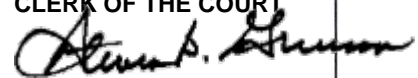


**IN THE SUPREME COURT OF THE STATE OF NEVADA**

Dorian Cullen, Appellant	)	Supreme Court Case No.: 83208
	)	
	)	Electronically Filed
vs.	)	Nov 05 2021 03:47 p.m.
	)	<b>APPELLANT'S APPENDIX INDEX</b>
	)	ENDIX INDEX Brown
	)	Clerk of Supreme Court
The State of Nevada,	)	
Respondent,	)	
	)	
	)	

Appendix Index (Chronological)

<u>Document Name</u>	<u>Date</u>	<u>Bates No.</u>
Guilty Plea Agreement	10/18/2020	01-12
Transcripts, Arraignment Continued	10/19/2020	13-22
Minutes, Sentencing	03/03/2021	23-25
Transcripts, Sentencing	03/03/2021	26-35
Judgment of Conviction	04/06/2021	36-40
Minutes, Revocation of Probation	06/07/2021	41-41
Transcripts, Revocation of Probation	06/07/2021	42-50
Amended Judgment of Conviction	06/10/2021	51-53
Notice of Appeal	07/08/2021	54-55
Docket, Las Vegas Justice Court Case No. 21-CR-025033	10/19/2021	56-56



1 **GPA**  
STEVEN B. WOLFSON  
2 Clark County District Attorney  
Nevada Bar #001565  
3 BRIANNA LAMANNA  
Deputy District Attorney  
4 Nevada Bar #014226  
200 Lewis Avenue  
5 Las Vegas, NV 89155-2212  
(702) 671-2500  
6 Attorney for Plaintiff

7 DISTRICT COURT  
CLARK COUNTY, NEVADA

8  
9 THE STATE OF NEVADA,  
10 Plaintiff,

11 -vs-

12 DORIAN CULLEN,  
13 #6008708

14 Defendant.

CASE NO: C-20-350966-1

DEPT NO: VI

15 **GUILTY PLEA AGREEMENT**

16 I hereby agree to plead guilty to: **COUNT 1** – **BATTERY BY STRANGULATION**  
17 **(Category C Felony - NRS 200.481 - NOC 54735), and COUNT 2 – BATTERY**  
18 **CONSTITUTING DOMESTIC VIOLENCE (Misdemeanor - NRS 200.485(1)(A),**  
19 **200.481(1)(A), 33.018 - NOC 50235), as more fully alleged in the charging document attached**  
20 **hereto as Exhibit “1.”**

21 My decision to plead guilty is based upon the plea agreement in this case which is as  
22 follows:

23 As to Count 1, the State will not make any recommendation at sentencing. As to Court  
24 2, the parties agree to recommend credit for time served. Further, after entry of this plea, the  
25 State has no opposition to releasing Defendant on his own recognizance with high-level  
26 electronic monitoring. Defendant agrees to have no contact whatsoever with the victim,  
27 Amanda Rubio.

28 ///

1 **GPA**  
STEVEN B. WOLFSON  
2 Clark County District Attorney  
Nevada Bar #001565  
3 BRIANNA LAMANNA  
Deputy District Attorney  
4 Nevada Bar #014226  
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5 Las Vegas, NV 89155-2212  
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7 DISTRICT COURT  
CLARK COUNTY, NEVADA  
8

9 THE STATE OF NEVADA,  
10 Plaintiff,

11 -vs-

12 DORIAN CULLEN,  
13 #6008708

14 Defendant.

CASE NO: C-20-350966-1

DEPT NO: VI

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25 State has no opposition to releasing Defendant on his own recognizance with high-level  
26 electronic monitoring. Defendant agrees to have no contact whatsoever with the victim,  
27 Amanda Rubio.

28 ///

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

4 I understand and agree that, if I fail to interview with the Department of Parole and  
5 Probation, fail to appear at any subsequent hearings in this case, or an independent magistrate,  
6 by affidavit review, confirms probable cause against me for new criminal charges including  
7 reckless driving or DUI, but excluding minor traffic violations, the State will have the  
8 unqualified right to argue for any legal sentence and term of confinement allowable for the  
9 crime(s) to which I am pleading guilty, including the use of any prior convictions I may have  
10 to increase my sentence as an habitual criminal to five (5) to twenty (20) years, life without  
11 the possibility of parole, life with the possibility of parole after ten (10) years, or a definite  
12 twenty-five (25) year term with the possibility of parole after ten (10) years.

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

#### 15 CONSEQUENCES OF THE PLEA

16 I understand that by pleading guilty I admit the facts which support all the elements of  
17 the offenses to which I now plead as set forth in Exhibit "1".

18 As to COUNT 1, I understand that as a consequence of my plea of guilty the Court must  
19 sentence me to imprisonment in the Nevada Department of Corrections for a minimum term  
20 of not less than ONE (1) year and a maximum term of not more than FIVE (5) years. The  
21 minimum term of imprisonment may not exceed forty percent (40%) of the maximum term of  
22 imprisonment. I understand that I may also be fined up to \$10,000.00. I understand that the  
23 law requires me to pay an Administrative Assessment Fee.

24 Further as to COUNT 1, I understand that I am eligible for probation for the offense to  
25 which I am pleading guilty. I understand that, except as otherwise provided by statute, the  
26 question of whether I receive probation is in the discretion of the sentencing judge.

27 ///

28 ///



1 As to COUNT 2, I understand that as a consequence of my plea of guilty I may be  
2 imprisoned in the Clark County Detention Center for a period of not more than SIX (6) months  
3 and that I may be fined up to \$1,000.00.

4 Further as to COUNT 2, I understand that the State will use this conviction, and any  
5 other conviction from this or any other State which prohibits the same or similar conduct, to  
6 enhance the penalty for any similar subsequent offense, as detailed in the Battery/Domestic  
7 Violence: Admonishment of Rights, which I have reviewed with my attorney and is attached  
8 hereto as Exhibit "2."

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

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

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

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

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

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

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

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

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

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

I understand that the Division of Parole and Probation will prepare a report for the sentencing judge prior to sentencing. This report will include matters relevant to the issue of sentencing, including my criminal history. This report may contain hearsay information regarding my background and criminal history. My attorney and I will each have the opportunity to comment on the information contained in the report at the time of sentencing. Unless the District Attorney has specifically agreed otherwise, the District Attorney may also comment on this report.

#### WAIVER OF RIGHTS

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

1. The constitutional privilege against self-incrimination, including the right to refuse to testify at trial, in which event the prosecution would not be allowed to comment to the jury about my refusal to testify.
2. The constitutional right to a speedy and public trial by an impartial jury, free of excessive pretrial publicity prejudicial to the defense, at which trial I would be entitled to the assistance of an attorney, either appointed or retained. At trial the State would bear the burden of proving beyond a reasonable doubt each element of the offense(s) charged.
3. The constitutional right to confront and cross-examine any witnesses who would testify against me.
4. The constitutional right to subpoena witnesses to testify on my behalf.
5. The constitutional right to testify in my own defense.



6. The right to appeal the conviction with the assistance of an attorney, either appointed or retained, unless specifically reserved in writing and agreed upon as provided in NRS 174.035(3). I understand this means I am unconditionally waiving my right to a direct appeal of this conviction, including any challenge based upon reasonable constitutional, jurisdictional or other grounds that challenge the legality of the proceedings as stated in NRS 177.015(4). However, I remain free to challenge my conviction through other post-conviction remedies including a habeas corpus petition pursuant to NRS Chapter 34.

#### VOLUNTARINESS OF PLEA

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

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

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

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

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

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

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

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

3 DATED this 14 day of ~~September~~<sup>October</sup>, 2020. *Signature affixed by Kelsey Bernstein*  
4 *at the request of:*

5 *Dorian Cullen*  
6 DORIAN CULLEN  
Defendant

7 AGREED TO BY:

8  
9 */s/ Brianna Lamanna*

10 BRIANNA LAMANNA  
Deputy District Attorney  
11 Nevada Bar #014226  
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1 CERTIFICATE OF COUNSEL:

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

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

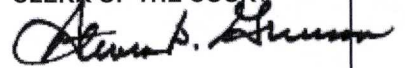
15 Moreover, I have explained that regardless of what Defendant may have been  
told by any attorney, no one can promise Defendant that this conviction will not  
16 result in negative immigration consequences and/or impact Defendant's ability  
to become a United States citizen and/or legal resident.

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

25 Dated: This 14 day of ~~September~~<sup>October</sup>, 2020.

26   
27 KELSEY BERNSTEIN, ESQ.

28 jg/DVU



1 **INFM**  
2 STEVEN B. WOLFSON  
3 Clark County District Attorney  
4 Nevada Bar #001565  
5 BRIANNA LAMANNA  
6 Deputy District Attorney  
7 Nevada Bar #014226  
8 200 Lewis Avenue  
9 Las Vegas, Nevada 89155-2212  
10 (702) 671-2500  
11 Attorney for Plaintiff

12 I.A. 09/25/2020  
13 8:00 A.M.  
14 D. SHEETS

DISTRICT COURT  
CLARK COUNTY, NEVADA

15 THE STATE OF NEVADA,  
16  
17 Plaintiff,

CASE NO: C-20-350966-1

18 -vs-

DEPT NO: VI

19 DORIAN CULLEN,  
20 #6008708

21 Defendant.

**INFORMATION**

22 STATE OF NEVADA }  
23 COUNTY OF CLARK } ss.

24 STEVEN B. WOLFSON, District Attorney within and for the County of Clark, State  
25 of Nevada, in the name and by the authority of the State of Nevada, informs the Court:

26 That DORIAN CULLEN, the Defendant above named, having committed the crimes  
27 of **BATTERY BY STRANGULATION (Category C Felony - NRS 200.481 - NOC 54735)**  
28 **and BATTERY CONSTITUTING DOMESTIC VIOLENCE (Misdemeanor - NRS**  
**200.485(1)(A), 200.481(1)(A), 33.018 - NOC 50235)**, on or about the 3rd day of September,  
2020, within the County of Clark, State of Nevada, contrary to the form, force and effect of  
statutes in such cases made and provided, and against the peace and dignity of the State of  
Nevada,

COUNT 1 – BATTERY BY STRANGULATION

did then and there willfully, unlawfully, and feloniously use force or violence upon the  
person of another, to wit: AMANDA RUBIO, by strangulation.

**Exhibit "1"**

**Bates 09**

1 COUNT 2 – BATTERY CONSTITUTING DOMESTIC VIOLENCE

2 did willfully and unlawfully use force or violence against or upon the person of his  
3 spouse, former spouse, any other person to whom he is related by blood or marriage, a person  
4 with whom he has had or is having a dating relationship, a person with whom he has a child  
5 in common, the minor child of any of those persons or his minor child, to wit: AMANDA  
6 RUBIO, by grabbing the said AMANDA RUBIO by the neck.

7  
8 STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
9

10 BY /s/ Brianna Lamanna  
11 BRIANNA LAMANNA  
Deputy District Attorney  
12 Nevada Bar #014226  
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27 20CR021679/jg/DVU  
28 LVMPD EV#200900011933  
(TK7)



***District Court, Clark County***  
**CLARK COUNTY, NEVADA**

THE STATE OF NEVADA,  
Plaintiff,

- vs. -

DORIAN CULLEN, #6008708  
Defendant.

CASE NO.: C-20-350966-1

DEPT. NO.: VI

**BATTERY/DOMESTIC VIOLENCE: ADMONISHMENT OF RIGHTS**

(For Offenses occurring **on or after** July 1, 2019)

I am the Defendant in this case. At this time, I am charged with battery constituting domestic violence in having willfully and unlawfully committed an act of force or violence upon my spouse, former spouse, a person to whom I am related by blood or marriage (excluding a sibling or cousin with whom I am not in a custodial or guardian relationship), a person with whom I have had or am having a dating relationship, a person with whom I have a child in common, the minor child of any of those persons, my minor child, or any other person who has been appointed the custodian or legal guardian for my minor child (in violation of NRS 33.018/NRS 200.485).

**I AM AWARE THAT I HAVE EACH OF THE FOLLOWING RIGHTS AND THAT I WILL BE WAIVING THESE RIGHTS IF I PLEAD GUILTY OR NOLO CONTENDERE:**

1. The right to a speedy trial;
2. The right to require the State to prove the charge(s) against me beyond a reasonable doubt;
3. The right to confront and question all witnesses against me;
4. The right to subpoena witnesses on my behalf and compel their attendance;
5. The right to remain silent and not be compelled to testify if there were a trial; and
6. The right to appeal my conviction except on constitutional or jurisdictional grounds.

**I AM ALSO AWARE THAT BY PLEADING GUILTY OR NOLO CONTENDERE I AM ADMITTING THE STATE COULD FACTUALLY PROVE THE CHARGE(S) AGAINST ME. I AM ALSO AWARE THAT MY PLEA OF GUILTY OR NOLO CONTENDERE MAY HAVE THE FOLLOWING CONSEQUENCES:**

1. **I understand the State will use this conviction, and any other conviction from this or any other State which prohibits the same or similar conduct, to enhance the penalty for any subsequent offense;**
2. I understand that, as a consequence of my plea of guilty or nolo contendere, if I am not a citizen of the United States, I may, in addition to other consequences provided by law, be removed, deported, or excluded from entry into the United States or denied naturalization;
3. I understand that if I am convicted of a misdemeanor or felony that constitutes domestic violence pursuant to 18 U.S.C. § 921(a)(33), my possession, shipment, transportation, or receipt of a firearm or ammunition will constitute a felony pursuant to NRS 202.360 or federal law;
4. I understand that sentencing is entirely up to the court and the range of penalties outlined in this admonishment for committing the offense described above will apply (unless a greater penalty is provided pursuant to NRS 200.481, 200.485(2)-(5)).

**I AM ALSO HEREBY INFORMED that, if I am convicted of a misdemeanor crime of domestic violence as defined in 18 U.S.C. § 921(a)(33) (which requires “the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim”), I will be prohibited from owning, possessing or having under my custody or control any firearm pursuant to NRS 202.360, and I will be ordered to permanently surrender, sell, or transfer any firearm that I own or that is in my possession or under my custody or control in the manner set forth in NRS 202.361. A person who violates any provision included in a judgment of conviction or admonishment of rights issued pursuant to NRS 200.485 concerning the surrender, sale, transfer, ownership, possession, custody or control of a firearm is guilty of a category B felony and shall be punished by imprisonment in the state prison for a minimum term of not less than 1 year and a maximum term of not more than 6 years, and may be further punished by a fine of not more than \$5,000.00.**

DEFENDANT'S INITIALS: DC

DEFENDANT'S ATTORNEY'S INITIALS (if applicable): KB

PAGE 1 of 2

Exhibit “2”

Bates 11



**CONSEQUENCES FOR ALL OFFENSES:**

In addition to any other penalty, in the Court's discretion, the Court may order me to participate in an alcohol or drug treatment program at my expense; and, in the Court's discretion, if it appears from information presented to the Court that a child under the age of 18 years may need counseling as a result of the commission of a battery which constitutes domestic violence, the Court may refer the child to an agency which provides protective services, and, if that occurs, the Court will require me to reimburse the agency for the costs of any services provided, to the extent of my ability to pay. There may also be certain fees or assessments required by statute.

**FOR ALL FIRST, SECOND, AND THIRD OFFENSES WITHIN 7 YEARS:**

An offense constitutes a prior offense so long as it occurs within seven years of the instant offense, regardless of the sequence of offenses and convictions. An offense also constitutes a prior offense if the offense was dismissed in connection with successful completion of a diversionary program or specialty court program, or if the offense was conditionally dismissed pursuant to NRS 176A.290, without regard to the sequence of the offenses.

**FIRST OFFENSE WITHIN 7 YEARS (MISDEMEANOR):**

At least 2 days in jail but not more than 6 months; at least 48 hours but not more than 120 hours, of community service; a fine of not less than \$200, but not more than \$1,000; mandatory participation in weekly counseling sessions of not less than 1 1/2 hours per week for not less than 6 months, but not more than 12 months, at a certified agency, at my expense.

**SECOND OFFENSE WITHIN 7 YEARS (MISDEMEANOR):**

At least 20 days in jail but not more than 6 months; at least 100 hours, but not more than 200 hours, of community service; a fine of not less than \$500, but not more than \$1,000; mandatory participation in weekly counseling sessions of not less than 1 1/2 hours per week for 12 months, at a certified agency, at my expense.

**THIRD OFFENSE WITHIN 7 YEARS:**

A category B felony punishable by a sentence of imprisonment in the Nevada State Prison for at least 1 year but not more than 6 years; and a fine of at least \$1,000 but not more than \$5,000. A defendant is not eligible for probation for a third offense.

**OFFENSES SUBSEQUENT TO FELONY OFFENSES (CATEGORY B FELONY):**

Any violation of NRS 200.485, at any time after July 1, 2019, subsequent to any felony conviction constituting domestic violence under NRS 33.018, or the laws of any other State prohibiting similar conduct, is a Category B felony, punishable by a sentence of imprisonment for at least 2 years, but not more than 15 years, and a mandatory fine of at least \$2,000 but not more than \$5,000. The instant offense is subsequent to a qualifying offense when evidenced by a conviction, without regard to the sequence of the offenses and convictions, and regardless of whether the prior offense(s) occurred within 7 years. A defendant is not eligible for probation for offenses under this section.

**OFFENSES INVOLVING PREGNANT VICTIMS**

Unless a greater penalty is provided pursuant to NRS 200.481, an offense committed against a victim who was pregnant at the time of the battery, and that fact is known or should have been known to the batterer: a first offense is a gross misdemeanor, punishable by up to 364 days in jail, and a fine of up to \$2,000. A subsequent offense is a Category B felony punishable by imprisonment of not less than 1 year, but not more than 6 years, and a fine of not less than \$1,000, and not more than \$5,000.

**ALL DEFENDANTS MUST INITIAL EITHER #1 OR #2 BELOW--DO NOT INITIAL BOTH**

- DC 1. I am represented by an attorney in this case. My attorney has fully discussed these matters with me and advised me about my legal rights. My attorney is Danar Streets.
- \_\_\_\_\_ 2. I have declined to have an attorney represent me and I have chosen to represent myself. I have made this decision even though there are dangers and disadvantages in self-representation in a criminal case, including but not limited to, the following:
- (a) Self-representation is often unwise, and a defendant may conduct a defense to his or her own detriment;
  - (b) A defendant who represents himself is responsible for knowing and complying with the same procedural rules as lawyers, and cannot expect help from the judge in complying with those procedural rules;
  - (c) A defendant representing himself will not be allowed to complain on appeal about the competency or effectiveness of his or her representation;
  - (d) The state is represented by experienced professional attorneys who have the advantage of skill, training, and ability;
  - (e) A defendant unfamiliar with legal procedures may allow the prosecutor an advantage, may not make effective use of legal rights, and may make tactical decisions that produce unintended consequences; and
  - (f) The effectiveness of the defense may well be diminished by a defendant's dual role as attorney and accused.

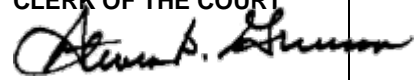
Signature and initials affixed  
by Kelsey Bernstein at the  
request of: Danar Streets 10-14-20

DEFENDANT'S SIGNATURE	DATE OF BIRTH	DATE
-----------------------	---------------	------

I HAVE REVIEWED THIS ADMONISHMENT WITH MY CLIENT AND HE/SHE UNDERSTANDS THE RIGHTS HE/SHE IS WAIVING AND THE CONSEQUENCES OF HIS/HER PLEA OF GUILTY/NOLO CONTENDERE TO THIS BATTERY/DOMESTIC VIOLENCE CHARGE, INCLUDING, BUT NOT LIMITED TO, GUN POSSESSION AND RIGHTS.

Kelsey Bernstein 13825

DEFENDANT'S ATTORNEY (if applicable)	BAR NUMBER
--------------------------------------	------------



1 RTRAN  
2  
3  
4

5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

7  
8 STATE OF NEVADA

CASE NO. C-20-350966-1

9 Plaintiff,

DEPT. VI

10 vs.

11 DORIAN CULLEN,

12 Defendant.

13 BEFORE THE HONORABLE JACQUELINE M. BLUTH, DISTRICT COURT JUDGE  
14 MONDAY, OCTOBER 19, 2020

15 **RECORDER'S TRANSCRIPT OF PROCEEDINGS:**  
16 **ARRAIGNMENT CONTINUED**  
17 **(Via audio ~ Via BlueJeans)**

18 APPEARANCES:

19 For the State:

ROBERT BRAD TURNER, ESQ.  
Chief Deputy District Attorney  
BRIANNA K. LAMANNA, ESQ.  
Deputy District Attorney

22 For the Defendant:

BAYLIE A. HELLMAN, ESQ.  
Nevada Defense Group

24  
25 RECORDED BY: DE'AWNA TAKAS, COURT RECORDER



1 Monday, October 19, 2020, Las Vegas, Nevada

2  
3 [Proceedings began at 10:26 a.m.]

4 THE COURT: -- Nevada versus Dorian Cullen, C350966-1. Mr.  
5 Cullen is present, in custody via BlueJeans. Who do I have from Mr. Sheet's  
6 office?

7 MS. HELLMAN: Good morning, Your Honor, Baylie Hellman, bar  
8 number 14541 appearing for Damian Sheets.

9 THE COURT: Good morning Ms. Hellman. What's going on today,  
10 are we just doing the arraignment or is there a GPA in effect?

11 MS. HELLMAN: There should be a GPA that was uploaded.

12 THE COURT: All right, let me go there for you. One sec.

13 All right it looks like a guilty plea agreement has been uploaded into  
14 the system. Pursuant to the negotiations Mr. Cullen today will be pleading guilty  
15 to 1 count of battery by strangulation, a category C felony, and 1 count of battery  
16 constituting domestic violence, a misdemeanor. As to count 1 the State will not  
17 make any recommendations at sentencing, as to count 2 the parties agree to  
18 credit for time served. Further, after entry of plea the State has no opposition to  
19 releasing the defendant on his own recognizance with high level electronic  
20 monitoring, but he does agree to have no contact with the victim Amanda Rubio  
21 whatsoever.

22 Is that a correct statement of the negotiations Ms. Hellman?

23 MS. HELLMAN: Yes Your Honor.

24 THE COURT: Is that a correct statement of the negotiations -- Mr.  
25 Turner is this yours or do I have a DV --

1 MR. TURNER: Ms. Lamanna, I believe, Judge.

2 THE COURT: Oh, Ms. -- all right.

3 MS. LAMANNA: Brianna Lamanna on behalf of the State, Your  
4 Honor.

5 THE COURT: Okay. Is that correct statement --

6 MS. LAMANNA: And --

7 THE COURT: -- of the negotiations Ms. Lamanna?

8 MS. LAMANNA: That is correct, Your Honor. And I do believe that we  
9 filed an amended information, because we weren't sure if the defendant was going  
10 to enter the guilty plea agreement. I would ask that that amended information be  
11 stricken at this point.

12 THE COURT: Okay.

13 All right --

14 THE DEFENDANT: What's that mean?

15 THE COURT: It just means that they weren't sure that you were going  
16 to go through with the negotiations so they filed an amended information with all of  
17 the original charges. So I'm going to strike that, so that the only thing that will be  
18 shown are the charges that you're pleading guilty too. Does that make sense?

19 THE DEFENDANT: Yes. I had a question.

20 THE COURT: Okay go ahead, sir.

21 THE DEFENDANT: If I was to OR, or if I was to bail out, I would've  
22 been bonded out on medium level monitoring. I was just wondering if there's any  
23 way if I can get that as my OR as well?

24 THE COURT: So, no. The negotiations call for high level. So that's  
25 part of the negotiations. So if you want the negotiation it'll be high level.

1 Otherwise it's just not the deal.

2 THE DEFENDANT: Okay.

3 THE COURT: Did you still wish to go forward?

4 THE DEFENDANT: Yes.

5 THE COURT: All right.

6 May I have your full name for the record please?

7 THE DEFENDANT: Dorian Allen Cullen.

8 THE COURT: And how old are you?

9 THE DEFENDANT: 38.

10 THE COURT: How far did you go in school?

11 THE DEFENDANT: Graduate.

12 THE COURT: Of high school?

13 THE DEFENDANT: Yes.

14 THE COURT: Do you read, write and understand the English

15 language?

16 THE DEFENDANT: Yes.

17 THE COURT: Are you under the influence of any drug, alcoholic

18 beverage or medication today?

19 THE DEFENDANT: No.

20 THE COURT: And do you understand the proceedings that are

21 happening here today?

22 THE DEFENDANT: Yes I do.

23 THE COURT: Have you received a copy of the information charging

24 you with 1 count of battery by strangulation, a category C felony, and 1 count of

25 battery constituting domestic violence, a misdemeanor?



1 THE DEFENDANT: No I have not.

2 THE COURT: Has a copy of this been read to you over the phone?

3 THE DEFENDANT: No it hasn't. Well yeah, I knew what it was gonna  
4 be.

5 THE COURT: Okay well -- so I have in front of me a guilty plea  
6 agreement and -- information, and I have to make sure that either: A, you read  
7 through these documents; or B, these documents -- have been read to you fully  
8 and completely over the phone before I can take a plea.

9 THE DEFENDANT: Yes I understand. Yes they have.

10 THE COURT: Okay.

11 And do you understand those charges?

12 THE DEFENDANT: Yes.

13 THE COURT: And have you had an opportunity to discuss this case  
14 with your attorney?

15 THE DEFENDANT: Yes.

16 THE COURT: As to the charges set forth in the guilty plea agreement  
17 and information, count 1, battery by strangulation, a category C felony, how do  
18 you plead guilty or not guilty?

19 THE DEFENDANT: Guilty.

20 THE COURT: As to count 2, battery constituting domestic violence, a  
21 misdemeanor, how do you plead guilty or not guilty?

22 THE DEFENDANT: Guilty.

23 THE COURT: Are you making these pleas freely and voluntarily?

24 THE DEFENDANT: Yes.

25 THE COURT: Has any one forced or threaten you, or forced or

1 threatened anyone close to you, to get you to enter into these pleas?

2 THE DEFENDANT: No.

3 THE COURT: Has anyone made you any promises, other than what's  
4 contained in the documents, to get you to enter into these pleas?

5 THE DEFENDANT: No.

6 THE COURT: Like I stated earlier, a guilty plea agreement has been  
7 uploaded into the system, and on page 6 of that guilty plea agreement dated  
8 October 14<sup>th</sup>, 2020 is a signature -- above the signature line Dorian Cullen,  
9 defendant, and that states that it was signed by your attorney Kelsey Bernstein,  
10 because of COVID19. Did you give Ms. Bernstein permission to sign this  
11 document on your behalf?

12 THE DEFENDANT: Yes.

13 THE COURT: Did you make that decision freely and voluntarily?

14 THE DEFENDANT: Yes.

15 THE COURT: Do you understand that her signing this document on  
16 your behalf has the same legal effects and consequences as if you had signed the  
17 document yourself?

18 THE DEFENDANT: Yes.

19 THE COURT: And that you won't be able to come back later and try  
20 to get out of these negotiations claiming that it's not your signature?

21 THE DEFENDANT: Yes.

22 THE COURT: Before your attorney signed these documents at your  
23 request and direction, did she go through these documents with you fully and  
24 completely?

25 THE DEFENDANT: Yes.

1 THE COURT: Were all of your questions answered?

2 THE DEFENDANT: Yes.

3 THE COURT: Do you understand everything contained in these  
4 documents, including the constitutional and appellate rights you'll be giving up by  
5 entering into these negotiations?

6 THE DEFENDANT: Yes.

7 THE COURT: Are you a United State citizen, sir?

8 THE DEFENDANT: Yes.

9 THE COURT: All right. Let's talk about the consequences -- excuse  
10 me, the potential time that you would serve if you were ever in prison for these  
11 charges. For count 1, it'd be a minimum of 1 year maximum of 5 years and up to  
12 a \$10,000 fine, is that your understanding?

13 THE DEFENDANT: Yes.

14 THE COURT: Okay. And up to count 2 I know that it's negotiated for  
15 credit for time served, but potentially it does carry up to 6 months in the Clark  
16 County Detention Center and a fine of up to a \$1,000.

17 THE DEFENDANT: Yes.

18 THE COURT: All right. Also while these are probationable, do you  
19 understand that ultimately no one can promise you probation or any type of  
20 special treatment or leniency because that is up to the Judge on the day of  
21 sentencing?

22 THE DEFENDANT: Yes.

23 THE COURT: Okay. I also see that as exhibit 2 there is a -- what's  
24 referred to as a battery domestic violence admonishment of rights sheet, and this  
25 sheet discusses what will happen if you pick up further battery domestic violence

1 arrests. Do you -- did your attorney go through this sheet with you?

2 THE DEFENDANT: No.

3 THE COURT: Okay. So there's a sheet that states, battery domestic  
4 violence admonishment of rights, and it discusses the fact that if you are to pick up  
5 another battery domestic violence after this one then -- it'll be punishable at a  
6 category B felony, for imprisonment of 2 to 15 years, and a mandatory fine of at  
7 least \$2,000 but not more than \$5,000. So if you --

8 THE DEFENDANT: Okay.

9 THE COURT: -- and it's not probationable. So if you pick up another  
10 one of these within 7 years that's what's going to happen. Do you understand  
11 that?

12 THE DEFENDANT: Yes.

13 THE COURT: Okay. Do you have any other further questions about  
14 that?

15 THE DEFENDANT: No.

16 THE COURT: Okay. All right now let me -- are you pleading guilty  
17 because in truth and in fact as to count 1, battery domestic violence strangulation,  
18 a category C felony, on or about the 3<sup>rd</sup> day of September, 2020, within the  
19 County of Clark, State of Nevada, you did willfully, and unlawfully, feloniously use  
20 force or violence upon the person of another, to wit: Amanda Rubio, by  
21 strangulation?

22 THE DEFENDANT: Not to through this off, but I thought that I -- the  
23 domestic strangulation was gone, were with just with the strangulation.

24 THE COURT: Yeah. So it is, its just battery by strangulation, it's not  
25 domestic. So it's just battery by strangulation.

1 THE DEFENDANT: Okay. Yes.

2 THE COURT: Okay?

3 And then category 2, did willfully and unlawfully use force or violence  
4 against or upon the person of his spouse, former spouse, any other person to  
5 whom he is related by blood or marriage, a person with him he was had or is  
6 having a dating relationship, a person with him he has a child in common, the  
7 minor child of any of those person or his minor child, to wit: Amanda Rubio, by  
8 grabbing the said Amanda Rubio by the neck?

9 THE DEFENDANT: Yes.

10 THE COURT: Okay. And so one thing that I messed up on and I  
11 wanted to make sure that it's clear, is -- first let me ask, is this your -- first  
12 domestic violence conviction, sir?

13 THE DEFENDANT: This is my second.

14 THE COURT: Okay. So the -- okay I need to make sure that you  
15 know, actually, that if you get picked up your third offense within 7 years, it's a  
16 category B felony, punishable by a sentence of imprisonment in the Nevada State  
17 Prison for at least 1 year but not more than 6 years, and a fine at least \$1,000 but  
18 not more than \$5,000, and you would not be eligible probation. So it would --  
19 those would be the ramifications if you picked up a third offense within 7 years.  
20 Do you understand that?

21 THE DEFENDANT: Yes.

22 THE COURT: Now if you were too receive the subsequent felony that  
23 was what I was talking about when it would be the -- imprisonment for minimum of  
24 2 maximum of 15. Do you have any questions about that?

25 THE DEFENDANT: No.



1 THE COURT: Okay. Do you have any question for your attorney  
2 before I go ahead and accept your plea?

3 THE DEFENDANT: No. Well -- no.

4 THE COURT: Okay. Any questions for me before I go ahead and  
5 accept your plea?

6 THE DEFENDANT: No.

7 THE COURT: All right the court finds the defendant's plea of guilty is  
8 freely and voluntarily made and that he understands the nature of offense and  
9 consequences of his plea and therefore accepts his plea of guilty.

10 This matter is referred to Department of Parole and Probation for an  
11 out of custody date. The defendant is released pursuant to the negotiations to an  
12 OR release with high level monitoring and a no contact order with the victim,  
13 Amanda Rubio.

14 THE CLERK: Sentencing, February 17<sup>th</sup> 9:30.

15 THE DEFENDANT: It's -- that no contact order starts today; right?

16 THE COURT: It started like 3 minutes ago, yeah.

17 THE DEFENDANT: Okay. All right, thank you.

18 THE COURT: You're welcome.

19 [Proceedings concluded at 10:36 a.m.]

20 \* \* \* \* \*

21 ATTEST: I do hereby certify that I have truly and correctly transcribed the  
22 audio/video proceedings in the above-entitled case to the best of my ability.

23   
24 De'Awna Takas  
25 Court Recorder/Transcriber

Felony/Gross Misdemeanor

COURT MINUTES

March 03, 2021

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C-20-350966-1      State of Nevada  
                                 vs  
                                 Dorian Cullen

---

March 03, 2021      11:00 AM      Sentencing

HEARD BY:      Bluth, Jacqueline M.      COURTROOM: RJC Courtroom 10C

COURT CLERK: Reed, Keith

RECORDER:      Takas, De'Awna

REPORTER:

PARTIES PRESENT:

Baylie Hellman      Attorney for Defendant

Dorian Cullen      Defendant

Shanon Clowers      Attorney for Plaintiff

State of Nevada      Plaintiff

**JOURNAL ENTRIES**

Court noted the reading of the sentencing memorandum. Statement by Defendant. Arguments by counsel. Court admonished should there be any type of violence, contact with the mother or other non technical violations, the Defendant will be sent to prison. Defendant CULLEN ADJUDGED GUILTY OF COUNT 1, BATTERY BY STRANGULATION (F) AND COUNT 2, BATTERY CONSTITUTING DOMESTIC VIOLENCE (M). COURT ORDERED, in addition to the \$25.00 Administrative Assessment fee, \$150.00 DNA Analysis fee including testing to determine genetic markers, \$3.00 DNA Collection fee, \$250.00 Indigent Defense Civil Assessment fee and \$35.00 Domestic Violence fee, as to COUNT 1, Defendant SENTENCED to a MINIMUM OF NINETEEN (19) MONTHS AND A MAXIMUM OF SIXTY (60) MONTHS in the Nevada Department of Corrections (NDC), SUSPENDED, placed on probation for an indeterminate period not to exceed THIRTY-SIX (36) MONTHS; COUNT 2, CREDIT FOR TIME SERVED.

## General Probationary Conditions:

1. Reporting: You are to report in person to the Division of Parole and Probation as instructed by the Division or its agent. You are required to submit a written report each month on forms supplied by the Division. This report shall be true and correct in all respects.

2. Residence: You shall not change your place of residence without first obtaining permission from the Division of Parole and Probation, in each instance.

3. Intoxicants: You shall not consume any alcoholic beverages whatsoever. Upon order of the Division of Parole and Probation or its agent, you shall submit to a medically recognized test for blood/breath alcohol content. Test results of .08 blood alcohol content or higher shall be sufficient proof of excess.

4. Controlled Substances: You shall not use, purchase or possess any illegal drugs, or any prescription drugs, unless first prescribed by a licensed medical professional. You shall

immediately notify the Division of Parole and Probation of any prescription received. You shall submit to drug testing as required by the Division or its agent. No use of marijuana

5. Weapons: You shall not possess, have access to, or have under your control, any type of weapon.

6. Search: You shall submit your person, property, place of residence, vehicle or areas under your control to search including electronic surveillance or monitoring of your location, at any time, with or without a search warrant or warrant of arrest, for evidence of a crime or violation of probation by the Division of Parole and Probation or its agent.

7. Associates: You must have prior approval by the Division of Parole and Probation to associate with any person convicted of a felony, or any person on probation or parole supervision. You shall not have any contact with persons confined in a correctional institution unless specific written permission has been granted by the Division and the correctional institution.

8. Directives and Conduct: You shall follow the directives of the Division of Parole and Probation and your conduct shall justify the opportunity granted to you by this community supervision.

9. Laws: You shall comply with all municipal, county, state, and federal laws and ordinances.

10. Out-of-State Travel: You shall not leave the state without first obtaining written permission from the Division of Parole and Probation.

11. Employment/Program: You shall seek and maintain legal employment, or maintain a program approved by the Division of Parole and Probation and not change such employment or program without first obtaining permission. All terminations of employment or program shall be immediately reported to the Division.

12. Financial Obligation: You shall pay fees, fines, and restitution on a schedule approved by the Division of Parole and Probation. Any excess monies paid will be applied to any other outstanding fees, fines, and/or restitution, even if it is discovered after your discharge.

#### Special Probationary Conditions:

1. You shall submit your digital storage media or any digital storage media that you have access or use, including computers, handheld communication devices and any network applications associated with those devices, including social media and remote storage services to a search and shall provide all passwords, unlock codes and account information associated with those items, with or without a search warrant, by the Division of Parole and Probation or its agent.

#### 2. Cell Phone Probation Conditions:

- a) Only allowed to have one cell phone at any given time.
- b) Provide current phone number to P&P, drug court staff and treatment providers at all times.
- c) Personalize voicemail in your own voice with your full name.
- d) Don't let anyone use your cell phone and do not use anyone else's cell phone.
- e) If phone is passcode protected, provide passcode to P&P and unlock phone at any time your probation officer requests to inspect your phone.
- f) Do not change the password or delete any text messages on your phone without permission and in the presence of your probation officer.

g) Do not remove the SIM card from your cell phone at any time.

3. Be employed full time, attending school full time, a combination of both, or perform 16 hours community service each month with proof to be provided.

4. Continue long term parenting classes.

5. Complete one year Domestic Violence classes; classes already done may count.

6. Complete any other evaluations deemed appropriate by P & P.

7. No contact with the victim Amanda Rubio.

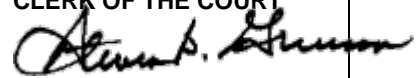
8. Comply with curfew.

Court directed the Defendant to report to P & P within 48 hours and ORDERED, Defendant RELEASED from electronic monitoring.

Bond if any EXONERATED.

CLERK'S NOTE: Minutes corrected to reflect the right charge adjudicated as to Count 1. kar  
4/5/21





1 RTRAN  
2  
3  
4

5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

7  
8 STATE OF NEVADA

CASE NO. C-20-350966-1

9 Plaintiff,

DEPT. VI

10 vs.

11 DORIAN CULLEN,

12 Defendant.

13 BEFORE THE HONORABLE JACQUELINE M. BLUTH, DISTRICT COURT JUDGE  
14 WEDNESDAY, MARCH 3, 2021

15 **RECORDER'S TRANSCRIPT OF PROCEEDINGS: SENTENCING**  
16 **(Via audio ~ Via BlueJeans)**

17 **APPEARANCES:**

18 For the State:

SHANON L. CLOWERS, ESQ.  
Chief Deputy District Attorney

20  
21 For the Defendant:

BAYLIE A. HELLMAN, ESQ.  
Nevada Defense Group

22  
23  
24  
25 RECORDED BY: DE'AWNA TAKAS, COURT RECORDER

1 Wednesday, March 3, 2021, Las Vegas, Nevada

2  
3 [Proceedings began at 11:26 a.m.]

4 THE COURT: Let's call page 8 for out of custody, C350966. He's  
5 present, out of custody, being brought into the courtroom. Ms. Hellman is present  
6 via BlueJean on his behalf. Who do I have -- arguing this on behalf of the State?

7 MS. CLOWERS: Gonna be me, Your Honor.

8 THE COURT: Oh, it is you. Okay.

9 MS. CLOWERS: And it's Cullen; right? Dorian Cullen?

10 THE COURT: Yeah.

11 MS. CLOWERS: Okay.

12 THE COURT: All right. Mr. Cullen is present now in the courtroom.

13 All right, so, I have had the opportunity to review the sentencing  
14 memorandum that was filed. Ms. Clowers did you get a copy of that?

15 MS. CLOWERS: Yes, Your Honor.

16 THE COURT: Okay.

17 All right, so, this is a no rec at sentencing. Is it still a no  
18 recommendation Ms. Clowers?

19 MS. CLOWERS: Yes, Your Honor.

20 THE COURT: Okay. All right, Mr. Cullen, at this point in time before I  
21 have a opportunity to hear from your attorney on your behalf this is your time to  
22 address the court and let me know anything you wish to you know. Go ahead, sir.

23 THE DEFENDANT: Anything I wish to know?

24 THE COURT: Anything I -- you wish me to know.

25 THE DEFENDANT: Well since --

1 THE COURT RECORDER: Can you move closer to the microphone?

2 THE DEFENDANT: -- November --

3 THE COURT: If you could just get a little bit closer the mic, and keep  
4 your voice up for me. Go ahead.

5 THE DEFENDANT: Since November 11, since I got released from  
6 county, I've completed several classes. My behavior has changed. I'm currently  
7 full time employed. I have an apartment. I'm working on getting my children back.  
8 And --

9 THE COURT: Where -- why are your children with CPS?

10 THE DEFENDANT: Because of the domestic. So my baby mother  
11 wasn't suppose to have contact with me and I wasn't to have contact with her, and  
12 we had the domestic and CPS took our children.

13 THE COURT: But why didn't they give them back to her?

14 THE DEFENDANT: Because she has like several domestic cases  
15 herself, and she's already lost her son before she had kids with me. So now she  
16 has to fight to get'em back as well.

17 THE COURT: How long were the parenting classes that you did?

18 THE DEFENDANT: I believe -- I did 9 of them.

19 THE COURT: And how long was the -- you did anger management,  
20 but didn't do DV; right?

21 THE DEFENDANT: No. I have completed -- I just did another one  
22 last night, so I have actually completed 12 DV classes. I completed anger  
23 management. I've -- I completed parenting class. I'm currently in MRT in the  
24 Hope for Prisoners program.

25 THE COURT: Yeah, I saw that.

1 THE DEFENDANT: I've been corresponding with Foundation of  
2 Recovery. I have a counselor over there that's helping me make the right steps to  
3 be successful. I've also was in a sober living home, until I just got into this full  
4 time employment, wherein I just moved in on property.

5 THE COURT: Where are you working?

6 THE DEFENDANT: I'm working at Events by Bliss.

7 THE COURT: What -- tell me about it?

8 THE DEFENDANT: We do stage hand. Its stage hand shows. They  
9 pretty much do weddings right now, because, you know, the strip is closed down.  
10 So we're doing weddings and just parties, weddings and party planning.

11 THE COURT: Okay.

12 THE DEFENDANT: Like we do the sparklers, and the lighting, and  
13 hang currents, and build a stage, and the deck to walk down the aisle.

14 THE COURT: So let me tell you, when I first read this file, this  
15 sentencing memorandum that your attorney filed with all the completion of  
16 everything you've been doing, before I read that I was going to send you to prison.  
17 After reading all of the steps that you have taken to better yourself and better the  
18 environment in which your children are going to hopefully one day when it's  
19 appropriate be brought back into, I'm not going to send you to prison I'm gonna  
20 give you the opportunity of probation. But I do need you to know, because it's  
21 always important to me that you and I are on the same level, if there's any type of  
22 violence, if you're not treating those children the way they should be treating, if  
23 you're having contact with the mother, or if there are other non-technical  
24 violations, I will send you to prison because of just this -- this history, the fact that  
25 you've been given drug counseling before, you've failed at probation, failed at



1 parole. I'm willing to work with you as long as you're willing to work with me,  
2 okay?

3 THE DEFENDANT: Okay.

4 THE COURT: Ms. Hellman?

5 MS. HELLMAN: Your Honor, I appreciate the courts  
6 acknowledgement of Mr. Cullen's changes that he's made. As you can see from  
7 the letters and support of sentencing and from his own words today, he is trying to  
8 make a genuine effort to change and improve both for himself, for his family, for  
9 his kids. I know that he wants to create an environment that is safe and  
10 productive for them and for himself as well. So we do appreciate the opportunity  
11 for probation. I was going to ask for an underlying sentence in a bit of the  
12 midrange a 19 to 48, and then probation -- we were looking for a not to exceed 24  
13 months on this, but of course I will defer to the court if you would like him to do  
14 some additional requirements there.

15 THE COURT: Thank you.

16 All right, Mr. Cullen in accordance with the laws of the State of  
17 Nevada, you are hereby judged guilty of the crime of count 1, battery by  
18 strangulation, a felony. In addition to the \$25 administrative fee, the \$3 DNA  
19 collection fee, the \$250 indigent defense fee, and the fact that you must submit to  
20 genetic marker testing, you sentences to a minimum of 19 months a maximum of  
21 60, that's suspended you're placed on a period of probation not to exceed 36  
22 months.

23 The general conditions of your probation are listed in your PSI, those  
24 are 1 through 12. Number 3 has to do with alcohol, no alcohol whatsoever.  
25 Number 4 has to do with controlled substances, that includes marijuana, no

1 marijuana.

2 The special conditions of your probation are:

3 Number 1, there will be a digital storage media clause imposed.

4 They'll be specific phone conditions that will be outlined in your  
5 judgment of conviction.

6 You need to be employed fulltime, in school fulltime, or doing both of  
7 those things fulltime. If not, you need to do 16 hours of community service each  
8 month and provide proof to your probation officer.

9 I would like you to continue on -- I would like you to do long term  
10 parenting classes, long term domestic violence classes, the current classes that  
11 you've already done can count toward those classes.

12 Any other evaluation the Department of Parole and Probation deems  
13 appropriate.

14 There's it be no contact with the victim in this case.

15 And a curfew will be imposed if deemed appropriate by the  
16 Department of Parole and Probation.

17 May I have the victim's name for the record please Ms. Clowers?

18 MS. CLOWERS: Courts indulgence.

19 THE DEFENDANT: It's Amanda Rubio.

20 MS. CLOWERS: Amanda Rubio, R-U-B-I-O.

21 THE COURT: Yes Mr. Cullen?

22 THE DEFENDANT: I was just wondering, you said long term domestic  
23 violence classes, I have 28 classes to do or --

24 THE COURT: 28 is fine. And like I -- the -- actually -- let me think  
25 about it. Ms. Clowers the long term domestic violence classes is how many

1 classes?

2 MS. CLOWERS: It's a whole year, so 28 is the 6 month.

3 THE COURT: 28 is the 6 months, so you have to do the full year. The  
4 Department of Parole and Probation they'll know all about it. But let them know I  
5 said that the classes you've already done can count towards that -- the 52 or  
6 whatever it is.

7 THE DEFENDANT: Okay.

8 THE COURT: Okay? All right, thank you.

9 THE CLERK: Excuse me, Your Honor.

10 THE COURT: Yeah.

11 MS. HELLMAN: Thank you, Your Honor.

12 [Colloquy between The Court and The Clerk]

13 THE COURT: So I have a question, there -- the -- is there a count 2  
14 as well, the -- is it a gross or was that dismissed?

15 MS. HELLMAN: The count 2 was the misdemeanor domestic  
16 violence, with the negotiations being credit for time served as to that count.

17 THE COURT: Okay. For some reason on our calendar it has a  
18 battery -- a bat DV pregnant victim gross misdemeanor.

19 THE DEFENDANT: That was dropped [indiscernible]

20 MS. CLOWERS: It does, yes it shows a gross misdemeanor it the  
21 amended information as well. Allow me to look at the guilty plea agreement.

22 THE COURT: 'Cause it -- it says CT-- the parties agree to  
23 recommend CTS on count 2, but it does have count 2 being a gross, so?

24 THE CLERK: Excuse me, Your Honor. They --

25 MS. CLOWERS: Well I guess the --

1 THE CLERK: -- didn't file the --  
2 MS. CLOWERS: -- problem is --  
3 THE CLERK: -- original information --  
4 MS. CLOWERS: -- the guilty plea agreement reflects a misdemeanor  
5 so --  
6 THE COURT: [indiscernible]  
7 MS. CLOWERS: -- I will --  
8 THE COURT: Just one second Ms. Clowers --  
9 MS. CLOWERS: -- have to file --  
10 THE COURT: -- because I think --  
11 MS. CLOWERS: -- a --  
12 THE COURT: -- an amended info was filed. What'd you say Keith?  
13 THE CLERK: On the original plea agreement they have the  
14 information --  
15 THE COURT: Yeah.  
16 THE CLERK: -- which shows as is on calendar, with count 2 being --  
17 excuse me, I should say --  
18 MS. CLOWERS: Oh, maybe it's a situation where he back out of  
19 negations? So if there is an amended information filed, I would ask to strike it and  
20 then the guilty plea agreement as Mr. Reed just said is reflects the information  
21 filed, which is the misdemeanor.  
22 THE COURT: Just -- okay, give me one sec.  
23 THE CLERK: Attached to the -- the actual guilty plea agreement --  
24 THE COURT: Yeah.  
25 THE CLERK: -- is the information with count 2 showing battery

1 constituting domestic violence, misdemeanor.

2 THE COURT: Okay so attached to the GPA is the misdo?

3 THE CLERK: Yes Your Honor.

4 THE COURT: Okay. So attached to the GPA the information is count  
5 2 a misdo. So he will be adjudicated on the misdemeanor and received credit for  
6 time served on that. And then the domestic violence fee is \$35?

7 THE CLERK: Yes Your Honor.

8 THE COURT: And \$35 --

9 MS. CLOWERS: Yes Your Honor.

10 THE COURT: -- domestic violence fee.

11 Okay sir so you have 48-hours to go down to the Department of  
12 Parole and Probation, which is the sheet that my Marshal is about give you, so go  
13 down meet with them and get everything set up; okay?

14 THE DEFENDANT: Do I get this monitor off my leg, or?

15 THE COURT: Yeah, you should be released from -- I didn't know that  
16 you had it on. So, yes, you will be released off whatever -- electronic monitoring  
17 you're on.

18 THE DEFENDANT: So do I go over to --

19 THE COURT: Yeah, you'll need to wait till this --

20 THE CLERK: Excuse me, Your Honor?

21 THE COURT: -- afternoon though because the minutes will be  
22 updated. Yeah?

23 THE CLERK: Actually since courts over, the form will be sent over,  
24 but as far as I know, they'll contact him.

25 THE COURT: They'll contact him?



1 THE CLERK: Yes, I guess. I just send the form, I don't know --

2 THE COURT: Yeah, yeah, yeah.

3 So over this afternoon or tomorrow, which everyone you want.

4 THE DEFENDANT: Okay.

5 THE COURT: And they'll have it that -- you're taken off. Okay?

6 THE DEFENDANT: Okay.

7 THE COURT: All right, thank you.

8 THE DEFENDANT: Okay.

9 THE COURT: All right.

10 MS. HELLMAN: Thank you, --

11 THE DEFENDANT: Thank you.

12 MS. HELLMAN: -- Your Honor.

13 THE COURT: Thank you, sir.

14 [Proceedings concluded at 11:36 p.m.]

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ATTEST: I do hereby certify that I have truly and correctly transcribed the audio/video proceedings in the above-entitled case to the best of my ability.



De'Awna Takas  
Court Recorder/Transcriber

*Heather S. Hume*

CLERK OF THE COURT

**JOC**  
STEVEN B. WOLFSON  
Clark County District Attorney  
Nevada Bar #001565  
200 Lewis Avenue  
Las Vegas, Nevada 89155-2212  
(702) 671-2500  
Attorney for Plaintiff

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

CASE NO: C-20-350966-1

DORIAN CULLEN,  
#6008708

DEPT NO: VI

Defendant.

**JUDGMENT OF CONVICTION  
(PLEA OF GUILTY)**

The defendant previously appeared before the Court with counsel and entered a plea of guilty to the crime(s) of COUNT 1 - BATTERY BY STRANGULATION (Category C Felony - NRS 200.481) and COUNT 2 - BATTERY CONSTITUTING DOMESTIC VIOLENCE (Misdemeanor - NRS 200.485(1)(A), 200.481(1)(A), 33.018; thereafter, on the 3rd day of March, 2021, the defendant was present in court for sentencing with his counsel, BAYLIE HELLMAN, ESQ., and good cause appearing,

THE DEFENDANT WAS HEREBY ADJUDGED guilty of said Felony offense as to Count 1 and Misdemeanor offense as to Count 2 and, in addition to the \$25.00 Administrative Assessment Fee, \$150.00 DNA Analysis fee including testing to determine genetic markers, \$3.00 DNA Collection fee, \$250.00 Indigent Defense Civil Assessment fee and \$35.00 Domestic Violence fee, as to COUNT 1, Defendant SENTENCED to a MINIMUM OF

///

1 ///

2 ///

3 NINETEEN (19) MONTHS AND A MAXIMUM OF SIXTY (60) MONTHS in the Nevada  
4 Department of Corrections (NDC), SUSPENDED, placed on probation for an indeterminate  
5 period not to exceed THIRTY-SIX (36) MONTHS; COUNT 2, CREDIT FOR TIME  
6 SERVED.

7 General Probationary Conditions:

8 1. Reporting: You are to report in person to the Division of Parole and Probation as  
9 instructed by the Division or its agent. You are required to submit a written report each  
10 month on forms supplied by the Division. This report shall be true and correct in all respects.

11 2. Residence: You shall not change your place of residence without first obtaining  
12 permission from the Division of Parole and Probation, in each instance.

13 3. Intoxicants: You shall not consume any alcoholic beverages whatsoever. Upon order of  
14 the Division of Parole and Probation or its agent, you shall submit to a medically recognized  
15 test for blood/breath alcohol content. Test results of .08 blood alcohol content or higher shall  
16 be sufficient proof of excess.

17 4. Controlled Substances: You shall not use, purchase or possess any illegal drugs, or any  
18 prescription drugs, unless first prescribed by a licensed medical professional. You shall  
19 immediately notify the Division of Parole and Probation of any prescription received. You  
20 shall submit to drug testing as required by the Division or its agent. No use of marijuana

21 5. Weapons: You shall not possess, have access to, or have under your control, any type of  
22 weapon.

23 6. Search: You shall submit your person, property, place of residence, vehicle or areas under  
24 your control to search including electronic surveillance or monitoring of your location, at any  
25 time, with or without a search warrant or warrant of arrest, for evidence of a crime or  
26 violation of probation by the Division of Parole and Probation or its agent.

7. Associates: You must have prior approval by the Division of Parole and Probation to associate with any person convicted of a felony, or any person on probation or parole supervision. You shall not have any contact with persons confined in a correctional institution

///

unless specific written permission has been granted by the Division and the correctional institution.

8. Directives and Conduct: You shall follow the directives of the Division of Parole and Probation and your conduct shall justify the opportunity granted to you by this community supervision.

9. Laws: You shall comply with all municipal, county, state, and federal laws and ordinances. 10. Out-of-State Travel: You shall not leave the state without first obtaining written permission from the Division of Parole and Probation.

11. Employment/Program: You shall seek and maintain legal employment, or maintain a program approved by the Division of Parole and Probation and not change such employment or program without first obtaining permission. All terminations of employment or program shall be immediately reported to the Division.

12. Financial Obligation: You shall pay fees, fines, and restitution on a schedule approved by the Division of Parole and Probation. Any excess monies paid will be applied to any other outstanding fees, fines, and/or restitution, even if it is discovered after your discharge.

**Special Probationary Conditions:**

1. You shall submit your digital storage media or any digital storage media that you have access or use, including computers, handheld communication devices and any network applications associated with those devices, including social media and remote storage services to a search and shall provide all passwords, unlock codes and account information associated with those items, with or without a search warrant, by the Division of Parole and Probation or its agent.

2. Cell Phone Probation Conditions:

- a) Only allowed to have one cell phone at any given time.
- b) Provide current phone number to P&P, drug court staff and treatment providers at all times.
- c) Personalize voicemail in your own voice with your full name.
- d) Don't let anyone use your cell phone and do not use anyone else's cell phone.
- e) If phone is passcode protected, provide passcode to P&P and unlock phone at any time your probation officer requests to inspect your phone.
- f) Do not change the password or delete any text messages on your phone without permission and in the presence of your probation officer.
- g) Do not remove the SIM card from your cell phone at any time.

3. Be employed full time, attending school full time, a combination of both, or perform 16 hours community service each month with proof to be provided.

4. Continue long term parenting classes.

5. Complete one year Domestic Violence classes; classes already done may count.

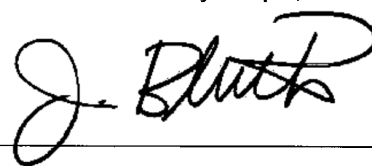
6. Complete any other evaluations deemed appropriate by P & P.

7. No contact with the victim Amanda Rubio.

8. Comply with curfew.

Court directed the Defendant to report to P & P within 48 hours and ORDERED, Defendant RELEASED from electronic monitoring.

Dated this 6th day of April, 2021



KR

FEA EEF 3CA4 ECFF  
Jacqueline M. Bluth  
District Court Judge



1 CSERV

2 DISTRICT COURT  
3 CLARK COUNTY, NEVADA  
4

5  
6 State of Nevada

CASE NO: C-20-350966-1

7 vs

DEPT. NO. Department 6

8 Dorian Cullen  
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District  
12 Court. The foregoing Judgment of Conviction was served via the court's electronic eFile  
13 system to all recipients registered for e-Service on the above entitled case as listed below:

14 Service Date: 4/6/2021

15 State Nevada

pdmotions@clarkcountyda.com

16 District Attorney

motions@clarkcountyda.com

17 Damian Sheets

dsheets@defendingnevada.com

18 Kelsey Bernstein

kbernstein@defendingnevada.com

19 Law Clerk

dept06lc@clarkcountycourts.us

Felony/Gross Misdemeanor

COURT MINUTES

June 07, 2021

---

C-20-350966-1      State of Nevada  
                                 vs  
                                 Dorian Cullen

---

June 07, 2021      11:00 AM      Revocation of Probation

HEARD BY:      Bluth, Jacqueline M.      COURTROOM: RJC Courtroom 10C

COURT CLERK: Brown, Kristen

RECORDER:      Takas, De'Awna

REPORTER:

PARTIES PRESENT:

Alexis E. Minichini      Attorney for Defendant

Dorian Cullen      Defendant

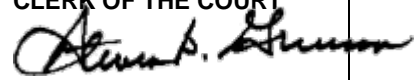
Hagar L Trippiedi      Attorney for Plaintiff

State of Nevada      Plaintiff

#### JOURNAL ENTRIES

Ms. Minichini stated the Deft. will stipulate to the violation of being arrested. Court advised Ms. Minichini that the Deft. was placed on this Court's star list and had advised the Deft. that if he came back in to court on a violation he will go to prison. Statement by the Deft. Arguments by counsel. Court stated its findings and ORDERED, PROBATION REVOKED; underlying SENTENCE of a MINIMUM of NINETEEN (19) MONTHS and a MAXIMUM of SIXTY (60) MONTHS in the Nevada Department of Corrections (NDC) IMPOSED with ELEVEN (11) DAYS credit for time served.

NDC



1 RTRAN  
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4

5 DISTRICT COURT  
6 CLARK COUNTY, NEVADA

7  
8 STATE OF NEVADA

CASE NO. C-20-350966-1

9 Plaintiff,

DEPT. VI

10 vs.

11 DORIAN CULLEN,

12 Defendant.

13 BEFORE THE HONORABLE JACQUELINE M. BLUTH, DISTRICT COURT JUDGE  
14 MONDAY, JUNE 7, 2021

15 **RECORDER'S TRANSCRIPT OF PROCEEDINGS:**  
16 **REVOCATION OF PROBATION**  
17 **(Via audio ~ Via BlueJeans)**

18 APPEARANCES:

19 For the State:

HAGAR TRIPPIEDI, ESQ.  
Chief Deputy District Attorney

20  
21 For the Defendant:

ALEXIS E. MINICHINI, ESQ.  
Nevada Defense Group

22  
23  
24  
25 RECORDED BY: DE'AWNA TAKAS, COURT RECORDER

1 Monday, June 7, 2021, Las Vegas, Nevada

2  
3 [Proceedings began at 11:43 a.m.]

4 THE COURT: C350966-1, Mr. Cullen's present in custody, via  
5 BlueJeans. Do I have someone from Mr. Sheet's office present?

6 MS. MINICHINI: Yes, Your Honor, Alexis Minichini for Damian  
7 Sheets, of Mr. --

8 THE COURT: Thank you.

9 MS. MINICHINI: -- Cullen.

10 THE COURT: Ms. Trippiedi --

11 THE DEFENDANT: Am I -- am I able to speak to my attorney before  
12 we proceed?

13 THE COURT: Yeah, that's fine. Officer what's the number?

14 THE CORRECTIONAL OFFICER: 56 -- let's see 8332.

15 THE COURT: All right Ms. Minichini --

16 THE CORRECTIONAL OFFICER: Nope.

17 THE COURT: -- can you call 8332 --

18 THE CORRECTIONAL OFFICER: [indiscernible] right now.

19 THE COURT: -- please?

20 THE CORRECTIONAL OFFICER: Someone's using it right now.

21 THE COURT: Okay.

22 MS. MINICHINI: I'm sorry, what's the full number?

23 THE COURT: 671-8332. And someone's using it right now, so give it  
24 a little time.

25 MS. MINICHINI: Thank you.

1 THE CORRECTIONAL OFFICER: Have a seat, sir.

2 THE COURT: All right let's go to page 13, please. State of Nevada  
3 versus --

4 [Proceedings concluded at 11:43 p.m.]

5 [Proceedings began at 12:33 a.m.]

6 THE COURT: This is State of Nevada versus Dorian Cullen, parties --  
7 same parties still present. All right, Ms. Minichini what are we doing here?

8 MS. MINICHINI: Sorry, Your Honor, I was just checking a message  
9 from the State. Your Honor, we're gonna stipulate and argue. But before I do that  
10 I just kinda want to make a couple of representations to see what we have to  
11 proceed. In the violation report the officer notes in his recommendation that he  
12 needs a higher level of care than an outpatient can provide. Mr. Cullen indicated  
13 to me that he actually does have a bed available at a sober living home. He found  
14 it through Foundation of Recovery, through Perk Turner, and they've indicated that  
15 they are willing to take him in upon his release, or, you know, if he was to be  
16 released to their care, they do have a bed available for him to do that out --  
17 excuse me, inpatient program to address his substance abuse, history and  
18 problems that are ongoing.

19 THE COURT: Uh-huh.

20 MS. MINICHINI: But I'm not sure what the State's position is on that.

21 THE COURT: Ms. Trippiedi -- well, I guess, first we should say are  
22 you stiping and arguing?

23 MS. MINICHINI: I would in the event that -- the State is opposed to  
24 him being released to this inpatient facility.

25 THE COURT: Well, Ms. Minichini, just so you know -- I wasn't, I

1 mean, okay, I guess that not necessarily stiping and arguing, right? That's stiping  
2 with a negotiation in place. Just so you know, because I don't think you were here  
3 --

4 MS. MINICHINI: Right.

5 THE COURT: -- in the beginning, and if you were, I had told Mr.  
6 Cullen that he was on my star list and that I was giving him one chance. And the -  
7 - I will -- actually thought he should go to prison, but he talked to me about taking  
8 domestic violence classes, and that he was on the right track to creating a better  
9 environment for his kids. So I told him I would give him one chance and I told him  
10 if he came back in front of me I was sending him to prison. So I want you to make  
11 sure that you have that understanding of what was happening -- in case you  
12 weren't here when I sentenced him.

13 Ms. Trippiedi?

14 MS. MINICHINI: I was not, correct.

15 MS. TRIPPIEDI: Yes, that's correct Your Honor. I also wanted to  
16 point out somethings, so if we are -- we are seeking revocation. Complete  
17 revocation, to include prison. If you're ready for my argument I can proceed. If  
18 they wanted to have a full hearing we can also proceed with that. So I'm just not  
19 sure what exactly they're trying to do.

20 THE COURT: Okay. Ms. Minichini?

21 MS. MINICHINI: We were going to stipulate and argue. And as to the  
22 non-technical violation stipulate as to the arrest, but not to the underlying  
23 [indiscernible]

24 THE COURT: Understood. Thank you

25 All right, so Mr. Cullen it looks like -- I am looking at the non-technical



1 report on June 1<sup>st</sup> of 2021, its states that you on your intake on March 30 of 21  
2 you tested positive for marijuana. You did provide documentation that you had a  
3 medical marijuana card however you failed to address the matter with the Court  
4 before use. You had also reported that you had completed your parenting classes  
5 as required and enrolled in domestic violence classes. You were directed to  
6 provide proof by April 30<sup>th</sup> as the date of this report this division has not received  
7 any reports of completion. Is that -- are you stipulating to that violation?

8 THE DEFENDANT: Well I did in fact complete the -- I've been doing  
9 Hope for Prisoners. So Hope for Prisoners I did a parenting class course --

10 THE COURT: So the question is though, did you provide proof to your  
11 probation officer?

12 THE DEFENDANT: No, I haven't been able -- to get that yet.

13 THE COURT: Okay.

14 THE DEFENDANT: I do -- have -- I do have 9 classes of parenting  
15 classes taken, and I've done 16 domestic violence classes.

16 THE COURT: Okay. And on May 7<sup>th</sup> you were arrested for several  
17 new charges, including probation -- possession of a control substance less than  
18 14 grams, DUI of alcohol and/or controlled or prohibited substance, and violation  
19 of instructional drivers permit. Don't talk about the underlying offenses, just the  
20 fact that you were arrested. Is that correct?

21 THE DEFENDANT: Yes.

22 THE COURT: You have not shown any proof of employment to the  
23 division and you are \$120 in arrears, is that correct?

24 THE DEFENDANT: It is. I had just accumulated a job at the 7-Eleven  
25 on Boston Avenue -- day before I was arrested. So I have a -- the number of the

1 hiring manager that gave me the job, and my uniform is actually in my truck in the  
2 impound right now.

3 THE COURT: Okay. Thank you. I'll hear from the State.

4 MS. TRIPPIEDI: Your Honor, we're seeking revocation for several  
5 reasons. First, like you said, you told him at sentencing that this was gonna be an  
6 opportunity for him. The reason you probably told him that was because he also  
7 was granted probation back in his 2016 case, and in the case he was actually  
8 revoked for failing at drug court. So he received a chance. He was very lucky to  
9 receive a chance. And then just not even two months later he gets arrested with  
10 all these new charges. He's got -- they found a white powdery substance in his  
11 vehicle. He gets arrested for the DUI, possession of the schedule 1 controlled  
12 substance and then violating the instructional driver's permit. So the new case it's  
13 set for the status check in September. We sent over the report, I believe you  
14 received the report, and the probable cause is there for that arrest. And they did  
15 stipulate to actual basis for the arrest.

16 So I think based on the fact that he -- he can't stay sober, he can't stay  
17 away from the controlled substances, not once but now twice. I think he's no  
18 longer a candidate for probation and we are seeking revocation at this time.

19 THE COURT: All right. Mr. Cullen in a moment I'll have the  
20 opportunity to hear from -- your attorney, now is your opportunity to speak sir if  
21 you have anything you'd like to say to the Court.

22 THE DEFENDANT: I had a minor setback. I had been keeping out of  
23 contact with my baby mother. I've been -- complying with my -- with CPS. And  
24 I've just been starting to build a relationship with my daughters. I did have a minor  
25 infraction with these drugs. I did in fact go get a job. And I've been going through

1 my counseling and trying to get help to help me with my problem. Like I said I did  
2 get a job, it took me awhile but in the end I did finally get a job. I'm trying. I was  
3 living in my truck, and that's part of the reason why I was laid backed to my drug  
4 use. I didn't wanna going through a struggle leaving home, because of my  
5 medical marijuana use I wanted to hold onto the drugs and that was my problem.  
6 I really don't have an excuse for you besides I just had an infraction with the --  
7 with my drug use. I've been complaint with my classes and I'm trying to do  
8 everything to turn my life around. I just need -- more guidance, per say. I don't  
9 feel that prison is the right thing for me. I did fail drug court, but that was only  
10 because I -- let my baby mother move in with me and we were both felons on  
11 probation, which is why I got kicked out of drug court. Because -- in fact she got  
12 pregnant and I didn't, you know, that's the mother of my child now. So I let her  
13 move in with me and that's what happened with my drug court. That why I failed  
14 at drug court. I had completed the classes in drug court, and I completed my  
15 counseling with drug court, I just didn't pay the fees and I got, you know, caught  
16 with my baby mama.

17 I have in fact, like I said, I've been leaving my baby mama alone. And  
18 I've been trying to do the right thing. I just had this minor infraction. I mean  
19 relapse is part of recover, I'm trying. If I could just -- please be given another  
20 opportunity? I'm still complying with Foundation of Recovery, and I'm still  
21 complying with -- Hope for Prisoners. And I'm just trying to get my life in order for  
22 my kids. I can't be a father for my children from behind bars.

23 THE COURT: Okay. Thank you very much, sir.

24 Ms. Minichini?

25 MS. MINICHINI: Thank you, Your Honor. I understand the

1 admonishment you had given him [indiscernible], though I wasn't the one  
2 personally there. However, as Mr. Cullen stated recovery is quite the journey, and  
3 I would add that, you know, notwithstanding the fact that he was on probation in  
4 2016 it's seems recent, but that was 5 years, half a decade. And I do believe that  
5 at this point in Mr. Cullen's life he's just starting to turn a corner. He did have that  
6 set back with the drugs and he admits that's, he's open and candid about that.

7 But once he figured out that you can't mask a problem with another  
8 problem, he got in contact with Foundation for Recovery right away who then set  
9 him up with a place for him to go so that he's not living out of his truck, he's not  
10 just of his own volition trying to fight this addiction, but he can be staying in a  
11 facility designed to help people deal with these types of problems. And I think that  
12 says a lot about the progress he has made throughout his life, 'cause in the past,  
13 admittedly, it was just a, you know, let me just turn to drugs and make my  
14 problems go away, but I think he's come to the point where he realizes that that's  
15 not a solution, it just creates more issues.

16 My request at this point would not to be -- would not to revoke Mr.  
17 Cullen as he represents that he is employed and would go back to employment.  
18 He does have that bed available at the -- sober living house. He did complete, or  
19 represents that, he had completed his DV counseling. So really what we have left  
20 is an arrest for an alleged DUI, and the \$120 in arrears, which are both technically  
21 violations. That haven't even filed a complaint for the DUI and that status check is  
22 not until September. I would ask Your Honor to reinstate Mr. Cullen onto  
23 probation and to release him to the sober living house with the contact information  
24 that he provided to me. Unless you want me to address anything specifically, I'll  
25 submit it.

1 THE COURT: Okay. Thank you.

2 I do appreciate your advocacy on Mr. Cullen's behalf Ms. Minichini,  
3 but one thing I am, is I am true to my word. And when I tell someone they get one  
4 chance, they do get one chance.

5 I agree that recovery is a journey 100% and we often work with people  
6 throughout that journey. Relapse is one thing. Relapse and getting in your car  
7 and getting arrested for a DUI and putting other people in harm's way is  
8 completely something else.

9 So at this point in time the defendant's probation is revoked. The  
10 underlying 19 to 60 months is imposed. And the credit for time served is what at  
11 this point?

12 MS. TRIPPIED: 11 day, Your Honor.

13 THE COURT: All right.

14 THE DEFENDANT: May I speak on the -- DUI that I received?

15 THE COURT: No sir. I-- that's my order.

16 THE DEFENDANT: All right.

17 THE COURT: All right.

18 [Proceedings concluded at 12:45 p.m.]

19 \* \* \* \* \*

20  
21 ATTEST: I do hereby certify that I have truly and correctly transcribed the  
22 audio/video proceedings in the above-entitled case to the best of my ability.

23

24

25

  
De'Awna Takas  
Court Recorder/Transcriber

AJOCP

DISTRICT COURT  
CLARK COUNTY, NEVADA

THE STATE OF NEVADA,

Plaintiff,

-vs-

DORIAN CULLEN  
#6008708

Defendant.

CASE NO. C-20-350966-1

DEPT. NO. VI

ORDER FOR REVOCATION OF PROBATION AND  
AMENDED JUDGMENT OF CONVICTION

The Defendant previously appeared before the Court with counsel and entered a plea of guilty to the crimes of BATTERY BY STRANGULATION (Category C Felony) in violation of NRS 200.481; and BATTERY CONSTITUTING DOMESTIC VIOLENCE (Misdemeanor) in violation of NRS 200.485(1)(A), 200.481(1)(A), 33.018; thereafter, on the 3<sup>rd</sup> day of March, 2021, the Defendant was present in court for sentencing with counsel, wherein the Court did adjudge the Defendant guilty thereof by reason of the plea of guilty, suspended the execution of the sentence imposed and granted probation to the Defendant.

THEREAFTER, a parole and probation officer provided the Court with a written statement setting forth that the Defendant has, in the judgment of the parole and



1 probation officer, violated the conditions of probation; and on the 7<sup>th</sup> day of June, 2021,  
2 the Defendant appeared in court with counsel ALEXIS MINICHINI, ESQ., and pursuant  
3 to a probation violation hearing/proceeding and good cause appearing to amend the  
4 Judgment of Conviction,  
5

6 IT IS HEREBY ORDERED that the probation previously granted to the Defendant is  
7 REVOKED; in addition to the original fees, fines and assessments, IT IS FURTHER  
8 ORDERED that the underlying sentence is imposed as follows: **COUNT 1** – a  
9 MAXIMUM of SIXTY (60) MONTHS with a MINIMUM Parole Eligibility of NINETEEN  
10 (19) MONTHS; and **COUNT 2** – CREDIT FOR TIME SERVED; with ELEVEN (11)  
11 DAYS credit for time served.  
12

13 Dated this 10th day of June, 2021

14  
15   
16

17 **DF9 A5E 449E 1C31**  
18 **Jacqueline M. Bluth**  
19 **District Court Judge**  
20  
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1 **CSERV**

2  
3 DISTRICT COURT  
CLARK COUNTY, NEVADA

4  
5  
6 State of Nevada

CASE NO: C-20-350966-1

7 vs

DEPT. NO. Department 6

8 Dorian Cullen  
9

10 **AUTOMATED CERTIFICATE OF SERVICE**

11 This automated certificate of service was generated by the Eighth Judicial District  
12 Court. The foregoing Amended Judgment of Conviction was served via the court's electronic  
13 eFile system to all recipients registered for e-Service on the above entitled case as listed  
below:

14 Service Date: 6/10/2021

15 State Nevada

pdmotions@clarkcountyda.com

16 District Attorney

motions@clarkcountyda.com

17 Damian Sheets

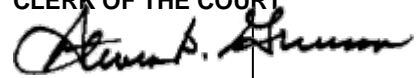
dsheets@defendingnevada.com

18 Kelsey Bernstein

kbernstein@defendingnevada.com

19 Law Clerk

dept06lc@clarkcountycourts.us



**NOA**

NEVADA DEFENSE GROUP  
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Nevada Bar No. 13825  
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Telephone: (702) 988-2600  
Facsimile: (702) 988-9500  
dsheets@defendingnevada.com  
*Attorney for Defendant/Appellant*  
Dorian Cullen

**EIGHTH JUDICIAL DISTRICT COURT  
CLARK COUNTY, NEVADA**

The State of Nevada  
Plaintiff,

vs.

Dorian Cullen,  
Defendant.

) Case No. C-20-350966-1  
) Dept. No. VI  
)  
)

**NOTICE OF APPEAL**

**NOTICE IS HEREBY GIVEN** that Defendant/Appellant, DORIAN CULLEN, hereby  
appeals to the Supreme Court of Nevada from the Judgment of Conviction in the above-  
referenced case entered on or about June 10, 2021.

DATED this 8th day of July, 2021.

/s/ Damian Sheets  
Damian Sheets, Esq.  
714 S. 4th Street,  
Las Vegas, Nevada 89101  
Telephone: (702) 988-2600  
*Attorney for Defendant/Appellant*

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/s/ Alexis E. Minichini  
An Employee of Nevada Defense Group

