Transaction 7042993 - Approved By: NOREVIEW : 12-28-2018:12:20:38	
1/3/2019	4105	Supplemental ...	LETTER IN MITIGATION OF SENTENCING (FILED CONFIDENTIAL) - Transaction 7050376 - Approved By: SF	
1/3/2019	NEF	Proof of Electronic Service	Transaction 7050396 - Approved By: NOREVIEW : 01-03-2019:16:17:25	
1/10/2019	NEF	Proof of Electronic Service	Transaction 7061803 - Approved By: NOREVIEW : 01-10-2019:14:00:04	
1/10/2019	1930	Letters ...	DOCUMENTS IN MITIGATION OF SENTENCING (FILED CONFIDENTIAL) - Transaction 7061714 - Approved By: SF	
1/11/2019	NEF	Proof of Electronic Service	Transaction 7063964 - Approved By: NOREVIEW : 01-11-2019:13:24:19	
1/11/2019	1476	Current Supervision for this C	Transaction 7063954 - Approved By: NOREVIEW : 01-11-2019:13:23:00	
1/15/2019	NEF	Proof of Electronic Service	Transaction 7068859 - Approved By: NOREVIEW : 01-15-2019:14:05:57	
1/15/2019	1930	Letters ...	UNIVERSITY OF NEVADA INFORMATION IN MITIGATION OF SENTENCING - Transaction 7067542 - Approved By: SF	
1/15/2019	2610	Notice ...	NOTICE OF OBJECTION TO RESTITUTION AMOUNT IN PSI - Transaction 7068714 - Approved By: SWILLIAN	
1/15/2019	NEF	Proof of Electronic Service	Transaction 7067559 - Approved By: NOREVIEW : 01-15-2019:08:31:24	
1/16/2019	COLL	Sent to Collections	16-JAN-2024	
1/16/2019	1695	** Exhibit(s) ...	1/16/19: Sentencing	
1/16/2019	EXONF	**Cash Bail Exon/Pay Fees/Fine	SLIPS SENT 1/23/19 IS15K-380195 & IS50K-126608 DN	
1/17/2019	2502	** Notes ...	Certified copy of the JOC placed in Washoe County Detention pick up folder. Special condition relating to self-s	
1/17/2019	2670	Ord Admit Deft Prob w/Terms	1/16/2019 Sentencing - Transaction 7073277 - Approved By: NOREVIEW : 01-17-2019:12:17:37	
1/17/2019	1850	Judgment of Conviction	1/16/19 Sentencing - Transaction 7073277 - Approved By: NOREVIEW : 01-17-2019:12:17:37	
1/17/2019	NEF	Proof of Electronic Service	Transaction 7073280 - Approved By: NOREVIEW : 01-17-2019:12:18:40	
1/23/2019	COC	Evidence Chain of Custody Form		

Case Description: STATE VS. TYLER CHASE NIED (D8)

Case ID:	CR18-1142	Case Type:	CRIMINAL	Initial Filing Date:	7/2/2018
1/29/2019	MIN	***Minutes	1/16/19 Sentencing - Transaction 7091646 - Approved By: NOREVIEW : 01-29-2019:15:44:32		
1/29/2019	NEF	Proof of Electronic Service	Transaction 7091653 - Approved By: NOREVIEW : 01-29-2019:15:45:50		
2/2/2019	NEF	Proof of Electronic Service	Transaction 7099399 - Approved By: NOREVIEW : 02-02-2019:12:19:10		
2/2/2019	MIN	***Minutes	1/16/19 - SENT (CONT'D-D8 TO HEAR) - Transaction 7099398 - Approved By: NOREVIEW : 02-02-2019:12:18		
2/12/2019	4185	Transcript	JANUARY 16, 2019 SENTENCING - Transaction 7113552 - Approved By: NOREVIEW : 02-12-2019:07:15:28		
2/12/2019	NEF	Proof of Electronic Service	Transaction 7113554 - Approved By: NOREVIEW : 02-12-2019:07:19:00		
2/14/2019	1310	Case Appeal Statement	Transaction 7118612 - Approved By: CVERA : 02-14-2019:11:16:04		
2/14/2019	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 7119695 - Approved By: N		
2/14/2019	2610	Notice ...	NOTICE OF CHANGE OF LAW FIRM NAME - Transaction 7118612 - Approved By: CVERA : 02-14-2019:11:16:		
2/14/2019	\$2515	\$Notice/Appeal Supreme Court	Transaction 7118612 - Approved By: CVERA : 02-14-2019:11:16:04		
2/14/2019	2515	Notice of Appeal Supreme Court			
2/14/2019	3870	Request	REQUEST FOR TRANSCRIPT - Transaction 7118612 - Approved By: CVERA : 02-14-2019:11:16:04		
2/14/2019	NEF	Proof of Electronic Service	Transaction 7119702 - Approved By: NOREVIEW : 02-14-2019:15:45:08		
2/14/2019	NEF	Proof of Electronic Service	Transaction 7118667 - Approved By: NOREVIEW : 02-14-2019:11:22:20		
2/14/2019	NEF	Proof of Electronic Service	Transaction 7118633 - Approved By: NOREVIEW : 02-14-2019:11:17:10		
2/14/2019	PAYRC	**Payment Receipted	A Payment of \$34.00 was made on receipt DCDC631107.		
2/14/2019	1015	Acknowledgment of Receipt	Transaction 7118622 - Approved By: JAPARICI : 02-14-2019:11:20:56		
2/14/2019	PAYVD	**Payment Voided	Receipt Number DCDC631107 has been voided.		

1 **CODE 1850**

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

9 **STATE OF NEVADA,**

10 **Plaintiff,**

11 **vs.**

Case No. CR18-1142

12 **TYLER CHASE NIED,**

Dept. No. 8

13 **Defendant.**
14 _____/

15 **JUDGMENT OF CONVICTION**

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

19 Tyler Chase Nied is guilty of the crime of Reckless Driving Resulting in
20 Death or Substantial Bodily Harm to Another Person, a violation of NRS 484B.653(6), a
21 category B felony, as charged in the Amended Information, and that he be punished by
22 imprisonment in the Nevada Department of Corrections for a minimum term of Twenty-
23 Four (24) months to a maximum term of Sixty (60) months, with Five (5) days credit for
24 time served and by payment of restitution in the amount of Four Hundred Sixty-Three
25 Thousand, Eight Hundred Twenty-Five Dollars and Fifty-Nine Cents (\$463,825.59) and
26 payment of a fine in the amount of Two Thousand Dollars (\$2000.00). It is further
27 ordered that the sentence is suspended, and the Defendant is placed on probation for the
28 fixed period of time of Five (5) years, with special conditions imposed. Special conditions

1 of probation are as outlined in the Order Admitting Defendant to Probation and Fixing the
2 Terms Thereof.

3 It is further ordered as a condition of probation Defendant shall serve Thirty
4 (30) days flat time in the Washoe County Detention Facility, and shall self-surrender to
5 the Washoe County Detention Facility on July 1, 2019, no later than 11:00 a.m.

6 It is further ordered that the Defendant shall pay the statutory Twenty-Five
7 Dollar (\$25.00) administrative assessment fee, a Sixty Dollar (\$60.00) chemical/drug
8 analysis fee, the Three Dollar (\$3.00) administrative assessment fee for obtaining a
9 biological specimen and conducting a genetic marker analysis, the One Hundred Fifty
10 Dollar (\$150.00) DNA testing fee, and submit to a DNA analysis to determine the
11 presence of genetic markers, if not previously ordered.

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

16 Dated this 17 day of January, 2019.

17 NUNC PRO TUNC to the 16th day of January, 2019.

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22 DISTRICT JUDGE
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CASE NO. CR18-1142

STATE OF NEVADA VS. TYLER CHASE NIED

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

08/29/2018

ARRAIGNMENT

HONORABLE

BARRY L.

BRESLOW

DEPT. NO. 8

A. DeGayner

(Clerk)

I. Zihn

(Reporter)

Deputy District Attorney Adam Cate represented the State.

Defendant was present, represented by Thomas Vilorio, Esq.

Specialists Thomas Wilson and Barbara Kelly were present on behalf of the Division of Parole and Probation.

TRUE NAME: TYLER CHASE NIED.

Defendant handed a copy of the Amended Information; waived reading. Counsel for the Defendant stated plea negotiations and provided a Guilty Plea Memorandum to the Court. Defendant entered a plea of Guilty to Reckless Driving Resulting in Death or Substantial Bodily Harm to Another Person, a violation of NRS 484B.653(6), a Category B Felony, as contained in the Amended Information. Court interrogated the Defendant, advised him of his rights, found that there was a factual basis for the plea and that the Defendant understood the elements of the offense and the possible punishment therefore; Court further found that the plea was knowing, voluntary and intelligent, that the Defendant was competent to enter the plea and accepted the same.

Counsel Vilorio advised the Court that the defense does intend to make an application for Mental Health Court.

COURT ORDERED: Presentence Investigation Report and matter CONTINUED for Entry of Judgment and Imposition of Sentence.

Defendant was admonished to keep in touch with counsel, cooperate with the Division of Parole and Probation and continue with Pre-Trial Services check-ins.

Defendant remained out of custody on bail.

01/07/2019

9:00 a.m.

Sentencing

CASE NO. CR18-1142

STATE OF NEVADA vs. TYLER CHASE NIED

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

1/16/2019

HONORABLE

BARRY L.

BRESLOW

DEPT. NO. 8

M. Conway

(Clerk)

I. Zihn

(Reporter)

SENTENCING HEARING

Deputy District Attorney Kevin Naughton was present in Court on behalf of the State.

Thomas Vilorio, Esq. was present in Court on behalf of Defendant Tyler Chase Nied, who was present, out of custody on supervised bail.

Parole and Probate Specialist Steve Em was present in Court on behalf of the Department of Public Safety, Parole and Probation.

Court addressed and advised the parties that it had reviewed the entire case including all documents regarding Defendant's ongoing counseling, all evaluations, letters in mitigation, report on Defendant's UNR student status, the BLVD program, the Defendant's statement, and the victim impact statement. Court further acknowledge that the Defendant has been performing well on bail and is working.

Counsel Vilorio addressed the Court and stated his objections to the Probation Success Probability (PSP) Score, the scoring matrix and reviewed *Blankenship v. State*. Counsel Vilorio stated his objections to the calculation of the score and moved to strike this information or make a "Blankenship" adjustment. Counsel Vilorio presented argument in support of a grant of 458 Diversion, argued in support of probation and/or in the alternative, the Regimental Discipline program. Counsel Vilorio further reviewed the restitution amount, the victim's out of pocket expenses and discussed lost wages.

The Defendant addressed the Court on his own behalf.

Counsel Naughton addressed the Court and reviewed the Blankenship argument presented by Counsel Vilorio. Counsel Naughton argued in opposition of striking the PSP Score and in opposition of granting 458 Diversion. Counsel Naughton review the amounts representing the total restitution of \$463,825.59 and referenced *Martinez v. State*. Counsel Naughton argued in support of 12-36 months.

Counsel Vilorio responded and addressed *Martinez v. State* and argued that a grant of 458 Diversion does not require the Defendant to be an addict.

Counsel Naughton replied and argued that 458 Diversion is to treat addicts and argued that the Defendant is not an addict.

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

1/16/2019

HONORABLE

BARRY L.

BRESLOW

DEPT. NO. 8

M. Conway

(Clerk)

I. Zihn

(Reporter)

SENTENCING HEARING

Counsel Naughton called **Marie Holt**, who was sworn and testified as to the calculation of restitution. Counsel Vilorio questioned Marie Holt.

State marked for identification Exhibit 1 (UMR Claims Data Totals); no objection.

COURT ORDERED: Exhibit 1 ADMITTED.

Counsel Naughton called **Andria Holt** who was sworn and presented a victim impact statement.

Counsel Naughton called **Patrick Holt** who was sworn and presented a victim impact statement.

12:37 p.m. - Recess taken.**1:00 p.m. - Court reconvened with all parties present.**

COURT FINDS Tyler Chase Nied having entered a plea of guilty, and no sufficient cause being shown by Defendant as to why judgment should not be pronounced against him finds Tyler Chase Nied is guilty of the crime of Reckless Driving Resulting in Death or Substantial Bodily Harm to Another Person, a violation of NRS 484B.653(6), a category B felony, as charged in the Amended Information.

COURT ORDERED: Tyler Chase Nied be punished by imprisonment in the Nevada Department of Corrections for a minimum term of Twenty-Four (24) months to a maximum term of Sixty (60) months, with Five (5) days credit for time served and by payment of restitution in the amount of Four Hundred Sixty-Three Thousand, Eight Hundred Twenty-Five Dollars and Fifty-Nine Cents (\$463,825.59) and payment of a fine in the amount of Two Thousand Dollars (\$2000.00). It is further ordered that the sentence is suspended, and the Defendant is placed on probation for the fixed period of time of Five (5) years, with special conditions imposed. Special conditions of probation are as outlined in the Order Admitting Defendant to Probation and Fixing the Terms Thereof and include the following; Defendant shall serve Thirty (30) days in the Washoe County Detention Facility. Defendant shall self-surrender on July 1, 2019, no later than 11:00 a.m. and shall serve 30 days flat time, with no good time/work time credit, Defendant shall abstain from the use, possession or control of any controlled substances, alcohol, and marijuana during his term of probation, unless prescribed by a licensed medical professional; Defendant shall submit his person, place of residence, vehicle or areas under his control to search at any time, with or without a search warrant or warrant of arrest,

DATE, JUDGE

OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

1/16/2019

HONORABLE

BARRY L.

BRESLOW

DEPT. NO. 8

M. Conway

(Clerk)

I. Zihn

(Reporter)

SENTENCING HEARING

for evidence of a crime or violation of probation by the Division of Parole and Probation or its agent; Defendant shall maintain steady and gainful employment, actively seek gainful employment if not employed, and/or maintain an educational and/or vocational program as approved by the Division of Parole and Probation during his term of probation; Defendant shall submit to random substance abuse testing as deemed appropriate by the Division of Parole and Probation to determine whether he is using a controlled substance; Defendant shall participate in a mental health counseling program, at his own expense, as approved by the Division of Parole and Probation until discharged by agreement of both his supervising officer and counselor; Defendant shall submit his computer, computer hard drive, cellular phone or any other electronic devices under his control to search and seizure at any time by any parole and probation officer, with or without a warrant, for review of social media and/or texting as evidence of a crime or violation of probation, if deemed necessary by the supervising officer, the Defendant shall submit to the residential confinement/electronic monitoring program administered by the Division of Parole and Probation, at the Defendant's own expense, for a period not to exceed 90 days, Defendant shall pay restitution (\$463,825.59), a fine (\$2000.00), the administrative assessment fees (\$3.00 and \$25.00), the Chemical Analysis Fee (\$60.00) and the DNA analysis fee (\$150.00) as ordered in the Judgment of Conviction.

IT IS FURTHER ORDERED that as a condition of probation Defendant shall serve Thirty (30) days flat time in the Washoe County Detention Facility, and shall self-surrender to the Washoe County Detention Facility on July 1, 2019, no later than 11:00 a.m.

It is further ordered that the Defendant shall pay the statutory Twenty-Five Dollar (\$25.00) administrative assessment fee, a Sixty Dollar (\$60.00) chemical/drug analysis fee, the Three Dollar (\$3.00) administrative assessment fee for obtaining a biological specimen and conducting a genetic marker analysis, the One Hundred Fifty Dollar (\$150.00) DNA testing fee, and submit to a DNA analysis to determine the presence of genetic markers, if not previously ordered.

SENTENCING HEARING

CR18-1142 STATE OF NEVADA vs. TYLER CHASE NIED

Deputy District Attorney Kevin Naughton on behalf of the State of Nevada
Thomas Vilorio, Esq. on behalf of Tyler Chase Nied

Case No: **CR18-1142** Dept. No: 8 Clerk: **M. Conway** Date: 1/16/2019

Exhibit No.	Party	Description	Marked	Offered	Admitted
1	Plaintiff - State of Nevada	UMR Claims Data Totals	1/16/2019	No objection	1/16/2019

CASE NO. CR18-1142

STATE OF NEVADA VS. TYLER CHASE NIED

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

1/16/19
HON. SCOTT N.
FREEMAN
DEPT. NO. 9
L. Sabo
L. Gillings
(Clerks)
C. Amundson
(Reporter)
K. Vietti
(Bailiff)
None
(Court Services)

ENTRY OF JUDGMENT AND IMPOSITION OF SENTENCE

Deputy D.A. Matthew Lee represented the State.
Defendant was present with counsel, Thomas Vilorio, Esq.
Probation Specialist, Jenny Lopez, was present.
The Court called this case to inform respective counsel and all parties that this matter had been placed on the Department 9 criminal docket because of a scheduling conflict in Department 8. However, Department 8 no longer had a conflict and Judge Breslow had directed that sentencing be heard in Department 8 on this date, January 16, 2019, at 11:00 a.m.
Counsel for Defendant addressed the Court and expressed concern with the PSI Report, specifically the Probation Success Probability Score sheet and discussed Blankenship v. State and how that case applies herein.
The Court directed defense counsel to address his concerns with Judge Breslow if he believed it to be appropriate.
COURT ORDERED: Matter vacated from Department 9's docket to be heard in Department 8 at 11:00 a.m.
Defendant remained on supervised bail.

Code 1350

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA
IN AND FOR THE COUNTY OF WASHOE

STATE OF NEVADA,

Case No. CR18-1142

Plaintiff,

Dept. No. 8

vs.

TYLER CHASE NIED,

Defendant.

CERTIFICATE OF CLERK AND TRANSMITTAL – NOTICE OF APPEAL

I certify that I am an employee of the Second Judicial District Court of the State of Nevada, County of Washoe; that on the 14th day of February, 2019, I electronically filed the Notice of Appeal in the above entitled matter to the Nevada Supreme Court.

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

Dated this 14th day of February, 2019

Jacqueline Bryant
Clerk of the Court

By /s/ Cynthia Vera
Cynthia Vera
Deputy Clerk