

1 today, which is Friday, October 8th, 2021, or as
2 directed by the Division of Parole and Probation.

3 The bail bond previously posted in this case
4 is now exonerated. **Electronically Filed**
Dec 23 2021 10:05 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

5 Anything else that I failed to address,
6 Ms. Martinez or Mr. Gaumond?

7 MS. MARTINEZ: No, Your Honor.

8 MR. GAUMOND: No, Your Honor.

9 THE COURT: Do you have any questions,
10 Mr. Lanzalaca?

11 THE DEFENDANT: No, sir.

12 THE COURT: Okay. That will be the order of
13 the Court. We're now adjourned. Good luck to you, sir.

14 THE DEFENDANT: Thank you, sir. I appreciate
15 it.

16 (Whereupon, proceeding concluded)

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C E R T I F I C A T I O N

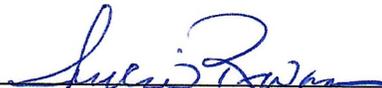
I, JULIE ROWAN, do hereby certify:

That on October 8, 2021, a sentencing hearing was held in the within-entitled matter in the Fourth Judicial District Court, Department 3, within the State of Nevada, in and for the County of Elko;

That said hearing was recorded on a recording system, and said recording was delivered to me for transcription;

That the foregoing transcript, consisting of pages 1 through 17, is a full, true, and correct transcript of said recording performed to the best of my ability.

Dated this 24th day of November, 2021.


Julie Rowan

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6/20/2021

FILED

2021 OCT 11 AM 10:56

4th JUDICIAL DISTRICT COURT
CLERK DEPUTY

1 CASE NO. DC-CR-21-202
2 DEPT. NO. 3

3
4 FOURTH JUDICIAL DISTRICT COURT
5 COUNTY OF ELKO, STATE OF NEVADA
6
7

8
9 THE STATE OF NEVADA,

10 Plaintiff,

JUDGMENT OF CONVICTION

11 vs.

12 NICHOLAS CHARLES LANZALACA,

13 Defendant.
14

15 On August 6, 2021, Defendant, NICHOLAS CHARLES LANZALACA (Date of Birth:
16 August 29, 1990; Place of Birth: Salt Lake City, UT) entered a plea of guilty to the crime of
17 **COUNT 1: ATTEMPTED POSSESSION OF A CONTROLLED SUBSTANCE, A CATEGORY**
18 **E FELONY OR A GROSS MISDEMEANOR AS DEFINED BY NRS 453.336 AND NRS**
19 **193.330 (NOC 62074)** which crime occurred on or about April 28, 2021, and sentenced
20 Defendant on October 8, 2021, as follows:

21 **IT IS HEREBY ORDERED** that the aforementioned charge is
22 adjudicated as a Category E Felony.

23 **IT IS FURTHER ORDERED** that Defendant shall pay an administrative
24 assessment fee of \$25.00 pursuant to NRS 176.062.

25 **IT IS FURTHER ORDERED** that Defendant shall pay a DNA
26 administrative assessment fee of \$3.00 pursuant to NRS 176.0623.

27 **IT IS FURTHER ORDERED** that Defendant shall pay \$60.00 fee for the
28 analysis of the controlled substance pursuant to NRS 453.575.

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2 **IT IS FURTHER ORDERED** that the Defendant shall pay a \$150.00 fee
3 for purposes of obtaining a biological specimen from the Defendant
4 and for performing genetic marker analysis of said specimen pursuant
5 to NRS 176.0915.

6 **IT IS FURTHER ORDERED** that for Count 1, Defendant is ordered to
7 serve a sentence of 12 to 30 months in the Nevada Department of
8 Corrections. Defendant has credit for 16 hours previously served, as
9 of October 8, 2021.

10 **IT IS FURTHER ORDERED** that the sentence for Count 1 is suspended,
11 and Defendant is placed on a term of formal probation of 18 months
12 pursuant to NRS 176A.500. While on probation, the Defendant shall
13 comply with the standard rules contained in the Order Admitting
14 Defendant to Probation.

15 In addition, Defendant is required to comply with the following special
16 conditions of probation:

- 17 1. Defendant shall complete a drug and alcohol evaluation within 30
18 days, provide a copy of said evaluation to the Division of Parole
19 and Probation, and shall comply with any recommendations
20 contained in that evaluation, as directed by the Division of Parole
21 and Probation.
- 22 2. Defendant shall not possess or consume any alcoholic beverages.
23 Further, Defendant shall not be present in bars or any other
24 establishment whose primary purpose is the serving of alcoholic
25 beverages, unless required by, and in the scope of, actual
26 employment.
- 27 3. Defendant shall not possess or consume marijuana or marijuana
28 related products. Further, Defendant shall not be present in
marijuana dispensaries or any other establishment whose primary
purpose is the selling of marijuana or marijuana related products.
4. Defendant shall not gamble. Further, Defendant shall not be
present in casinos or any other establishment whose primary
purpose is gambling, unless required by, and in the scope of,
actual employment.
5. Defendant shall submit her digital storage media and any digital
storage devices to which she has access to or uses, including

1 computers and handheld devices, and any network applications
2 associated with those devices (including social media and remote
3 storage services), to a search, and shall provide all associated
4 passwords, unlock codes and account information, with or without
5 a search warrant, to the Division of Parole and Probation or its
6 designated agent.

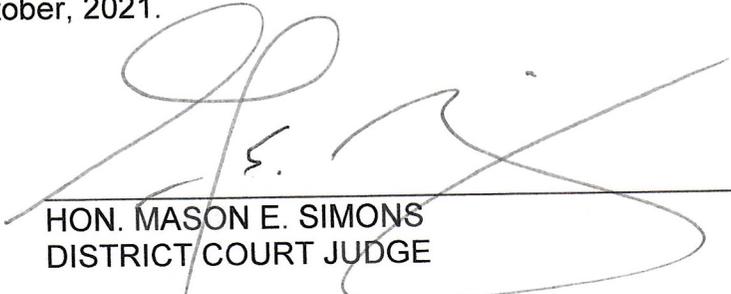
7 IT IS FURTHER ORDERED that Defendant shall report to the Division
8 of Parole and Probation for intake no later than close of business on
9 October 8, 2021, or as directed by the Division of Parole and Probation.

10 IT IS FURTHER ORDERED that the bail bond previously posted in the
11 amount of \$5,000.00 (AS5-1394679) is EXONERATED.

12 At the time Defendant entered his plea of guilty, and at the time he was sentenced, he
13 was represented by Ben Gaumont, Esq.

14 THEREFORE, the Clerk of the Court is directed to enter this Judgment of Conviction
15 as part of the record in the above-entitled matter.

16 DATED this 11 day of October, 2021.

17 
18 HON. MASON E. SIMONS
19 DISTRICT COURT JUDGE

CERTIFICATE OF SERVICE

Pursuant to NRCP 5(b), I certify that I am an employee of the Fourth Judicial District Court, Department 3, and that on this 11 day of October, 2021, I served by hand delivery by placing a copy of said document in the agency box located in the Elko County Clerk's Office, a true copy of the foregoing document to:

Elko County District Attorney's Office
Ben Gaumont, Esq.
State of Nevada, Division of Parole & Probation

Melisse Sehnon
Court Staff

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FILED

2021 NOV -8 AM 11:02

4th JUDICIAL DISTRICT COURT
CLERK _____ DEPUTY *JS*

1 Case No. DC-CR-21-202

2 Dept. No. 3

3
4

5 IN THE FOURTH JUDICIAL DISTRICT COURT
6 OF THE STATE OF NEVADA, IN AND FOR THE COUNTY OF ELKO

7
8

THE STATE OF NEVADA,

9

Plaintiff,

10

VS.

NOTICE OF APPEAL

11

NICHOLAS CHARLES LANZALACA,

12

Defendant.

13

14

15 TO: The Elko County District Attorney's Office.

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17

18 NOTICE is hereby given that the above-named Defendant, NICHOLAS
19 CHARLES LANZALACA, hereby appeals to the Supreme Court of Nevada from the
20 JUDGMENT OF CONVICTION entered in this action on October 11, 2021.

21

22

23 This appeal is to all issues of law and fact.

24

25

26 DATED this 7th day of November, 2021.

27

28

BEN GAUMOND LAW FIRM, PLLC

29

30

31

By: 

32

BENJAMIN C. GAUMOND, ESQ.

33

Nevada Bar Number 8081

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