

Code: 2515
David K. Neidert, Esq.
Nevada State Bar No. 4342
316 California Ave. #420
RENO, NV 89509
(775) 423-4455
Attorney for Defendant

Electronically Filed
Jun 02 2021 09:11 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

IN AND FOR THE COUNTY OF WASHOE

* * *

THE STATE OF NEVADA,

Plaintiff,

vs.

Case No.: CR18-0273

Dept. No. 6

BRAXTON CHEYANNE GARCIA,

Defendant.

NOTICE OF APPEAL

The Defendant, BRAXTON CHEYANNE GARCIA, by and through counsel, DAVID K. NEIDERT, appeals his conviction in the above-entitled case to the Nevada Supreme Court.

Respectfully submitted this 21ST day of May, 2021.

/s/ David K. Neidert
DAVID K. NEIDERT
Attorney at Law
Counsel for Braxton Cheyanne Garcia

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CERTIFICATE OF SERVICE

In accordance with Rule 5(b) of the Nevada Rules of Civil Procedure, the undersigned hereby certifies that on the 21st day of May, 2021, a true and correct copy of the foregoing served by the Washoe County electronic filing system on:

Christopher Hicks, District Attorney

Peg Samples, Deputy District Attorney

/s/ David K. Neidert

DAVID K. NEIDERT
Attorney at Law

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned hereby affirmed that the foregoing document does not contain the Social Security number of any person.

Dated this 21st day of May, 2021.

/s/ David K. Neidert

DAVID K. NEIDERT
Attorney at Law

Code 1310
David K. Neidert, Esq.
Nevada State Bar No. 4342
316 California Ave. #420
Reno, NV 89509
(775) 423-4455
Attorney for Defendant

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

* * *

THE STATE OF NEVADA,

Plaintiff,

vs.

Case No.: CR18-0273

Dept. No. 6

BRAXTON CHEYANNE GARCIA,

Defendant.

CASE APPEAL STATEMENT

1. Name of appellant filing this case appeal statement: **Braxton Cheyanne Garcia**
2. Identify the judge issuing the decision, judgment, or order appealed from: **The Honorable Lynn K. Simons**
3. Identify each appellant and the name and address of counsel for each appellant:
Braxton Cheyanne Garcia is the only Appellant. The name and address of counsel for appellant is:

**David K. Neidert
316 California Ave. #420
Reno, NV 89509**

1 4. Identify each respondent and the name and address of appellate counsel, if known,
2 for each respondent (if the name of a respondent's appellate counsel is unknown, indicate as
3 much and provide the name and address of that respondent's trial counsel): **The State of Nevada**
4 **is the Respondent. The State of Nevada is represented by the Washoe County District**
5 **Attorney, whose address is:**
6

7 **Christopher Hicks**
8 **Washoe County District Attorney**
9 **Peg Samples**
10 **Deputy District Attorney**
11 **1 South Center Street**
 P.O. Box 30083
 Reno, NV 89520

12 5. Indicate whether any attorney identified above in response to question 3 or 4 is not
13 licensed to practice law in Nevada and, if so, whether the district court granted that attorney
14 permission to appear under SCR 42 (attach a copy of any district court order granting such
15 permission): **All attorneys are licensed to practice law in the State of Nevada.**
16

17 6. Indicate whether appellant was represented by appointed or retained counsel in the
18 district court: **Counsel for the Appellant was appointed in the District Court.**
19

20 7. Indicate whether appellant is represented by appointed or retained counsel on appeal:
21 **Counsel for the Appellant is represented by appointed counsel on appeal.**
22

23 8. Indicate whether appellant was granted leave to proceed in forma pauperis, and the
24 date of entry of the district court order granting such leave: **Not applicable since this is a**
25 **criminal case and the Defendant was appointed counsel for all stages of these proceedings.**
26

27 9. Indicate the date the proceedings commenced in the district court (e.g., date
28 complaint, indictment, information, or petition was filed): **The Criminal Information was filed**
on May 2, 2018.

1 10. Provide a brief description of the nature of the action and result in the district court,
2 including the type of judgment or order being appealed and the relief granted by the district
3 court: **Following a preliminary hearing, several continued trial dates, and the substitution**
4 **of current counsel, Mr. Garcia pleaded guilty to Child Abuse with Substantial Bodily**
5 **Harm, a violation of NRS 200.508(1)(a)(2). On April 22, 2021, the Defendant was sentenced**
6 **to 60 to 144 months in prison, with credit for 1,144 days. Mr. Garcia requested an appeal**
7 **be filed on his behalf.**
8

9 11. Indicate whether the case has previously been the subject of an appeal to or original
10 writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number
11 of the prior proceeding: **N/A**
12

13 12. Indicate whether this appeal involves child custody or visitation: **N/A**
14

15 13. If this is a civil case, indicate whether this appeal involves the possibility of
16 settlement: **N/A**

17 Dated this 21st day of May, 2021.

18 /s/ David K. Neidert
19 DAVID K. NEIDERT
20 Counsel for Braxton Cheyanne Garcia
21 Nevada Bar No. 4342
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1 **CERTIFICATE OF SERVICE**

2 In accordance with Rule 5(of the Nevada Rules of Civil Procedure, the undersigned
3 hereby certifies that on the 21st day of May, 2021, a true and correct copy of the foregoing was
4 served by electronic means through the eflex system to:
5

6 Christopher Hicks
7 Washoe County District Attorney
8 Peg Samples
9 Deputy District Attorney
10 1 South Center Street
11 P.O. Box 30083
12 Reno, NV 89520

11 /s/ David K. Neidert
12 DAVID K. NEIDERT
13 Attorney at Law

14 **AFFIRMATION PURSUANT TO NRS 239B.030**

15 The undersigned hereby affirmed that the foregoing document does not contain the Social
16 Security number of any person.

17 Dated this 21st day of May, 2021.

18
19 /s/ David K. Neidert
20 DAVID K. NEIDERT
21 Attorney at Law
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Code 3868
David K. Neidert, Esq.
Nevada State Bar No. 4342
316 California Ave. #420
Reno, NV 89509
(775) 423-4455
Attorney for Defendant

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

* * *

THE STATE OF NEVADA,

Plaintiff,

vs.

Case No.: CR18-0273

Dept. No. 6

BRAXTON CHEYANE GARCIA,

Defendant.

TRANSCRIPT REQUEST FORM

TO: Court Reporter, Department 6

The Defendant, BRAXTON CHEYANNE GARCIA, requests preparation of a certified transcript of certain portions of the proceedings before the district court, as follows:

The Arraignment held on June 27, 2018;

The Status Hearing held on February 6, 2019;

The Hearing held on July 10, 2019;

The Hearing held on July 17, 2019;

The Hearing held on July 25, 2019;

1 The Status Hearing held on September 11, 2019;
2 The Status Hearing held on October 16, 2019;
3 The Motion to Confirm held on June 18, 2020;
4 The Bail Hearing held on August 27, 2020;
5 The Change of Plea Hearing on January 28, 2021;
6 The Hearing on March 18, 2021;
7 The Status Hearing on April 15, 2021;
8 The Sentencing on April 22, 2021.

9 This notice requests a transcript of only those portion of the district court proceedings
10 which counsel reasonably and in good faith believes are necessary to determine whether
11 appellate issues are present. Voir dire examination of jurors, opening statements and closing
12 arguments of trial counsel, and the reading of jury instructions shall not be transcribed unless
13 specifically requested, which, with the exception of the reading of jury instructions, they are.

14 I recognize that I must personally serve a copy of the above-named reporter and opposing
15 counsel and that the above-named court reporter shall have 30 days from the receipt of this
16 notice to prepare and submit to the district court and counsel the transcripts requested herein.

17 Dated this 21st day of May, 2021.

18 /s/ David K. Neidert
19 DAVID K. NEIDERT
20 Counsel for Appellant
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1 **CERTIFICATE OF SERVICE**

2 In accordance with Rule 5 of the Nevada Rules of Civil Procedure, the undersigned
3 hereby certifies that on the 21st day of May, 2021, a true and correct copy of the foregoing was
4 served by electronic means through the eflex system to:
5

6 Christopher Hicks
7 Washoe County District Attorney
8 Peg Samples
9 Deputy District Attorney

10 And by email on transcripts@litigationservices.com.

11 /s/ David K. Neidert

12 DAVID K. NEIDERT

13 Attorney at Law

14 **AFFIRMATION PURSUANT TO NRS 239B.030**

15 The undersigned hereby affirmed that the foregoing document does not contain the Social
16 Security number of any person.
17

18 Dated this 21st day of May, 2021.

19 /s/ David K. Neidert

20 DAVID K. NEIDERT

21 Attorney at Law
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**SECOND JUDICIAL DISTRICT COURT
COUNTY OF WASHOE**

Case History - CR18-0273

DEPT. D6

HON. LYNNE K. SIMONS

Report Date & Time

5/24/2021

9:16:07AM

Case Description: STATE VS BRAXTON CHEYANNE GARCIA (D6)			
Case ID:	CR18-0273	Case Type:	OTHER JUSTICE COURT - CR
		Initial Filing Date:	2/9/2018

Parties

PLTF	STATE OF NEVADA - STATE
DA	Peg Samples, Esq. - 10214
DA	Jennifer P. Noble, Esq. - 9446
DEFT	BRAXTON CHEYANNE GARCIA (TN) - @25311
DATY	David K. Neidert, Esq. - 4342
DATY	Sean Neahusan, Esq. - 11224
CAA	Sean Neahusan, Esq. - 11224
PNP	Div. of Parole & Probation - DPNP

Charges

<i>Charge No.</i>	<i>Charge Code</i>	<i>Charge Date</i>	<i>Charge Description</i>
1	55222	5/2/2018	INF CHILD ABUSE WITH SUBSTANTIAL BODILY HARM

Plea Information

<i>Charge No.</i>	<i>Plea Code</i>	<i>Plea Date</i>	<i>Plea Description</i>
1	55222	1/28/2021	PLED GUILTY

Sentences

<i>Date</i>	<i>Charge No.</i>	<i>Charge Desc</i>	<i>Time Served</i>	<i>Sentence Text</i>
4/22/2021	1	Nevada Dept. of Corrections	NDOC 60-144 MONTHS, RESTITUTION, FEES	

Release Information

<i>Custody Status</i>		
7/10/2019	CUSTODY - NSP	DEFT NOT TRANSPORTED FROM NDOC

Hearings

<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
1	D6 ARRAIGNMENT	5/9/2018	09:00:00	5/7/2018
Event Extra Text:		Disposition: D844 5/7/2018 BY STIPULATION OF COUNSEL		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
2	D6 ARRAIGNMENT	6/6/2018	09:00:00	6/4/2018
Event Extra Text:		Disposition: D844 6/4/2018 BY STIPULATION OF COUNSEL TO 6/27/18		
<i>Department</i>	<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
3	D6 ARRAIGNMENT	6/27/2018	09:00:00	6/27/2018
Event Extra Text:		Disposition: D435 6/27/2018		

Case Description: STATE VS BRAXTON CHEYANNE GARCIA (D6)					
Case ID:	CR18-0273	Case Type:	OTHER JUSTICE COURT - CR	Initial Filing Date:	2/9/2018
PD RECEIVED AS COUNSEL; APD APPOINTED; COUNSEL TO RESET ARRAIGNMENT UPON ENTRY OF DECISION OF APPEAL COURT					
Department	Event Description		Sched. Date & Time		Disposed Date
4	D6	Tickle Start Code	1/7/2019	07:00:00	1/7/2019
Event Extra Text: BOB BELL APPT COUNSEL YET?			Disposition: T200 1/7/2019		
Department	Event Description		Sched. Date & Time		Disposed Date
5	D6	STATUS HEARING	2/6/2019	11:00:00	2/6/2019
Event Extra Text:			Disposition: D725 2/6/2019 DEFT WAIVE RIGHT TO SPEEDY TRIAL		
Department	Event Description		Sched. Date & Time		Disposed Date
6	D6	MOTION TO CONFIRM TRIAL	7/10/2019	09:00:00	7/10/2019
Event Extra Text: (5 DAY JURY TRIAL - 7/29/19)			Disposition: D435 7/10/2019 DEFT NOT TRANSPORTED FROM NDOC; MATTER SET FOR EOP		
Department	Event Description		Sched. Date & Time		Disposed Date
7	D6	ENTRY OF PLEA	7/17/2019	09:00:00	7/17/2019
Event Extra Text:			Disposition: D435 7/17/2019 YOUNG'S HEARING SET; TRIAL VACATED		
Department	Event Description		Sched. Date & Time		Disposed Date
8	D6	HEARING...	7/25/2019	14:00:00	7/25/2019
Event Extra Text: (YOUNGS HEARING)			Disposition: D425 7/25/2019 COUNSEL EDWARDS REMOVED AS COUNSEL OF RECORD; COUNSEL APPOINTED FROM CONFLICT GROUP; STATUS HEARING SET; DOCUMENTS FILED BY THE DEFENDANT SUBSEQUENT TO THIS HEARING SHALL NOT BE CONSIDERED UNTIL THE DEFENDANT HAS DISCUSSED WITH NEW COUNSEL.		
Department	Event Description		Sched. Date & Time		Disposed Date
9	D6	TRIAL - JURY	7/29/2019	09:00:00	7/17/2019
Event Extra Text:			Disposition: D845 7/17/2019 YOUNG'S HEARING SET		
Department	Event Description		Sched. Date & Time		Disposed Date
10	D6	STATUS HEARING	8/29/2019	09:00:00	8/29/2019
Event Extra Text:			Disposition: D455 8/29/2019 DEFENSE COUNSEL REQUESTED AND GRANTED CONTINUANCE TO FURTHER REVIEW MATTER		

Case Description: STATE VS BRAXTON CHEYANNE GARCIA (D6)					
Case ID:	CR18-0273	Case Type:	OTHER JUSTICE COURT - CR	Initial Filing Date:	2/9/2018
	Department	Event Description	Sched. Date & Time		Disposed Date
11	D6	STATUS HEARING	9/11/2019	09:00:00	9/11/2019
	Event Extra Text:		Disposition: D455 9/11/2019 DEFENSE COUNSEL REQUESTED AND GRANTED CONTINUANCE FOR FURTHER TIME TO DISCUSS MATTER WITH DEFT		
	Department	Event Description	Sched. Date & Time		Disposed Date
12	D6	STATUS HEARING	10/16/2019	09:00:00	10/16/2019
	Event Extra Text:		Disposition: D435 10/16/2019 TRIAL SET		
	Department	Event Description	Sched. Date & Time		Disposed Date
13	D6	MOTION TO CONFIRM TRIAL	1/22/2020	11:00:00	1/22/2020
	Event Extra Text: JURY TRIAL - 2/10/19 (8 DAYS)		Disposition: D355 1/22/2020 JURY TRIAL RESET		
	Department	Event Description	Sched. Date & Time		Disposed Date
14	D6	PRE-TRIAL MOTIONS	1/22/2020	11:00:00	1/22/2020
	Event Extra Text:		Disposition: D355 1/22/2020 JURY TRIAL RESET		
	Department	Event Description	Sched. Date & Time		Disposed Date
15	D6	TRIAL - JURY	2/10/2020	09:00:00	1/22/2020
	Event Extra Text: (8 DAYS)		Disposition: D844 1/22/2020		
	Department	Event Description	Sched. Date & Time		Disposed Date
16	D6	MOTION TO CONFIRM TRIAL	6/10/2020	09:00:00	5/29/2020
	Event Extra Text: (8 DAY JURY TRIAL -		Disposition: D844 5/29/2020 RESET TO 6/11 AT 9AM ON D6 IN CUSTODY CALENDAR		
	Department	Event Description	Sched. Date & Time		Disposed Date
17	D6	MOTION TO CONFIRM TRIAL	6/11/2020	09:00:00	6/2/2020
	Event Extra Text:		Disposition: D870 6/2/2020 RESET TO 6/18 AT 9:00 AM AT THE REQUEST OF THE DA'S OFFICE		
	Department	Event Description	Sched. Date & Time		Disposed Date
18	D6	MOTION TO CONFIRM TRIAL	6/18/2020	09:00:00	6/18/2020
	Event Extra Text:		Disposition: D355 6/18/2020		

Case Description: STATE VS BRAXTON CHEYANNE GARCIA (D6)

Case ID: CR18-0273

Case Type: OTHER JUSTICE COURT - CR

Initial Filing Date: 2/9/2018

6/18/2020 Motion to Confirm Trial Denied - Trial date of June 22, 2020 VACATED.
Trial continued to January 19, 2021 at 9:00 a.m. (8 days) MTC set Jan 7, 2021 at 9:00 a.m.
Court Reporter S. Kiger

	Department	Event Description	Sched. Date & Time	Disposed Date
19	D6	TRIAL - JURY	6/22/2020 09:00:00	6/18/2020
Event Extra Text: (8 DAYS)			Disposition: D844 6/18/2020 6/18/2020 TRIAL DATE OF JUNE 22, 2020 VACATED AND RESET FOR JAN. 19, 2021 (8 DAYS)	

	Department	Event Description	Sched. Date & Time	Disposed Date
20	D6	MOTION - BAIL REDUCTION	7/30/2020 09:00:00	7/29/2020
Event Extra Text: MOTION FOR O/R RELEASE AND/OR BAIL REDUCTION			Disposition: D870 7/29/2020 7/29/2020 BAIL HEARING VACATED by Stipulation/Order (to follow)(date to be determined).	

	Department	Event Description	Sched. Date & Time	Disposed Date
21	D6	MOTION - BAIL REDUCTION	8/27/2020 11:00:00	8/27/2020
Event Extra Text: MOTION FOR O/R RELEASE AND/OR BAIL REDUCTION			Disposition: D430 8/27/2020 8/27/2020 Motion for O/R Release DENIED. Motion for Bail Reduction GRANTED. Bail reduced to \$75,000 bondable with PTS supervision if posted, conditions to include no contact with Defendant's children without Court Approval. Court Reporter P. Hoogs.	

	Department	Event Description	Sched. Date & Time	Disposed Date
22	D9	MOTION TO CONFIRM TRIAL	12/23/2020 16:00:00	12/22/2020
Event Extra Text: TF 5 BEGINNING 1/11/21 (8 DAYS)			Disposition: D844 12/22/2020 PER AO 2020-02(E)(TF6). PLACED IN TF6	

	Department	Event Description	Sched. Date & Time	Disposed Date
23	D6	MOTION TO CONFIRM TRIAL	1/7/2021 09:00:00	10/12/2020
Event Extra Text: TRIAL DATE OF JAN 19, 2021 (8 DAYS)			Disposition: D844 10/12/2020 MOTION TO CONFIRM 01/07/2021 VACATED - RESET FOR 12/23/2020 AT 4:00PM IN D9	

	Department	Event Description	Sched. Date & Time	Disposed Date
24	D6	TRIAL - JURY	1/11/2021 09:00:00	12/22/2020
Event Extra Text: (8 DAYS) TF5			Disposition: D844 12/22/2020 PER AO 2020-02(E)(TF6). PLACED IN TF6	

	Department	Event Description	Sched. Date & Time	Disposed Date
25	D6	TRIAL - JURY	1/19/2021 09:00:00	10/12/2020
Event Extra Text: DAY 1 OF 8			Disposition: D844 10/12/2020 TRIAL 01/19/2021 VACATED - RESET TO TRIAL FLIGHT 5 BEGINNING 01/11/2021	

Case Description: STATE VS BRAXTON CHEYANNE GARCIA (D6)

Case ID:	CR18-0273	Case Type:	OTHER JUSTICE COURT - CR	Initial Filing Date:	2/9/2018	
26	Department	Event Description		Sched. Date & Time		Disposed Date
	D9	MOTION TO CONFIRM TRIAL		1/20/2021	16:00:00	1/19/2021
	Event Extra Text: TF 6 BEGINNING 2/8/21 (8 DAYS) - MOVED FROM TF5			Disposition: D844 1/19/2021 MOVED TO TF7 (3/8/21)		
27	Department	Event Description		Sched. Date & Time		Disposed Date
	D6	CHANGE OF PLEA		1/28/2021	09:00:00	1/28/2021
	Event Extra Text:			Disposition: D655 1/28/2021 1/28/2021 Change of Plea - Defendant plead guilty to Information Court Reporter T. Amundson		
28	Department	Event Description		Sched. Date & Time		Disposed Date
	D6	TRIAL - JURY		2/8/2021	09:00:00	1/19/2021
	Event Extra Text: 8 DAYS			Disposition: D844 1/19/2021 MOVED TO TF7 (3/8/21)		
29	Department	Event Description		Sched. Date & Time		Disposed Date
	D9	MOTION TO CONFIRM TRIAL		2/17/2021	16:00:00	1/28/2021
	Event Extra Text: TF 7 BEGINNING 3/8/21 (8 DAYS) - MOVED FROM TF6			Disposition: D872 1/28/2021 1/28/2021 MTC set 2/17/2021 and Trial set 3/8/2021 VACATED at COP hearing. Court Reporter T. Amundson		
30	Department	Event Description		Sched. Date & Time		Disposed Date
	D6	TRIAL - JURY		3/8/2021	09:00:00	1/28/2021
	Event Extra Text: 8 DAYS			Disposition: D872 1/28/2021 1/28/2021 MTC set 2/17/2021 and Trial set 3/8/2021 VACATED at COP hearing. Court Reporter T. Amundson		
31	Department	Event Description		Sched. Date & Time		Disposed Date
	D6	SENTENCING		3/18/2021	09:00:00	3/18/2021
	Event Extra Text:			Disposition: D455 3/18/2021 3/18/2021 Sentencing - additional time to consult with counsel Court Reporter L. Urmston		
32	Department	Event Description		Sched. Date & Time		Disposed Date
	D6	STATUS HEARING		4/15/2021	09:00:00	4/15/2021
	Event Extra Text: STATUS/SENTENCING/YOUNG HEARING			Disposition: D455 4/15/2021 4/15/21 Status Hearing HEARD/CONTINUED DEFENDANT additional time to speak with counsel Court Reporter K. Murray		

Case Description: STATE VS BRAXTON CHEYANNE GARCIA (D6)**Case ID: CR18-0273****Case Type: OTHER JUSTICE COURT - CR****Initial Filing Date:****2/9/2018**

<i>Department</i>		<i>Event Description</i>	<i>Sched. Date & Time</i>		<i>Disposed Date</i>
33	D6	HEARING...	4/22/2021	11:00:00	4/22/2021
Event Extra Text: YOUNG HEARING			Disposition:		
			D765 4/22/2021		
			4/22/21 Motion for Young Hearing and Motion to Withdraw Guilty		
			Plea WITHDRAWN - Proceeded to Sentencing		
			Court Reporter L. Stubbs		

Agency Cross Reference

<i>Code</i>	<i>Agency Description</i>	<i>Case Reference I.D.</i>
DA	District Attorney's Office	DA1614489
PC	PCN number	PCNWASO0075703C
PC	PCN number	PCNRRCR2018095171
RJ	Reno Justice's Court	RCR2018095171
RP	Reno Police Department	RPDRP15024658
SC	Supreme Court	SCN 76067

Actions

<i>Action Entry Date</i>	<i>Code</i>	<i>Code Description</i>	<i>Text</i>
2/9/2018	1260	Application Produce Prisoner	Transaction 6524728 - Approved By: RRODRIGU : 02-09-2018:11:30:23
2/14/2018	NEF	Proof of Electronic Service	Transaction 6532669 - Approved By: NOREVIEW : 02-14-2018:14:49:51
2/14/2018	3340	Ord to Produce Prisoner	Transaction 6532666 - Approved By: NOREVIEW : 02-14-2018:14:48:54
2/14/2018	F230	Other Manner of Disposition	
4/26/2018	1250E	Application for Setting eFile	5/9/18 AT 0900 - Transaction 6650762 - Approved By: NMASON : 04-26-2018:16:11:57
4/26/2018	3700	Proceedings	Transaction 6650762 - Approved By: NMASON : 04-26-2018:16:11:57
4/26/2018	2522	Notice of Bindover	Transaction 6650762 - Approved By: NMASON : 04-26-2018:16:11:57
4/26/2018	NEF	Proof of Electronic Service	Transaction 6650773 - Approved By: NOREVIEW : 04-26-2018:16:15:22
4/27/2018	4075	Substitution of Counsel	ERICA FLAVIN PD - Transaction 6651674 - Approved By: CSULEZIC : 04-27-2018:11:11:26
4/27/2018	NEF	Proof of Electronic Service	Transaction 6651858 - Approved By: NOREVIEW : 04-27-2018:11:12:40
5/2/2018	1800	Information	Transaction 6659550 - Approved By: RRODRIGU : 05-02-2018:13:45:04
5/2/2018	NEF	Proof of Electronic Service	Transaction 6659601 - Approved By: NOREVIEW : 05-02-2018:13:46:15
5/3/2018	3700	Proceedings	SUPPLEMENTAL PROCEEDINGS - Transaction 6661858 - Approved By: CSULEZIC : 05-03-2018:13:39:09
5/3/2018	NEF	Proof of Electronic Service	Transaction 6661904 - Approved By: NOREVIEW : 05-03-2018:13:41:29
5/7/2018	4045	Stipulation to Continuance	Transaction 6666909 - Approved By: PMSEWELL : 05-07-2018:16:38:15
5/7/2018	NEF	Proof of Electronic Service	Transaction 6667215 - Approved By: NOREVIEW : 05-07-2018:16:39:43
5/9/2018	3020	Ord Granting Continuance	Transaction 6671625 - Approved By: NOREVIEW : 05-09-2018:15:28:08
5/9/2018	NEF	Proof of Electronic Service	Transaction 6671627 - Approved By: NOREVIEW : 05-09-2018:15:28:58
6/5/2018	1250	Application for Setting	arraignment 6/27/18 @9:00 - Transaction 6712191 - Approved By: CSULEZIC : 06-05-2018:11:26:31
6/5/2018	NEF	Proof of Electronic Service	Transaction 6712554 - Approved By: NOREVIEW : 06-05-2018:11:27:25
6/14/2018	1188	Supreme Court Receipt for Doc	SUPREME COURT NO. 76067 / RECEIPT FOR DOCUMENTS - Transaction 6729708 - Approved By: NOREVIEW
6/14/2018	NEF	Proof of Electronic Service	Transaction 6729716 - Approved By: NOREVIEW : 06-14-2018:14:31:59
6/25/2018	4133	Supreme Court Notice	SUPREME COURT NO. 76067 / NOTICE OF TRANSFER TO COURT OF APPEALS - Transaction 6745199 - A
6/25/2018	NEF	Proof of Electronic Service	Transaction 6745204 - Approved By: NOREVIEW : 06-25-2018:14:13:36
6/27/2018	2715	Ord Appointing Counsel	Transaction 6750617 - Approved By: NOREVIEW : 06-27-2018:15:34:09

Case Description: STATE VS BRAXTON CHEYANNE GARCIA (D6)				
Case ID:	CR18-0273	Case Type:	OTHER JUSTICE COURT - CR	Initial Filing Date: 2/9/2018
6/27/2018	NEF	Proof of Electronic Service	Transaction 6750624 - Approved By: NOREVIEW : 06-27-2018:15:35:29	
6/28/2018	2490	Motion ...	MOTION TO WITHDRAW LEGAL COUNSEL	
9/27/2018	4128	Supreme Court Order Denying	SUPREME COURT NO. 76067 / ORDER DENYING PETITION - Transaction 6901481 - Approved By: NOREVIEW	
9/27/2018	NEF	Proof of Electronic Service	Transaction 6901487 - Approved By: NOREVIEW : 09-27-2018:14:47:46	
10/23/2018	4131	Supreme Ct Not/Lieu/Remittitur	SUPREME COURT NO. 76067 / NOTICE IN LIEU OF REMITTITUR - Transaction 6942736 - Approved By: NOREVIEW	
10/23/2018	NEF	Proof of Electronic Service	Transaction 6942755 - Approved By: NOREVIEW : 10-23-2018:14:32:23	
12/6/2018	1930	Letters ...	LETTER FROM DEFENDANT	
12/14/2018	2610	Notice ...	NOTICE OF CONFLICT - WASHOE APD WITHDRAWS FROM DEFT - Transaction 7024293 - Approved By: PM	
12/14/2018	NEF	Proof of Electronic Service	Transaction 7024368 - Approved By: NOREVIEW : 12-14-2018:09:02:36	
1/7/2019	T200	Tickle End Code		
1/8/2019	3586	Petition for Writ of Mandamus		
1/29/2019	1250	Application for Setting	February 6, 2019, at 9:00 AM - Transaction 7091981 - Approved By: SHIGGINB : 01-29-2019:16:50:40	
1/29/2019	NEF	Proof of Electronic Service	Transaction 7092011 - Approved By: NOREVIEW : 01-29-2019:16:51:46	
1/31/2019	MSEAL	**Sealed Minutes	Transaction 7095966 - Approved By: NOREVIEW : 01-31-2019:13:50:04	
1/31/2019	NEF	Proof of Electronic Service	Transaction 7095984 - Approved By: NOREVIEW : 01-31-2019:13:55:26	
1/31/2019	NEF	Proof of Electronic Service	Transaction 7095969 - Approved By: NOREVIEW : 01-31-2019:13:51:05	
1/31/2019	MIN	***Minutes	6/27/18 ARRAIGNMENT - Transaction 7095978 - Approved By: NOREVIEW : 01-31-2019:13:54:19	
2/4/2019	3937	SJDC Hearing	Transaction 7099977 - Approved By: NOREVIEW : 02-04-2019:10:38:50	
2/4/2019	NEF	Proof of Electronic Service	Transaction 7099992 - Approved By: NOREVIEW : 02-04-2019:10:41:33	
2/6/2019	1280	** 60 Day Rule - Waived		
6/25/2019	2490	Motion ...	MOTION FOR INEFFECTIVE ASSISTANCE OF COUNSEL	
6/26/2019	2490	Motion ...	MOTION FOR COURT TO ORDER DISCHARGED ATTORNEY TO TRANSFER ALL PAPERS DOCUMENTS AND	
7/5/2019	2592	Notice of Witnesses	NOTICE OF EXPERT WITNESS PURSUANT TO NRS 174.234 - Transaction 7358009 - Approved By: NOREVIEW	
7/5/2019	NEF	Proof of Electronic Service	Transaction 7358011 - Approved By: NOREVIEW : 07-05-2019:14:51:36	
7/11/2019	MIN	***Minutes	7/10/19 MOTION TO CONFIRM - Transaction 7367659 - Approved By: NOREVIEW : 07-11-2019:11:25:53	
7/11/2019	NEF	Proof of Electronic Service	Transaction 7367662 - Approved By: NOREVIEW : 07-11-2019:11:26:53	
7/17/2019	MIN	***Minutes	7/17/19 CHANGE OF PLEA - Transaction 7378249 - Approved By: NOREVIEW : 07-17-2019:12:58:35	
7/17/2019	NEF	Proof of Electronic Service	Transaction 7378255 - Approved By: NOREVIEW : 07-17-2019:12:59:53	
8/1/2019	2715	Ord Appointing Counsel	Transaction 7406533 - Approved By: NOREVIEW : 08-01-2019:11:38:59	
8/1/2019	NEF	Proof of Electronic Service	Transaction 7406541 - Approved By: NOREVIEW : 08-01-2019:11:40:33	
8/20/2019	MSEAL	**Sealed Minutes	7/25/19 YOUNGS HEARING - SEALED - Transaction 7439179 - Approved By: NOREVIEW : 08-20-2019:13:23:00	
8/20/2019	NEF	Proof of Electronic Service	Transaction 7439184 - Approved By: NOREVIEW : 08-20-2019:13:24:27	
8/20/2019	NEF	Proof of Electronic Service	Transaction 7439215 - Approved By: NOREVIEW : 08-20-2019:13:28:46	
8/20/2019	MIN	***Minutes	7/25/19 YOUNGS HEARING - Transaction 7439203 - Approved By: NOREVIEW : 08-20-2019:13:27:25	
8/27/2019	3937	SJDC Hearing	Transaction 7452017 - Approved By: NOREVIEW : 08-27-2019:11:12:42	
8/27/2019	NEF	Proof of Electronic Service	Transaction 7452019 - Approved By: NOREVIEW : 08-27-2019:11:13:42	
8/28/2019	2520	Notice of Appearance	NOTICE OF APPEARANCE: DAVID NEIDERT ESQ / DEFT - Transaction 7455644 - Approved By: YVILORIA : (
8/28/2019	NEF	Proof of Electronic Service	Transaction 7455761 - Approved By: NOREVIEW : 08-28-2019:15:33:53	
8/30/2019	4185	Transcript	2-6-19 Status Hearing - Transaction 7460362 - Approved By: NOREVIEW : 08-30-2019:13:28:43	

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Case ID:	CR18-0273	Case Type:	OTHER JUSTICE COURT - CR	Initial Filing Date: 2/9/2018
8/30/2019	NEF	Proof of Electronic Service	Transaction 7460369 - Approved By: NOREVIEW : 08-30-2019:13:29:44	
9/9/2019	3937	SJDC Hearing	Transaction 7473822 - Approved By: NOREVIEW : 09-09-2019:13:44:20	
9/9/2019	NEF	Proof of Electronic Service	Transaction 7473829 - Approved By: NOREVIEW : 09-09-2019:13:45:28	
10/14/2019	MIN	***Minutes	8/29/19 STATUS HEARING - Transaction 7535632 - Approved By: NOREVIEW : 10-14-2019:11:22:40	
10/14/2019	NEF	Proof of Electronic Service	Transaction 7535642 - Approved By: NOREVIEW : 10-14-2019:11:23:45	
10/14/2019	NEF	Proof of Electronic Service	Transaction 7535734 - Approved By: NOREVIEW : 10-14-2019:11:38:38	
10/14/2019	MIN	***Minutes	9/11/19 STATUS HEARING - Transaction 7535732 - Approved By: NOREVIEW : 10-14-2019:11:37:36	
11/1/2019	1670	Ex-Parte Mtn...	EX PARTE MOTION TO AUTHORIZE PRIVATE INVESTIGATOR - Transaction 7568533 - Approved By: CSULE	
11/1/2019	NEF	Proof of Electronic Service	Transaction 7568609 - Approved By: NOREVIEW : 11-01-2019:15:09:28	
12/5/2019	2777	Ord Approving ...	NOTICE AND ORDER AUTHORIZING INVESTIGATOR - Transaction 7622633 - Approved By: NOREVIEW : 12	
12/5/2019	NEF	Proof of Electronic Service	Transaction 7622636 - Approved By: NOREVIEW : 12-05-2019:15:14:08	
12/19/2019	1670	Ex-Parte Mtn...	EX PARTE MOTION FOR APPOINTMENT OF EXPERT (FILED UNDER SEAL) - Transaction 7648354 - Approv	
12/19/2019	NEF	Proof of Electronic Service	Transaction 7648464 - Approved By: NOREVIEW : 12-19-2019:15:36:35	
12/31/2019	2777	Ord Approving ...	RECOMMENDATION AND ORDER TO AUTHORIZE EXPERT WITNESS - Transaction 7661056 - Approved By:	
12/31/2019	NEF	Proof of Electronic Service	Transaction 7661076 - Approved By: NOREVIEW : 12-31-2019:10:54:49	
1/9/2020	2245	Mtn in Limine	MKOTION IN LIMINE REGARDING PRIOR CONVICTION - Transaction 7677282 - Approved By: NOREVIEW :	
1/9/2020	NEF	Proof of Electronic Service	Transaction 7677287 - Approved By: NOREVIEW : 01-09-2020:12:46:54	
1/16/2020	MIN	***Minutes	10/16/19 STATUS HEARING - Transaction 7689481 - Approved By: NOREVIEW : 01-16-2020:10:28:22	
1/16/2020	NEF	Proof of Electronic Service	Transaction 7689513 - Approved By: NOREVIEW : 01-16-2020:10:32:06	
1/16/2020	4045	Stipulation to Continuance	STIPULATION TO CONTINUE TRIAL - Transaction 7689994 - Approved By: NOREVIEW : 01-16-2020:11:42:19	
1/16/2020	NEF	Proof of Electronic Service	Transaction 7689325 - Approved By: NOREVIEW : 01-16-2020:09:55:27	
1/16/2020	3937	SJDC Hearing	Transaction 7689320 - Approved By: NOREVIEW : 01-16-2020:09:54:22	
1/16/2020	NEF	Proof of Electronic Service	Transaction 7690000 - Approved By: NOREVIEW : 01-16-2020:11:43:33	
1/16/2020	NEF	Proof of Electronic Service	Transaction 7690153 - Approved By: NOREVIEW : 01-16-2020:12:43:01	
1/16/2020	1520	Declaration	DECLARATION BY DEFENDANT - Transaction 7690149 - Approved By: NOREVIEW : 01-16-2020:12:41:59	
1/17/2020	2645	Opposition to Mtn ...	OPPOSITION TO DEFENDANT'S MOTION IN LIMINE REGARDING PRIOR CONVICTION - Transaction 76931	
1/17/2020	NEF	Proof of Electronic Service	Transaction 7693313 - Approved By: NOREVIEW : 01-17-2020:15:18:04	
1/21/2020	2645	Opposition to Mtn ...	OPPOSITION TO DEFENDANT'S MOTION IN LIMINE REGARDING PRIOR CONVICTION - Transaction 76942	
1/21/2020	NEF	Proof of Electronic Service	Transaction 7694409 - Approved By: NOREVIEW : 01-21-2020:09:16:30	
3/4/2020	MIN	***Minutes	2/6/19 ENTRY OF PLEA - Transaction 7775388 - Approved By: NOREVIEW : 03-04-2020:16:45:04	
3/4/2020	NEF	Proof of Electronic Service	Transaction 7775399 - Approved By: NOREVIEW : 03-04-2020:16:46:40	
5/22/2020	2592	Notice of Witnesses	Transaction 7889758 - Approved By: NOREVIEW : 05-22-2020:11:06:23	
5/22/2020	NEF	Proof of Electronic Service	Transaction 7889762 - Approved By: NOREVIEW : 05-22-2020:11:07:19	
5/28/2020	MIN	***Minutes	8/29/19 STATUS HEARING - Transaction 7896387 - Approved By: NOREVIEW : 05-28-2020:09:37:13	
5/28/2020	NEF	Proof of Electronic Service	Transaction 7896401 - Approved By: NOREVIEW : 05-28-2020:09:38:13	
6/2/2020	4045	Stipulation to Continuance	STIPULATION TO CONTINUE IN-CUSTODY DEFENDANT'S HEARING - Transaction 7904327 - Approved By:	
6/2/2020	NEF	Proof of Electronic Service	Transaction 7904333 - Approved By: NOREVIEW : 06-02-2020:11:32:47	
6/4/2020	3020	Ord Granting Continuance	Transaction 7908798 - Approved By: NOREVIEW : 06-04-2020:10:43:31	
6/4/2020	NEF	Proof of Electronic Service	Transaction 7908804 - Approved By: NOREVIEW : 06-04-2020:10:44:29	

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6/16/2020	3937	SJDC Hearing	Transaction 7926577 - Approved By: NOREVIEW : 06-16-2020:09:39:06	
6/16/2020	NEF	Proof of Electronic Service	Transaction 7926581 - Approved By: NOREVIEW : 06-16-2020:09:39:56	
6/17/2020	3370	Order ...	Transaction 7929219 - Approved By: NOREVIEW : 06-17-2020:10:26:17	
6/17/2020	NEF	Proof of Electronic Service	Transaction 7929224 - Approved By: NOREVIEW : 06-17-2020:10:27:07	
6/25/2020	1670	Ex-Parte Mtn...	EX PARTE MOTION FOR PAYMENT OF EXPERT - Transaction 7943521 - Approved By: CSULEZIC : 06-25-20	
6/25/2020	NEF	Proof of Electronic Service	Transaction 7943543 - Approved By: NOREVIEW : 06-25-2020:14:51:33	
7/6/2020	2610	Notice ...	NOTICE REGARDING PAYMENT OF EXPERT WITNESS FEES - Transaction 7957260 - Approved By: CSULE	
7/7/2020	NEF	Proof of Electronic Service	Transaction 7957418 - Approved By: NOREVIEW : 07-07-2020:08:34:20	
7/17/2020	MIN	***Minutes	6/18/2020 Motion to Confirm Trial - Transaction 7977577 - Approved By: NOREVIEW : 07-17-2020:17:40:48	
7/17/2020	NEF	Proof of Electronic Service	Transaction 7977578 - Approved By: NOREVIEW : 07-17-2020:17:41:48	
7/24/2020	2020	Mtn for Bail Reduction	Transaction 7987884 - Approved By: NOREVIEW : 07-24-2020:15:15:50	
7/24/2020	NEF	Proof of Electronic Service	Transaction 7987887 - Approved By: NOREVIEW : 07-24-2020:15:16:49	
7/27/2020	3370	Order ...	NOTICE OF AUDIO VISUAL HRG - Transaction 7988668 - Approved By: NOREVIEW : 07-27-2020:09:11:34	
7/27/2020	NEF	Proof of Electronic Service	Transaction 7988672 - Approved By: NOREVIEW : 07-27-2020:09:12:38	
7/28/2020	3937	SJDC Hearing	Transaction 7990831 - Approved By: NOREVIEW : 07-28-2020:08:07:58	
7/28/2020	NEF	Proof of Electronic Service	Transaction 7990841 - Approved By: NOREVIEW : 07-28-2020:08:08:58	
7/31/2020	2645	Opposition to Mtn ...	STATE'S OPPOSITION TO DEFENDANT'S MOTION FOR BAIL MODIFICATION	
8/3/2020	1250	Application for Setting	BAIL HEARING 8/27/2020 @11:00 Transaction 7999767 - Approved By: NOREVIEW : 08-03-2020:11:40:26	
8/3/2020	NEF	Proof of Electronic Service	Transaction 7999772 - Approved By: NOREVIEW : 08-03-2020:11:41:25	
8/24/2020	3370	Order ...	NOTICE OF AV HEARING - Transaction 8034601 - Approved By: NOREVIEW : 08-24-2020:15:44:34	
8/24/2020	NEF	Proof of Electronic Service	Transaction 8034613 - Approved By: NOREVIEW : 08-24-2020:15:45:49	
8/26/2020	3937	SJDC Hearing	Transaction 8039371 - Approved By: NOREVIEW : 08-26-2020:17:01:31	
8/26/2020	NEF	Proof of Electronic Service	Transaction 8039372 - Approved By: NOREVIEW : 08-26-2020:17:02:30	
9/29/2020	1810	Inmate Request Form Filed	Transaction 8090370 - Approved By: NOREVIEW : 09-29-2020:10:33:35	
9/29/2020	NEF	Proof of Electronic Service	Transaction 8090378 - Approved By: NOREVIEW : 09-29-2020:10:34:38	
9/30/2020	4185	Transcript	Hearing on Motion for Bail Modification - Transaction 8093140 - Approved By: NOREVIEW : 09-30-2020:13:15:0	
9/30/2020	NEF	Proof of Electronic Service	Transaction 8093167 - Approved By: NOREVIEW : 09-30-2020:13:17:05	
10/12/2020	1250	Application for Setting	TRIAL FLIGHT 5 BEGINNING 01/11/2021; MTC SET FOR 12/23/2020 AT 4:00PM IN DEPT 9. - Transaction 811	
10/12/2020	NEF	Proof of Electronic Service	Transaction 8111027 - Approved By: NOREVIEW : 10-12-2020:13:24:14	
11/2/2020	1810	Inmate Request Form Filed	Transaction 8141860 - Approved By: NOREVIEW : 11-02-2020:10:38:06	
11/2/2020	NEF	Proof of Electronic Service	Transaction 8141862 - Approved By: NOREVIEW : 11-02-2020:10:39:05	
11/18/2020	1810	Inmate Request Form Filed	Transaction 8166818 - Approved By: NOREVIEW : 11-18-2020:08:31:31	
11/18/2020	NEF	Proof of Electronic Service	Transaction 8166820 - Approved By: NOREVIEW : 11-18-2020:08:32:21	
12/16/2020	2490	Motion ...	EX PARTE MOTION TO AUTHORIZE PRIVATE INVESTIGATOR - Transaction 8208899 - Approved By: CSULE	
12/16/2020	NEF	Proof of Electronic Service	Transaction 8208928 - Approved By: NOREVIEW : 12-16-2020:16:29:24	
12/17/2020	2565	Notice Intent Use Expt Witness	NOTICE OF EXPERT WITNESS Transaction 8209633 - Approved By: NOREVIEW : 12-17-2020:10:23:03	
12/17/2020	NEF	Proof of Electronic Service	Transaction 8209636 - Approved By: NOREVIEW : 12-17-2020:10:24:03	
12/18/2020	3937	SJDC Hearing	Transaction 8211389 - Approved By: NOREVIEW : 12-18-2020:09:38:45	
12/18/2020	NEF	Proof of Electronic Service	Transaction 8211392 - Approved By: NOREVIEW : 12-18-2020:09:39:45	

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Case ID:	CR18-0273	Case Type:	OTHER JUSTICE COURT - CR	Initial Filing Date: 2/9/2018
12/22/2020	1250E	Application for Setting eFile	TRIAL FLIGHT 6 BEGINNING 2/8/21; MTC 1/20/21 AT 4:00 PM IN DEPT 9 (8 DAYS) - Transaction 8215230 - A	
12/22/2020	NEF	Proof of Electronic Service	Transaction 8215234 - Approved By: NOREVIEW : 12-22-2020:09:10:55	
12/28/2020	2777	Ord Approving ...	Transaction 8220583 - Approved By: NOREVIEW : 12-28-2020:14:07:47	
12/28/2020	NEF	Proof of Electronic Service	Transaction 8220594 - Approved By: NOREVIEW : 12-28-2020:14:09:03	
12/31/2020	MIN	***Minutes	8/27/2020 Motion for Bail Reduction - Transaction 8226651 - Approved By: NOREVIEW : 12-31-2020:13:48:59	
12/31/2020	NEF	Proof of Electronic Service	Transaction 8226654 - Approved By: NOREVIEW : 12-31-2020:13:49:57	
1/20/2021	NEF	Proof of Electronic Service	Transaction 8254274 - Approved By: NOREVIEW : 01-20-2021:10:17:14	
1/20/2021	1250E	Application for Setting eFile	TRIAL FLIGHT 7 BEGINNING 3/8/21; MTC 2/17/21 AT 4:00 PM IN DEPT 9 (8 DAYS) - Transaction 8254260 - A	
1/21/2021	NEF	Proof of Electronic Service	Transaction 8257895 - Approved By: NOREVIEW : 01-21-2021:14:24:58	
1/21/2021	3870	Request	REQUEST FOR COURT TO INDICATE ON THE RECORD WHETHER IT IS INCLINED TO FOLLOW THE PAR	
1/21/2021	1250	Application for Setting	Transaction 8258008 - Approved By: NOREVIEW : 01-21-2021:14:48:28	
1/21/2021	NEF	Proof of Electronic Service	Transaction 8258013 - Approved By: NOREVIEW : 01-21-2021:14:49:28	
1/25/2021	3880	Response...	RESPONSE TO DEFENDANT'S REQUEST FOR A HEARING PURSUANT TO CRIPPS v. STATE - Transaction	
1/26/2021	NEF	Proof of Electronic Service	Transaction 8262235 - Approved By: NOREVIEW : 01-26-2021:08:42:53	
1/27/2021	3370	Order ...	AND NOTICE OF AV HEARING - Transaction 8264890 - Approved By: NOREVIEW : 01-27-2021:09:00:36	
1/27/2021	NEF	Proof of Electronic Service	Transaction 8264897 - Approved By: NOREVIEW : 01-27-2021:09:01:48	
1/29/2021	1785	Guilty Plea Memo/Agreement	Transaction 8269935 - Approved By: NOREVIEW : 01-29-2021:11:13:51	
1/29/2021	NEF	Proof of Electronic Service	Transaction 8271289 - Approved By: NOREVIEW : 01-29-2021:18:22:24	
1/29/2021	MIN	***Minutes	1/28/2021 Change of Plea - Transaction 8271285 - Approved By: NOREVIEW : 01-29-2021:18:21:33	
1/29/2021	NEF	Proof of Electronic Service	Transaction 8269939 - Approved By: NOREVIEW : 01-29-2021:11:14:52	
3/4/2021	4500	PSI - Confidential	Transaction 8324773 - Approved By: NOREVIEW : 03-04-2021:08:07:30	
3/4/2021	NEF	Proof of Electronic Service	Transaction 8324778 - Approved By: NOREVIEW : 03-04-2021:08:08:36	
3/9/2021	4185	Transcript	Transaction 8334306 - Approved By: NOREVIEW : 03-09-2021:19:06:14	
3/9/2021	NEF	Proof of Electronic Service	Transaction 8334307 - Approved By: NOREVIEW : 03-09-2021:19:08:45	
3/10/2021	NEF	Proof of Electronic Service	Transaction 8334383 - Approved By: NOREVIEW : 03-10-2021:07:35:29	
3/10/2021	3370	Order ...	NOTICE AND ORDER FOR AV HEARING - Transaction 8334381 - Approved By: NOREVIEW : 03-10-2021:07:3	
3/23/2021	2715	Ord Appointing Counsel	Transaction 8356722 - Approved By: NOREVIEW : 03-23-2021:13:56:25	
3/23/2021	NEF	Proof of Electronic Service	Transaction 8356730 - Approved By: NOREVIEW : 03-23-2021:13:57:25	
4/8/2021	3370	Order ...	AND NOTICE OF AV HEARING - Transaction 8384076 - Approved By: NOREVIEW : 04-08-2021:07:00:27	
4/8/2021	NEF	Proof of Electronic Service	Transaction 8384077 - Approved By: NOREVIEW : 04-08-2021:07:01:17	
4/13/2021	NEF	Proof of Electronic Service	Transaction 8393025 - Approved By: NOREVIEW : 04-13-2021:15:26:56	
4/13/2021	2715	Ord Appointing Counsel	Transaction 8393012 - Approved By: NOREVIEW : 04-13-2021:15:25:58	
4/14/2021	MIN	***Minutes	3/18/21 Sentencing - Transaction 8394403 - Approved By: NOREVIEW : 04-14-2021:11:29:33	
4/14/2021	NEF	Proof of Electronic Service	Transaction 8394411 - Approved By: NOREVIEW : 04-14-2021:11:30:36	
4/20/2021	MIN	***Minutes	4/15/21 Status Hearing - Transaction 8404263 - Approved By: NOREVIEW : 04-20-2021:15:55:43	
4/20/2021	NEF	Proof of Electronic Service	Transaction 8404266 - Approved By: NOREVIEW : 04-20-2021:15:56:43	
4/21/2021	3370	Order ...	AND NOTICE OF AV HEARING - Transaction 8405903 - Approved By: NOREVIEW : 04-21-2021:12:04:34	
4/21/2021	NEF	Proof of Electronic Service	Transaction 8405905 - Approved By: NOREVIEW : 04-21-2021:12:05:34	
4/22/2021	COLL	Sent to Collections	22-APR-2021	

Case Description: STATE VS BRAXTON CHEYANNE GARCIA (D6)				
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4/23/2021	NEF	Proof of Electronic Service	Transaction 8409448 - Approved By: NOREVIEW : 04-23-2021:09:31:41	
4/23/2021	1850	Judgment of Conviction	4/22/21 Young Hearing/Sentencing - Transaction 8409443 - Approved By: NOREVIEW : 04-23-2021:09:30:38	
4/23/2021	MIN	***Minutes	4/22/21 Young Hearing/Sentencing - Transaction 8410425 - Approved By: NOREVIEW : 04-23-2021:14:30:51	
4/23/2021	NEF	Proof of Electronic Service	Transaction 8410429 - Approved By: NOREVIEW : 04-23-2021:14:31:51	
5/21/2021	1310	Case Appeal Statement	Transaction 8458670 - Approved By: NOREVIEW : 05-21-2021:16:17:02	
5/21/2021	2230	Mtn Trial Trans. Public Exp	Transaction 8458676 - Approved By: NOREVIEW : 05-21-2021:16:17:53	
5/21/2021	NEF	Proof of Electronic Service	Transaction 8458677 - Approved By: NOREVIEW : 05-21-2021:16:18:14	
5/21/2021	3868	Req to Crt Rptr - Rough Draft	Transaction 8458683 - Approved By: NOREVIEW : 05-21-2021:16:18:53	
5/21/2021	NEF	Proof of Electronic Service	Transaction 8458682 - Approved By: NOREVIEW : 05-21-2021:16:18:53	
5/21/2021	NEF	Proof of Electronic Service	Transaction 8458694 - Approved By: NOREVIEW : 05-21-2021:16:22:16	
5/21/2021	2515	Notice of Appeal Supreme Court	Transaction 8458665 - Approved By: YVILORIA : 05-21-2021:16:21:03	
5/21/2021	NEF	Proof of Electronic Service	Transaction 8458690 - Approved By: NOREVIEW : 05-21-2021:16:22:07	
5/24/2021	1350	Certificate of Clerk	CERTIFICATE OF CLERK AND TRANSMITTAL - NOTICE OF APPEAL - Transaction 8459468 - Approved By: N	
5/24/2021	NEF	Proof of Electronic Service	Transaction 8459470 - Approved By: NOREVIEW : 05-24-2021:09:15:34	

1 **CODE 1850**

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5
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 **v.**

Case No. CR18-0273

12 **BRAXTON CHEYANNE GARCIA,**

Dept. No. 6

13 **Defendant.**
14 _____/

15 **JUDGMENT OF CONVICTION**

16 Defendant, BRAXTON CHEYANNE GARCIA ("Defendant) entered a plea of Guilty
17 to the charge in this matter. No legal reason or cause precludes entry of judgment against
18 him. Therefore, the Court renders judgment as follows:
19

20 1. Defendant is guilty of the crime of Child Abuse with Substantial Bodily Harm,
21 a violation of NRS 200.508(1)(a)(2), a category B felony, as charged in the Information.

22 2. Sentence is imposed as follows:

23 a) Imprisonment in the Nevada Department of Corrections is imposed for
24 a maximum term of one hundred forty-four (144) months with a minimum parole eligibility
25 of sixty (60) months, with credit for time served of one thousand one hundred forty-four
26 (1144) days.

27 b) Payment shall be made to the Clerk of the Second Judicial District
28 Court as follows:

(1) Twenty-Five Dollars (\$25.00) administrative assessment fee;

1 (2) Three Dollar (\$3.00) administrative assessment to obtain a
2 biological specimen and conduct a genetic marker analysis;

3 (3) Five Hundred Dollars (\$500.00) for legal representation.

4 c) Restitution shall be paid in the amount of Five Thousand Eight
5 Hundred Sixty-Five Dollars and Ninety Cents (\$5865.90) to victim Department of Family
6 Services, through the Division of Parole and Probation.

7 3. Pursuant to Article 1, Section 8 of the Nevada Constitution, all monetary
8 payments, money and property collected from the Defendant shall be first applied to pay
9 the amount ordered as restitution to victim Department of Family Services, Nev. Const. art.
10 1, §8.

11 4. Any restitution, fine, fee, and administrative assessment imposed by this
12 Judgment of Conviction constitutes a lien, as defined in Nevada Revised Statutes NRS
13 176.275. Should the Defendant fail to pay any restitution, fine, fee or assessment
14 imposed, collection efforts may be undertaken against him.

15
16 DATED the 23rd day of April, 2021.
17 NUNC PRO TUNC to April 22, 2021.

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DISTRICT JUDGE

**DATE, JUDGE
OFFICERS OF
COURT PRESENT****APPEARANCES-HEARING****CONT'D TO**

6/27/18
HONORABLE
LYNNE K. SIMONS
DEPT. NO. 6
J. Martin
(Clerk)
C. Wolden
(Reporter)

ARRAIGNMENT

Deputy District Attorney Tyler Altom, Esq. was present on behalf of the State. Defendant was present with Counsel, Deputy Public Defender Erica Flavin, Esq. Specialist Kendrick McKinney was present on behalf of the Division of Parole and Probation.

COURT reviewed the procedural history of the matter and noted the Defendant is in the custody of NDOC in CR17-0121; Court discussed the Petition for Writ of Mandamus which the Court took no action on as it should be filed in Justice Court; Court further noted that as the matter is currently at the Supreme Court it is inappropriate for the Court to take any action.

Defense counsel indicated the Defendant wishes to have new counsel appointed.

State's counsel indicated he was not aware of the matter pending at the Supreme Court and stated there is no objection to conducting a Youngs Hearing.

Sealed portion of the Hearing filed separately.

COURT ORDERED Public Defender's Office relieved as counsel of record; Alternate Public Defender appointed to represent the Defendant; Defense counsel to reset the matter with the Court upon entry of order by the Supreme Court.

**DATE, JUDGE
OFFICERS OF
COURT PRESENT****APPEARANCES-HEARING****CONT'D TO**

7/10/19
HONORABLE
LYNNE K. SIMONS
DEPT. NO. 6
J. Martin
(Clerk)
C. Eisenberg
(Reporter)

MOTION TO CONFIRM

Deputy District Attorney Peg Samples, Esq. was present on behalf of the State. Scott Edwards, Esq. was present on behalf of the Defendant who was not present. Specialist Wamsutta Brown was present on behalf of the Division of Parole and Probation.

COURT noted the Motion FOR Ineffective Assistance of Counsel filed by the Defendant.

Defense counsel stated he believes all issues have been resolved and that the Defendant will be changing his plea.

State's counsel explained the Defendant was not transported by the Nevada Department of Corrections and requested the matter be continued for Change of Plea and to ensure the Defendant's transportation.

COURT ORDERED matter set for Change of Plea; Jury Trial shall remain set for July 29, 2019, until the Defendant has changed his plea in this matter.

**7/17/19
9:00 a.m.
Change of
Plea**

**DATE, JUDGE
OFFICERS OF
COURT PRESENT****APPEARANCES-HEARING****CONT'D TO**

7/17/19
HONORABLE
LYNNE K. SIMONS
DEPT. NO. 6
J. Martin
(Clerk)
C. Hummel
(Reporter)

CHANGE OF PLEA

Deputy District Attorney Peg Samples, Esq. was present on behalf of the State. Scott Edwards, Esq. was present on behalf of the Defendant who was not present. Specialist Alexandra Ford was present on behalf of the Division of Parole and Probation.

Defense counsel stated there were negotiations in this matter however, the Defendant has rejected those negotiations and has indicated he wish to obtain new counsel.

Respective counsel approached; Bench Conference held.

COURT ORDERED Jury Trial set for July 29, 2019, shall be vacated; Hearing scheduled to address Defendant's Motion for Ineffective Counsel. Defendant remanded to the custody of the Warden.

**7/25/19
2:00 p.m.
Young
Hearing**

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONT'D TO

7/25/19
HONORABLE
LYNNE K. SIMONS
DEPT. NO. 6
J. Martin
(Clerk)
E. Ferretto
(Reporter)

YOUNGS HEARING

Deputy District Attorney Peg Samples, Esq. was present on behalf of the State. Defendant was present with counsel, Scott Edwards, Esq.
COURT sealed the below portion and cleared the courtroom of all non-essential individuals; sealed portion filed separately.
COURT ORDERED Trial vacated; Counsel Edward relieved as counsel of record for the Defendant; Defendant shall be appointed counsel through the Conflict Group; Court shall not consider any documents filed by the Defendant until he has conferred with new counsel; Status Hearing set; Respective counsel to ensure all discovery is forwarded to new counsel. Defendant remanded to the custody of the Warden.

8/29/19
9:00 a.m.
Status
Hearing

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES-HEARING	CONT'D TO
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STATUS HEARING

8/29/19 HONORABLE LYNNE K. SIMONS DEPT. NO. 6 J. Martin (Clerk) C. Hummel (Reporter)	Deputy District Attorney Mariah Northington, Esq. was present on behalf of the State. Defendant was present with counsel, David Neidert, Esq. Specialist Michelle Ing was present on behalf of the Division of Parole and Probation. Defense counsel requested the matter be continued for two weeks to further discuss how the Defendant would like to proceed. COURT ORDERED matter continued. Defendant remanded to the custody of the Warden.	9/11/19 9:00 a.m. Status Hearing
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**DATE, JUDGE
OFFICERS OF
COURT PRESENT****APPEARANCES-HEARING****CONT'D TO****STATUS HEARING**

9/11/19
HONORABLE
LYNNE K. SIMONS
DEPT. NO. 6
J. Martin
(Clerk)
K. Murray
(Reporter)

Deputy District Attorney Matthew Lee, Esq. was present on behalf of the State.
Defendant was present with counsel, David Neidert, Esq. Specialist Michelle
Wing was present on behalf of the Division of Parole and Probation.
Defense counsel requested the matter be continued to allow further time to meet
with the Defendant.
State's counsel had no objection to the continuance.
Defendant indicated he agreed to continue the matter.
COURT ORDERED matter continued.
Defendant remanded to the custody of the Warden.

10/16/19
9:00 a.m.
Status
Hearing

**DATE, JUDGE
OFFICERS OF
COURT PRESENT****APPEARANCES-HEARING****CONT'D TO****STATUS HEARING**

10/16/19
HONORABLE
LYNNE K. SIMONS
DEPT. NO. 6
J. Martin
(Clerk)
E. Ferretto
(Reporter)

Deputy District Attorney Peg Samples, Esq. was present on behalf of the State. Defendant was present with counsel, David Neidert, Esq. Specialist Wamussetta Brown was present on behalf of the Division of Parole and Probation. **COURT** reviewed the procedural history of the matter and directed Jury Trial be reset. Discussion ensued regarding Trial scheduling. Respective counsel indicated Trial would take approximately 8 days. **COURT ORDERED** Motion to Confirm and Jury Trial reset. Defendant remanded to the custody of the Warden.

**1/22/2020
9:00 a.m.
Motion to
Confirm/Pre-
Trial
Motions

2/10/2020
9:00 a.m.
Jury Trial
(8 days)**

**DATE, JUDGE
OFFICERS OF
COURT PRESENT**

APPEARANCES-HEARING

CONT'D TO

2/6/19
HONORABLE
LYNNE K. SIMONS
DEPT. NO. 6
J. Martin
(Clerk)
L. Clarkson
(Reporter)

ENTRY OF PLEA

Deputy District Attorney Peg Samples, Esq. was present on behalf of the State. Defendant was present with counsel, Scott Edwards, Esq. Specialist Deborah Brown was present on behalf of the Division of Parole and Probation.

COURT inquired if this action is impacted by Marsy's Law (Constitution, Article 1, Section 8A).

COURT confirmed there is an alleged victim in this matter.

The State indicated there is an alleged victim in this matter who is a minor child.

COURT confirmed the State's obligation to provide notice pursuant to Article 1, Section 8A(1)(q) of the Nevada Constitution; inquired whether the State had an offer of proof that notice had been given and if the alleged victim had requested notice of hearings or if the State had obtained a waiver of notice from the alleged victim.

The State informed the Court that notice has been provided pursuant to Article 1, Section 8A(1)(q) of the Nevada Constitution and provided an offer of proof regarding the notice to the alleged victim through the minor child's custodian.

Defendant entered a plea of not guilty to Child Abuse with Substantial Bodily Harm as set forth therein.

Defense counsel stated the Defendant waives his right to a speedy trial.

COURT ORDERED matter set for Motion to Confirm and Jury Trial.

Defendant remanded to the custody of the Warden.

**7/10/19
9:00 a.m.
Motion to
Confirm**

**7/29/19
9:00 a.m.
Jury Trial
(5 days)**

DATE, JUDGE OFFICERS OF COURT PRESENT	APPEARANCES-HEARING	CONT'D TO
	<u>STATUS HEARING</u>	
8/29/19 HONORABLE LYNNE K. SIMONS DEPT. NO. 6 J. Martin (Clerk) C. Hummel (Reporter)	Deputy District Attorney Mariah Northington, Esq. was present on behalf of the State. Defendant was present with counsel, David Neidert, Esq. Specialist Michelle Wing was present on behalf of the Division of Parole and Probation. Defense counsel requested the matter be continued approximately 2 weeks. COURT ORDERED matter continued. Defendant remanded to the custody of the Warden.	9/11/19 9:00 a.m. Status Hearing

CASE NO. CR18-0273

STATE OF NEVADA vs. BRAXTON CHEYANNE GARCIA

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

06/18/2020
HONORABLE
LYNNE K.
SIMONS
DEPT. NO. 6
M. Conway
(Clerk)
S. Kiger
(Reporter)

MOTION TO CONFIRM TRIAL

Hearing conducted via Zoom Video conferencing.
Deputy District Attorney Peg Samples was present in Court on behalf of the State.
David Neidert, Esq. was present in Court on behalf of the Defendant, who was present, in custody.
Specialist Erin Lukl was present in Court on behalf of the Division of Parole and Probation.
This hearing was held remotely because of the closure of the courthouse at 75 Court Street in Reno, Washoe County, Nevada due to the National and Local emergency caused by COVID-19. The Court and all the participants appeared via simultaneous audiovisual transmission. The Court was physically located in Reno, Washoe County, Nevada which was the site of the court session. Counsel acknowledged receipt of the Notice that the hearing was taking place pursuant to Nevada Supreme Court Rules – Part 9 relating to simultaneous audiovisual transmissions and all counsel stated that they had no objection to going forward in this manner.
Counsel Neidert addressed the Court and moved to set a new trial date and a bail hearing.
COURT reviewed the procedural history of the case at bar, noting that the Defendant pled not guilty and waived his speedy trial rights (60-day) rule on February 6, 2019.
Court and respective counsel reviewed potential trial dates; Counsel Neidert indicated that trial should be set for 8 days.
COURT ORDERED Motion to Confirm Trial DENIED.
COURT ORDERED Trial date of June 22, 2020 VACATED and reset to January 19, 2021 at 9:00 a.m.
COURT ORDERED Motion to Confirm Trial set January 7, 2021 at 9:00 a.m.
COURT directed respective counsel to file Motion(s) re: Custody Status and any Opposition prior to the Bail Hearing.
COURT ORDERED Bail Hearing/Status hearing set July 30, 2020 at 9:00 a.m.
Defendant remanded to the custody of the Sheriff.

July 30, 2020
9:00 a.m.
Bail Hearing/
Status Hearing

Motion to
Confirm Trial
Jan. 7, 2021
9:00 a.m.

Jury Trial
Jan. 19, 2021
9:00 a.m.
(8 days)

CASE NO. CR18-0273

STATE OF NEVADA vs. BRAXTON CHEYANNE GARCIA

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

8/27/2020

HONORABLE

LYNNE K.

SIMONS

DEPT. NO. 6

M. Conway

(Clerk)

P. Hoogs

(Reporter)

MOTION – BAIL REDUCTION

Hearing conducted via Zoom Video conferencing.

Deputy District Attorney Peg Samples was present in Court on behalf of the State.

David Neidert, Esq. was present in Court on behalf of the Defendant, who was present, in custody.

Specialist Jill Berryman was present in Court on behalf of the Division of Parole and Probation.

This hearing was held remotely because of the closure of the courthouse at 75 Court Street in Reno, Washoe County, Nevada due to the National and Local emergency caused by COVID-19. The Court and all the participants appeared via simultaneous audiovisual transmission. The Court was physically located in Reno, Washoe County, Nevada which was the site of the court session. Counsel acknowledged receipt of the Notice that the hearing was taking place pursuant to Nevada Supreme Court Rules – Part 9 relating to simultaneous audiovisual transmissions and all counsel stated that they had no objection to going forward in this manner.

Counsel Neidert addressed and advised the Court that he has had enough time to speak with his client and they are ready to proceed.

COURT reviewed the Motion for Bail Reduction filed July 24, 2020 and the Opposition to Motion filed July 31, 2020.

Counsel Neidert addressed the Court and argued in support of the Motion for Bail Reduction pursuant to the Valdez-Jimenez standard.

Counsel Neidert reviewed Frye v. District Court.

Counsel Samples addressed and advised the Court that the State does not dispute that NRS 178.498 and NRS 178.4853 apply to this hearing.

Counsel Neidert presented further argument in support of a bail reduction to \$10,000 bondable and/or own recognizance release and provided a procedural background of the Defendant's prior case and the case at bar. Counsel Neidert further addressed concerns regarding the possible intimidation of witness Shannon Mendoza.

The Defendant was sworn, read aloud 2 letters addressing his participation in classes while in custody at the Washoe County Jail and read a personal statement.

Counsel Samples questioned the Defendant.

Counsel Samples addressed Defendant's concerns regarding the phone call to Ms. Mendoza and indicated that the phone call did not come from the District Attorney's Office but from the H.S.A. office. Counsel Samples provided argument in opposition of a bail reduction and argued that the Defendant is a danger to this community and that there are no conditions that the Court can impose that would protect the community and the victim.

Counsel Neidert requested a short recess to allow him to speak with his client.

Recess taken.

Court reconvened with all parties present.

Counsel Neidert provided further argument in support of reduction Defendant's bail or in the alternative granting the Defendant an O/R release with pretrial services supervision.

COURT considered the Defendant's financial ability to make bail, the Defendant's character, length of residence in the community, his status and history of employment, his relationships with family and friends, his reputation, character and mental condition and his prior criminal record. **COURT** also considered the nature of the offense, and danger to the alleged victim.

COURT FINDS that the State has met its burden, by clear and convincing information, that an O/R release is not appropriate in this case.

COURT ORDERED Bail reduced to \$75,000.00, bondable, with pretrial services supervision if posted. Conditions of pretrial supervision shall include the Defendant seeking and securing employment, providing proof of any income and having no contact with his children without prior Court approval, specifically Chloe and Logan.

Defendant remanded to the custody of the Sheriff.

CASE NO. CR18-0273

STATE OF NEVADA vs. BRAXTON CHEYANNE GARCIA

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

1/28/2021

CHANGE OF PLEA

March 18, 2021

HONORABLE

Hearing conducted via Zoom Video conferencing.

9:00 a.m.

LYNNE K.

Deputy District Attorney Peg Samples was present in Court on behalf of the State.

Sentencing

SIMONS

DEPT. NO. 6

David Neidert, Esq. was present in Court on behalf of the Defendant, who was present, in custody.

M. Conway

Specialist Carlos Perez was present in Court on behalf of the

(Clerk)

Division of Parole and Probation.

T. Amundson

(Reporter)

This hearing was held remotely because of the closure of the courthouse at 75 Court Street, Reno, Washoe County, Nevada, due to the national and local emergency caused by COVID-19. The Court and all participants appeared via simultaneous audiovisual transmission. The Court was physically located in Washoe County, Nevada which was the site of the court session. At the direction of the Court, all participants stated their appearances and location. Respective counsel acknowledged receipt of notice that the hearing was taking place pursuant to the Second Judicial District Court's Administrative Orders entered in 2020, and the Nevada Supreme Court Rules - Part IX governing appearances by simultaneous audiovisual transmissions, and counsel stated they had no objection to proceeding in this manner. The Court further made a record of the fact that these proceedings are open to the public for viewing and listening through the webinar/meeting invitation located on the Court's website and directed that if at any time anyone who is participating in this matter cannot see or hear the other participants in this case, they are to inform the Court.

Counsel Neidert addressed the Court and stated the plea negotiations as outlined in the Guilty Plea Memorandum (GPM) which includes the parties jointly stipulating to recommend a sentence of 60-150 months and the parties agree the Defendant will receive credit for time served since the date of March 7, 2018; Counsel Samples indicated that the plea negotiations were correctly stated.

Counsel Neidert further reviewed his client's Request for the Court to Indicate on the Record Whether it is Inclined to Follow the Parties' Plea Agreement, filed on January 21, 2021.

COURT acknowledged receipt and review of the Request for Court to Indicate on the Record Whether it is Inclined to Follow the Parties' Plea Agreement filed January 21, 2021, and the State's Response to Defendant's Request for a Hearing pursuant to Cripps v. State, filed January 25, 2021.

COURT indicated on the record that it is inclined to follow the sentencing recommendations of the parties.

Defendant was sworn.

COURT canvassed the Defendant, advised him of his rights, found that there was a factual basis for the plea.

Counsel Samples recited the elements of the offense.

Defendant entered a plea of guilty to the crime of Child Abuse with Substantial Bodily Harm, a violation of NRS 200.508(1)(a)(2), a category B felony, as stated in the Information and provided the Court with visual verification of the signed GPM.

COURT further canvassed the Defendant regarding his entry of plea.

COURT further found that the Defendant understood the elements of the offense, the possible punishments, that the plea was knowing, voluntary and intelligent, and that the Defendant was competent to enter the plea. **COURT** accepted the plea.

COURT ORDERED the preparation of a presentence investigation report (PSI).

COURT ORDERED: Matter continued for entry of judgment and imposition of sentence to March 18, 2021 at 9:00 a.m.

COURT ORDERED Motion to Confirm Trial set February 17, 2021 and Trial set March 8, 2021 VACATED.

Defendant remanded to the custody of the Sheriff.

CASE NO. CR18-0273

STATE OF NEVADA vs. BRAXTON CHEYANNE GARCIA

**DATE, JUDGE
OFFICERS OF**

COURT PRESENT

3/18/2021
HONORABLE
LYNNE K.
SIMONS
DEPT. NO. 6
M. Conway
(Clerk)
L. Urmston
(Reporter)

APPEARANCES-HEARING

ENTRY OF JUDGMENT; IMPOSITION OF SENTENCE

Hearing conducted via Zoom Video conferencing.
Deputy District Attorney Peg Samples was present in Court on behalf of the State.
David Neidert, Esq. was present in Court on behalf of the Defendant, who was present, in custody.
Specialist Erin Lukl was present in Court on behalf of the Division of Parole and Probation.

CONTINUED TO

April 15, 2021
9:00 a.m.
Status Hearing/
Sentencing
Young Hearing

This hearing was held remotely because of the closure of the courthouse at 75 Court Street, Reno, Washoe County, Nevada, due to the national and local emergency caused by COVID-19. The Court and all participants appeared via simultaneous audiovisual transmission. The Court was physically located in Washoe County, Nevada which was the site of the court session. At the direction of the Court, all participants stated their appearances and location. Respective counsel acknowledged receipt of notice that the hearing was taking place pursuant to the Second Judicial District Court's Administrative Orders entered in 2020, and the Nevada Supreme Court Rules - Part IX governing appearances by simultaneous audiovisual transmissions, and counsel stated they had no objection to proceeding in this manner. The Court further made a record of the fact that these proceedings are open to the public for viewing and listening through the webinar/meeting invitation located on the Court's website and directed that if at any time anyone who is participating in this matter cannot see or hear the other participants in this case, they are to inform the Court.

Specialist Lukl addressed the Court and confirmed credit for time served of 1108 days and restitution in the amount of \$5065.90.
Counsel Neidert addressed and advised the Court that he has meet with the Defendant who has indicated that he wants to withdraw his plea and have new counsel appointed.
The Defendant addressed the Court on his own behalf.
Counsel Samples addressed the Court and had no objection to a continuance.

COURT FINDS This matter came before the Court for a Sentencing hearing on the 18th day of March, 2021. The State of Nevada was represented by Deputy District Attorney Peg Samples. Defendant Braxton Cheyanne Garcia ("Mr. Garcia") was present with counsel, David Neidert, Esq.

The Court has heard and considered the arguments made by Mr. Garcia's counsel and the State's counsel, as well as the comments made by Mr. Garcia. Good cause appearing therefor, **COURT ORDERED** this matter is referred to Krista Meier, Esq., Court-Appointed Conflict Counsel Administrator, for the appointment of counsel to advise and counsel Mr. Garcia regarding his representation and his course of action, as indicated at the hearing, to withdraw his guilty plea previously entered in this matter. **COURT ORDERED** matter continued for Status/Sentencing (and possible Young Hearing) to April 15, 2021 at 9:00 a.m. Defendant remanded to the custody of the Sheriff.

CASE NO. CR18-0273 STATE OF NEVADA vs. BRAXTON CHEYANNE GARCIA

DATE, JUDGE
OFFICERS OF
COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

4/15/2021
HONORABLE
LYNNE K.
SIMONS
DEPT. NO. 6
M. Conway
(Clerk)
K. Murray
(Reporter)

ARRAIGNMENT

Hearing conducted via Zoom Video conferencing.
Deputy District Attorney Alison Ormaas was present in Court on behalf of the State.
David K. Neidert, Esq. and Sean Neahusan, Esq. were present in Court on behalf of the Defendant, who was present, in custody.
Specialist Jenny Lopez was present in Court on behalf of the Division of Parole and Probation.

April 22, 2021
11:00 a.m.
Young Hearing/
Sentencing

This hearing was held remotely because of the closure of the courthouse at 75 Court Street, Reno, Washoe County, Nevada, due to the national and local emergency caused by COVID-19. The Court and all participants appeared via simultaneous audiovisual transmission. The Court was physically located in Washoe County, Nevada which was the site of the court session. At the direction of the Court, all participants stated their appearances and location. Respective counsel acknowledged receipt of notice that the hearing was taking place pursuant to the Second Judicial District Court's Administrative Orders entered in 2020, and the Nevada Supreme Court Rules - Part IX governing appearances by simultaneous audiovisual transmissions, and counsel stated they had no objection to proceeding in this manner. The Court further made a record of the fact that these proceedings are open to the public for viewing and listening through the webinar/meeting invitation located on the Court's website and directed that if at any time anyone who is participating in this matter cannot see or hear the other participants in this case, they are to inform the Court.

Counsel Neahusan addressed the Court and moved for a continuance to allow him to meet with the Defendant.
COURT reviewed the Order re: Appointment of Conflict Counsel filed March 23, 2021.

The Defendant addressed the Court regarding a letter that he wants the Court to review.

COURT directed the Defendant to provide the letter to and discuss the letter with counsel and follow counsel's guidance.

COURT ORDERED Motion to Continue GRANTED, matter continued for a Young Hearing and/or sentencing to April 22, 2021 at 11:00 a.m.

Defendant is remanded to the custody of the Sheriff.

CASE NO. CR18-0273 STATE OF NEVADA vs. BRAXTON CHEYANNE GARCIA

DATE, JUDGE
OFFICERS OF

COURT PRESENT

APPEARANCES-HEARING

CONTINUED TO

4/22/2021

YOUNG HEARING/SENTENCING

HONORABLE

Hearing conducted via Zoom Video conferencing.

LYNNE K.

Deputy District Attorney Peg Samples was present in Court on behalf of the State.

SIMONS

DEPT. NO. 6

David K. Neidert, Esq. and Sean Neahusan, Esq. were present in Court on behalf of the Defendant, who was present, in custody.

M. Conway

Officer Marissa Stavness was present in Court on behalf of the

(Clerk)

Division of Parole and Probation.

L. Stubbs

(Reporter)

This hearing was held remotely because of the closure of the courthouse at 75 Court Street, Reno, Washoe County, Nevada, due to the national and local emergency caused by COVID-19. The Court and all participants appeared via simultaneous audiovisual transmission. The Court was physically located in Washoe County, Nevada which was the site of the court session. At the direction of the Court, all participants stated their appearances and location. Respective counsel acknowledged receipt of notice that the hearing was taking place pursuant to the Second Judicial District Court's Administrative Orders entered in 2020, and the Nevada Supreme Court Rules - Part IX governing appearances by simultaneous audiovisual transmissions, and counsel stated they had no objection to proceeding in this manner. The Court further made a record of the fact that these proceedings are open to the public for viewing and listening through the webinar/meeting invitation located on the Court's website and directed that if at any time anyone who is participating in this matter cannot see or hear the other participants in this case, they are to inform the Court.

Prior to the commencement of Court, Counsel Neahusan and the Defendant were provided a private breakout room.

Counsel Neahusan addressed and advised the Court that he has had ample time to speak with the Defendant and they are ready to proceed.

Counsel Neidert addressed and advised the Court that he has ample time to speak with the Defendant but has not spoken with the Defendant regarding Defendant's Motion for a Young Hearing and/or Defendant's Motion to Withdraw his Guilty Plea.

Counsel Neahusan advised the Court that the Defendant wishes to withdraw his Motion for a Young Hearing and withdraw his Motion to Withdraw his Guilty Plea and proceed today with sentencing. Counsel Samples addressed the Court and requested that the record reflect that the PSI has been reviewed by Counsel and the Defendant.

Counsel Neahusan advised the Court that he reviewed the PSI.

Court placed Counsel Samples and Officer Marissa Stavness in breakout room to allow discussion in Court regarding the Young Hearing.

Court reconvened with all parties present.

COURT canvassed the Defendant regarding his request to withdraw the Motion for a Young Hearing and his request to withdraw his Motion to Withdraw his Guilty Plea.

The Defendant responded to the Court's questions and confirmed that he is requesting to withdraw both the Motion for a Young Hearing and his Motion to Withdraw his Guilty Plea. The Defendant confirmed that he would like to proceed to sentencing today.

COURT ORDERED Motion to Withdraw request for Young Hearing and Motion to Withdraw the Motion to Withdraw Guilty Plea GRANTED.

Counsel Neidert, Counsel Neahusan and the Defendant were provided a private breakout room to allow for review of the PSI.

Recess taken.

Court reconvened with all parties present.

Officer Stavness advised the Court that the Defendant's updated credit for time served is 1144 days, restitution is \$5865.90, and that the Division has no further additions or corrections to the PSI.

Counsel Neidert advised the Court that the Defendant will stipulate to 1144 days credit for time served.

The Defendant addressed the Court and corrected page 2 of the PSI and indicated that he has 5 children. The Defendant further stipulation to \$5865.90 in restitution.

Counsel Neidert advised the Court that based on the negotiations the Defendant did not have an evaluation performed.

The Defendant addressed the Court and waived the preparation of a psychological evaluation.

Counsel Neidert argued in support of following the joint negotiations of 60-150 months.

Counsel Neahusan had nothing further to add.

The Defendant addressed the Court on his own behalf.

Counsel Samples provided a procedural history of the case at bar and requested the Court follow the joint recommendation for 5-12.5 years. Counsel Samples advised the Court that there is no one present on behalf of the victim.

COURT FINDS Braxton Cheyanne Garcia is guilty of the crime of Child Abuse with Substantial Bodily Harm, a violation of NRS 200.508(1)(a)(2), a category B felony, as charged in the Information.

COURT ORDERED Imprisonment in the Nevada Department of Corrections is imposed for a maximum term of one hundred forty-four (144) months with a minimum parole eligibility of sixty (60) months, with credit for time served of one thousand one hundred forty-four (1144) days.

COURT ORDERED Payment shall be made to the Clerk of the Second Judicial District Court as follows: Twenty-Five Dollars (\$25.00) administrative assessment fee, Three Dollar (\$3.00) administrative assessment to obtain a biological specimen and conduct a genetic marker analysis and Five Hundred Dollars (\$500.00) for legal representation.

COURT FURTHER ORDERED Restitution shall be paid in the amount of Five Thousand Eight Hundred Sixty-Five Dollars and Ninety Cents (\$5865.90) to victim Department of Family Services, through the Division of Parole and Probation. Pursuant to Article 1, Section 8 of the Nevada Constitution, all monetary payments, money, and property collected from the Defendant shall be first applied to pay the amount ordered as restitution to victim Department of Family Services, Nev. Const. art. 1, §8. Any restitution, fine, fee, and administrative assessment imposed by this Judgment of Conviction constitutes a lien, as defined in Nevada Revised Statutes NRS 176.275. Should the Defendant fail to pay any restitution, fine, fee or assessment imposed, collection efforts may be undertaken against him.

Defendant remanded to the custody of the Sheriff.

Code 1350

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

STATE OF NEVADA,

Plaintiff,

vs.

Case No. CR18-0273

BRAXTON CHEYANNE GARCIA,

Dept. No. 6

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 24th day of May, 2021, I electronically filed the Notice of Appeal in the above entitle matter to the Nevada Supreme Court.

The Notice of Appeal contains sealed documents. I certify that I deposited in the Washoe County mailing system for postage and mailing in the United States Postal Service in Reno, Nevada, a copy of the sealed minutes addressed to the Nevada Supreme Court, 201 S. Carson Street, Suite 201, Carson City, Nevada 89701.

I further certify that the transmitted documents are true and correct copies of the original pleadings on file with the Second Judicial District Court.

Dated this 24th day of May, 2021.

Alicia Lerud, Interim
Clerk of the Court
By /s/YViloria
YViloria
Deputy Clerk