

CR21-0020; CR21-0018

Case # 5th Judicial District Court of Nye County, Nevada

State of Nevada

Plaintiff

v.

\* Brett Alan Linder

Defendant

## Notice of Appeal

FILED  
JUN 28 2021 09:42 am  
FIFTH JUDICIAL DISTRICT  
Elizabeth A. Brown  
Clerk of Supreme Court

Nye County Clerk

Deputy

You will Please take Notice of Appeal in  
the Above Named Case at Bar.

Complete Indigent File Stamped Copy Requested

By: \* Brett Linder

## Certificate of Service

The Defendant mailed this Notice of Appeal

On June 28, 2021, 2021

to Nye County Clerk

1520 E. Basin Road

Pahrump, Nevada 89060

Date: 6-28-21

By: \*

BJ

Copy made on 6/28/21 @ 10:51 am.

tonopah Jail

1 Case No. CR21-0020

2 Dept. No. 2

**FILED**  
FIFTH JUDICIAL DISTRICT

JUL - 1 2021

Nye County Clerk

 Deputy

3  
4  
5 **IN THE FIFTH JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
6 **IN AND FOR THE COUNTY OF NYE**

7 \*\*\*\*\*

8 **THE STATE OF NEVADA,**

9 Plaintiff,

10 vs.

**CASE APPEAL STATEMENT**

11 **BRETT ALAN LINDER,**

12 Defendant. /

13 1. Name of appellant filing the case appeal statement: **Brett Alan Linder.**

14 2. Identify the judge issuing the decision, judgment, or order appealed from:

15 **Honorable Robert W. Lane, Fifth Judicial District Court Judge, Department 2.**

16 3. Identify each appellant and the name and address of counsel for each appellant:

17 **Brett Alan Linder is the only appellant, appearing in proper person, whose address is:**

18 **Brett Alan Linder, #18454**  
19 **Nye County Detention Center (NCDC)- Tonopah**  
20 **Post Office Box 831**  
21 **Tonopah, Nevada 89049**

22 4. Identify each respondent and the name and address of appellate counsel, if known,

23 for each respondent: **The State of Nevada is the only respondent, who was represented in**  
24 **the district court by the Office of the Nye County District Attorney, whose address is:**

///

1       **Office of the Nye County District Attorney**  
2       **1520 East Basin Avenue**  
3       **Pahrump, Nevada 89060**

4       5.       Indicate whether any attorney identified above in response to question 3 or 4 is  
5       not licensed to practice law in Nevada and, if so, whether the district court granted that attorney  
6       permission to appear under SCR 42: **Any attorney identified above is licensed to practice law**  
7       **in this state.**

8       6.       Indicate whether appellant was represented by appointed or retained counsel in  
9       the district court: **Appellant was represented by retained counsel in the district court,**  
10       **Andrew S.T. Fritz, Esq.**

11       7.       Indicate whether appellant is represented by appointed or retained counsel on  
12       appeal: **Appellant is represented by neither appointed nor retained counsel on appeal and**  
13       **has filed a Notice of Appeal in proper person.**

14       8.       Indicate whether appellant was granted leave to proceed in forma pauperis, and  
15       the date of entry of the district court order granting such leave: **Appellant has not been granted**  
16       **leave to proceed in forma pauperis.**

17       9.       Indicate the date proceedings commenced in the district court: **Proceedings**  
18       **commenced on February 19th, 2021, by filing of the Information.**

19       10.       Provide a brief description of the nature of the action and result in the district  
20       court, including the type of judgment or order being appealed and the relief granted by the  
21       district court: **This is a criminal matter in which the appellant has failed to specify the order**  
22       **or judgment being appealed. It is assumed the appellant is appealing the last order and/or**  
23       **judgment entered, the Judgment of Conviction, filed June 23rd, 2021, in which the**  
24       **appellant was adjudged guilty of the crime of Discharging Firearm at or into Structure,**  
25       **Vehicle, Aircraft, or Watercraft, in violation of NRS 202.285, a category 'B' felony.**


1           11.     Indicate whether the case has previously been the subject of an appeal or original  
2 writ proceeding in the Supreme Court and, if so, the caption and Supreme Court docket number  
3 of the prior proceeding: **The case has not previously been the subject of an appeal and/or**  
4 **original writ proceedings in the Supreme Court.**

5           12.     Indicate whether this appeal involves child custody or visitation: N/A

6           13.     If this is a civil case, indicate whether this appeal involves the possibility of  
7 Settlement: N/A

8           Dated this 1st day of July, 2021.

9  
10                               SANDRA L. MERLINO  
NYE COUNTY CLERK

11                               By:   
12                               Sarah A. Westfall  
13                               Deputy Clerk, Pahrump  
14                               1520 East Basin Avenue  
15                               Pahrump, Nevada 89060  
16                               (775) 751-7040  
17  
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Fifth Judicial District Court - Nye County  
Case Summary

Run: 07/01/2021  
13:12:20

Page 1

**Case #:** CR21-0020  
**Judge:** LANE, ROBERT W  
**Date Filed:** 02/18/2021 **Department:**  
**Case Type:** Weapons (Felony)

<b>Plaintiff</b> STATE OF NEVADA <b>Defendant</b> LINDER, BRETT ALAN	<b>Attorney(s)</b> DISTRICT ATTORNEY'S OFFICE  FRITZ, ANDREW S T
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**Fees:**

Date Assessed:	Fee	Total	Paid	Waived	Outstanding
06/23/2021	ADMIN	\$5.00	\$0.00	\$0.00	\$5.00
06/23/2021	STADMIN	\$20.00	\$0.00	\$0.00	\$20.00
06/23/2021	GENETIC	\$3.00	\$0.00	\$0.00	\$3.00
06/23/2021	PSI	\$400.00	\$0.00	\$0.00	\$400.00
06/23/2021	PUBDEF	\$500.00	\$0.00	\$0.00	\$500.00

**Charge:** DISC FIREARM AT/INTO STRUCTURE NRS 202.285 F/B Count 1  
**Sent:** NDOC 48/120 MOS; CONSEC TO CR21-0019; 96/240 AGGREGATE; \$25 AA FEE; \$3 DNA AA FEE; \$400 PSI PREP; \$500 ATTY FEES; DUE BY 08/20/2021; CTS 0 DAYS.

**Disp/Judgment:** Non-Trial: Guilty Date: 06/23/2021  
Plea with Sentence  
(Before Trial)

**Hearings:**

Date	Time	Hearing	Court Result
02/22/2021	9:00AM	10#ARRAIGNMENT HEARING	
03/08/2021	9:00AM	10#ARRAIGNMENT HEARING	
05/17/2021	9:00AM	04#SENTENCING HEARING	
06/21/2021	9:00AM	05#SENTENCING HEARING	

**Filings:**

Date	Filing
02/18/2021	CASE FILED 02/18/2021 CASE NUMBER CR21-0020
02/18/2021	JUDGE LANE, ROBERT W: ASSIGNED
02/18/2021	PROSECUTOR: DISTRICT ATTORNEY'S OFFICE ASSIGNED
02/18/2021	DEFENSE ATTORNEY: FRITZ, ANDREW S T ASSIGNED
02/18/2021	DOCUMENTS RECEIVED FROM PAHRUMP JUSTICE COURT - Rec'd, Ref PJC Case #20CR02744: (Waiver of Preliminary Hearing, Unconditional; Stipulation and Order to Convert Preliminary Hearing to a Pre-Trial Hearing; Waiver of 15-Day Rule; Order to Continue Preliminary Hearings; Stipulation to Continue; Substitution of Counsel; Order to Continue; Criminal Complaint; Affidavit and Application for Appointment of Counsel;)

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Case Summary

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02/18/2021 BINDOVER ORDER  
02/19/2021 INFORMATION (FELONY/WEAPONS)  
02/22/2021 COURT MINUTES - ARRAIGNMENT HEARINGS  
JAVS RECORDING TIME: 0855

JUDGE: ROBERT LANE;  
CLERK: JUANITA TORRES;  
BAILIFF: JAMELE TAYLOR;  
REPORTER: CECILIA THOMAS;  
APPEAR: CHIEF DEPUTY DISTRICT ATTORNEY KIRK VITTO ON BEHALF OF THE STATE;  
ATTORNEY ANDREW FRITZ, ON BEHALF OF THE DEFENDANT, WHO IS PRESENT IN  
CUSTODY, VIA VIDEO.  
COURT CALLS CASES CR21-0018, CR21-0019 AND CR21-0020.  
FRITZ BRIEFS THE RECORD; G.P.A. RECEIVED, HOWEVER HE HAS NOT REVIEWED IT  
WITH THE DEFENDANT, REQUEST CONTINUANCE; THE DEFENDANT IS IN TONOPAH AND  
FRITZ INQUIRES AS TO, HOW TO GET THE G.P.A. TO THE DEFENDANT.  
COURT ADVISES HIM TO COORDINATE WITH THE JAIL AND COURT CONTINUES THE  
MATTER TO 03/08/2021 AT 9:00, A.M.

03/08/2021 COURT MINUTES - ARRAIGNMENT HEARINGS  
JAVS RECORDING TIME: 0909

JUDGE: ROBERT LANE;  
CLERK: JUANITA TORRES;  
BAILIFF: JAMELE TAYLOR;  
REPORTER: CECILIA THOMAS;  
APPEAR: CHIEF DEPUTY DISTRICT ATTORNEY KIRK VITTO ON BEHALF OF THE STATE;  
ATTORNEY ANDREW FRITZ, ON BEHALF OF THE DEFENDANT, WHO IS (VIA VIDEO)  
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JUSTICE COURT CASES.  
GUILTY PLEA AGREEMENT SUBMITTED TO THE COURT, ON CR21-0018 & CR21-0028;  
CR21-0019 TO BE DISMISSED; THE STATE IS FREE TO ARGUE; DEFENSE OUTLINES THE  
NEGOTIATIONS.  
STATE STANDS SILENT.  
COURT CANVASS THE DEFENDANT, FINDS THE DEFENDANT LUCID, OUTLINES THE GUILTY  
PLEA AGREEMENT ON THE RECORD AND THE MAXIMUM SENTENCE. DEFENDANT SO  
ACKNOWLEDGES, PLEADS GUILTY AND WAIVES HIS CONSTITUTIONAL RIGHTS TO TRIAL  
AND APPEAL RIGHTS. COURT FINDS THE GUILTY PLEA TO BE GIVEN FREELY AND  
ACCEPTS SAID PLEA. COURT SETS SENTENCING FOR 05/17/2021 AT 9:00.

03/08/2021 TRANSCRIPT OF: ARRAIGNMENT(CONT) (2/22/21)  
03/09/2021 GUILTY PLEA AGREEMENT  
03/16/2021 TRANSCRIPT OF: ARRAIGNMENT(3/8/21)  
04/15/2021 PRESENTENCE INVESTIGATION REPORT

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Case Summary

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05/17/2021 COURT MINUTES - SENTENCING HEARING  
JAVS RECORDING TIME: 0922

JUDGE: ROBERT LANE;  
CLERK: JUANITA TORRES;  
BAILIFF: JAMELE TAYLOR;  
REPORTER: CECILIA THOMAS;  
APPEAR: DEPUTY DISTRICT ATTORNEY MICHAEL ALLMON ON BEHALF OF THE STATE;  
ATTORNEY ANDREW FRITZ, ON BEHALF OF THE DEFENDANT, WHO IS PRESENT IN  
CUSTODY, VIA VIDEO.

COURT CALLS THE MATTERS CR21-0018, CR21-0019 AND CR21-0020.  
FRITZ ADVISES THE COURT THERE ARE ISSUES WITH THE PSI, THE CRIMINAL HISTORY  
ON PAGES 4, 5 & 6, LIST FELONY CONVICTIONS THAT THE DEFENDANT SHOULD HAVE  
RECEIVED HONORABLE DISCHARGES DUE TO THEM BEING ELIGIBLE FOR DROP-DOWN TO  
MISDEMEANORS, HOWEVER HIS FORMER ATTORNEY NEVER MOTION THE COURT; PAGE 8 IS  
CORRECT; REQUEST THE MOTION FOR REDUCTION TO MISDEMEANOR SHOULD BE SET FOR  
HEARING PRIOR TO SENTENCING; ALSO 2020 ARREST ON 09/08 THE DEFENDANT HAS  
BEEN IN CUSTODY FOR 8 1/2 MONTHS, THE LISTED 3-DAY CREDIT FOR TIME SERVED  
IS INCORRECT.

STATE BELIEVES THE PSI IS ACCURATE AND READS PAGE 8 READ ON THE RECORD; NO  
MOTION FOR THE DROP DOWN EVER FILED WITH THE COURT, THE STATE IS UNAWARE OF  
THE CTS.

COURT ADVISES THE PARTIES THE CTS IS TO BE RECALCULATED AND DETERMINED BY  
P&P.

STATE OUTLINES CASE CR8668, AND READS THE GPA ON THE RECORD, REQUEST TO GO  
FORWARD WITH SENTENCING TODAY AS THE DEFENDANT IS STILL ELIGIBLE TO MAKE  
THE MOTION FOR DROP-DOWN.

FRITZ REQUEST TO BE APPOINT THE OLD CASES AND HE WILL SET THE HEARINGS FOR  
DROP-DOWN MOTIONS.

COURT CONTINUES THE MATTER FOR 06/21/2021 AT 9:00, FOR THE MOTIONS AND  
SENTENCING, FURTHER COURT APPOINTS FRITZ TO CR8669 & CR8668A.

05/26/2021 TRANSCRIPT OF:SENTENCING(CONT) (5/17/21)

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Case Summary

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06/21/2021 COURT MINUTES - JAVS RECORDING TIME: 0912

JUDGE: ROBERT LANE;  
CLERK: JUANITA TORRES;  
BAILIFF: JAMELE TAYLOR;  
REPORTER: CECILIA THOMAS;  
APPEAR: DEPUTY DISTRICT ATTORNEY MICHAEL ALLMAN ON BEHALF OF THE STATE;  
ATTORNEY ANDREW FRITZ, ON BEHALF OF THE DEFENDANT, WHO IS PRESENT IN  
CUSTODY.  
COURT CALLS CASES CR8668 & CR8669 FOR DEFENDANT'S MOTION FOR DROP-DOWN;  
CASES CR21-0018, CR21-0019 & CR21-0020 SENTENCING HEARING.  
COURT CALLS THE MATTER WILL HEARING THE MOTIONS FOR THE DROP-DOWN ON CR8668  
AND CR8669.  
FRITZ BRIEFS THE RECORD; OPPOSITION TO MOTION FILED THIS MORNING; DEFENDANT  
HAS AN HONORABLE DISCHARGED.  
STATE ARGUES TERMS OF THE GPA; DEFENDANT ARRESTED FOR PROBATION VIOLATION,  
NO FINDING OF VIOLATION.  
FRITZ ADVISES THE COURT, THE DEFENDANT WAS ARRESTED BUT NO CHARGES FILED,  
DEFENDANT WAS RELEASED ON O.R. AND NEVER SEEN A JUDGE.  
COURT FINDS NO EVIDENCE OF A PROBATION VIOLATION, MOTIONS GRANTED.

COURT WILL NOW HEAR THE SENTENCING HEARINGS AND OUTLINES THE PLEA  
NEGOTIATIONS IN THE PRESENTENCE INVESTIGATION REPORT.  
DEFENSE BRIEFS THE RECORD, OUTLINES THE NEGOTIATIONS, THE P.S.I. REPORT  
SHOULD REFLECT NO PRIOR FELONY CONVICTIONS DUE TO THE MOTION JUST HEARD; A  
CASE IN CLARK COURT HAS BEEN REMANDED; THE DEFENDANT'S TWO PENDING CASES IN  
TONOPAH, WILL BE DISMISSED; DEFENDANT HAS COMPLETED BOOT-CAMP; OUTLINES THE  
DEFENDANT'S DRUG HISTORY; THE DEFENDANT HAS BEEN IN CUSTODY 286 DAYS;  
REQUEST PROBATION AND DRUG COURT WITH A SUSPENDED SENTENCE.  
DEFENDANT ADDRESSES THE COURT AND APOLOGIZES FOR HIS ACTIONS; REQUEST  
PROBATION.  
STATE RECOMMENDS 4-10 YEARS; OUTLINES THE DEFENDANT'S CHARGES/CRIMINAL  
HISTORY; OUTLINES THE DEFENDANT'S P.S.I.; OUTLINES THE CLARK COUNTY CASES.  
COURT OUTLINES THE DEFENDANT'S CRIMINAL HISTORY ON THE RECORD; ON CR21-0018  
AND CR 21-0020, SENTENCES THE DEFENDANT TO 48-120 MONTHS NEVADA DEPARTMENT  
OF CORRECTIONS ON EACH COUNT, SAID SENTENCE TO RUN CONSECUTIVE, ALL THE  
STANDARD FINES AND FEES SET FORTH IN THE PSI REPORT; 286 DAYS CREDIT FOR  
TIME SERVED, TO BE CONFIRMED BY PAROLE & PROBATION; CASE CR21-0019 TO BE  
DISMISSED BY THE STATE.

06/23/2021 JUDGMENT OF CONVICTION (FELONY/WEAPONS)

06/28/2021 TRANSCRIPT OF: SENTENCING(6/21/21)

06/30/2021 NOTICE OF APPEAL (SUBMITTED BY DEFENDANT, BRETT ALAN LINDER, IN PROPER  
PERSON)

07/01/2021 CASE APPEAL STATEMENT



JUN 23 2021

Nye County Clerk  
Deputy

Case No. CR 21-0020

Dept. No. 2P

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT  
OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF NYE

THE STATE OF NEVADA,

Plaintiff,

-v-

JUDGMENT OF CONVICTION

BRETT ALAN LINDER,

Defendant.

On the 8<sup>th</sup> day of March 2021, the above-named defendant, appeared before the Court, while in-custody, with his counsel, ANDREW FRITZ, ESQ., and entered a plea of guilty to the crime of DISCHARGING FIREARM AT OR INTO STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT, in violation of NRS 202.285, a category "B" felony. The state was represented by KIRK VITTO, ESQ., Chief Deputy District Attorney.

On the 21<sup>st</sup> day of June 2021, the defendant appeared personally, while in-custody, with his counsel ANDREW FRITZ, ESQ., for entry of judgment. The state was represented by, MICHAEL ALLMON, ESQ., Deputy District Attorney. No sufficient legal cause was shown by the Defendant as to why judgment should not be pronounced against him. The Court adjudged the Defendant guilty of the crime of DISCHARGING FIREARM AT OR INTO STRUCTURE, VEHICLE, AIRCRAFT, OR WATERCRAFT, in violation of NRS 202.285, a category "B" felony.

The Court then sentenced the Defendant to imprisonment in the Nevada Department of Corrections for a maximum term of one hundred twenty (120) months with a minimum parole eligibility of forty-eight (48) months. Said sentence to run consecutive to CR 21-0019.





1 Defendant shall serve a minimum aggregate term of imprisonment of ninety-six (96)  
2 months and a maximum aggregate term of imprisonment of two hundred and forty (240)  
3 months.

4 That the Defendant shall pay to the Clerk of this Court a sum of \$25.00 as an  
5 Administrative Assessment fee.

6 That the Defendant shall pay to the Clerk of this Court the sum of \$3.00 as a DNA  
7 Administrative Assessment fee.

8 That the Defendant shall pay to Nye County the sum of \$400.00 for preparation of pre-  
9 sentence investigation report.

10 That the Defendant shall pay to the Clerk of this Court a sum of \$500.00 in attorney  
11 fees.

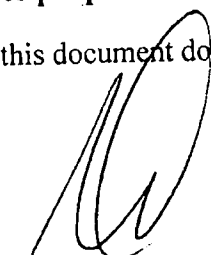
12 That all fines/fees are due by 08/20/21.

13 That the Defendant is given credit for zero (0) days pre-sentence time served.

14 **IT IS FURTHER ORDERED that any bond in this matter be exonerated, unless**  
15 **previously ordered by this court for forfeiture or any other purpose.**

16 Pursuant to NRS 239B.030, the undersigned affirms this document does not contain  
17 the social security number of any person.

18 DATED this 23<sup>rd</sup> day of June 2021.

19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
  
DISTRICT JUDGE

CERTIFICATION OF SERVICE

The undersigned hereby certifies that on the 23<sup>rd</sup> day of June 2021, she mailed (or hand/fleet delivered) copies of the foregoing to the following:

NYE COUNTY DISTRICT ATTORNEY  
PAHRUMP, NV  
(HAND DELIVERED)

ANDREW FRITZ, ESQ.  
609 S. SEVENTH ST.  
LAS VEGAS, NV 89101

NEVADA DIVISION OF PAROLE AND PROBATION  
PAHRUMP, NV  
(HAND DELIVERED)

NYE COUNTY SHERIFF  
PAHRUMP, NV. 89048  
(FLEET DELIVERED)

*Nancy S. Cratty for:*  
LOUISE MULVEY, Secretary to  
DISTRICT JUDGE

FIFTH JUDICIAL DISTRICT COURT  
ESMERALDA AND NYE COUNTIES



## Fifth Judicial District Court - Nye County

Run: 07/01/2021  
13:12:20

## Case Summary

Page 1

**Case #:** CR21-0020  
**Judge:** LANE, ROBERT W  
**Date Filed:** 02/18/2021 **Department:**  
**Case Type:** Weapons (Felony)

**Plaintiff**

STATE OF NEVADA

**Defendant**

LINDER, BRETT ALAN

**Attorney(s)**

DISTRICT ATTORNEY'S OFFICE

FRITZ, ANDREW S T

**Fees:**

Date Assessed:	Fee	Total	Paid	Waived	Outstanding
06/23/2021	ADMIN	\$5.00	\$0.00	\$0.00	\$5.00
06/23/2021	STADMIN	\$20.00	\$0.00	\$0.00	\$20.00
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**Charge:** DISC FIREARM AT/INTO STRUCTURE NRS 202.285 F/B Count 1

**Sent:** NDOC 48/120 MOS; CONSEC TO CR21-0019; 96/240 AGGREGATE; \$25 AA FEE; \$3 DNA AA FEE; \$400 PSI PREP; \$500 ATTY FEES; DUE BY 08/20/2021; CTS 0 DAYS.

**Disp/Judgment:** Non-Trial: Guilty Date: 06/23/2021  
Plea with Sentence  
(Before Trial)

**Hearings:**

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05/17/2021	9:00AM	04#SENTENCING HEARING	
06/21/2021	9:00AM	05#SENTENCING HEARING	

**Filings:**

Date	Filing
02/18/2021	CASE FILED 02/18/2021 CASE NUMBER CR21-0020
02/18/2021	JUDGE LANE, ROBERT W: ASSIGNED
02/18/2021	PROSECUTOR: DISTRICT ATTORNEY'S OFFICE ASSIGNED
02/18/2021	DEFENSE ATTORNEY: FRITZ, ANDREW S T ASSIGNED
02/18/2021	DOCUMENTS RECEIVED FROM PAHRUMP JUSTICE COURT - Rec'd, Ref PJC Case #20CR02744: (Waiver of Preliminary Hearing, Unconditional; Stipulation and Order to Convert Preliminary Hearing to a Pre-Trial Hearing; Waiver of 15-Day Rule; Order to Continue Preliminary Hearings; Stipulation to Continue; Substitution of Counsel; Order to Continue; Criminal Complaint; Affidavit and Application for Appointment of Counsel;)

Run: 07/01/2021  
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Case Summary

Page 2

02/18/2021 BINDOVER ORDER  
02/19/2021 INFORMATION (FELONY/WEAPONS)  
02/22/2021 COURT MINUTES - ARRAIGNMENT HEARINGS  
JAVS RECORDING TIME: 0855

JUDGE: ROBERT LANE;  
CLERK: JUANITA TORRES;  
BAILIFF: JAMELE TAYLOR;  
REPORTER: CECILIA THOMAS;  
APPEAR: CHIEF DEPUTY DISTRICT ATTORNEY KIRK VITTO ON BEHALF OF THE STATE;  
ATTORNEY ANDREW FRITZ, ON BEHALF OF THE DEFENDANT, WHO IS PRESENT IN  
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WITH THE DEFENDANT, REQUEST CONTINUANCE; THE DEFENDANT IS IN TONOPAH AND  
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03/08/2021 COURT MINUTES - ARRAIGNMENT HEARINGS  
JAVS RECORDING TIME: 0909

JUDGE: ROBERT LANE;  
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BAILIFF: JAMELE TAYLOR;  
REPORTER: CECILIA THOMAS;  
APPEAR: CHIEF DEPUTY DISTRICT ATTORNEY KIRK VITTO ON BEHALF OF THE STATE;  
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NEGOTIATIONS.  
STATE STANDS SILENT.  
COURT CANVASS THE DEFENDANT, FINDS THE DEFENDANT LUCID, OUTLINES THE GUILTY  
PLEA AGREEMENT ON THE RECORD AND THE MAXIMUM SENTENCE. DEFENDANT SO  
ACKNOWLEDGES, PLEADS GUILTY AND WAIVES HIS CONSTITUTIONAL RIGHTS TO TRIAL  
AND APPEAL RIGHTS. COURT FINDS THE GUILTY PLEA TO BE GIVEN FREELY AND  
ACCEPTS SAID PLEA. COURT SETS SENTENCING FOR 05/17/2021 AT 9:00.

03/08/2021 TRANSCRIPT OF: ARRAIGNMENT(CONT) (2/22/21)

03/09/2021 GUILTY PLEA AGREEMENT

03/16/2021 TRANSCRIPT OF: ARRAIGNMENT(3/8/21)

04/15/2021 PRESENTENCE INVESTIGATION REPORT

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13:12:31

Case Summary

Page 3

05/17/2021 COURT MINUTES - SENTENCING HEARING  
JAVS RECORDING TIME: 0922

JUDGE: ROBERT LANE;  
CLERK: JUANITA TORRES;  
BAILIFF: JAMELE TAYLOR;  
REPORTER: CECILIA THOMAS;  
APPEAR: DEPUTY DISTRICT ATTORNEY MICHAEL ALLMON ON BEHALF OF THE STATE;  
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MISDEMEANORS, HOWEVER HIS FORMER ATTORNEY NEVER MOTION THE COURT; PAGE 8 IS  
CORRECT; REQUEST THE MOTION FOR REDUCTION TO MISDEMEANOR SHOULD BE SET FOR  
HEARING PRIOR TO SENTENCING; ALSO 2020 ARREST ON 09/08 THE DEFENDANT HAS  
BEEN IN CUSTODY FOR 8 1/2 MONTHS, THE LISTED 3-DAY CREDIT FOR TIME SERVED  
IS INCORRECT.  
STATE BELIEVES THE PSI IS ACCURATE AND READS PAGE 8 READ ON THE RECORD; NO  
MOTION FOR THE DROP DOWN EVER FILED WITH THE COURT, THE STATE IS UNAWARE OF  
THE CTS.  
COURT ADVISES THE PARTIES THE CTS IS TO BE RECALCULATED AND DETERMINED BY  
P&P.  
STATE OUTLINES CASE CR8668, AND READS THE GPA ON THE RECORD, REQUEST TO GO  
FORWARD WITH SENTENCING TODAY AS THE DEFENDANT IS STILL ELIGIBLE TO MAKE  
THE MOTION FOR DROP-DOWN.  
FRITZ REQUEST TO BE APPOINT THE OLD CASES AND HE WILL SET THE HEARINGS FOR  
DROP-DOWN MOTIONS.  
COURT CONTINUES THE MATTER FOR 06/21/2021 AT 9:00, FOR THE MOTIONS AND  
SENTENCING, FURTHER COURT APPOINTS FRITZ TO CR8669 & CR8668A.  
05/26/2021 TRANSCRIPT OF:SENTENCING(CONT) (5/17/21)

Run: 07/01/2021  
13:12:31

Case Summary

Page 4

06/21/2021 COURT MINUTES - JAVS RECORDING TIME: 0912

JUDGE: ROBERT LANE;  
CLERK: JUANITA TORRES;  
BAILIFF: JAMELE TAYLOR;  
REPORTER: CECILIA THOMAS;  
APPEAR: DEPUTY DISTRICT ATTORNEY MICHAEL ALLMAN ON BEHALF OF THE STATE;  
ATTORNEY ANDREW FRITZ, ON BEHALF OF THE DEFENDANT, WHO IS PRESENT IN  
CUSTODY.  
COURT CALLS CASES CR8668 & CR8669 FOR DEFENDANT'S MOTION FOR DROP-DOWN;  
CASES CR21-0018, CR21-0019 & CR21-0020 SENTENCING HEARING.  
COURT CALLS THE MATTER WILL HEARING THE MOTIONS FOR THE DROP-DOWN ON CR8668  
AND CR8669.  
FRITZ BRIEFS THE RECORD; OPPOSITION TO MOTION FILED THIS MORNING; DEFENDANT  
HAS AN HONORABLE DISCHARGED.  
STATE ARGUES TERMS OF THE GPA; DEFENDANT ARRESTED FOR PROBATION VIOLATION,  
NO FINDING OF VIOLATION.  
FRITZ ADVISES THE COURT, THE DEFENDANT WAS ARRESTED BUT NO CHARGES FILED,  
DEFENDANT WAS RELEASED ON O.R. AND NEVER SEEN A JUDGE.  
COURT FINDS NO EVIDENCE OF A PROBATION VIOLATION, MOTIONS GRANTED.

COURT WILL NOW HEAR THE SENTENCING HEARINGS AND OUTLINES THE PLEA  
NEGOTIATIONS IN THE PRESENTENCE INVESTIGATION REPORT.  
DEFENSE BRIEFS THE RECORD, OUTLINES THE NEGOTIATIONS, THE P.S.I. REPORT  
SHOULD REFLECT NO PRIOR FELONY CONVICTIONS DUE TO THE MOTION JUST HEARD; A  
CASE IN CLARK COURT HAS BEEN REMANDED; THE DEFENDANT'S TWO PENDING CASES IN  
TONOPAH, WILL BE DISMISSED; DEFENDANT HAS COMPLETED BOOT-CAMP; OUTLINES THE  
DEFENDANT'S DRUG HISTORY; THE DEFENDANT HAS BEEN IN CUSTODY 286 DAYS;  
REQUEST PROBATION AND DRUG COURT WITH A SUSPENDED SENTENCE.  
DEFENDANT ADDRESSES THE COURT AND APOLOGIZES FOR HIS ACTIONS; REQUEST  
PROBATION.  
STATE RECOMMENDS 4-10 YEARS; OUTLINES THE DEFENDANT'S CHARGES/CRIMINAL  
HISTORY; OUTLINES THE DEFENDANT'S P.S.I.; OUTLINES THE CLARK COUNTY CASES.  
COURT OUTLINES THE DEFENDANT'S CRIMINAL HISTORY ON THE RECORD; ON CR21-0018  
AND CR 21-0020, SENTENCES THE DEFENDANT TO 48-120 MONTHS NEVADA DEPARTMENT  
OF CORRECTIONS ON EACH COUNT, SAID SENTENCE TO RUN CONSECUTIVE, ALL THE  
STANDARD FINES AND FEES SET FORTH IN THE PSI REPORT; 286 DAYS CREDIT FOR  
TIME SERVED, TO BE CONFIRMED BY PAROLE & PROBATION; CASE CR21-0019 TO BE  
DISMISSED BY THE STATE.

06/23/2021 JUDGMENT OF CONVICTION (FELONY/WEAPONS)

06/28/2021 TRANSCRIPT OF: SENTENCING(6/21/21)

06/30/2021 NOTICE OF APPEAL (SUBMITTED BY DEFENDANT, BRETT ALAN LINDER, IN PROPER  
PERSON)

07/01/2021 CASE APPEAL STATEMENT

**OFFICE OF THE NYE COUNTY CLERK  
SANDRA L. MERLINO**

**Tonopah Office**  
Nye County Courthouse  
P.O. Box 1031  
101 Radar Road  
Tonopah, Nevada 89049  
Phone (775) 482-8127  
Fax (775) 482-8133



**Pahrump Office**  
Government Complex  
1520 East Basin Avenue  
Pahrump, Nevada 89060  
Phone (775) 751-7040  
Fax (775) 751-7047

**CERTIFICATION OF COPY**

**STATE OF NEVADA  
COUNTY OF NYE**

**SANDRA L. MERLINO**, the duly elected, qualifying and acting Clerk of Nye County, in the State of Nevada, and Ex-Officio Clerk of the Fifth Judicial District Court, does hereby certify that the foregoing is a true, full and correct copy of the original documents in the action entitled:

**THE STATE OF NEVADA,**

Plaintiff,

vs.

**Case No. CR21-0020**

**BRETT ALAN LINDER,**

Defendants.

now on file and of record in this office.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Fifth Judicial District Court at my office, Pahrump, Nevada, the 1st day of July, 2021.

**SANDRA L. MERLINO, NYE COUNTY CLERK**

By:   
Sarah A. Westfall, Deputy Clerk



**OFFICE OF THE NYE COUNTY CLERK  
SANDRA L. MERLINO**

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Pahrump, Nevada 89060  
Phone (775) 751-7040  
Fax (775) 751-7047

Thursday, July 1st, 2021

**NOTICE OF DEFICIENCY:** JUDGMENT/ORDER BEING APPEALED NOT STATED.

**SENT VIA E-FILE**

Supreme Court of Nevada -- Clerk's Office  
201 South Carson Street, #201  
Carson City, Nevada 89701-4702

RE: THE STATE OF NEVADA, Plaintiff,  
vs.  
BRETT ALAN LINDER, Defendant.  
District Court Case No. CR21-0020

Dear Clerk of Court:

I am submitting an appeal packet for a proper person appeal received and filed June 30th, 2021, in the above referenced matter. As this is a criminal matter, no fees were collected.

Please feel free to contact me should you have any questions with regard to the foregoing.

Sincerely,

**SANDRA L. MERLINO  
NYE COUNTY CLERK**

By   
**Sarah A. Westfall**  
Deputy Clerk, Pahrump

cc: Brett Alan Linder, #18454  
Office of the Nye County District Attorney  
Honorable Robert W. Lane