CARL E.G. ARNOLD, ESQ.

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Electronically Filed Oct 12 2020 11:49 p.m. Elizabeth A. Brown Clerk of Supreme Court

Attorney for Appellant

IN THE SUPREME COURT OF THE STATE OF NEVADA

Docket No: 81011

DAINE CRAWLEY,

Appellant,

VS.

THE STATE OF NEVADA,

Respondent.

APPELLANT'S APPENDIX

VOLUME 1

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Electronically Filed 7/12/2019 10:11 AM Steven D. Grierson CLERK OF THE COURT 1 **INFM** STEVEN B. WOLFSON 2 Clark County District Attorney Nevada Bar #001565 3 DAVID STANTON Chief Deputy District Attorney 4 Nevada Bar #003202 200 Lewis Avenue 5 Las Vegas, Nevada 89155-2212 (702) 671-2500 6 Attorney for Plaintiff 7 I.A. 7/15/19 DISTRICT COURT 10:00 A.M. CLARK COUNTY, NEVADA 8 PD BALLOU 9 THE STATE OF NEVADA. CASE NO: C-19-341735-1 10 Plaintiff, DEPT NO: VI 11 -VS-12 DAINE ANTON CRAWLEY, #7031173 13 INFORMATION Defendant. 14 15 STATE OF NEVADA SS. 16 COUNTY OF CLARK STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State 17 of Nevada, in the name and by the authority of the State of Nevada, informs the Court: 18 That DAINE ANTON CRAWLEY, the Defendant(s) above named, having committed 19 the crime of CARRYING CONCEALED FIREARM OR OTHER DEADLY WEAPON 20 (Category C Felony - NRS 202.350 (1)(d)(3) - NOC 51459), on or about the 12th day of June. 21 2019, within the County of Clark, State of Nevada, contrary to the form, force and effect of 22 statutes in such cases made and provided, and against the peace and dignity of the State of 23 Nevada, did then and there willfully, unlawfully and feloniously carry concealed upon his 24 // 25 // 26 27 //// 28

person, a firearm or other deadly weapon, to wit: a knife. STEVEN B. WOLFSON Clark County District Attorney Nevada Bar #001565_ BYDAVID STANTON Chief Deputy District Attorney Nevada Bar #003202 19F11843X/rmj LVMPD EV#190600056903 (TK7)



1 GPA STEVEN B. WOLFSON 2 Clark County District Attorney Nevada Bar #001565 3 **DAVID STANTON** Chief Deputy District Attorney 4 Nevada Bar #003202 200 Lewis Avenue Las Vegas, NV 89155-2212 5 (702) 671-2500 6 Attorney for Plaintiff 7 8 9 THE STATE OF NEVADA,

FILED IN OPEN COURT STEVEN D. GRIERSON CLERK OF THE COURT

JUL 1 5 2019

BY, Wisten BROWN, DEPUTY

DISTRICT COURT CLARK COUNTY, NEVADA

C - 19 - 341735 - 1 GPA Guilty Plea Agreement



Plaintiff,

-VS-

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DAINE ANTON CRAWLEY, #7031173

Defendant.

CASE NO: C-19-341735-1

DEPT NO: VI

GUILTY PLEA AGREEMENT

I hereby agree to plead guilty to: CARRYING CONCEALED FIREARM OR OTHER DEADLY WEAPON (Category C Felony - NRS 202.350 (1)(d)(3) - NOC 51459), 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 retains the right to argue at sentencing. The State will not oppose Defendant's own recognizance release at entry of plea.

I agree to the forfeiture of any and all weapons or any interest in any weapons seized and/or impounded in connection with the instant case and/or any other case negotiated in whole or in part in conjunction with this plea agreement.

I understand and agree that, if I fail to interview with the Department of Parole and Probation, fail to appear at any subsequent hearings in this case, or an independent magistrate, by affidavit review, confirms probable cause against me for new criminal charges including

reckless driving or DUI, but excluding minor traffic violations, the State will have the unqualified right to argue for any legal sentence and term of confinement allowable for the crime(s) to which I am pleading guilty, including the use of any prior convictions I may have to increase my sentence as an habitual criminal to five (5) to twenty (20) years, life without the possibility of parole, life with the possibility of parole after ten (10) years, or a definite twenty-five (25) year term with the possibility of parole after ten (10) years.

Otherwise I am entitled to receive the benefits of these negotiations as stated in this plea agreement.

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 FIVE (5) years. The minimum term of imprisonment may not exceed forty percent (40%) of the maximum term of imprisonment. I understand that I may also be fined up to \$10,000.00. I understand that the law requires me to pay an Administrative Assessment Fee.

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

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

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

I understand that if I am pleading guilty to charges of Burglary, Invasion of the Home, Possession of a Controlled Substance with Intent to Sell, Sale of a Controlled Substance, or

Gaming Crimes, for which I have prior felony conviction(s), I will not be eligible for probation and may receive a higher sentencing range.

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

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

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

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

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

I understand that if I am not a United States citizen, any criminal conviction will likely result in serious negative immigration consequences including but not limited to:

- 1. The removal from the United States through deportation;
- 2. An inability to reenter the United States;
- 3. The inability to gain United States citizenship or legal residency;
- 4. An inability to renew and/or retain any legal residency status; and/or
- 5. An indeterminate term of confinement, with the United States Federal Government based on my conviction and immigration status.

Regardless of what I have been told by any attorney, no one can promise me that this conviction will not result in negative immigration consequences and/or impact my ability to become a United States citizen and/or a legal resident.

I understand that the Division of Parole and Probation will prepare a report for the sentencing judge prior to sentencing. This report will include matters relevant to the issue of sentencing, including my criminal history. This report may contain hearsay information

regarding my background and criminal history. My attorney and I will each have the opportunity to comment on the information contained in the report at the time of sentencing. Unless the District Attorney has specifically agreed otherwise, the District Attorney may also comment on this report.

WAIVER OF RIGHTS

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

- 1. The constitutional privilege against self-incrimination, including the right to refuse to testify at trial, in which event the prosecution would not be allowed to comment to the jury about my refusal to testify.
- 2. The constitutional right to a speedy and public trial by an impartial jury, free of excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the assistance of an attorney, either appointed or retained. At trial the State would bear the burden of proving beyond a reasonable doubt each element of the offense(s) charged.
- 3. The constitutional right to confront and cross-examine any witnesses who would testify against me.
- 4. The constitutional right to subpoena witnesses to testify on my behalf.
- 5. The constitutional right to testify in my own defense.
- 6. The right to appeal the conviction with the assistance of an attorney, either appointed or retained, unless specifically reserved in writing and agreed upon as provided in NRS 174.035(3). I understand this means I am unconditionally waiving my right to a direct appeal of this conviction, including any challenge based upon reasonable constitutional, jurisdictional or other grounds that challenge the legality of the proceedings as stated in NRS 177.015(4). However, I remain free to challenge my conviction through other post-conviction remedies including a habeas corpus petition pursuant to NRS Chapter 34.

VOLUNTARINESS OF PLEA

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

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

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

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

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

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

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

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

DATED this $f \le 1$ day of July, 2019.

AGREED TO BY:

Chief Deputy District Attorney Nevada Bar #003202

CERTIFICATE OF COUNSEL:

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

- 1. I have fully explained to the Defendant the allegations contained in the charge(s) to which guilty pleas are being entered.
- 2. I have advised the Defendant of the penalties for each charge and the restitution that the Defendant may be ordered to pay.
- I have inquired of Defendant facts concerning Defendant's immigration status and explained to Defendant that if Defendant is not a United States citizen any criminal conviction will most likely result in serious negative immigration consequences including but not limited to:
 - a. The removal from the United States through deportation;
 - b. An inability to reenter the United States;
 - c. The inability to gain United States citizenship or legal residency;
 - d. An inability to renew and/or retain any legal residency status; and/or
 - e. An indeterminate term of confinement, by with United States Federal Government based on the conviction and immigration status.

Moreover, I have explained that regardless of what Defendant may have been told by any attorney, no one can promise Defendant that this conviction will not result in negative immigration consequences and/or impact Defendant's ability to become a United States citizen and/or legal resident.

- 4. All pleas of guilty offered by the Defendant pursuant to this agreement are consistent with the facts known to me and are made with my advice to the Defendant.
- 5. To the best of my knowledge and belief, the Defendant:
 - a. Is competent and understands the charges and the consequences of pleading guilty as provided in this agreement,
 - b. Executed this agreement and will enter all guilty pleas pursuant hereto voluntarily, and
 - c. Was not under the influence of intoxicating liquor, a controlled substance or other drug at the time I consulted with the Defendant as certified in paragraphs 1 and 2 above.

Dated: This 15th day of July, 2019.

DEFENSE ATTY. NAME

rmj/L3

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7/12/2019 10:11 AM Steven D. Grierson CLERK OF THE COURT 1 **INFM** STEVEN B. WOLFSON 2 Clark County District Attorney Nevada Bar #001565 3 DAVID STANTON Chief Deputy District Attorney 4 Nevada Bar #003202 200 Lewis Avenue 5 Las Vegas, Nevada 89155-2212 (702) 671-2500 6 Attorney for Plaintiff 7 DISTRICT COURT I.A. 7/15/19 CLARK COUNTY, NEVADA 10:00 A.M. 8 PD BALLOU 9 THE STATE OF NEVADA, CASE NO: C-19-341735-1 10 Plaintiff, DEPT NO: VI 11 -VS-12 DAINE ANTON CRAWLEY. #7031173 13 INFORMATION Defendant. 14 15 STATE OF NEVADA SS. COUNTY OF CLARK 16 STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State 17 of Nevada, in the name and by the authority of the State of Nevada, informs the Court: 18 That DAINE ANTON CRAWLEY, the Defendant(s) above named, having committed 19 the crime of CARRYING CONCEALED FIREARM OR OTHER DEADLY WEAPON 20 (Category C Felony - NRS 202.350 (1)(d)(3) - NOC 51459), on or about the 12th day of June, 21 2019, within the County of Clark, State of Nevada, contrary to the form, force and effect of 22 statutes in such cases made and provided, and against the peace and dignity of the State of 23 Nevada, did then and there willfully, unlawfully and feloniously carry concealed upon his 24 $/\!/$ 25 // 26 // 27 28 II

Electronically Filed

9 Case Number: C-19-341735-1

EXHIBIT

W:\2019\2019F\118\43\19F11843-INFM-(CRAWLEY DAINE)-001.DOCX

person, a firearm or other deadly weapon, to wit: a knife. STEVEN B. WOLFSON Clark County District Attorney Nevada Bar #001565_ BYDAVID STANTON Chief Deputy District Attorney Nevada Bar #003202 19F11843X/rmj LVMPD EV#190600056903 (TK7)

1	CASE NO.: C-19-341735-1		
2			
3	IN THE JUSTICE COURT OF LAS VEGAS TOWNSHIP		
4	COUNTY OF CLARK, STATE OF NEVADA		
5	-000-		
6	STATE OF NEVADA,)		
7	Plaintiff,)		
8	vs.) Case No. 19F11843X		
9	DAINE CRAWLEY,		
10	Defendant.)		
11	/		
12			
13	REPORTER'S TRANSCRIPT OF		
14	UNCONDITIONAL WAIVER OF PRELIMINARY HEARING		
15	BEFORE THE HONORABLE KAREN BENNETT-HARON JUSTICE OF THE PEACE		
16	OUSTICE OF THE FEACE		
17	THURSDAY, JULY 11, 2019		
18	APPEARANCES		
19	For the State: DAVID STANTON, ESQ.		
20	Chief Deputy District Attorney		
21			
22	For the Defendant: ERIKA BALLOU, ESQ.		
23			
24			
25	Reported By: Jennifer O'Neill, CCR No. 763		

- 1 LAS VEGAS, NEVADA; JULY 11, 2019; 9:00 A.M.
- -000-

- THE COURT: Daine Crawley, 19F11843X.
- 5 MS. BALLOU: Your Honor, this matter has been
- 6 negotiated.
- 7 This morning Mr. Crawley is prepared to
- 8 unconditionally waive his right to a preliminary
- 9 hearing.
- 10 At the District Court level, he's going to be
- 11 pleading to carrying a concealed weapon, a category C
- 12 felony.
- 13 The State will retain the right to argue.
- 14 Mr. Crawley will receive an OR release at entry of
- 15 plea.
- 16 MR. STANTON: Correct statement.
- 17 THE COURT: Mr. Crawley, good morning. Did
- 18 you understand the terms of the negotiation?
- 19 THE DEFENDANT: For the most part, yes.
- 20 The -- yes, I do. Sorry.
- 21 THE COURT: No. Don't be sorry. If you have
- 22 a question, you're entitled to ask it. You can talk to
- 23 your lawyer.
- THE DEFENDANT: It's a category C felony,
- 25 right?

- 1 THE COURT: I don't know. You can ask your
- 2 lawyer about it. Would you like to talk to her?
- 3 THE DEFENDANT: No. That's all right. It's
- 4 understood. Thank you.
- 5 THE COURT: Are you sure?
- THE DEFENDANT: Yes, ma'am.
- 7 THE COURT: Okay. So you understood the
- 8 negotiations.
- 9 Did you also understand that one of the
- 10 things you're being asked to do this morning is to
- 11 unconditionally waive your right to a preliminary
- 12 hearing, which means if you get to District Court and
- 13 you change your mind about the negotiations, you won't
- 14 be able to come back to this court to have a
- 15 preliminary hearing on these charges.
- 16 Do you understand that?
- 17 THE DEFENDANT: Yes, ma'am.
- 18 THE COURT: And understanding that, is it
- 19 still your intention to unconditionally waive your
- 20 right to a preliminary hearing?
- 21 THE DEFENDANT: Yes, ma'am. Under the
- 22 conditions she just said, yes, ma'am.
- THE COURT: Then it appearing to this Court
- 24 from the criminal complaint on file herein that the
- 25 crimes of assault with a deadly weapon and carrying a

- 1 concealed firearm or other deadly weapon has been
- 2 committed; and the defendant, Daine Crawley, having
- 3 unconditionally waived his right to a preliminary
- 4 hearing on said charges, shall be held to answer said
- 5 charges in the Eighth Judicial District Court, lower
- 6 level, on:
- 7 THE CLERK: July 15, 10:00 a.m.
- 8 THE COURT: Thank you. Do you have a
- 9 question?
- 10 THE DEFENDANT: It's going to be only one
- 11 felony, though, at that level, right?
- 12 THE COURT: Well, the entire case is being
- 13 transferred to District Court. When you get there,
- 14 then that's where you'll put your actual negotiations
- 15 on the record.
- 16 THE DEFENDANT: Thank you.
- 17 THE COURT: You're welcome.
- 18 (The proceedings concluded.)
- 19
- * * * * *
- 21 ATTEST: Full, true, and accurate transcript of proceedings.
- 22
- 23
- 24
- 25 /S/ Jennifer O'Neill JENNIFER O'NEILL, CCR No. 763

Т	REPORTER'S CERTIFICATE
2	STATE OF NEVADA)
3	COUNTY OF CLARK)
4	
5	I, Jennifer O'Neill, a certified court reporter
6	in and for the State of Nevada, hereby certify that
7	pursuant to NRS 239B.030 I have not included the Social
8	Security number of any person within this document.
9	I further certify that I am not a relative or
10	employee of any party involved in said action, nor a
11	person financially interested in the action.
12	Dated in Las Vegas, Nevada this 25th day of
13	July, 2019.
14	/S/ Jennifer O'Neill
15	JENNIFER O'NEILL, CCR No. 763
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1	In The Eighth Judicial District Court of The		
2	State of Nevada In		
3	AND FOR THE COUNTY OF CLARK		
4		- -	ΕD
5		APR 0	6 202
6	The State of Nevada	CLERKO	FOOUF
7	Plaintiff,	Case No.: C-19-341735-1	
8	vs.	Dept. No.: VI	
	* * *		
9	Daine Anton Crawley 7031173	Docket No.:	
10	NEXC # 1167447 Defendant		
11			
12	11		
13	Notice of Appeal		
14	Notes of solver that Daine A Country Defendant above		
15	Notice is hereby given that Daine A. Crawley, Defendant above		
	named hereby appeals to the Supreme Court of Nevada from		
17	The Honorable Jacqueline M. Bluth Department VI, Clark County Eighth Judicial District Court Case number (341735.		
	County Eighth Judicial Distric	+ (OUT CESE HOMBER CSTEESS.	
19	Jaming Concealed Firearm or other Deadly Weapon, to wit		
20			
21	Category B 64-240 months.		
22			
23			
24	1000000		
25	Strained due to the COVID 19 Corona Virus Pandenic		
26	The Sentencing hearing was Continued from March 4th, 2020		
27	to April 1 2020 in order to have new 1st ordered. As		
28			J
	AFF (1.6. 2020)		
	1	6	

(arl Arnold was never reached to give response according to "Page 7" of Supplemental Information in PSI dated March 24th 2020. The information also states on Page 7 that "The Defendant" responded Via Email with a "Statement regarding errors. The Defendant was and still is in Custody for the past "260 days and could not of done so. A new PSI was never clarified, and Since neither Defendant Crawley nor Attorney Carl Arnold were Contacted the "PSI was never clarified in any respect. Convictions incorporation Mental Health, Substance Abuse EtC. The Defendants probation 10 Success Probability Score (PSP) used at Sentencing failed to 11 properly account for Mental Health and or physical handicap as previously noted in the transcripts from all district Court 13 hearings Starting in November 2019. Blankenship VS. State Supreme Court of Nevada July 21, 2016. In addition to 15 these most prevalent errors there are various Complaints noted by defendant for ineffective (oursel withdraw guilty plea motions filed in October November 2019. The Defendant 19 is requesting that the sentence be Challenged due to 20 these errors but not limited to the lack of Contact with 21 Substitute Attorney amid the (OVID) 19 (forom Virus Utbreak. It alternate Counsel regarding these errors will 23 Please Submit this Notice of Appeal and note a request 24 of procedure for modifying the records in question; as 25 directed by PNP. It is a Known fact that PNP for 26 Said Wisdutions have failed to respond regarding 27 Convictions used to obtain Habitual Sentence. Please note 28

1	that Defendant Crawley Signed a 1405 year probationable Sentence
2	and was told that the "State would not seek habitual Sentence" at
	Signing, Court records will show. There was inadequate time to
4	discuss errors before April 1st DODC with substitute attorney.
5	before rendition of sentencing; a continuance was derived even
1	though appointed Coursel Carl Amold was not present. In
	addition to these issues previously noted; a violation
	of Due process rights has been disclosed according to
	NRS MI. MY regarding June 12th, 2019 arrest, and the
10	delay of 72 hour hearing until June 17th, 2019. July
11	1st 2019 preliminary Hearing was continued multiple times without
12	Defendant being present, leading Defendant to feel Plea like
13	agreement only viable option pespectively.
14	DATED THIS 1st day of April . 2020.
15	1 Daine Anton Crawley do
16	solemnly swear, under the penalty of perjury, that
17	the above Notice of Appeal is accurate.
18	correct, and true to the best of my knowledge.
19	NRS 171.102 and NRS 208.165.
20	
21	Respectfully submitted.
22	Je Ch
23	Defendant
24	NDC 208 165 A minute and instrument by diving his and instrument

NRS 208.165 A prisoner may execute any instrument by signing his name immediately following a declaration "under penalty of perjury" with the same legal effect as if he had acknowledged it or sworn to its truth before a person authorized to administer oaths. As used in this section, "prisoner" means a person confined in any jail or prison, or any facility for the detention of juvenile offenders in this state.

Daine (rawley#7031173 CCDC 330 S. Casino Center BLVD. Las Vegas, NV 89101



Clerk of District Court 200 Lewis Avenue, 3rd Floor Las Vegas, NV 89155-1160

89101-630000

<u>|| || լայիսի հերիի ույրդում (իսաիսակարարաի հրակիի փիիսակին</u>

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Electronically Filed 4/7/2020 7:49 AM Steven D. Grierson CLERK OF THE COURT

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DISTRICT COURT

CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

DAINE ANTON CRAWLEY #7031173

Defendant.

CASE NO. C-19-341735-1

DEPT. NO. VI

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 CARRYING CONCEALED FIREARM OR OTHER DEADLY WEAPON (Category C Felony) in violation of NRS 202.350(1)(d)(3); thereafter, on the 1st day of April, 2020, the Defendant was present in court for sentencing with counsel ROGER BAILEY, ESQ., and good cause appearing,

THE DEFENDANT IS HEREBY ADJUDGED guilty of said offense under the SMALL HABITUAL Criminal Statute and, in addition to the \$25.00 Administrative Assessment Fee and \$250.00 Indigent Defense Civil Assessment Fee plus \$3.00 DNA Collection Fee, the Defendant is sentenced to the Nevada Department of Corrections (NDC) as follows: a MAXIMUM of TWO HUNDRED FORTY (240)

Other Manner of Disposition

_	10000. Q 100 D 1100	
	☐ Nolle Prosequi (before trial)	Bench (Non-Jury) Trial
	Dismissed (after diversion)	☐ Dismissed (during trial)
		☐ Acquittal `
	Guilty Plea with Sent (before trial)	Guilty Plea with Sent (during trial)
•	☐ Transferred (before/during trial)	Guilty Plea with Sent. (during trial) Conviction

L] Conviction

MONTHS with a MINIMUM parole eligibility of EIGHTY-FOUR (84) MONTHS; with SIXTY-SEVEN (67) DAYS credit for time served. As the \$150.00 DNA Analysis Fee and Genetic Testing have been previously imposed, the Fee and Testing in the current case are WAIVED.

DATED this _____ day of April, 2020.

JACQUELINE M. BLUTH DISTRIOT COURT JUDGE