

IN THE SUPREME COURT OF THE STATE OF NEVADA

MELVIN LEROY GONZALES, JR.,

Appellant,

vs.

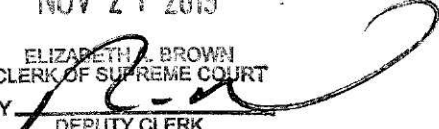
THE STATE OF NEVADA,

Respondent.

Docket No. 78152
Electronically Filed
Oct 28 2019 12:43 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

FILED

NOV 21 2019

ELIZABETH A. BROWN
CLERK OF SUPREME COURT
BY  DEPUTY CLERK

RENEWED MOTION FOR DISTRICT COURT CLERK TO TRANSMIT
PRESENTENCE INVESTIGATION REPORT

COMES NOW, Appellant, MELVIN LEROY GONZALES, JR., by and through KARLA K. BUTKO, Esq., as prepared and submitted by KARLA K. BUTKO, Esq., and hereby files this Second Request that this Court enter an Order directing the Clerk of the Six Judicial District Court of Humboldt County, Nevada, to forward to the Nevada Supreme Court a copy of the presentence investigation report dated February 4, 2014, prepared by the Nevada Department of Parole & Probation on the case of *State of Nevada v. Melvin Leroy Gonzales, Jr.*, case number CR13-6257.


Upon further review, this Court will have noted that one of the key appellate issues in this litigation is whether the State breached the plea bargain by way of its sentencing argument. At that argument, the State argued for the terms of the presentence report to be the judgment of the Court on sentencing. Defense counsel did not object to the argument of the State, even though the presentence report recommended a sentence in excess of that found in the plea bargain between the parties.

19-47750

While this attorney did quote the recommendation of the presentence report at Page 6 of the Opening Brief, that document could not be placed into the Appendix on appeal because it is a sealed document by law. Usually, this Court prefers to have the entire record before it when deciding a case. Rather than run the risk that the Court will blame this attorney for not insuring the correct pleadings are before the appellate court, it seems prudent to renew the request that the presentence report be forwarded to this Court for its review of this critical plea bargain issue.

Counsel believes the document is necessary for this Court's review of the appellate litigation.

Dated this 28 day of October, 2019.


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CERTIFICATE OF SERVICE

I, Karla K. Butko, Esq., hereby certify that on this date I caused to be personally delivered by E-flex delivery system of the Nevada Supreme Court and by United States Postal Delivery, First Class Mail, the foregoing document, addressed to the following:

Michael MacDonald
District Attorney for Humboldt County
P. O. Box 909
Winnemucca, NV 89446

ATTN: Anthony Gordon, Esq.

DATED this 28 day of October, 2019.



KARLA K. BUTKO, ESQ.