

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

JOSHUA ALEXANDER DURAN,

Appellant,

vs.

THE STATE OF NEVADA,

Respondent.

Electronically Filed  
Jan 20 2022 11:47 a.m.  
Elizabeth A. Brown  
Clerk of Supreme Court

Case No. 83712

**Appeal from Judgment of Conviction  
Second Judicial District Court of the State of Nevada  
The Honorable Lynne Simmons**

**APPELLANT'S JOINT APPENDIX**

MARC PICKER  
Washoe County Alternate Public Defender

JENNA GARCIA  
Deputy Alternate Public Defender

350 S. CENTER ST., 6<sup>th</sup> FLOOR  
RENO, NEVADA 89501

ATTORNEY FOR APPELLANT

CHRISTOPHER HICKS  
Washoe County District Attorney

JENNIFER NOBLE  
Deputy District Attorney

POST OFFICE BOX 30083  
RENO, NEVADA 89520

ATTORNEY FOR RESPONDENT

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FILED

04 May 2021 11:53 am

JAMES P. CONWAY  
RENO JUSTICE COURT  
BY L.S.  
DEPUTY CLERK

DA #21-6173

RPD RP21-007397; RPD RP21-007504

IN THE JUSTICE COURT OF RENO TOWNSHIP

IN AND FOR THE COUNTY OF WASHOE, STATE OF NEVADA

\* \* \*

THE STATE OF NEVADA,

Plaintiff,

Case No.: RCR2021- 112838

v.

Dept. No.: 4

JOSHUA ALEXANDER DURAN,

Defendant.

CRIMINAL COMPLAINT

CARRIE MORTON of the County of Washoe, State of Nevada, verifies and declares upon information and belief and under penalty of perjury, that JOSHUA ALEXANDER DURAN, the defendant above-named, has committed the crime(s) of:

COUNT I. DOMESTIC BATTERY, FIRST OFFENSE, a violation of NRS 200.485 and NRS 33.018, a misdemeanor, (50235) in the manner following, to wit:

That the said defendant, JOSHUA ALEXANDER DURAN, on or about April 30, 2021, within the County of Washoe, State of Nevada, did willfully and unlawfully use force or violence upon the person of JENNY GLYNN, a person with whom he has had or is having a dating relationship and/or has a child in common, at Ryland Street and Wheeler Avenue, Reno, Washoe County, Nevada, by shoving and hitting the victim.

///

///

1           COUNT II. ASSAULT, WITH USE OF DEADLY WEAPON, a violation  
2 of NRS 200.471, a category B felony, (50201) in the manner following,  
3 to wit:

4           That the said defendant, JOSHUA ALEXANDER DURAN, on or  
5 about April 30, 2021, within the County of Washoe, State of Nevada,  
6 did intentionally place JEREMY THOMAS and/or DENNIS OWEN, in  
7 reasonable apprehension of immediate bodily harm, with the use of, or  
8 present ability to use, a deadly weapon, to wit: a knife, in that the  
9 said defendant did approach the victims in a threatening manner while  
10 holding the knife.

11           COUNT III. DESTRUCTION OF PROPERTY OF ANOTHER VALUED AT  
12 \$250.00 OR GREATER BUT LESS THAN \$5000.00, a violation of NRS 206.310  
13 and NRS 193.155, a gross misdemeanor (50905) in the manner following,  
14 to wit:

15           That the said defendant, JOSHUA ALEXANDER DURAN, on or  
16 about April 30, 2021, within the County of Washoe, State of Nevada,  
17 did willfully or maliciously destroy or injure any real or personal  
18 property of the CITY OF RENO, being used by JEREMY THOMAS, an  
19 employee, located near 200 Mill Street, in that the Defendant did  
20 throw a rock at the vehicle window breaking it and causing damage in  
21 the amount of \$250.00 or more but less than \$5000.00.

22           COUNT IV. BATTERY, a violation of WCC 53.110, a  
23 misdemeanor, (56227) in the manner following, to wit:

24           That the said defendant JOSHUA ALEXANDER DURAN, on or about  
25 April 30, 2021, within the County of Washoe, State of Nevada, did  
26 willfully and unlawfully use force or violence upon the person of

JEREMY THOMAS, near 200 Mill Street, Reno, Washoe County, Nevada, by hitting the victim with a rock.

COUNT V. POSSESS SCHEDULE I OR II CONTROLLED SUBSTANCE LESS THAN 14 GRAMS, FIRST OR SECOND OFFENSE, a violation of NRS 453.336, a category E Felony, (62073) in the manner following, to wit:

That the said defendant, JOSHUA ALEXANDER DURAN, on or about May 2, 2021, did knowingly or intentionally, possess, less than 14 grams of a Schedule I controlled substance, to wit: methamphetamine, at 911 Parr Boulevard, Washoe County, Nevada.

AFFIRMATION PURSUANT TO NRS 239B.030

The undersigned does hereby affirm that the preceding document does not contain the social security number of any person.

DATED this 4th day of May, 2021.



CARRIE MORTON  
DEPUTY DISTRICT ATTORNEY

PCN: RPD0068500C; RPD0070038C-DURAN

Custody: X

Bailed:

Warrant:

Defense Attorney:

Restitution:

J \$8,000.00 with conditions as to

District Attorney Assigned: MORTON|10160 RPD0070038C; \$500.00 with  
District Court #: CR21-1433|DURAN conditions as to RPD0068500C

District Court Dept: D06

JAMES P. CONWAY  
RENO JUSTICE COURT  
BY ~~KRR~~  
DEPUTY CLERK

DA #21-6173

RPD RP21-007397; RPD RP21-007504

IN THE JUSTICE COURT OF RENO TOWNSHIP

IN AND FOR THE COUNTY OF WASHOE, STATE OF NEVADA

\* \* \*

THE STATE OF NEVADA,

Plaintiff,

Case No.: RCR2021-118238

v.

Dept. No.: 4

JOSHUA ALEXANDER DURAN,

Defendant.

AMENDED CRIMINAL COMPLAINT

CARRIE MORTON of the County of Washoe, State of Nevada, verifies and declares upon information and belief and under penalty of perjury, that JOSHUA ALEXANDER DURAN, the defendant above-named, has committed the crime(s) of:

COUNT I. ASSAULT WITH USE OF DEADLY WEAPON, a violation of NRS 200.471, a category B felony, (50201) in the manner following, to wit:

That the said defendant, JOSHUA ALEXANDER DURAN, on or about April 30, 2021, within the County of Washoe, State of Nevada, did intentionally place JEREMY THOMAS and/or DENNIS OWEN, in reasonable apprehension of immediate bodily harm, with the use of, or present ability to use, a deadly weapon, to wit: a knife, in that the said defendant did approach the victims in a threatening manner while holding the knife near Ryland Street and Wheeler Avenue, Reno, Washoe County, Nevada.

///

1           COUNT II. DESTRUCTION OF PROPERTY OF ANOTHER VALUED AT  
2           \$250.00 OR GREATER BUT LESS THAN \$5000.00, a violation of NRS 206.310  
3           and NRS 193.155, a gross misdemeanor (50905) in the manner following,  
4           to wit:

5           That the said defendant, JOSHUA ALEXANDER DURAN, on or  
6           about April 30, 2021, within the County of Washoe, State of Nevada,  
7           did willfully or maliciously destroy or injure any real or personal  
8           property of the CITY OF RENO, being used by JEREMY THOMAS and/or  
9           DENNIS OWEN, employees, located near 200 Mill Street, in that the  
10          defendant did throw a rock at the vehicle window causing it to break,  
11          resulting in damage in the amount of \$250.00 or more but less than  
12          \$5000.00.

13          COUNT III. BATTERY WITH A DEADLY WEAPON RESULTING IN  
14          SUBSTANTIAL BODILY HARM, a violation of NRS 200.481(2)(e)(2), a  
15          category B felony, (50226) in the manner following, to wit:

16          That the said defendant JOSHUA ALEXANDER DURAN, on or about  
17          April 30, 2021, within the County of Washoe, State of Nevada, did  
18          willfully and unlawfully use force or violence upon the person of  
19          DENNIS OWEN, with the use of a deadly weapon, to wit, a rock, by  
20          hitting the victim in the head with the rock, near 200 Mill Street,  
21          Reno, Washoe County, Nevada, resulting in substantial bodily harm to  
22          the victim.

23          ///

24          ///

25          ///

26          ///

1           COUNT IV. POSSESS SCHEDULE I OR II CONTROLLED SUBSTANCE  
2   LESS THAN 14 GRAMS, FIRST OR SECOND OFFENSE, a violation of NRS  
3   453.336, a category E Felony, (62073) in the manner following, to  
4   wit:

5           That the said defendant, JOSHUA ALEXANDER DURAN, on or  
6   about May 2, 2021, did knowingly or intentionally, possess, less than  
7   14 grams of a Schedule I controlled substance, to wit:  
8   methamphetamine, at 911 Parr Boulevard, Washoe County, Nevada.

9           COUNT V. DOMESTIC BATTERY, FIRST OFFENSE, a violation of  
10   NRS 200.485 and NRS 33.018, a misdemeanor, (50235) in the manner  
11   following, to wit:

12           That the said defendant, JOSHUA ALEXANDER DURAN, on or  
13   about April 30, 2021, within the County of Washoe, State of Nevada,  
14   did willfully and unlawfully use force or violence upon the person of  
15   JENNY GLYNN, a person with whom he has had or is having a dating  
16   relationship and/or has a child in common, at Ryland Street and

17   ///

18   ///

19   ///

20   ///

21   ///

22   ///

23   ///

24   ///

25   ///

26   ///



1 Wheeler Avenue, Reno, Washoe County, Nevada, by shoving and hitting  
2 the victim.

3  
4  
5 AFFIRMATION PURSUANT TO NRS 239B.030

6 The undersigned does hereby affirm that the preceding  
7 document does not contain the social security number of any person.  
8

9 DATED this 23rd day of June, 2021.  
10

11   
12

13 CARRIE MORTON  
14 DEPUTY DISTRICT ATTORNEY  
15  
16  
17  
18  
19  
20  
21  
22

23 PCN: RPD0068500C; RPD0070038C-DURAN

24 Custody: X

Defense Attorney:

Bailed:

Restitution:

25 Warrant:

J

District Attorney Assigned: MORTON|10160

District Court #: CR21-1433|DURAN

26 District Court Dept: D06

Bail: 5/3/2021 \$8,500.00 with  
enhanced supervision

DA #21-9292

RPD RP21-011643

JAMES P. CONWAY  
RENO JUSTICE COURT  
BY LS  
DEPUTY CLERK

1 IN THE JUSTICE COURT OF RENO TOWNSHIP

2 IN AND FOR THE COUNTY OF WASHOE, STATE OF NEVADA

3 \* \* \*

4 THE STATE OF NEVADA,

5 Plaintiff,

Case No.: RCR2021-113774

6 v.

Dept. No.: 4

7 JOSHUA ALEXANDER DURAN,

8 Defendant.  
9 \_\_\_\_\_ /10 CRIMINAL COMPLAINT

11 CARRIE MORTON of the County of Washoe, State of Nevada,  
12 verifies and declares upon information and belief and under penalty  
13 of perjury, that JOSHUA ALEXANDER DURAN, the defendant above-named,  
14 has committed the crimes of:

15 COUNT I. BURGLARY OF A BUSINESS, a violation of NRS  
16 205.060, a category C Felony, (61938) in the manner following, to  
17 wit:

18 That the said defendant, JOSHUA ALEXANDER DURAN, on or  
19 about July 1, 2021, willfully and unlawfully, by day or night, enter  
20 or remain, in any business structure, Best Buy located at 5575 South  
21 Virginia Street, Washoe County, Nevada, with the intent then and  
22 there to commit a larceny therein.

23 COUNT II. ROBBERY, a violation of NRS 200.380, a category B  
24 felony, (50137) in the manner following, to wit:

25 That the said defendant, JOSHUA ALEXANDER DURAN, on or  
26 about July 1, 2021, within the County of Washoe, State of Nevada, did

1 willfully and unlawfully take personal property, to wit, Sony  
2 headphones and/or a work radio from the person or in the presence of  
3 RONALD YIM working in his capacity as an employee of Best Buy at 5575  
4 South Virginia Street, Washoe County, Nevada, against his will, and  
5 by means of force or violence or fear of immediate or future injury  
6 to his person.

7 AFFIRMATION PURSUANT TO NRS 239B.030

8 The undersigned does hereby affirm that the preceding  
9 document does not contain the social security number of any person.

10  
11 DATED this 6th day of July, 2021.

12  
13   
14 \_\_\_\_\_

15 CARRIE MORTON  
16 DEPUTY DISTRICT ATTORNEY  
17  
18  
19  
20  
21

22 PCN: RPD0067754C-DURAN

23 Custody: X

24 Bailed:

25 Warrant:

26 District Attorney Assigned: MORTON|10160

District Court #: CR21-2210|DURAN

District Court Dept: D06

Defense Attorney:

Restitution:

J SET BAIL IN COURT

DA #21-6173

RPD RP21-007504

FILED  
Electronically  
CR21-1433  
2021-07-01 09:16:32 AM  
Alicia L. Lerud  
Clerk of the Court  
Transaction # 8522238 : bblough

1 CODE 1800  
2 Christopher J. Hicks  
3 #7747  
4 One South Sierra Street  
5 Reno, NV 89501  
6 districtattorney@da.washoecounty.us  
7 (775) 328-3200  
8 Attorney for Plaintiff

9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,  
10  
11 IN AND FOR THE COUNTY OF WASHOE

12 \* \* \*

13 THE STATE OF NEVADA,

14 Plaintiff,

Case No.: CR21-1433

15 v.

Dept. No.: D06

16 JOSHUA ALEXANDER DURAN,

17 Defendant.

18 INFORMATION

19 CHRISTOPHER J. HICKS, District Attorney within and for the  
20 County of Washoe, State of Nevada, in the name and by the authority  
21 of the State of Nevada, informs the above entitled Court that, the  
22 defendant above-named, JOSHUA ALEXANDER DURAN, has committed the  
23 crime(s) of:

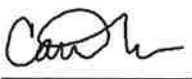
24 BATTERY RESULTING IN SUBSTANTIAL BODILY HARM, a violation  
25 of NRS 200.481, a category C felony, (50214) in the manner following,  
26 to wit:

That the said defendant, JOSHUA ALEXANDER DURAN, on or  
about April 30, 2021, within the County of Washoe, State of Nevada,  
did willfully and unlawfully use force or violence upon the person of

1 DENNIS OWEN, at 200 Mill Street, Reno, Washoe County, Nevada, such  
2 force or violence causing substantial bodily harm to the said DENNIS  
3 OWEN.

4 All of which is contrary to the form of the Statute in such  
5 case made and provided, and against the peace and dignity of the  
6 State of Nevada.

7  
8 CHRISTOPHER J. HICKS  
District Attorney  
9 Washoe County, Nevada

10  
11 By:   
12 CARRIE MORTON  
13 10160  
14 DEPUTY District Attorney  
15  
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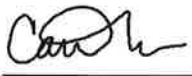
1           The following are the names of such witnesses as are known  
2 to me at the time of the filing of the within Information:

3 JENNY GLYNN  
4 MICHAEL KENDRICKS  
5 DENNIS ALLAN OWEN  
6 JEREMY WARREN THOMAS  
7 DANIEL WALLACE  
8 DOUGLAS WILSON

9                   AFFIRMATION PURSUANT TO NRS 239B.030

10           The party executing this document hereby affirms that this  
11 document submitted for recording does not contain the social security  
12 number of any person or persons pursuant to NRS 239B.030.

13 CHRISTOPHER J. HICKS  
14 District Attorney  
15 Washoe County, Nevada

16 By:   
17

18 CARRIE MORTON  
19 10160  
20 DEPUTY District Attorney  
21  
22  
23  
24  
25

26 PCN RPD0068500C; RPD0070038C-DURAN

DA #21-9292

RPD RP21-011643

FILED  
Electronically  
CR21-2210  
2021-08-12 04:48:15 PM  
Alicia L. Lerud  
Clerk of the Court  
Transaction # 8593676 : bblough

1 CODE 1800  
2 Christopher J. Hicks  
3 #7747  
4 One South Sierra Street  
5 Reno, NV 89501  
6 districtattorney@da.washoecounty.us  
7 (775) 328-3200  
8 Attorney for Plaintiff

9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,  
10  
11 IN AND FOR THE COUNTY OF WASHOE

12 \* \* \*

13 THE STATE OF NEVADA,

14 Plaintiff,

Case No.: CR21-2210

15 v.

Dept. No.: D06

16 JOSHUA ALEXANDER DURAN,

17 Defendant.

18 INFORMATION

19 CHRISTOPHER J. HICKS, District Attorney within and for the  
20 County of Washoe, State of Nevada, in the name and by the authority  
21 of the State of Nevada, informs the above entitled Court that, the  
22 defendant above-named, JOSHUA ALEXANDER DURAN, has committed the  
23 crime(s) of:

24 BURGLARY OF A BUSINESS, a violation of NRS 205.060, a  
25 category C Felony, (61938) in the manner following, to wit:

26 That the said defendant, JOSHUA ALEXANDER DURAN, on or  
about July 1, 2021, did willfully and unlawfully, by day or night,  
enter or remain, in any business structure, Best Buy located at 5575  
///

1 Virginia Street, Washoe County, Nevada, with the intent then and  
2 there to commit a larceny therein.

3 All of which is contrary to the form of the Statute in such  
4 case made and provided, and against the peace and dignity of the  
5 State of Nevada.

6  
7 CHRISTOPHER J. HICKS  
8 District Attorney  
9 Washoe County, Nevada

10  
11 By:   
12 CARRIE MORTON  
13 10160  
14 DEPUTY District Attorney  
15  
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1           The following are the names of such witnesses as are known  
2 to me at the time of the filing of the within Information:

3 BEST BUY (S. VIRGINIA)  
4 EUGENIO BUENO  
5 ZACHARY DOSER  
6 ANDREW HICKMAN  
7 SCOTT ROBERTS  
8 WILLIAM CORY TYRRELL  
9 RONALD YIM JR

10                           AFFIRMATION PURSUANT TO NRS 239B.030

11           The party executing this document hereby affirms that this  
12 document submitted for recording does not contain the social security  
13 number of any person or persons pursuant to NRS 239B.030.  
14

15                           CHRISTOPHER J. HICKS  
16                           District Attorney  
17                           Washoe County, Nevada

18                           By:   
19                           CARRIE MORTON  
20                           10160  
21                           DEPUTY District Attorney  
22

23  
24  
25  
26 PCN RPD0067754C-DURAN

1 CODE 1785  
2 Christopher J. Hicks  
3 #7747  
4 One South Sierra Street  
5 Reno, NV. 89501  
6 (775) 328-3200  
7 Attorney for Plaintiff

8 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,  
9  
10 IN AND FOR THE COUNTY OF WASHOE

11 \* \* \*

12 THE STATE OF NEVADA,

13 Plaintiff,

Case No. CR21-1433

14 v.

Dept. No. 6

15 JOSHUA ALEXANDER DURAN,

16 Defendant.

17 GUILTY PLEA MEMORANDUM

18 1. I, JOSHUA ALEXANDER DURAN, understand that I am charged  
19 with the offense of: BATTERY RESULTING IN SUBSTANTIAL BODILY HARM, a  
20 violation of NRS 200.481, a category C felony.

21 2. I desire to enter a plea of guilty to the offense of  
22 BATTERY RESULTING IN SUBSTANTIAL BODILY HARM, a violation of NRS  
23 200.481, a category C felony, as more fully alleged in the charge  
24 filed against me.

25 3. By entering my plea of guilty I know and understand  
26 that I am waiving the following constitutional rights:

A. I waive my privilege against self-incrimination.

B. I waive my right to trial by jury, at which trial the

1 State would have to prove my guilt of all elements of the offense  
2 beyond a reasonable doubt.

3 C. I waive my right to confront my accusers, that is, the  
4 right to confront and cross examine all witnesses who would testify  
5 at trial.

6 D. I waive my right to subpoena witnesses for trial on my  
7 behalf.

8 4. I understand the charge against me and that the  
9 elements of the offense which the State would have to prove beyond a  
10 reasonable doubt at trial are that on April 30, 2021, or thereabout,  
11 in the County of Washoe, State of Nevada, I did, willfully and  
12 unlawfully use force or violence upon the person of DENNIS OWEN, at  
13 200 Mill Street, Reno, Washoe County, Nevada, such force or violence  
14 causing substantial bodily harm to the said DENNIS OWEN.

15 5. I understand that I admit the facts which support all  
16 the elements of the offense by pleading guilty. I admit that the  
17 State possesses sufficient evidence which would result in my  
18 conviction. I have considered and discussed all possible defenses  
19 and defense strategies with my counsel. I understand that I have the  
20 right to appeal from adverse rulings on pretrial motions only if the  
21 State and the Court consent to my right to appeal in a separate  
22 written agreement. I understand that any substantive or procedural  
23 pretrial issue(s) which could have been raised at trial are waived by  
24 my plea.

25 6. I understand that the consequences of my plea of guilty  
26 are that I may be imprisoned for a period of 1-5 years in the Nevada

1 State Department of Corrections and that I am eligible for probation.  
2 I may also be fined up to \$10,000.00.

3 7. In exchange for my plea of guilty, the State, my  
4 counsel and I have agreed to recommend the following: The State will  
5 not oppose probation upon me meeting certain conditions outlined  
6 elsewhere, and the parties will be free to argue the terms and  
7 underlying conditions of probation. If those conditions are not met,  
8 the parties will be free to argue for an appropriate sentence. The  
9 State will not file additional criminal charges or enhancements  
10 resulting from the arrest in this case.

11 8. I understand that, even though the State and I have  
12 reached this plea agreement, the State is reserving the right to  
13 present arguments, facts, and/or witnesses at sentencing in support  
14 of the plea agreement.

15 9. I also agree that I will make full restitution in this  
16 matter, as determined by the Court. Where applicable, I additionally  
17 understand and agree that I will be responsible for the repayment of  
18 any costs incurred by the State or County in securing my return to  
19 this jurisdiction.

20 10. I understand that the State, at their discretion, is  
21 entitled to either withdraw from this agreement and proceed with the  
22 prosecution of the original charges or be free to argue for an  
23 appropriate sentence at the time of sentencing if I fail to appear at  
24 any scheduled proceeding in this matter OR if prior to the date of my  
25 sentencing I am arrested in any jurisdiction for a violation of law  
26 OR if I have misrepresented my prior criminal history. I understand

1 and agree that the occurrence of any of these acts constitutes a  
2 material breach of my plea agreement with the State. I further  
3 understand and agree that by the execution of this agreement, I am  
4 waiving any right I may have to remand this matter to Justice Court  
5 should I later withdraw my plea.

6 11. I understand and agree that pursuant to the terms of  
7 the plea agreement stated herein, any counts which are to be  
8 dismissed and any other cases charged or uncharged which are either  
9 to be dismissed or not pursued by the State, may be considered by the  
10 court at the time of my sentencing.

11 12. I understand that the Court is not bound by the  
12 agreement of the parties and that the matter of sentencing is to be  
13 determined solely by the Court. I have discussed the charge, the  
14 facts and the possible defenses with my attorney. All of the  
15 foregoing rights, waiver of rights, elements, possible penalties, and  
16 consequences, have been carefully explained to me by my attorney. My  
17 attorney has not promised me anything not mentioned in this plea  
18 memorandum, and, in particular, my attorney has not promised that I  
19 will get any specific sentence. I am satisfied with my counsel's  
20 advice and representation leading to this resolution of my case. I  
21 am aware that if I am not satisfied with my counsel I should advise  
22 the Court at this time. I believe that entering my plea is in my  
23 best interest and that going to trial is not in my best interest. My  
24 attorney has advised me that if I wish to appeal, any appeal, if  
25 applicable to my case, must be filed within thirty days of my  
26 sentence and/or judgment.

1           13. I understand that this plea and resulting conviction  
2 will likely have adverse effects upon my residency in this country if  
3 I am not a U. S. Citizen. I have discussed the effects my plea will  
4 have upon my residency with my counsel.

5           14. I offer my plea freely, voluntarily, knowingly and  
6 with full understanding of all matters set forth in the Information  
7 and in this Plea Memorandum. I have read this plea memorandum  
8 completely and I understand everything contained within it.

9           15. My plea of guilty is voluntary and is not the result  
10 of any threats, coercion or promises of leniency.

11           16. I am signing this Plea Memorandum voluntarily with  
12 advice of counsel, under no duress, coercion, or promises of  
13 leniency.

14           17. I do hereby swear under penalty of perjury that all of  
15 the assertions in this written plea agreement document are true.

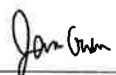
16                   AFFIRMATION PURSUANT TO NRS 239B.030

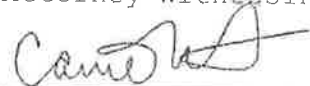
17           The undersigned does hereby affirm that the preceding  
18 document does not contain the social security number of any person.

19           DATED this 19 day of August, 21.

20  
21   
22 DEFENDANT

23 \_\_\_\_\_  
24 TRANSLATOR/INTERPRETER

25   
26 Attorney Witnessing Defendant's Signature

  
Prosecuting Attorney

1 CODE 1785  
2 Christopher J. Hicks  
3 #7747  
4 One South Sierra Street  
5 Reno, NV 89501  
6 districtattorney@da.washoecounty.us  
7 (775) 328-3200  
8 Attorney for Plaintiff

9 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA,  
10  
11 IN AND FOR THE COUNTY OF WASHOE

12 \* \* \*

13 THE STATE OF NEVADA,

14 Plaintiff,

Case No. CR21-2210

15 v.

Dept. No. D06

16 JOSHUA ALEXANDER DURAN,

17 Defendant.

18  
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GUILTY PLEA MEMORANDUM

1. I, JOSHUA ALEXANDER DURAN, understand that I am charged  
with the offense of: BURGLARY OF A BUSINESS, a violation of NRS  
205.060, a category C Felony.

2. I desire to enter a plea of guilty to the offense of,  
BURGLARY OF A BUSINESS, a violation of NRS 205.060, a category C  
Felony, as more fully alleged in the charge filed against me.

3. By entering my plea of guilty I know and understand  
that I am waiving the following constitutional rights:

A. I waive my privilege against self-incrimination.

B. I waive my right to trial by jury, at which trial the  
State would have to prove my guilt of all elements of the offense(s)

1 beyond a reasonable doubt.

2 C. I waive my right to confront my accusers, that is, the  
3 right to confront and cross examine all witnesses who would testify  
4 at trial.

5 D. I waive my right to subpoena witnesses for trial on my  
6 behalf.

7 4. I understand the charge against me and that the  
8 elements of the offense which the State would have to prove beyond a  
9 reasonable doubt at trial are that on July 1st, 2021, or thereabout,  
10 in the County of Washoe, State of Nevada, I did, willfully and  
11 unlawfully, by day or night, enter or remain, in any business  
12 structure, Best Buy located at 5575 Virginia Street, Washoe County,  
13 Nevada, with the intent then and there to commit a larceny therein.

14 5. I understand that I admit the facts which support all  
15 the elements of the offense(s) by pleading guilty. I admit that the  
16 State possesses sufficient evidence which would result in my  
17 conviction. I have considered and discussed all possible defenses  
18 and defense strategies with my counsel. I understand that I have the  
19 right to appeal from adverse rulings on pretrial motions only if the  
20 State and the Court consent to my right to appeal in a separate  
21 written agreement. I understand that any substantive or procedural  
22 pretrial issue(s) which could have been raised at trial are waived by  
23 my plea.

24 6. I understand that the consequences of my plea of guilty  
25 are that I may be imprisoned for a period of 1 to 5 years in the  
26 Nevada State Department of Corrections. I am eligible for probation.



1 I may also be fined up to \$10,000.00.

2 7. In exchange for my plea of guilty, the State, my  
3 counsel and I have agreed to recommend the following: The parties  
4 will be free to argue for an appropriate sentence, including  
5 concurrent or consecutive time with any other case. The State will  
6 not pursue any other criminal charges arising out of this transaction  
7 or occurrence.

8 8. I understand that, even though the State and I have  
9 reached this plea agreement, the State is reserving the right to  
10 present arguments, facts, and/or witnesses at sentencing in support  
11 of the plea agreement.

12 9. I also agree that I will make full restitution in this  
13 matter, as determined by the Court. Where applicable, I additionally  
14 understand and agree that I will be responsible for the repayment of  
15 any costs incurred by the State or County in securing my return to  
16 this jurisdiction.

17 10. I understand that the State, at their discretion, is  
18 entitled to either withdraw from this agreement and proceed with the  
19 prosecution of the original charges or be free to argue for an  
20 appropriate sentence at the time of sentencing if I fail to appear at  
21 any scheduled proceeding in this matter OR if prior to the date of my  
22 sentencing I am arrested in any jurisdiction for a violation of law  
23 OR if I have misrepresented my prior criminal history. I understand  
24 and agree that the occurrence of any of these acts constitutes a  
25 material breach of my plea agreement with the State. I further  
26 understand and agree that by the execution of this agreement, I am

1     waiving any right I may have to remand this matter to Justice Court  
2     should I later withdraw my plea.

3             11. I understand and agree that pursuant to the terms of  
4     the plea agreement stated herein, any counts which are to be  
5     dismissed and any other cases charged or uncharged which are either  
6     to be dismissed or not pursued by the State, may be considered by the  
7     court at the time of my sentencing.

8             12. I understand that the Court is not bound by the  
9     agreement of the parties and that the matter of sentencing is to be  
10    determined solely by the Court. I have discussed the charge, the  
11    facts and the possible defenses with my attorney. All of the  
12    foregoing rights, waiver of rights, elements, possible penalties, and  
13    consequences, have been carefully explained to me by my attorney. My  
14    attorney has not promised me anything not mentioned in this plea  
15    memorandum, and, in particular, my attorney has not promised that I  
16    will get any specific sentence. I am satisfied with my counsel's  
17    advice and representation leading to this resolution of my case. I  
18    am aware that if I am not satisfied with my counsel I should advise  
19    the Court at this time. I believe that entering my plea is in my  
20    best interest and that going to trial is not in my best interest. My  
21    attorney has advised me that if I wish to appeal, any appeal, if  
22    applicable to my case, must be filed within thirty days of my  
23    sentence and/or judgment.

24            13. I understand that this plea and resulting conviction  
25    will likely have adverse effects upon my residency in this country if  
26    I am not a U. S. Citizen. I have discussed the effects my plea will

1 have upon my residency with my counsel.

2 14. I offer my plea freely, voluntarily, knowingly and  
3 with full understanding of all matters set forth in the Information  
4 and in this Plea Memorandum. I have read this plea memorandum  
5 completely and I understand everything contained within it.

6 15. My plea of guilty is voluntary and is not the result  
7 of any threats, coercion or promises of leniency.

8 16. I am signing this Plea Memorandum voluntarily with  
9 advice of counsel, under no duress, coercion, or promises of  
10 leniency.

11 17. I do hereby swear under penalty of perjury that all of  
12 the assertions in this written plea agreement document are true.

13 AFFIRMATION PURSUANT TO NRS 239B.030

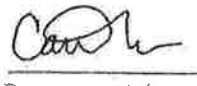
14 The undersigned does hereby affirm that the preceding  
15 document does not contain the social security number of any person.

16 DATED this 19 day of August, 21.

17  
18   
19 Defendant

20 \_\_\_\_\_  
Translator/Interpreter

21   
22 Attorney Witnessing Defendant's Signature

23   
24 Prosecuting Attorney  
25  
26

FILED  
Electronically  
CR21-2210  
2022-01-11 11:24:11 AM  
Alicia L. Lerud  
Clerk of the Court  
Transaction # 8837314

A\_P\_P\_E\_A\_R\_A\_N\_C\_E\_S

FOR THE STATE:

HUNTER HEIDRICH  
Deputy District Attorney  
One South Sierra Street  
Reno, Nevada

FOR THE DEFENDANT:

JENNA GARCIA  
Deputy Public Defender  
350 South Center Street  
Reno, Nevada

FOR THE DIVISION OF  
PAROLE AND PROBATION:

CARLOS PEREZ

THE DEFENDANT:

JOSHUA ALEXANDER DURAN

1 RENO, NEVADA, THURSDAY, AUGUST 19, 2021, 10:48 A.M.

2 -o0o-

3  
4 THE COURT: Good morning, everyone. This is the time  
5 set for Department 6's audio-visual hearings, Thursday, August  
6 19, 2021. The record will reflect that this court session is  
7 taking place on this date and time and is held remotely via  
8 audio-visual means pursuant to applicable administrative orders.  
9 The Court and all the participants are appearing through Zoom.com  
10 simultaneous audio-visual transmission. I am physically located  
11 in Reno, Washoe County, Nevada, which will be deemed the site of  
12 today's court session.

13 As I call upon you, please state your name and county  
14 and state from which you are appearing.

15 Good morning, Miss Clerk.

16 THE CLERK: Good morning, Your Honor. Maureen Conway  
17 appearing from Washoe County, Nevada.

18 THE COURT: Good morning, Miss Reporter.

19 THE REPORTER: Good morning, Your Honor. Lesley  
20 Clarkson. I'm in Washoe County, Nevada.

21 THE COURT: Good morning, deputy.

22 DEPUTY HAYES: Good morning, Your Honor. Deputy Hayes  
23 appearing from Washoe County Detention Facility in Washoe County,  
24 Nevada, with all of the inmates.

25 THE COURT: The record will also reflect this court

1 session and hearing is open to the public for viewing and  
2 listening through the link on the Washoe County District Court  
3 website online hearings by department or accessing Zoom.com and  
4 typing in the webinar number.

5 If at any time you cannot see or hear any of the other  
6 participants, please let the Court know in some fashion.

7 As I call upon counsel, please state your appearance  
8 and where you are appearing from; please acknowledge that you  
9 have received this Court's notice and order that the hearings  
10 will take place today pursuant to the Nevada rules governing  
11 appearance by audio-visual transmission equipment part 9; please  
12 advise if you have any objection to appearing in this manner  
13 today. And for defense counsel, please affirm that you have had  
14 sufficient time to speak with your client prior to proceeding.

15 If this audio-visual hearing is interrupted by  
16 technical or other means that I cannot overcome, I'll immediately  
17 end the meeting and I'll have you sign back on, and we will move  
18 you back in one at a time.

19 The court reporter is requested to include all my  
20 comments made thus far in each transcript for each hearing in  
21 this court session.

22 Case No. CR21-1433, State versus Joshua Alexander  
23 Duran, and Case No. CR21-2210. Let's go with our appearances on  
24 this one.

25 MR. HEIDRICH: Thank you, Your Honor. Hunter Heidrich

1 for the State. I'm in Washoe County. I have received all of the  
2 relevant notices, and I have no objection to proceeding in this  
3 manner.

4 MS. GARCIA: Jenna Garcia appearing on behalf of Joshua  
5 Duran. I am also in receipt of all relevant notices. I have no  
6 objection to proceeding. I am located in Washoe County, Nevada.  
7 I have had a chance to talk to my client, Judge. We are prepared  
8 to proceed with the arraignment. And before you begin, I did  
9 want to note that I would like to address custody status  
10 following the entry of pleas.

11 THE COURT: Okay.

12 MR. PEREZ: Carlos Perez for the division.

13 THE COURT: Thank you. Good morning, Mr. Duran.

14 THE DEFENDANT: Good morning, Your Honor.

15 THE COURT: And Mr. Heidrich, it does appear in Case  
16 No. CR21-1433, the charge of battery resulting in substantial  
17 bodily harm, that there is an alleged victim, and Article 1,  
18 Section 8A impacts this case, as well as in Case No. CR21-2210,  
19 burglary of a business, that there is an alleged victim, and that  
20 Article 1, Section 8A of the Nevada Constitution impacts this  
21 case. Would you please provide an offer of proof and notice of  
22 rights given in each case.

23 MR. HEIDRICH: Yes, Your Honor. Regarding CR21-1433,  
24 the battery resulting in substantial bodily harm, the victim in  
25 this case as been notified. They did opt in for information



1 regarding hearings. They were provided notice of today's court  
2 date, and they are not present. And regarding CR21-2210, the  
3 burglary of a business, the victim was the Best Buy on South  
4 Virginia. We did send them the Marsy's Law notice. They did not  
5 opt in.

6 THE COURT: All right. Thank you. How will we be  
7 proceeding in both of these matters, Miss Garcia?

8 MS. GARCIA: Your Honor, in Case No. CR21-2210, my  
9 client's name is correctly spelled at line 12. We are familiar  
10 with the contents and we are going to waive a formal reading, and  
11 Mr. Duran is going to be pleading to the sole count burglary of a  
12 business. In exchange for that plea, the parties are going to be  
13 free to argue for an appropriate sentence.

14 In Case No. CR21-1433, my client's name is also  
15 correctly spelled at line 12. We are familiar with its contents,  
16 we would waive a formal reading, and he's going to be entering a  
17 plea to the sole count, battery resulting in substantial bodily  
18 harm, a Category C felony. Again the parties are free to argue,  
19 and it is a free to argue between whether the cases will run  
20 concurrent or consecutive.

21 MR. HEIDRICH: That is a correct statement, Your Honor.

22 THE COURT: Thank you.

23 Please swear the defendant.

24 (Defendant sworn.)

25 THE COURT: Mr. Duran, did you hear the negotiations in

1 each of the cases --

2 THE DEFENDANT: Yes, I did, Your Honor.

3 THE COURT: -- that were stated by your counsel?

4 THE DEFENDANT: Yes, Your Honor.

5 THE COURT: Did you agree with them?

6 THE DEFENDANT: Yes, I did, Your Honor.

7 THE COURT: What language do you read, write, and  
8 understand the best?

9 THE DEFENDANT: English.

10 THE COURT: How old are you?

11 THE DEFENDANT: 29.

12 THE COURT: How far did you get in school?

13 THE DEFENDANT: I got a GED through the army.

14 THE COURT: So with that background, is it fair to say  
15 that the guilty plea memorandum in each of these cases was easy  
16 for you to read?

17 THE DEFENDANT: It was relatively easy, Your Honor.

18 THE COURT: Okay. And you had the opportunity to  
19 discuss them fully with your counsel; is that right?

20 THE DEFENDANT: Yes, at length, Your Honor.

21 THE COURT: And all of your questions were answered; is  
22 that correct?

23 THE DEFENDANT: Yes, they were, Your Honor.

24 THE COURT: All right. And so are there a copy of  
25 those guilty plea memorandums there in front of you?

1 THE DEFENDANT: Yes.

2 THE COURT: So you should have two. So make sure that  
3 one of them has Case No. CR21-1433 and then it has your name on  
4 it.

5 THE DEFENDANT: Okay, Your Honor.

6 THE COURT: And if you completely understand all of the  
7 terms and conditions and you agree with all of them, you may sign  
8 it if you wish.

9 Thank you, deputy.

10 Mr. Duran has executed the guilty plea memorandum in  
11 CR21-1433.

12 So now you should have a second one that has Case No.  
13 CR 21-2210, and it also has your name on it at line 12. And if  
14 you completely agree with that and all of its terms and  
15 conditions, you may sign it if you wish.

16 THE DEFENDANT: Yes, Your Honor.

17 THE COURT: Thank you, deputy. Mr. Duran has also  
18 executed the guilty plea memorandum in CR21-2210.

19 I'm going to ask you a series of questions regarding  
20 your constitutional rights, Mr. Duran. They apply in both cases.  
21 Do you understand?

22 THE DEFENDANT: Yes, Your Honor.

23 THE COURT: We will parse it out as to an individual  
24 case if I need to.

25 Do you understand that by pleading guilty you are

1 giving up important constitutional rights?

2 THE DEFENDANT: Yes, Your Honor.

3 THE COURT: Do you understand you are waiving your  
4 right to a jury trial to be conducted within 60 days of today or  
5 as can be under current administrative orders?

6 THE DEFENDANT: Yes, I do, Your Honor.

7 THE COURT: Do you understand that you are waiving your  
8 right to require the State to prove the charges against you  
9 beyond a reasonable doubt?

10 THE DEFENDANT: Yes, I do, Your Honor.

11 THE COURT: Do you further understand that you are  
12 waiving your right against self-incrimination?

13 THE DEFENDANT: Yes, I do, Your Honor.

14 THE COURT: And that by admitting these charges do you  
15 understand you are in fact incriminating yourself?

16 THE DEFENDANT: Yes, I do, Your Honor.

17 THE COURT: Do you understand you are giving up your  
18 right to cross-examine all of the State's witnesses?

19 THE DEFENDANT: Yes, Your Honor.

20 THE COURT: Do you further understand that you are  
21 giving up your right to subpoena witnesses in and compel their  
22 attendance in court at the time of trial?

23 THE DEFENDANT: Yes, Your Honor.

24 THE COURT: Mr. Heidrich, would you please advise Mr.  
25 Duran what the State would be prepared to prove beyond a

1 reasonable doubt if the case were to proceed to trial. And I'd  
2 ask you to start with CR21-1433.

3 MR. HEIDRICH: Yes, Your Honor. Had this matter gone  
4 to trial the State would have been prepared to prove to a fair  
5 and impartial jury that Mr. Duran committed the crime of battery  
6 resulting in substantial bodily harm, a violation of NRS 200.481,  
7 that on or about April 30, within the county of Washoe, state of  
8 Nevada, Mr. Duran did willfully and unlawfully use force or  
9 violence upon the person of Dennis Owen at 200 Mill Street, Reno,  
10 Nevada, such force or violence causing substantial bodily harm to  
11 Mr. Owen.

12 THE COURT: Thank you.

13 Mr. Duran, do you understand the elements the State was  
14 prepared to prove against you should this matter go to trial?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Did you commit the crime with the intent as  
17 described in the charges stated by the deputy district attorney?

18 THE DEFENDANT: Yes, I did, Your Honor.

19 THE COURT: Mr. Heidrich, would you please apprise Mr.  
20 Duran what the State would be prepared to prove beyond a  
21 reasonable doubt in Case No. CR21-2210.

22 MR. HEIDRICH: Yes, Your Honor. Had this matter gone  
23 to trial, the State would have been prepared to prove beyond a  
24 reasonable doubt to a fair and impartial jury that Mr. Duran did  
25 commit the crime of burglary of a business, a violation of NRS

1 205.060, that on or about July 1, 2021, Mr. Duran did willfully  
2 and unlawfully, by day or night, enter or remain in the Best Buy  
3 located at 5575 South Virginia, a business in Washoe County,  
4 Nevada, with the intent there and then to commit a larceny  
5 therein.

6 THE COURT: Thank you, Mr. Heidrich.

7 Do you understand the elements the State was prepared  
8 to prove against you should Case No. CR21-2210 go to trial?

9 THE DEFENDANT: Yes, Your Honor.

10 THE COURT: Did you commit the crime with the intent as  
11 described in the charges stated by the deputy district attorney?

12 THE DEFENDANT: Yes, I did, Your Honor.

13 THE COURT: Do you understand that in the battery  
14 resulting in substantial bodily harm case that the maximum  
15 penalty for the crime to which you are pleading guilty is that  
16 you may be imprisoned for a period of one to five years in the  
17 Nevada Department of Corrections; you are eligible for probation;  
18 you may also be fined up to \$10,000?

19 THE DEFENDANT: Yes, I understand that, Your Honor.

20 THE COURT: And with regard to Case No. CR21-2210,  
21 which is burglary of a business, that the maximum penalty is you  
22 may be imprisoned for a period of one to five years in the Nevada  
23 Department of Corrections; you are eligible for probation; you  
24 may also be fined up to \$10,000?

25 THE DEFENDANT: Yes, I understand that, Your Honor.

1 THE COURT: All right. And do you also understand that  
2 those sentences can be imposed either to run concurrent or  
3 consecutive?

4 THE DEFENDANT: Yes, I understand.

5 THE COURT: What does concurrent mean to you?

6 THE DEFENDANT: We usually called it bowlegged in jail,  
7 but it's ran -- well, no. Concurrent is together, right?

8 THE COURT: At the same time. So I don't think it's  
9 bowlegged.

10 THE DEFENDANT: Bowlegged is consecutive.

11 THE COURT: Right. So in other words, concurrent is  
12 that they run at the same time. If you were sentenced to serve  
13 both sentences on a Monday, or for one day, you would serve them  
14 both on Monday. Do you understand?

15 THE DEFENDANT: Yes, Your Honor.

16 THE COURT: Is that a yes?

17 THE DEFENDANT: Yes, Your Honor.

18 THE COURT: And you understand that in the future,  
19 though, if someone was looking at your criminal history, it would  
20 show two different incarcerations, although physically it was  
21 one. Do you understand that?

22 THE DEFENDANT: Okay, yeah, I understand that now, Your  
23 Honor.

24 THE COURT: And so what does consecutive mean to you?

25 THE DEFENDANT: That my time won't be together, so for

1 every day that I do, I'm only doing it on that one number, and  
2 then when I'm finished with that I'll have to do the other  
3 sentence.

4 THE COURT: Exactly. So you understand I'm not bound  
5 by any arguments that are made at the time of sentencing by  
6 counsel, but the Court alone will determine your sentence.

7 THE DEFENDANT: Yes, I understand that the Court alone.

8 THE COURT: Do you also understand that may result in  
9 your incarceration for consecutive sentences?

10 THE DEFENDANT: Yes, I do, Your Honor.

11 THE COURT: With all of those rights in mind that you  
12 have waived and all the information I have provided to you, do  
13 you still wish to plead guilty?

14 THE DEFENDANT: Yes, Your Honor.

15 THE COURT: Have you had sufficient time to talk about  
16 both of these cases in their entirety with your attorney?

17 THE DEFENDANT: Yes, I have, Your Honor.

18 THE COURT: Are you satisfied with the representation  
19 provided to you by your attorney throughout this entire  
20 proceeding, including today?

21 THE DEFENDANT: Yes, I am, Your Honor.

22 THE COURT: Has anyone promised you anything or  
23 threatened you in any way to get you to plead guilty?

24 THE DEFENDANT: No, they have not, Your Honor.

25 THE COURT: Are you pleading guilty freely and



1 voluntarily?

2 THE DEFENDANT: Yes, I am, Your Honor.

3 THE COURT: Are you under the influence of any alcohol  
4 or drugs or do you have any condition or circumstance that might  
5 preclude you from fully understanding me today?

6 THE DEFENDANT: No, Your Honor.

7 THE COURT: Do you have any questions for me about  
8 either of these proceedings, Mr. Duran?

9 THE DEFENDANT: No, not at this time, Your Honor.

10 THE COURT: What is your plea in Case No. CR21-1433 to  
11 the charge of battery resulting in substantial bodily harm?

12 THE DEFENDANT: Guilty.

13 THE COURT: And what is your plea in Case No. CR21-2210  
14 to the charge of burglary of a business?

15 THE DEFENDANT: Guilty, Your Honor.

16 THE COURT: The Court finds on each of these matters  
17 Mr. Duran understands the nature of the offense charges, the  
18 consequences of his pleas, that he's made knowing, voluntary, and  
19 intelligent waivers of his constitutional rights. The Court will  
20 accept his guilty pleas, and we will set a date for sentencing in  
21 a moment.

22 You should get some paperwork up there, and the  
23 division of parole and probation is going to prepare a report.  
24 The deputy will give you paperwork that you are able to  
25 contribute to that report, and then someone from the division

1 will come and meet with you. Now, that may change based on the  
2 custody status arguments. So before we set a date, and we give  
3 you any more information with regard to the PSI, I'd like to hear  
4 from you, Miss Garcia.

5 MS. GARCIA: Thank you, Your Honor.

6 MR. HEIDRICH: I apologize. Before we begin, the State  
7 would object to hearing the custody matter at this time. Under  
8 the statewide rules of criminal procedure, the State has not  
9 received notice. And as Mr. Duran has had his individualized  
10 bail hearing, unless we agree to a bail hearing at this time, any  
11 motions to change his custody status must be made in writing.  
12 Further, we have not provided notice to the victim of the custody  
13 hearing. So we would object to the matter proceeding today and  
14 in this manner.

15 THE COURT: That was the first question I was going to  
16 ask Miss Garcia.

17 MS. GARCIA: If the victim has been provided notice of  
18 an arraignment, that is notice of a hearing. So I would strongly  
19 say that that's not true. Second of all, I understand  
20 Mr. Heidrich's argument. It's the argument the D.A.s make in  
21 other departments. It's never been made here.

22 THE COURT: Yes, it has.

23 MS. GARCIA: I have never made it, and I have never had  
24 it made against me. So I thought we were going to be able to  
25 proceed to making an argument on OR to inpatient.

1 THE COURT: What I would like you to do, it has been  
2 made here, and what we have done is gone forward where there's  
3 been an agreement between the district attorney to address it  
4 with the P.D. That's where it's been made.

5 Here's what I will do, though, is I will direct IAP to  
6 work with Mr. Duran in the interim. And you may choose to make a  
7 motion, but they can start a process of trying to secure an  
8 inpatient program.

9 MS. GARCIA: So that's actually happened, and that's  
10 why I was going to bring this up, because he's already done the  
11 application for New Frontiers. And so that was the, I have been  
12 in contact with New Frontiers. They are waiting for an  
13 evaluation to come back.

14 THE COURT: So you can feel free to file a quick motion  
15 when you have your evaluation, and we can hear it on an expedited  
16 basis. Okay?

17 MS. GARCIA: That's fine, Your Honor. I'll do that.

18 THE COURT: Thank you. So our sentencing date?

19 THE CLERK: Sentencing date will be October 7 at 9:00  
20 a.m.

21 THE COURT: Thank you.

22 THE DEFENDANT: Your Honor, I just wanted to say I  
23 never had received a bail hearing on my burglary of a business.

24 MS. GARCIA: That's true. But Mr. Duran, that wasn't  
25 the argument the D.A. was making, so I'm going to be filing a

1 motion. Okay?

2 THE DEFENDANT: Okay.

3 THE COURT: And we will put this on calendar as soon as  
4 you have an opportunity to file that, and they can oppose, and we  
5 will go from there. So if it's before that sentencing date, I'm  
6 happy to hear it.

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1 STATE OF NEVADA )  
2 COUNTY OF WASHOE ) ss  
3 )  
4 )

5 I, LESLEY A. CLARKSON, Official Reporter of the  
6 Second Judicial District Court of the State of Nevada, in  
7 and for the County of Washoe, DO HEREBY CERTIFY:

8 That I was present in Department No. 6 of the  
9 within-entitled Court on Thursday, August 19, 2021, and took  
10 stenotype notes of the proceedings entitled herein and  
11 thereafter transcribed them into typewriting as herein appears;

12 That the foregoing transcript is a full, true and  
13 correct transcription of my stenotype notes of said hearing.

14 Dated this 30th day of December.  
15  
16  
17  
18

19 /s/ Lesley A. Clarkson

20 Lesley A. Clarkson, CCR #182  
21  
22  
23

24 The document to which this certificate is  
25 attached is a full, true and correct copy of the  
original on file and of record in my office.

By: ALICIA L. LERUD, Clerk of the Second  
Judicial District Court, in and for the County of  
Washoe.

1 CODE: 4185  
2 NICOLE J. HANSEN, CCR 446  
3 Sunshine Litigation Services  
4 151 Country Estates Circle  
5 Reno, Nevada 89511  
6 (775) 323-3411  
7 Court Reporter

8 SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

9 IN AND FOR THE COUNTY OF WASHOE

10 THE HONORABLE LYNNE K. SIMONS, DISTRICT JUDGE  
11 --o0o--

12 STATE OF NEVADA, Case No. CR21-1433  
13 Plaintiff, CR21-2210  
14 vs. Dept. No. 6

15 JOSHUA ALEXANDER DURAN,  
16 Defendant.  
17 -----

18 TRANSCRIPT OF PROCEEDINGS  
19 MOTION FOR O.R. RELEASE HEARING  
20 SEPTEMBER 16, 2021

21 APPEARANCES:

22 For the Plaintiff: ZADORA HIGHTOWER, ESQ.  
23 Washoe County District  
24 Attorneys Office  
One South Sierra Street  
Reno, Nevada 89520

For the Defendant: JENNA GARCIA, ESQ.  
Washoe County Alternate Public  
Defenders Office  
350 South Center Street  
Reno, Nevada 89501

For P&P: THOMAS WILSON

SUNSHINE LITIGATION SERVICES (775) 323-3411

-o0o-  
RENO, NEVADA; SEPTEMBER 16, 2021, A.M. SESSION  
-o0o-

THE COURT: Good morning, everyone. This is the time set for Department Six's virtual calendar for September 16th, 2021.

The record will reflect that this court session is taking place on this date and time and is held remotely via audiovisual means pursuant to applicable administrative orders. The Court and all of the participants are appearing through simultaneous audiovisual transmission via Zoom.com. I'm physically located in Reno, Washoe County Nevada, which will be deemed the site of today's court session.

As I call upon you, please state your name  
and county and state from which you are appearing.

Good morning, Ms. Clerk.

THE CLERK: Good morning, Your Honor.

Maureen Conway, appearing from Washoe County, Nevada.

THE COURT: And, Miss Court Reporter?

THE COURT REPORTER: Nicole Hansen, appearing  
from Washoe County, Nevada.

THE COURT: And my bailiff today?

THE BAILIFF: Good morning. Deputy Peak.

1 Washoe County, Nevada.

2 THE COURT: And do you have everyone on my  
3 docket there with you in court?

4 THE BAILIFF: I do, Your Honor.

5 THE COURT: All right. And as we move  
6 through the calendar, I may ask in a bit for you to clear  
7 some other members of the -- persons there, the  
8 in-custody, and I would just ask that when you're  
9 finished with their hearing, if they can leave, if  
10 there's a way to arrange that.

11 THE BAILIFF: Yes, Your Honor.

12 THE COURT: Okay. Thank you. The record  
13 will also reflect that this court session and all  
14 hearings are open to the public for viewing and listening  
15 through the link on the Washoe County District Court  
16 website online hearings by department or by accessing  
17 Zoom.com and typing in the webinar number.

18 If at any time you cannot see or hear all of  
19 the other participants, please notify the Court in some  
20 fashion.

21 As I call upon counsel, please state your  
22 appearance and where you're appearing from. Please  
23 acknowledge that you've received notice this hearing is  
24 taking place pursuant to the Nevada Rules Governing



1 Appearance by Audiovisual Transmission Equipment Part 9.  
2 Please advise if you have any objection to proceeding in  
3 this manner today, and let's see. Do I have anyone  
4 that's appearing on all matters today? No.

5 Okay. And for the defense counsel, please  
6 just make sure that you've been accommodated and you've  
7 been able to talk with your -- had sufficient time to  
8 talk with your client.

9 If this audiovisual hearing is interrupted by  
10 any means that I cannot overcome, I will end the meeting  
11 immediately and have you sign back in one at a time.

12 The court reporter is requested to include  
13 all of my comments thus far in each transcript for each  
14 hearing today.

15 THE COURT: Case Number CR21-1433 and  
16 21-2210: The State versus Joshua Alexander Duran. This  
17 is the time set for a motion for O.R. release to  
18 inpatient treatment in both of these matters.

19 MS. HIGHTOWER: Good morning, Your Honor.  
20 Zadora Hightower, appearing on behalf of the State.

21 MS. GARCIA: Jenna Garcia, appearing for  
22 Joshua Duran, located in Washoe County, Nevada. I'm in  
23 receipt of all relevant notices and I have no objection  
24 to proceeding in this manner.

1                   SPECIALIST WILSON: Thomas Wilson for the  
2 Division, Your Honor.

3                   THE COURT: And good morning, Mr. Duran.

4                   THE DEFENDANT: Good morning, Your Honor.  
5 How are you?

6                   THE COURT: I'm well. Thank you for your  
7 patience in all of the movement today. We had a lot of  
8 logistics we needed to address.

9                   All right. So before the Court is the motion  
10 for O.R. release that was filed on September 2nd, 2021.  
11 The request is transfer via the Inmate Assistance Program  
12 to inpatient treatment.

13                  I did review the filing, and I understand,  
14 Ms. Garcia, that you have no objection to the State  
15 making its argument on the record. Correct?

16                  MS. GARCIA: Your Honor, that is correct. I  
17 wanted to get this on calendar sooner, and so I  
18 absolutely have no objection to them making their  
19 opposition orally.

20                  THE COURT: And just to confirm, previously,  
21 Mr. Duran was given, in each matter, a Valdez-Jimenez  
22 hearing; correct?

23                  MS. GARCIA: He was not granted a  
24 Valdez-Jimenez hearing on the second matter, the

1 burglary, because he had the hold on the first matter.

2 THE COURT: Okay. All right. So what I want  
3 you to do is be free to address any factors that I would  
4 address where someone has had a Valdez-Jimenez hearing  
5 and then one who hasn't. What's important for this Court  
6 is the complete picture today, and so you may proceed.

7 MS. GARCIA: So, Your Honor, I know that  
8 you've reviewed my motion, so I don't want to be  
9 duplicative. So there's a couple of things, though, I  
10 want to emphasize or add to that were not in the motion.

11 So the first is in regards to what happened  
12 with the second case and whatnot because I think that's  
13 really important. That's why I wanted it to be trailed.  
14 I didn't want to put my client in any jeopardy at the  
15 jail.

16 So Mr. Duran, after picking up that first  
17 case, an agreement was reached between the Deputy  
18 District Attorney, Ms. Morton and I, to release him  
19 because a detective wanted him to assist him with some  
20 work.

21 Now, one thing that I'm actually sharing with  
22 the mental health court program is I'm asking them to  
23 take him, and that application is in the works right now;  
24 is that if I had seen the evaluation or had the

1 evaluation that I filed with you, my response and  
2 discussion with my client would have been different, I  
3 think, in regards to him doing that work. I think it was  
4 incredibly inadvisable given now what I know now, but I  
5 didn't know it at the time, and he did want to be  
6 released to do work, so he was.

7 What happened is, Judge, is that the work  
8 he's doing is he basically had connections -- and he can  
9 correct me if I get any of these specifics wrong, but I  
10 think he said -- was it a fence? Is that the term? What  
11 was the term?

12 THE DEFENDANT: Booster.

13 MS. GARCIA: So essentially, his connections  
14 were what the detectives wanted to utilize were that drug  
15 dealers ask him to steal them things, and he then  
16 provides those items to the drug dealers. That is what  
17 his role was previously that the detective wanted to  
18 utilize in order to gain information on people dealing  
19 drugs in the community.

20 So unfortunately, what happened is what  
21 sometimes happens when people are working, is Mr. Duran  
22 was not able to stay clean because he was back in the  
23 drug world. He was asked to boost some items from a drug  
24 dealer. He did make contact with the detective, but then

1 he kind of made the determination he was going to go  
2 forward and attempt to do this in order to gain trust.  
3 It wasn't advisable, but I don't think he was thinking  
4 very clearly. That's how he picked up the new charges.

5 So that's where we're at is it doesn't exist  
6 in a vacuum. There were reasons. Was it advisable? No.  
7 Was it the smart thing to do? No. Was it the way to go  
8 about it? No. He wasn't just out there trying to commit  
9 crimes. He was trying to work with this detective, and  
10 it just didn't go as we wanted it to go.

11 So the other thing I want to talk about then,  
12 Judge, is I actually went back through his criminal  
13 history really thoroughly when prepping my mental health  
14 court application. And I did want to point out to the  
15 Court because I think this is important that the first  
16 charge that he's pled to is battery with causing  
17 substantial.

18 I really want to emphasize to the Court I  
19 looked at his whole criminal history. He does not have  
20 any other violent convictions. I saw a theft of a  
21 vehicle that was a felony in 2011, and I saw the burg in  
22 2014. Everything else I saw was petty misdemeanor and  
23 drug and some trespassing. I think maybe there was one  
24 resisting a public officer, so this is not a history for

1 Mr. Duran of being violent.

2 I think the circumstances that I described in  
3 my motion of what happened with the City of Reno workers,  
4 I think that -- and this is my personal take, Judge, is  
5 that Mr. Duran has Bipolar I disorder, as he was  
6 diagnosed, and it has aspects of paranoia.

7 I'm not saying that I don't believe what he  
8 says happened, but I think it was a combination of he  
9 felt threatened. He felt that they were following him,  
10 and they were following him. The degree to which they  
11 were following him -- I know he thinks they tried to run  
12 him over. And I'm not saying that happened or didn't  
13 happen. I wasn't there. But he felt very threatened,  
14 and he threw the rock.

15 I don't think that if properly treated for  
16 his amphetamine disorder as well as his cooccurring for  
17 the bipolar, I don't think that he would present that  
18 kind of community risk, and that's why I want him to be  
19 in mental health court because Mr. Duran has expressed to  
20 me that he really wants to get help.

21 And I do think looking at his history, while  
22 again, as I pointed out, he does have prior felonies, he  
23 has no violence. I think that his mental health issues  
24 are maybe getting a little bit worse. And so I think

1 this is the moment to attack them and get them under  
2 control so he doesn't end up with these more serious  
3 crimes. And I think he feels the same way. I think he  
4 really desperately wants to get back on the right track,  
5 and so my plan and goal -- because I think it matters to  
6 this motion -- is that he be hopefully taken into mental  
7 health court, and so I'm preparing a very thorough  
8 application.

9 And in the meantime, I would like him to get  
10 a chance to start some treatment at New Frontiers. And I  
11 also want to put on the record and let him know that  
12 because I think this is also important.

13 In my staffing for misdemeanor court on  
14 Monday, I was informed that New Frontiers right now is on  
15 a lockdown because of COVID. So I am not saying that --  
16 I want him to know I don't know when he could go. But  
17 essentially, I just want to get his application and the  
18 ball rolling such that if this Court was going to grant  
19 him mental health court, he would be in a position to  
20 hopefully get into that placement because wait times are  
21 long, and it's not only New Frontiers, it's also  
22 Vitality. Two programs are in full lockdown because of  
23 COVID. And so people are going to be sitting waiting for  
24 beds.

1                   And that's the reason why I am making this  
2                   application now with the hopes that we can perhaps start  
3                   the ball on him getting into some treatment because he  
4                   really needs the stability if he's going to succeed. And  
5                   so that's the basis, Judge. Thank you.

6                   THE COURT: All right. Thank you.

7                   Ms. Hightower?

8                   MS. HIGHTOWER: Thank you, Your Honor. The  
9                   State is going to oppose that request. In looking at  
10                  sort of what got us here, the defendant was arrested on  
11                  the original case, and the underlying facts are  
12                  concerning. They're extremely violent. Somebody stepped  
13                  in to try and intervene on a situation. He throws rocks  
14                  at them, breaks windows.

15                  One of the victims required stitches as a  
16                  result of being hit with those rocks. The defendant is  
17                  threatening individuals with knives. So the prosecutor  
18                  in the case -- against her better judgment -- agreed to  
19                  release him to work with this detective, and he promptly  
20                  picks up more charges, and they're also violent. He's  
21                  again throwing rocks at individuals and causing a  
22                  disturbance to the community as well as a hazard to  
23                  people who are just at work trying to mind their own  
24                  business. And for --



1 MS. GARCIA: Your Honor, I'm so sorry to -- I  
2 just want to make sure we're talking about the same thing  
3 because his new charge was burglary of a business. I  
4 just want to make sure we're all on the same page. Sorry  
5 to interrupt. It was not throwing rocks or anything  
6 violent.

7 MS. HIGHTOWER: Those were not the charges,  
8 but that was also a part of it.

9 MS. GARCIA: It was Best Buy. He was inside  
10 Best Buy. He grabbed some items and ran and then was  
11 tackled from behind by an employee.

12 MS. HIGHTOWER: It was my understanding he  
13 also threw rocks after leaving.

14 MS. GARCIA: Okay.

15 THE COURT: Go ahead.

16 MS. HIGHTOWER: I would also note in having  
17 individuals work with detectives, they always make it  
18 very clear that they are to comply with Pretrial  
19 Services, that they are not to engage in illegal activity  
20 while they are out doing work.

21 There is no -- in my experience in working  
22 with detectives, there's no question that they're not  
23 supposed to go out and commit new offenses while they're  
24 out of custody performing work with police officers.

1 I would also note that he has a failure to  
2 appear arrest out of Reno Municipal Court from March of  
3 this year and prior burglary conviction from 2014 and a  
4 number of other ones. And so the defendant was out of  
5 custody, picked up new charges. There's violence in both  
6 cases. And so the State is free to argue for prison in  
7 these cases and does oppose release and would request  
8 that his bail remain as set on both cases.

9 THE COURT: All right. And presently,  
10 there's the currently set for sentencing on October 7th.  
11 Correct?

12 MS. GARCIA: Yes, Your Honor.

13 THE COURT: All right. The Court has  
14 reviewed all of the entire matter, and thank you for  
15 agreeing to respond orally. And I've weighed everything  
16 here. And I agree with Ms. Garcia that if there's an  
17 opportunity for intervention, this is the time.

18 And I recognize and I want to make sure you  
19 understand, Mr. Duran, that the Court is going to grant  
20 your release on your own recognizance with Pretrial  
21 Services' supervision only with direct transport to New  
22 Frontiers or a functional equivalent. That may not  
23 happen, frankly, with everything that's going on with  
24 COVID. But if the opportunity is there for you to

1 commence some sort of treatment, and I don't know if you  
2 are -- I mean, I haven't looked at everything at all  
3 regarding the mental health court. I don't know whether  
4 I would be inclined to allow you that opportunity or not.  
5 But it just seems to me based on all of the circumstances  
6 that there is a significant mental health component here  
7 and that if you can commence to address that, given the  
8 unknowns.

9           You may just remain in jail until that time,  
10 but if there is an opportunity, I am going to give it to  
11 you. But here's the thing. You can't walk away from the  
12 program because I'm going to look at all of this when you  
13 come to sentencing. So there's a lot weighing on this.

14           And usually, the specialty courts like to be  
15 in the position of sending you to inpatient or not, but  
16 based on everything I read last night, I think that a  
17 jump start for you would actually help you in your  
18 performance if you are granted mental health court. That  
19 is no guarantee because as you just heard, the prosecutor  
20 is going to ask for prison time. So this is an  
21 opportunity -- excuse the vernacular -- but to sort of  
22 put your money where your mouth is.

23           THE DEFENDANT: Exactly.

24           THE COURT: And so that will be the order of

1 the Court on both of these matters.

2 And, Ms. Garcia, will you agree that this  
3 complies with Valdez-Jimenez or do you want me to go  
4 through exact factors?

5 MS. GARCIA: No, Your Honor. I waive any  
6 issues with that. I agree and I just want to make sure  
7 I'm clear on something and that Mr. Duran is. Because  
8 you ordered functional equivalent, it sounds to me like  
9 it would be prudent of him to fill out additional  
10 applications.

11 THE DEFENDANT: Make sure I'm qualified?

12 MS. GARCIA: Yes.

13 THE COURT: Yes. Well, and the reason is, is  
14 that sometimes we -- just from my experience, we used to  
15 do really specific orders into one particular program,  
16 and then there would be something that it didn't work and  
17 then it would cause your counsel to have to come back and  
18 ask for another program.

19 And so it's just me being proactive in my  
20 order that if let's say New Frontiers, if that's the best  
21 for you and it's in lockdown, then what we want to do is  
22 try to still have you have an opportunity to get a jump  
23 start on some treatment. And frankly, either way. If  
24 you go to mental health court or you to go to prison, I

1 think this is really important for you at this moment in  
2 your life. So that's the order of the Court.

3 THE DEFENDANT: Thank you very much. You  
4 have been very thorough, Your Honor, and I appreciate it.  
5 I know it takes a lot of time and everything, but I just  
6 want to let you now personally I appreciate it.

7 THE COURT: All right. Do those  
8 applications. We'll be in recess.

9 -o0o-

1       STATE OF NEVADA    )  
2       COUNTY OF WASHOE )   ss.

3  
4                   I, NICOLE J. HANSEN, Certified Court  
5 Reporter in and for the State of Nevada, do hereby  
6 certify:

7                   That the foregoing proceedings were taken by  
8 me at the time and place therein set forth; that the  
9 proceedings were recorded stenographically by me and  
10 thereafter transcribed via computer under my supervision;  
11 that the foregoing is a full, true and correct  
12 transcription of the proceedings to the best of my  
13 knowledge, skill and ability.

14                   I further certify that I am not a relative  
15 nor an employee of any attorney or any of the parties,  
16 nor am I financially or otherwise interested in this  
17 action.

18                   I declare under penalty of perjury under the  
19 laws of the State of Nevada that the foregoing statements  
20 are true and correct.

21                   Dated this December 30, 2021.

22  
23                                   Nicole J. Hansen

24                                   -----  
                                  Nicole J. Hansen, CCR #446, RPR  
                                  CRR, RMR

1 SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
2 IN AND FOR THE COUNTY OF WASHOE  
3 THE HONORABLE LYNN K. SIMONS, DISTRICT JUDGE

4 --o0o--

5 STATE OF NEVADA, ) Case Nos. CR21-1433  
6 ) CR21-2210  
7 Plaintiff, ) Dept. No. 6  
8 vs. )  
9 JOSHUA ALEXANDER DURAN, ) TRANSCRIPT OF PROCEEDINGS  
10 Defendant. )  
-----

11 NOTICE OF COMPLETION AND DELIVERY OF TRANSCRIPT  
12

13 I, Nicole J. Hansen, Nevada Certified Court  
14 Reporter, do hereby certify that the following transcript  
15 was prepared in response to a transcript request form  
16 filed in this appeal:  
17

18 1) TRANSCRIPT OF PROCEEDINGS, MOTION FOR O.R.  
19 RELEASE, SEPTEMBER 16, 2021.  
20  
21  
22  
23  
24

1 That on the 30th day of December, 2021, I  
2 electronically filed the Original transcript dated  
3 September 16, 2021, with the Washoe County District  
4 Court.

5 And on the 14th day of January, 2022, I delivered  
6 copies of the transcript via e-mail, messenger or U.S.  
7 Mail Service, to the following parties:  
8

9 Two copies to:

10 MARC PICKER, ESQ.  
11 JENNA GARCIA, ESQ.  
12 Washoe County Alternate Public  
13 Defenders Office  
14 350 South Center Street, 6th Floor  
15 Reno, Nevada 89501-2103

16 One copy to:

17 WASHOE COUNTY DISTRICT ATTORNEY'S OFFICE  
18 Appellate Division  
19 One South Sierra Street  
Reno, Nevada 89520

DATED: This 30th day of December, 2021

**The document to which this certificate is  
attached is a full, true and correct copy of the  
original on file and of record in my office.**

**By: ALICIA L. LERUD, Clerk of the Second  
Judicial District Court, in and for the County of  
Washoe.**

Nicole J. Hansen

Nicole J. Hansen, CCR #446,  
RPR, CRR, RMR

SUNSHINE LITIGATION SERVICES  
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SUNSHINE LITIGATION SERVICES (775) 323-3411



4185  
**SUNSHINE LITIGATION**  
151 Country Estates Circle  
Reno, Nevada 89512

THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA  
IN AND FOR THE COUNTY OF WASHOE  
BEFORE THE HONORABLE LYNNE K. SIMONS, DISTRICT JUDGE

-oOo-

|                         |   |                    |
|-------------------------|---|--------------------|
| STATE OF NEVADA,        | : |                    |
|                         | : |                    |
| Plaintiff,              | : |                    |
|                         | : | Case No. CR21-1433 |
| vs                      | : | Case No. CR21-2210 |
|                         | : |                    |
| JOSHUA ALEXANDER DURAN, | : | Dept. No. 6        |
|                         | : |                    |
| Defendant.              | : |                    |
|                         | : |                    |

=====

TRANSCRIPT OF PROCEEDINGS  
BY AUDIO/VISUAL TRANSMISSION

**SENTENCING**

THURSDAY, OCTOBER 7TH, 2021, 2021

Reno, Nevada

Reported By:

ERIN T. FERRETTO, CCR #281

A P P E A R A N C E S

FOR THE PLAINTIFF:

ZAHARA HIGHTOWER, ESQ.  
Deputy District Attorney  
One South Sierra Street  
Reno, Nevada

FOR THE DEFENDANT:

JENNA GARCIA, ESQ.  
Deputy Public Defender  
350 S. Center Street  
Reno, Nevada

THE DEFENDANT:

Present

PAROLE AND PROBATION:

CARLOS PEREZ

1 -o0o-

2 RENO, NEVADA, THURSDAY, OCTOBER 7TH, 2021, 9:00 A.M.

3 -o0o-

4  
5  
6 THE COURT: Good morning, everyone.

7 This is the time set for Department 6's virtual  
8 calendar for Thursday, October 7, 2021.

9 The record will reflect that this court session is  
10 taking place at this time and date and held remotely by  
11 audiovisual means due to applicable administrative  
12 orders.

13 The court all the participants are appearing by  
14 simultaneous audiovisual transmission via Zoom. I'm  
15 physically located Reno, Washoe County, Nevada, which  
16 will be deemed the site of today's session.

17 As I call upon you, please state your name and the  
18 county and state from which you are appearing.

19 Good morning, Ms. Clerk.

20 THE CLERK: Good morning, your Honor.

21 Maureen Conway appearing from Washoe County,  
22 Nevada.

23 THE COURT: Good morning, Ms. Reporter.

24 THE REPORTER: Good morning, your Honor.

1 Erin Ferretto. Lyon County, Nevada.

2 THE COURT: And our bailiff this morning. Good  
3 morning.

4 THE BAILIFF: Good morning, your Honor.  
5 Deputy Peek. Washoe County, Nevada.

6 THE COURT: All right.

7 And do you have all the people on my docket there  
8 with you?

9 THE BAILIFF: Yes, your Honor.

10 THE COURT: All right.

11 The record will also reflect that this court  
12 session and hearing is open to the public for viewing and  
13 listening through the link on the Washoe County District  
14 Court website Online Hearings and Public Access by  
15 department, or by accessing Zoom.com and typing in the  
16 webinar number.

17 If at any time you can't see or hear all of the  
18 other participants, please notify the court in some  
19 fashion.

20 As I call upon counsel, please state your  
21 appearance and where you are appearing from. Please  
22 acknowledge that you've received notice that this hearing  
23 is taking place pursuant to the Nevada rules governing  
24 appearance by audiovisual equipment Part IX. Please

1     advised if you have any objection to proceeding in this  
2     manner today.

3             And for my defense counsel, please just confirm  
4     with the court that you have had sufficient time to speak  
5     with your client today.

6             If this audiovisual hearing is interrupted by a  
7     Zoom bomb or any other technical difficulty that I cannot  
8     overcome, I will immediately end the meeting and have  
9     each of you sign back on and we'll let you in just in the  
10    same procedure that was used earlier.

11            The court reporter is requested to include all of  
12    my comments thus far in each transcript for each hearing  
13    in this court session.

14            Do I have anyone that is appearing on all matters  
15    today?   Okay.

16                               \* \* \* \* \*

17  
18            THE COURT:   Case No. CR21-1433, State versus  
19    Joshua Alexander Duran.   This is the time set for  
20    sentencing.

21            MS. HIGHTOWER:   Good morning, your Honor.   Zahara  
22    Hightower appearing on behalf of the State.

23            MS. GARCIA:   Jenna Garcia appearing on behalf of  
24    Joshua Duran.   I am located in Washoe County, Nevada.   I

1 am receipt of all relevant notices, and I have no  
2 objection to proceeding in this manner.

3 I have had adequate time to speak to Mr. Duran,  
4 although I did not get a chance to tell him, because I  
5 don't know if the court saw, but the Mental Health Court  
6 has filed their letter not accepting him and they did it  
7 yesterday so --

8 THE COURT: Yes, I saw it.

9 MS. GARCIA: -- that was the one thing I didn't  
10 get to tell him. But otherwise we've talked, we were  
11 prepared for this, and we're ready to go forward.

12 THE COURT: All right. Officer Perez?

13 MR. PEREZ: Carlos Perez for the Division.

14 THE COURT: Good morning, Mr. Duran.

15 THE DEFENDANT: Good morning, your Honor. How are  
16 you?

17 THE COURT: I'm okay.

18 I know that you've been sitting for quite a while,  
19 but this is a courtroom and so I don't want to have you  
20 doing massive stretching during our proceeding. Okay?

21 THE DEFENDANT: Yes, ma'am. Sorry about that.

22 THE COURT: So -- I understand. It's sometimes  
23 people forget that we're still conducting a formal event.  
24 Like right now it's going to be difficult because I have

1 a lawnmower outside.

2 Okay. So I have had an opportunity to review the  
3 September 15, 2021, Presentence Investigation Report  
4 filed on September 23rd, 2021. It reflects a credit for  
5 time served of 151 days. May I hear from the Division  
6 regarding any changes, corrections or additions?

7 MR. PEREZ: Thank you, your Honor.

8 We have no corrections, and the 151 days is  
9 accurate.

10 THE COURT: All right. Ms. Garcia, did you have  
11 an opportunity to review the PSI with Mr. Duran, and do  
12 you have any changes, corrections or additions?

13 MS. GARCIA: Your Honor, Mr. Duran and I did  
14 discuss -- when I spoke to him, he said he hadn't  
15 received them, but I found out my office had sent them on  
16 9/23. I had them send them again, though.

17 Mr. Duran, did you receive that?

18 THE DEFENDANT: No, I did not.

19 MS. GARCIA: Are you comfortable moving forward  
20 given what we discussed?

21 THE DEFENDANT: Yes, I am.

22 MS. GARCIA: We're ready to move forward, your  
23 Honor.

24 THE COURT: All right. So you're waiving any

1 challenge that will be based on the fact that you haven't  
2 seen it entirely; is that right?

3 MS. GARCIA: Yes, your Honor, he's waiving that.  
4 We talked about the PSI. He just apparently didn't have  
5 it in front of him, and I guess it didn't get to him  
6 again yet.

7 THE COURT: Mr. Duran, is that correct, you still  
8 want to go forward?

9 THE DEFENDANT: Yeah. I believe you're pretty  
10 thorough with everything, your Honor, so I'm not -- I'm  
11 not concerned that something would slip past you if it  
12 was a big thing.

13 THE COURT: Okay. And Ms. Garcia, do you  
14 stipulate to the 151 days?

15 MS. GARCIA: Yes.

16 THE COURT: Okay. Then I did -- I saw the Mental  
17 Health Court rejection notice, but I did thoroughly read  
18 the Mental Health Court evaluation again in preparation  
19 for this this morning and the information that -- how it  
20 enhances the Presentence Investigation Report.

21 Were there any other documents that you wished to  
22 have before the court?

23 MS. GARCIA: No, your Honor.

24 THE COURT: You may proceed.



1 MS. GARCIA: Thank you, your Honor.

2 I know it's not this court's problem, but I was  
3 really disappointed that Mr. Duran was not accepted into  
4 Mental Health Court because that was an application that  
5 I actually spent a lot of time on. I even sent them a  
6 letter because I really felt that was a really good and  
7 appropriate place for him.

8 A lot of these arguments, your Honor, I know I  
9 made at the bail hearing and I want to try to not repeat  
10 myself too much but also make my record.

11 So what I'll let the court know is that since  
12 Mental Health Court has determined they will not accept  
13 him due to criminal history, I'm going to go ahead and  
14 make my argument instead that he be placed into -- on  
15 probation with the condition of Drug Court on both of  
16 these cases with underlying sentences.

17 Your Honor, as I described before with Mr. Duran,  
18 looking carefully at his criminal history there's no  
19 doubt he has a criminal history; however, a lot of that  
20 history, if not all of it, appears to be theft-type  
21 crimes. I do see a burglary, a possession of a stolen  
22 motor vehicle, a resisting, another burglary, possession  
23 of a controlled substance, so really use and possession  
24 of drug paraphernalia, trespassing, resisting. So up

1     until these cases, Mr. Duran's criminal history was one  
2     consistent with someone who is struggling with drug use,  
3     but not consistent with any sort of violence.

4             So obviously that really led me to look at and  
5     wonder what was happening in this particular case, the  
6     first case that's in front of you, to lead him to throw  
7     that rock, because it's really not what his history  
8     implies. We got that mental health evaluation. The  
9     recommendations made a lot of sense to me that Mr. Duran  
10    has Bipolar I, as well as some PTSD, and sometimes that  
11    manifests itself for him in paranoia. So I think that  
12    really explains and describes for the court what happened  
13    in that initial case with the City of Reno workers.

14            They felt they had witnessed something between him  
15    and his girlfriend, and they wanted to follow him. And  
16    so they did, and they followed him far. He had tried to  
17    yell at them, to waive them off. They followed him.  
18    They waited for him outside a building.

19            Mr. Duran has expressed to me that he felt they  
20    drove up on the sidewalk at him. Obviously, I don't know  
21    if that happened or not, but what I do know is that he  
22    threw that rock not to be violent but, frankly, because  
23    he was angry, scared, and wanted them to leave him alone.  
24    The rock broke the window and it ended up hitting one of

1 the workers. That's what resulted in the charge that  
2 he's here in front of you on.

3 So getting his mental health under control, along  
4 with getting the substance abuse under control,  
5 co-occurring, I think is what's going to be the key for  
6 him to change things around. I think the PSI and the  
7 evaluation really show you that he has had a lot of  
8 struggles and a lot of challenges his entire life.

9 Starting from childhood, he's never -- he's made  
10 attempts. He entered the Army but he's never really been  
11 able to get a firm, strong grasp, and that appears that  
12 mental health is now becoming a bigger issue. I don't  
13 want to see him go down that path. As I spoke to you at  
14 the bail hearing, I think this is the time for  
15 intervention for him.

16 He is still waiting for that bed, and I think that  
17 bed so -- going into the inpatient bed, as the court has  
18 ordered, if that's going to work out. I know he  
19 expressed to me he wasn't accept at Bristlecone, so  
20 certainly that would be something probably the specialty  
21 court needs to relook at, is where he might be able to  
22 go. But, as of now, he's got that order to go to  
23 inpatient and --

24 THE DEFENDANT: I got denied to all three of them.

1 I just found out that New Frontier denied me because my  
2 Medicaid lapsed. My Nevada Medicaid lapsed so I no  
3 longer have medical insurance so they won't take me.

4 MS. GARCIA: All right. So probably asking that  
5 the order be revised to include some sort of residential  
6 program is probably going to be something appropriate,  
7 maybe not for this court, maybe for Drug Court to handle.  
8 But, at any rate, getting him back on the correct path so  
9 that these types of things don't happen again.

10 Moving to the second case, Judge, I think I  
11 described at the bail hearing -- I see there's someone  
12 else in the courtroom so I don't want to go into it too  
13 much. I think the court knows the circumstance of his  
14 release, and then what led him to the point where he was  
15 in that Best Buy where he shoplifted, he was tackled,  
16 there was a physical altercation that ensued, and  
17 ultimately he's pleading to that burglary of a business.

18 So he's got these two cases, he's really on a  
19 precipice here and so he's really -- frankly, Judge, he's  
20 been pretty patient. He's been working with me. He was  
21 really open and honest with the evaluator. I think he  
22 really does want help. Frankly, I'm kind of hopeful that  
23 if he was to go into Drug Court and then showed and  
24 performed appropriately that they may ultimately put him

1 in Mental Health Court. As you know, that happens  
2 sometimes within the specialty courts, people there are  
3 concerned about if they show that they are going to  
4 participate, sometimes they'll put them where they need  
5 to be, so that would kind of be my hope for Mr. Duran.

6 But that's our request today, your Honor, is an  
7 opportunity for him in the specialty court programs, Drug  
8 Court at this point, with the condition -- as a condition  
9 of probation, and then underlying sentences on each case  
10 as put forth.

11 Your Honor, you're on mute.

12 THE COURT: I did not call the CR21-2210 case, an  
13 I should have.

14 The PSI was filed on the same date, and is dated  
15 the same date, but it reflects credit for time served of  
16 98 days.

17 Is that correct, from the Division?

18 MR. PEREZ: Yes, your Honor.

19 THE COURT: And does the defendant stipulate to  
20 that?

21 MS. GARCIA: Yes.

22 THE COURT: Okay. And I, of course, because I  
23 read the Mental Health Evaluation, I applied it to both  
24 cases and read everything I considered.

1 Ms. Hightower?

2 MS. HIGHTOWER: Thank you, your Honor.

3 In looking at the facts of the two cases, how we  
4 got here, and defendant's criminal history, I do not  
5 believe that is he a good candidate for probation.

6 In looking at the facts on the first case, it was  
7 a violent offense against individuals who were attempting  
8 to be Good Samaritans and help out in what they perceived  
9 to be a domestic situation. He approached them with a  
10 knife, and they felt threatened that they got in their  
11 vehicle, rolled up the car windows, locked the doors, and  
12 drove away. And when attempting to give the information  
13 of his location to RPD, he grabbed a rock and threw it at  
14 the vehicle hard enough to shatter the window. It takes  
15 a good bit of force to break a car window, and then have  
16 the rock also strike the driver in the head. That's  
17 concerning.

18 And then while he was out on release on that case,  
19 he picked up new charges, quite frankly, showing that  
20 he's not a good candidate for probation by that conduct  
21 alone. When we had the incident at the Best Buy, he then  
22 got into an altercation with the security officer when he  
23 attempted to stop him. So it's continued behavior, and  
24 when looking at his criminal history, he was dishonorably

1 discharged from parole on his burglary case in 2014, and  
2 then on his attempted burglary conviction he was granted  
3 probation, had his probation revoked. Was then paroled  
4 and then had his parole revoked, and ended up expiring  
5 his sentence.

6 His history does not show he's a good candidate  
7 for probation. He did not show this court that he's a  
8 good candidate, did not take the opportunity of his  
9 release to show that he could comply, and so at this  
10 point the State feels that prison is appropriate and  
11 would recommend 18 to 60 months on the battery with  
12 substantial bodily harm and 12 to 36 months on the  
13 burglary, to run consecutive.

14 THE COURT: All right. The law gives you the  
15 opportunity to speak to me, Mr. Duran, to tell me  
16 anything I should consider before imposing sentence.  
17 Would you like to address the court?

18 THE DEFENDANT: Absolutely, your Honor.

19 First, I wanted to address, because it came to my  
20 mind, what stood out the most, the City of Reno workers  
21 were never out of their vehicle. There was no time where  
22 they were out of their the vehicle where I chased their  
23 vehicle. They stop in the middle of the street, and  
24 confronted me. When I came towards them, because I

1 didn't even hear what they said, they had rolled their  
2 windows up, I didn't -- I didn't chase them into their  
3 vehicle and like in a very threatening manner to where  
4 they were running away. It's two of them, one of me.  
5 But I wanted to make sure that was understood.

6 Then I didn't -- because the windows were up when  
7 this rock hit the window, obviously -- I mean, I'm not a  
8 baseball player, I'm not somebody who has got this super  
9 great arm, and I was very scared and I had just -- you  
10 know, I'd been coming down. I was -- of course, I'd been  
11 on drugs, you know. I was coming down. I was exhausted.

12 The house that I ran into, the people could have  
13 told you when I went in, some of my -- I wouldn't say  
14 friends -- associates, would tell you that I was  
15 breathing heavily. I was sweating. I was very scared  
16 actually. And when I came back out and they were there,  
17 yeah, I did throw a rock at them. But I can guarantee  
18 you, I was more afraid for my life when they came after  
19 me, after I'd been in the house for five minutes, than  
20 they could even come close to when they stopped on the  
21 street for me.

22 And it didn't make any sense that they didn't go  
23 check on girlfriend but they chased after me. But they  
24 were trying to be Good Samaritans and stop a domestic,



1 why didn't they help her? They didn't do anything to  
2 help her. They just came after me in their vehicle and  
3 tried to run me over twice.

4 I mean, I was -- I hate to admit that I'm scared  
5 because I'm a man. I'm prideful. But at the same time,  
6 yeah, I was scared, and that's why I acted in the way I  
7 did.

8 I mean, as far as the probation thing goes and the  
9 parole thing goes, yeah, I got an attempted burglary, I  
10 was allowed out on parole and I committed a new burglary  
11 with weapons enhancement. It was very -- it was a  
12 serious thing. And I went and I spent five years in  
13 prison for it, your Honor. I did 21 months in solitary  
14 confinement. I never want to go back there again, I can  
15 assure you of that. I spent almost three years out  
16 without any incident like that.

17 And I did -- I didn't complete my parole on the  
18 next case because I didn't make the payments. Not  
19 because I failed any drug tests, not because I didn't  
20 come in. I was paroled to Las Vegas and I met with my  
21 parole officer every single time I was supposed to. I  
22 came back up to Reno with my mom. I came and seen him  
23 every time I was supposed to. I never failed a drug  
24 test. I don't know if P & P has those records, but I'm

1 sure that they can tell you if they do have those records  
2 that there was not one time that I failed.

3 Yeah, I got out for a couple of days and the thing  
4 happened at Best Buy, but I truly -- I truly believed  
5 that that was what was being asked of me to do, was to --  
6 in order to accomplish what I needed to, so I attempted  
7 it. It may have been foolish to think that I -- I don't  
8 know. It was definitely foolish now that I look back on  
9 it. Obviously I shouldn't have. I should have been more  
10 patient, but I had just gotten a job, I wanted to put all  
11 this stuff behind me, and I went and I -- I gambled on  
12 something thinking that my gamble was going to pay off  
13 and I wasn't going to get caught. And you know what? It  
14 backfired on me.

15 I got tackled by security, through two doorways  
16 and into a concrete pole. My head was all completely  
17 busted open. I just -- really, your Honor, I just want  
18 the opportunity -- I just don't want to do this no more.  
19 I'm trying to get some help. Prison isn't going to help.  
20 I've been there. I sat there. All you do is sit there.  
21 I've done every program you can in there. I want some  
22 real help. I don't want -- you know, I've got denied to  
23 these programs because I don't have medical insurance  
24 because somebody filed for my stimulus checks in a

1 different state and stole my identity, so I can't get  
2 even get medical insurance in Nevada in order to get in  
3 these programs. I just -- that's pretty much what I want  
4 to say, your Honor.

5 THE COURT: All right. Okay. Thank you,  
6 Mr. Duran.

7 Is the victim present or anyone else here that  
8 wishes to address this matter?

9 All right. Is there any legal reason why judgment  
10 should not now be imposed?

11 MS. GARCIA: No, your Honor.

12 THE COURT: Mr. Duran, I spent a lot of time on  
13 your cases last night. Thank you for all the information  
14 that's been provided by your attorney and by you.

15 You are sentenced to a term of 18 to 60 months in  
16 Case No. CR21-1433. You have credit for time served of  
17 151 days.

18 In addition, an administrative assessment will be  
19 imposed of \$25, DNA administrative assessment of \$3,  
20 attorney's fee of \$500, and no DNA sample fee is  
21 required.

22 In Case No. CR21-2210, you are sentenced to a term  
23 of 12 to 36 months in the Nevada Department of  
24 Corrections. In addition, fees will be imposed in the

1 amount of \$25 administrative assessment, \$3 DNA  
2 administrative assessment, no DNA sample fee is required,  
3 and a \$500 attorney's fees.

4 You have credit for time served of 98 days.

5 I am imposing the sentence in CR21-2210  
6 consecutive. In looking at all the pieces, this is not  
7 appropriate for probation, so that is the order of the  
8 court.

9 MR. PEREZ: Your Honor, if I may briefly, because  
10 you ran this case consecutive, the 2210 actually now has  
11 zero days.

12 THE COURT: Yes. Thank you. I misspoke.

13 All right. Thank you.

14 \* \* \* \* \*

1 STATE OF NEVADA )  
2 ) ss.  
3 COUNTY OF WASHOE )  
4

5 I, ERIN T. FERRETTO, an Official Reporter  
6 of the Second Judicial District Court of the State of  
7 Nevada, in and for the County of Washoe, DO HEREBY  
8 CERTIFY:

9 That I was present in Department No. 6 of  
10 the above-entitled Court on THURSDAY, OCTOBER 7TH, 2021,  
11 2021, and took verbatim stenotype notes of the  
12 proceedings had upon the matter captioned within, and  
13 thereafter transcribed them into typewriting as herein  
14 appears;

15 That the foregoing transcript is a full,  
16 true and correct transcription of my stenotype notes of  
17 said proceedings.

18 That I am not related to or employed by any  
19 parties or attorneys herein, nor financially interested  
20 in the outcome of these proceedings.

21 DATED: This 5th day of January, 2022.

22  
23 The document to which this certificate is  
24 attached is a full, true and correct copy of the  
original on file and of record in my office.

/s/ Erin T. Ferretto

ERIN T. FERRETTO, CCR #281

By: ALICIA L. LERUD, Clerk of the Second  
Judicial District Court, in and for the County of  
Washoe.

1 **CODE 1850**

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6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
7 **IN AND FOR THE COUNTY OF WASHOE**  
8

9 **STATE OF NEVADA,**

10 **Plaintiff,**

11 **v.**

**Case No. CR21-1433**

12 **JOSHUA ALEXANDER DURAN,**

**Dept. No. 6**

13 **Defendant.**  
14 \_\_\_\_\_/

15 **JUDGMENT OF CONVICTION**

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

19 1. Defendant is guilty of the crime of Battery Resulting in Substantial Bodily  
20 Harm, a violation of NRS 200.481, a category C felony, as charged in the Information.

21 2. Sentence is imposed as follows:

22 a) Imprisonment in the Nevada Department of Corrections is imposed for  
23 a maximum term of sixty (60) months with a minimum parole eligibility of eighteen (18)  
24 months, with credit for time served of one hundred fifty-one (151) days.

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

27 (1) Twenty-Five Dollars (\$25.00) administrative assessment fee;  
28

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

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

4 3. Any restitution, fine, fee, and administrative assessment imposed by  
5 this Judgment of Conviction constitutes a lien, as defined in Nevada Revised Statutes NRS  
6 176.275. Should the Defendant fail to pay any restitution, fine, fee or assessment  
7 imposed, collection efforts may be undertaken against him.

8  
9 DATED the 8th day of October, 2021.  
10 NUNC PRO TUNC to October 7, 2021.

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13 DISTRICT JUDGE  
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1 **CODE 1850**

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6 **IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA**  
7 **IN AND FOR THE COUNTY OF WASHOE**  
8

9 **STATE OF NEVADA,**

10 **Plaintiff,**

11 **v.**

**Case No. CR21-2210**

12 **JOSHUA ALEXANDER DURAN,**

**Dept. No. 6**

13 **Defendant.**  
14 \_\_\_\_\_

15 **JUDGMENT OF CONVICTION**

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

19 1. Defendant is guilty of the crime of Burglary of a Business, a violation of NRS  
20 205.060, a category C felony, as charged in the Information.

21 2. Sentence is imposed as follows:

22 a) Imprisonment in the Nevada Department of Corrections is imposed for  
23 a maximum term of thirty-six (36) months with a minimum parole eligibility of twelve (12)  
24 months, to run consecutive to the sentence imposed in Case No. CR21-1433, with credit  
25 for time served of zero (0) days.

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

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



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

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

4 3. Any restitution, fine, fee, and administrative assessment imposed by  
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13 DISTRICT JUDGE  
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1 CODE: 2515  
2 MARC PICKER, BAR #3566  
3 ALTERNATE PUBLIC DEFENDER'S OFFICE  
4 JENNA GARCIA, BAR #13227  
5 350 S. CENTER ST., 6<sup>TH</sup> FLOOR  
6 [mpicker@washoecounty.us](mailto:mpicker@washoecounty.us)  
7 [jgarcia@washoecounty.us](mailto:jgarcia@washoecounty.us)  
8 RENO, NV 89501-2103  
9 (775) 328-3955  
10 ATTORNEY FOR DEFENDANT

11  
12 IN THE SECOND JUDICIAL DISTRICT COURT OF THE STATE OF NEVADA

13 IN AND FOR THE COUNTY OF WASHOE

14 THE STATE OF NEVADA,

15 Plaintiff,

16 v.

17 vi.

Case No. CR21-1433  
CR21-2210

18 JOSHUA ALEXANDER DURAN,

Dept. No. 6

19 Defendant.  
20 \_\_\_\_\_ /

21 **NOTICE OF APPEAL**

22 NOTICE IS HEREBY GIVEN that Defendant, JOSHUA ALEXANDER DURAN,  
23 hereby appeals to the Supreme Court of Nevada from the Judgment entered in this case on  
24 October 8, 2021.

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

26 The undersigned hereby affirms that the preceding document does not contain the social  
security number of any person.

DATED this October 27, 2021.

MARC PICKER  
Washoe County Alternate Public Defender

By: /s/ Jenna Garcia  
Jenna Garcia  
Chief Deputy Alternate Public Defender

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**JOSHUA ALEXANDER DURAN #1105992**  
**c/o NNCC**  
**PO Box 7000**  
**Carson City, NV 89702**  
**Via U.S. Mail**

DATED this 27<sup>th</sup> day of October, 2021.

0089

## **CERTIFICATE OF SERVICE**

I hereby certify that I am an employee of the Washoe County Alternate Public Defender's Office and that on this date I served a copy of the **APPELLANT'S JOINT APPENDIX** to the following:

JOSHUA ALEXANDER DURAN #1105992  
NNCC  
P.O. BOX 7000  
CARSON CITY, NV 89702  
Via U.S. Mail

CHRIS HICKS  
WASHOE COUNTY DISTRICT ATTORNEY  
Attn: Appellate Department  
Via Electronic Mail

DATED this 21<sup>st</sup> day of January, 2022.

/s/Randi Jensen  
Randi Jensen